



Developing the Next Framework to Manage the Colorado River: Flexible Tools to Benefit Tribes and the Basin¹

What This Policy Brief Is/Is Not

- This policy brief provides background on how Tribes have entered into voluntary, compensated water sharing arrangements to date.
- It presents a menu of flexible tools for Tribes and other water managers to consider in developing the next management framework for the Colorado River system.
- Some of the flexible tools highlighted here are not new to the Basin; the intent is to explore options to refine those tools and to broaden their applicability.
- This policy brief is not intended to serve as a legal or technical guide but rather to raise awareness and understanding about the historical and potential role of Tribal water transfers in the Basin.
- While this policy brief has been shaped with helpful input from Tribal representatives, nothing in it should be taken as a statement of position or endorsement by any Tribe.
- WTI offers this policy brief as a resource for the Basin but does not advocate for any particular interest or outcome, consistent with its mission of enhancing Tribal capacity and supporting collaborative problem-solving.

Introduction

The Colorado River Basin (Basin) is at a tipping point. The supply of water is decreasing and becoming less predictable due to climate change and aridification. Coupled with the intensity of water use in the Basin, this has resulted in a series of unprecedented conditions, shortages, and emergency actions to manage water supplies. Water experts predict that, unless the steady overuse of water is brought under control, the Colorado River – which serves 40 million people in the United States and Mexico – will no longer be able to support the people and the natural environments that depend on it.

Despite incremental steps to save and reallocate water over the past two decades, water managers are still faced with the fundamental question of how to better align water supply and demand. This challenge comes at a notable moment in the history of the Basin. This year marks the 100th anniversary of the Colorado River Compact, widely considered the cornerstone of the legal and institutional arrangements governing use of the Colorado River system (colloquially referred to as the “Law of the River”). At the same time, water managers throughout the Basin must complete a new water management framework by 2026 to replace the 2007 Interim Guidelines and associated Drought Contingency Plans.

As these events unfold, Tribes throughout the Basin continue their efforts to quantify and develop their water rights. Federal funding and support for the construction

of water infrastructure to serve Tribal communities has long suffered from underinvestment, especially when compared to many off-reservation, non-Tribal communities. Multiple Tribes in the Basin continue to lack basic access to clean water.² Each of the 30 Tribes in the Basin faces important decisions about how to manage and develop water rights to benefit their members, economies, and communities at a time when the entire Basin is experiencing water stress and declining ecological health.

The confluence of these hydrologic and policy imperatives compels water managers to consider a variety of approaches to conserve and share whatever water is available in the Basin. One potentially promising approach is to allow voluntary arrangements where Tribes in the Basin could be compensated if they chose to allocate portions of their recognized water rights—whether presently developed or not—to non-Tribal uses, the Colorado River system itself, or to other tribes. Given that approximately two-thirds of the 30 Tribes in the Basin currently have quantified rights to divert about 25 percent of the Basin's annual water supply, often with very senior priority dates,³ there is a significant opportunity to use flexible tools to accommodate Tribes' interests in benefitting from their recognized water rights and the interests of non-Tribal water managers to identify reliable sources to balance the Basin's water budget.

It is important to emphasize that the flexible tools discussed below are based on three guiding principles:

1. They are voluntary, meaning that Tribes have discretion as to whether to use them or not;
2. They cannot result in the permanent alienation of any Tribal water rights, meaning that the arrangements must be of finite duration; and
3. Tribes must be compensated when Tribal water rights are dedicated to benefit non-Tribal users, Colorado River system use, and/or other Tribes.

The purpose of this policy brief is to provide a resource for Tribal, federal, state, and other water managers and stakeholders who are looking for tools to facilitate durable, sustainable water use in the Basin.

History of Tribes Using Flexible Tools

Several Tribes in the Basin have entered into creative arrangements to allow their water rights to be used to benefit non-Tribal communities and/or the Colorado River system itself.⁴

In the Upper Basin:

- The Jicarilla Apache Nation, as authorized by its 1992 Water Rights Settlement, has leased water to non-Indian entities for a variety of off-reservation purposes, including energy production, industrial uses, recreation, and conservation.⁵ The Nation also recently signed an agreement with the New Mexico Interstate Stream Commission and The Nature Conservancy to supply up to 20,000 acre-feet of the Nation's water to benefit threatened and endangered fish and wildlife and provide water security for communities.⁶ This arrangement demonstrates that Tribal water sharing projects can simultaneously enhance the economic resilience of Tribal communities, help resolve water scarcity issues, and improve the health of the environment.
- The Navajo Nation's settlement of its water rights in the San Juan River Basin in New Mexico includes congressional authorization to lease certain water off the Navajo Reservation. This authorization is subject to several constraints, including prior consent by the State of New Mexico.⁷ Although to date the Navajo Nation has not actually leased any of this water, it retains the right to do so. It also obtained authorization for off-reservation use in its water rights settlement with the State of Utah that Congress ratified in 2020 and was recently executed by Secretary Haaland.
- The Southern Ute Indian Tribe received congressional authorization in 1986 to lease water off its reservation subject to state administration.⁸ It leased some of its water to in-state, non-Tribal water users in 2018.
- The Ute Mountain Ute Tribe in Colorado also received congressional authorization to lease water off its reservation subject to state administration and other laws of the river.⁹ The Ute Mountain Ute Tribe has not yet used this authority to lease water rights.

In the Lower Basin:

- For the past several decades, various Tribes in Arizona have negotiated settlement agreements that were ratified by Congress and that provide those Tribes with contracts for delivery of Colorado River water through the Central Arizona Project (CAP). Most of these settlements permit contracting Tribes to lease their CAP supply within a designated geographic area served by the CAP. Tribes with such settlements and allocations include the Ak-Chin Indian Community, the Fort McDowell Yavapai Nation, the Gila River Indian Community, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Tribe, the Tohono O'odham Nation, the White Mountain Apache Tribe, and the Yavapai-Prescott Tribe.¹⁰
- The Quechan Indian Tribe entered into a settlement agreement with the Metropolitan Water District of Southern California (MWD), the Coachella Valley Water District, the State of California, and the United States in 2005 that included a forbearance provision.¹¹ This provision entitles the Tribe to choose to forebear (i.e., not use) in a given year up to 13,000 acre-feet of its decreed 71,616 acre-foot California water right and allow MWD to take the forborne volume in addition to MWD's own Colorado River water allocation in that year. The inclusion of this provision in the settlement reflected the fact that the Tribe was entitled to water rights in an amount that exceeded its then-current uses while MWD needed access to additional water supplies. The United States was a party to the agreement, though it specifically disclaimed any responsibility for ensuring that water forborne by the Tribe would actually be available for diversion by MWD. The agreement was approved by the U.S. Supreme Court in the 2006 consolidated decree in *Arizona v. California*.
- The Tohono O'odham Nation, as part of the Bureau of Reclamation's 2015/2016 Pilot System Conservation Program,¹² conserved 10,080 acre-feet of its CAP water in Lake Mead in lieu of storing the water underground in Arizona. This agreement was renewed in 2016/2017.
- The Colorado River Indian Tribes (CRIT) have entered into several agreements in recent years to contribute

water to the Pilot System Conservation Program, the Lower Basin Drought Contingency Plan, and the 500+ Plan. Specifically, from 2016 through the end of 2022, CRIT has committed more than 200,000 acre-feet towards conservation to help slow the drop in Lake Mead's elevation. Water contributed under these agreements is the result of reduced on-reservation consumptive use through the fallowing of approximately 11,000 acres of land annually.

- The Gila River Indian Community (GRIC) has entered into several agreements in recent years to contribute water to the Pilot System Conservation Program, the Lower Basin Drought Contingency Plan, and the 500+ Plan. Specifically, from 2016 through the end of 2022, GRIC has committed a total of 540,720 acre-feet of its CAP water towards conservation to help slow the drop in Lake Mead's elevation. The Community's primary method of conservation is to forgo the creation of long-term storage credits, which it can obtain through the underground storage of CAP water within Arizona. In 2022 the Community's Gila River Farms will also fallow lands for the first time to allow for additional conservation.



- GRIC has entered into several agreements to store CAP water on its reservation at managed aquifer recharge (MAR) facilities. The MAR facilities recharge GRIC's underground water supply and restore riparian habitat within the reservation by providing for minimum flows in the Gila River. These MAR facilities are permitted under an intergovernmental agreement with the Arizona Department of Water Resources as underground storage facilities (USF). The Community and other CAP water users can divert portions of their CAP water rights to a GRIC USF to create long-term storage credits.

In addition to these flexible arrangements that benefit both Tribes and other water users as well as the Colorado River system itself, Basin Tribes have repeatedly offered various proposals to facilitate flexible approaches for the use of recognized Tribal water rights.

- In 1992, the Ten Tribes Partnership (TTP) highlighted the Partnership Tribes' interest in developing and maximizing on-reservation water use, but also suggested that transferring water off reservations could serve as a mechanism to support Tribes' interests and ameliorate Basin drought conditions.¹³
- In 2012, the TTP and the Intertribal Council of Arizona presented Tribal water transfer options to the Bureau of Reclamation for consideration during Reclamation's preparation of the 2012 Basin Study.¹⁴
- The Tribal Water Study (2018), produced jointly by Reclamation and the TTP, emphasized the need to "pursue appropriate legal, policy and regulatory avenues which allow Tribes the flexibility to fully use their water and realize full economic benefit therefrom." The Study memorialized Reclamation's agreement to work with agencies and tribes to identify legal, policy, and regulatory constraints to full use of Tribal water and to enhance Tribes' ability to put their water to full beneficial and economic use.¹⁵
- CRIT has proposed federal legislation (S. 3308, The Colorado River Indian Tribes Water Resiliency Act) authorizing CRIT to lease, exchange, and store underground a portion of its consumptively used Colorado River water rights off its reservation within the State of Arizona.

These examples demonstrate that a variety of voluntary, flexible tools—including leasing, water banking, exchanges, and deferral and forbearance agreements—have been used to enhance Tribal water development, mitigate potential conflict with non-Indian water users, and improve the alignment of water supply and demand in the Basin.

Challenges to Developing and Using Tribal Water Rights

While some Tribes have used voluntary, flexible tools to benefit from their recognized water rights, the ability of Tribes to develop and use their water rights, including their ability to employ flexible tools, is limited by several factors.

Many Tribes in the Basin are still in the process of fully quantifying and/or developing their water rights, and these adjudication and settlement processes are often protracted. Federal funding and support for the construction of water infrastructure to serve Tribal communities has long suffered from underinvestment—particularly when compared to many off-reservation, non-Tribal communities. These factors limit the ability of Tribes to make full use of their water rights. And this historical underdevelopment has now led to a situation where the needs and interests of Tribes—namely, to obtain the water necessary to serve their Reservations as their permanent homelands, including the development of new water uses to benefit their communities—are complicated by the water stress and declining ecological health facing the Basin as a whole.

Several legal and programmatic provisions also limit the ability of Tribes in the Basin to benefit from voluntary, flexible tools – which might otherwise help create win-win situations for Tribes and other water users and the Colorado River system itself. These include:

1. **Indian Non-Intercourse Act (25 U.S.C. § 177)**—While water rights governed by state law can routinely be transferred to other water users, the Indian Non-Intercourse Act has been read to preclude (or at least significantly limit) the ability of Tribes to transfer their water rights for off-reservation, non-Indian use without

congressional authorization. Tribes that have secured clear congressional authorization for water marketing are in a much stronger position to engage in transactions for the off-reservation use of their water rights.

2. Terms of Settlements—Individual Tribal water rights settlements can impose conditions or limitations on the ability of Tribes to dedicate water for off-reservation use or transfers to other users. These limitations may include, but are not necessarily limited to:

- Agreements on some role for state administration of Tribal water under the state's priority system;
- Agreements on state and/or federal processes for review and approval for off-reservation use of Tribal water;
- Limits on the type and place of Tribal water use; and
- Because of how Colorado River water allocations are accounted for by states, Tribes with reservations whose lands span multiple states may be limited in their ability to use water originally appurtenant to reservation land in one state in a different state notwithstanding the multistate character of their reservations.

3. Accounting—In the Upper Basin, there is no consistency in how Tribal reserved water rights are accounted for within each Upper Basin state's overall Colorado River system apportionment. The lack of agreed-upon accounting procedures to clarify when and where Tribal water rights are used limits the ability to compensate Tribes for conserving and/or sharing their water.

4. System Conservation Tools—Tribes are not always well situated to participate in programs focused on reducing existing consumptive use given that many of the Basin's Tribes are still in the process of fully developing and using their water rights. In addition, the structure of some system conservation programs has created additional barriers to Tribal participation. For example:

- Upper Basin System Conservation Program: Tribes encountered significant contracting

barriers to participation in the Upper Basin System Conservation Pilot Program, including but not limited to the requirement that only lands previously irrigated could be included. Some of the standard contracting requirements also raised legal and jurisdictional issues for Tribes, regarding barriers such as waivers of Tribal sovereign immunity and granting state water administrators consent to access Tribal reservations to conduct verification work.

Lower Basin Tribes have not experienced the same contracting barriers to participation in the Lower Basin's Pilot System Conservation Program.

- Intentionally Created Surplus Program: Lower Basin Tribes have experienced difficulties participating in the Intentionally Created Surplus (ICS) Program, particularly due to the unanimous consent limitation in the 2007 *Lower Colorado River Basin Intentionally Created Surplus Forbearance Agreement*. Unless all prior ICS participants consented in writing to a Tribe's ICS exhibit, the Tribe was not allowed to participate in the program, and there was significant resistance from certain participants to Tribal participation. CRIT and GRIC were each able to secure specific congressional approval to participate as part of the 2019 federal legislation approving the Drought Contingency Plan, which overrode the unanimous consent condition.
- Demand Management Storage Agreement: Although the Upper Basin states and the Upper Colorado River Commission are still evaluating the feasibility of an Upper Basin demand management program, several provisions of the Demand Management Storage Agreement could be interpreted to limit Tribal participation in the program and to prohibit Tribes from participating through the dedication of undeveloped portions of their water rights. See, for example, sections III(B)(2)(a)(ii)-(iii) in the Upper Basin Demand Management Agreement.

5. Political Incentives Created by Undeveloped/Unused Tribal Water Rights—Undeveloped and/or unused Tribal water rights are currently relied on by other water users and support ecological functions throughout the Basin—

generally without Tribes being compensated or otherwise benefitting from such use. Planning work in the Basin does not always reflect scenarios contemplating full Tribal use and development of their recognized water rights, and some water users and stakeholders who currently rely on the uncompensated use of undeveloped Tribal water may resist efforts to better enable Tribes to develop their water rights for fear of how it will affect current practices.

Flexible Tools to Benefit Tribes and the Basin

The flexible tools presented below are offered to achieve three related objectives:

- 1. Honor Tribal self-determination** by addressing the interests of Tribes to develop and/or otherwise benefit from their recognized water rights;
- 2. Change consumptive use incentives** to facilitate the ability of Tribes to benefit from unused/undeveloped Tribal water rights in ways that reduce the tension between Tribes' needs to benefit from their water rights and the Basin's overall need to reduce cumulative water use; and



- 3. Enhance Basin-wide water security** by increasing consideration of and accounting for all Tribal water rights, including currently unused, undeveloped, and unresolved water rights.

The tools discussed below do not constitute a comprehensive inventory. Rather, they might best be considered as part of an emerging portfolio of experiments and innovations that allow Tribes to allocate portions of their recognized water rights—whether presently developed or not—to non-Tribal uses and/or the Colorado River system itself.

- 1) Ease restrictions on the ability of Tribes to dedicate portions of their recognized water rights for off-reservation uses.**

Allowing Tribes to voluntarily dedicate water to off-reservation uses not only honors Tribal self-determination, but also creates opportunities for Tribes to share water with non-Tribal water users and to participate in programs designed to conserve water in the Basin for multiple uses, including the ecological health of the river system.

One way to implement this tool is to ask Congress to provide blanket authorization for Basin Tribes to lease Tribal water rights off reservation with approval from the Secretary of the Interior. Such authorization could draw from existing models, such as the HEARTH Act (25 U.S.C. § 415, et seq.) or could clarify the secretary's authority to manage Indian affairs under 25 U.S.C. § 2 and provide authority for leasing under Tribal water leasing codes approved by the secretary or through case-by-case requests for secretarial approval of leasing agreements.

Another approach is to ask Congress to authorize legislation for individual Basin Tribes to lease water similar to the legislation CRIT is pursuing through S. 3308.

A third approach is to ask Congress to authorize a set of coordinated, targeted adjustments to Tribal water rights settlements and for Tribes with court-adjudicated rights to clarify leasing authorization and remove barriers to Tribal participation in Basin drought response and resilience programs. The idea here is that this would be done on a Basin-wide or sub-basin scale (i.e., Upper Basin

or Lower Basin) rather than a Tribe/settlement-specific one, allowing for broad Tribal participation in solutions to the Basin's water management challenges. Such an effort would be a complex undertaking, given the number of Basin Tribes and the complexity of each Tribe's decree or settlement.

2) Compensate Tribes to defer the development of currently unused/undeveloped water rights.

Another effective way to honor Tribal self-determination and to promote Basin-wide water security is to use forbearance agreements or similar tools to compensate Tribes to defer their development or use of currently undeveloped/unused water rights ("Forbearance/Development Deferral Agreements").

This flexible tool would provide Tribes with currently unused/undeveloped water with an incentive to forbear development and support the Basin's overall need to reduce cumulative water use. Such arrangements could increase the effectiveness of programs designed to mitigate the potential for curtailment and/or to support the ecological health of the Colorado River system, especially in portions of the Basin where there are significant concerns about endangered species recovery.

Forbearance/Development Deferral Agreements could be tailored to the unique circumstances of the Tribe and the non-Tribal water user(s). Given the seniority of most Tribal water rights, such arrangements would provide much greater security of water supply for non-Tribal water users. They could also be used to facilitate system conservation and the ecological health of the river system, especially in the Upper Basin where about 60% of recognized Tribal water is currently undeveloped for Tribal use and is benefitting other water users.

3) Integrate Tribal needs and interests into the design of current and future water management, conservation, and augmentation programs.

This broad-based, process-oriented tool is designed to encourage federal and state water managers to not only include Tribes in the design of future conservation and

drought response programs, but also to include specific provisions in such programs that authorize meaningful Tribal participation.

As explained earlier, some Tribes have experienced barriers to participating in the System Conservation Pilot Program (Upper Basin), any potential demand management program (Upper Basin), Intentionally Created Surplus Program, and other drought response and resilience programs. Moving forward, it is in the best interests of Tribes and the entire Basin to integrate Tribes' needs and interests more fully at all levels of water management and conservation, from local and state-based efforts to sub-Basin and Basin-wide programs.

This flexible tool, combined with the other tools presented above, honors Tribal self-determination and enhances Basin-wide water security by removing barriers and supporting Tribal participation in programs that provide water for non-Tribal water users, system conservation, and ecological health benefits for the river system. Such programs could also help resolve the Upper Basin accounting challenges noted above.

Moving forward, water planning and management—at whatever spatial scale—should include some expectation for Tribal water use and development. If that basic assumption is unacceptable for whatever reason, water planners should create opportunities to compensate tribes to not develop and/or use their water rights.

Conclusions

The flexible tools presented above need to be more fully evaluated and developed through one or more collaborative processes that include Tribes, state and federal officials, and other water users and stakeholders.

Given the unprecedented hydrologic situation in the Basin and the need to stabilize the river system, it may be useful to test these flexible tools via pilot or demonstration projects during the next few years before considering whether they should be integrated into the post-2026 management framework.

References

- ¹ The Water & Tribes Initiative thanks Bidiah Becker, Leland Begay, Crystal L. Tulley-Cordova, Joanne Curry, Jenny Dumas, Jason Hauter, Celene Hawkins, Larry MacDonnell, Wold Mesghinna, Kathy Rall, Jason Robison, Tanya Trujillo, Margaret Vick, Alice Walker, Jay Weiner, and Lisa Yellow Eagle for their contributions to this policy brief.
- ² For more information, see the Water & Tribes Initiative work on universal access to clean water at www.tribalcleanwater.org.
- ³ See Water & Tribes Initiative, *The Status of Tribal Water Rights in the Colorado River Basin* (April 9, 2021), <http://naturalresourcespolicy.org/publications/policy-brief-4-final-4.9.21-pdf>
- ⁴ In addition to the Tribal Water Study, see Lee Herold Storey, "Leasing Indian Water Off the Reservation: A Use Consistent with the Reservation's Purpose," *California Law Review* 76 (1988); Herb Becker, "Transfer of Tribal Water," presented at the Tribal Water Law Conference (Las Vegas, Nevada, June 21–22, 2012); Doug Kenney, et al., "Cross-Boundary Water Transfers in the Colorado River Basin: A Review of Efforts and Issues Associated with Marketing Water Across State Lines or Reservation Boundaries," Colorado River Governance Initiative (June 2013). See also Larry MacDonnell, "Tribes and Water in the Colorado River Basin," Colorado River Research Group (June 2016).
- ⁵ *Jicarilla Apache Tribe Water Rights Settlement Act*, Pub. L. No. 102-411, §7(a), 106 Stat. 2237, 2239 (Oct. 23, 1992).
- ⁶ The agreement is not federally approved or publicly available as of the publication of this brief. For more information, see Susan Montoya Bryan, "Native American Tribe, New Mexico Ink Water Leasing Deal," Associated Press (appeared in more than 130 outlets across the country, including ABC News online, AZ Daily Star, Santa Fe New Mexican, Las Vegas Sun, and Durango Herald) (January 20, 2022), <https://apnews.com/article/science-business-colorado-river-new-mexico-nature-conservancy-378ced349b0abfacfabcd34431d2d15>; Theresa Davis, "Jicarilla Apache Nation to Lease River Water to New Mexico," *Albuquerque Journal* (January 20, 2022), <https://www.abqjournal.com/2463131/jicarilla-apache-to-lease-water-to-new-mexico.html>; William Melhado, "Basin Deal," *Santa Fe Reporter* (January 20, 2022), <https://www.sfreporter.com/news/2022/01/20/basin-deal/>; "Agreement Made by Jicarilla Tribe To Lease Up To 6.6 Billion Gallons Of Water To New Mexico," KKOB-AM, <https://api.criticalmention.com/app/#/clip/slim/2fe78ac-c9c0-4bff-8ea9-692309212fab>
- ⁷ See PL 111-11, passed in March 2009 and executed in December 2010.
- ⁸ Colorado Ute Indian Water Rights Settlement Act of 1988, Pub. L. No. 100- 585, 102 Stat. 2973 (1988).
- ⁹ Section 5(c) of the 1988 Colorado Ute Indian Water Settlement Act provides that the tribe may voluntarily elect to sell, exchange, lease, use, or dispose of its water off the reservation, but that portion of the water right used off the reservation is then changed to a State of Colorado water right that is subject to the laws of the river. In effect, the Tribal water right loses its federal reserved water right character when used off the reservation. Further, Section 5(d) of the 1988 Act, concerning rules of statutory construction, states: "Nothing in this Act or in the Agreement shall—(1) constitute authority for the sale, exchange, lease, use, or other disposal of any Federal reserved water right off the reservations." Section 5(b) of the 1988 Act provides an additional constraint or a restriction that none of the Tribe's project water may be sold, exchanged, leased, used, or otherwise disposed of, into, or in the Lower Colorado River Basin ... unless other restrictions are met including, of course, full compliance with the law of the river.
- ¹⁰ See Water & Tribes Initiative, *The Status of Tribal Water Rights in the Colorado River Basin* (April 9, 2021), <http://naturalresourcespolicy.org/publications/policy-brief-4-final-4.9.21-pdf>
- ¹¹ "Settlement Agreement in Arizona v. California by and among the Quechan Indian tribe of the Fort Yuma Indian Reservation, the United States of America, the Metropolitan Water District of Southern California, Coachella Valley Water District, and the State of California" (2005), <https://www.mwdh2o.com/media/18479/settlement-agreement-in-az-v-ca-by-and-among-quechan-indian-tribe-us-mwd-cwwd-and-state-of-ca.pdf>
- ¹² A summary of the Pilot System Conservation Program is available at the Bureau of Reclamation's website: <https://www.usbr.gov/lc/region/programs/PilotSysConsProg/pilotsystem.html>. The Pilot System Conservation Program was the first program in the Colorado River Basin to receive funding from the Bureau of Reclamation (Reclamation) and from water agencies from both the Lower Basin and Upper Basin jointly to fund voluntary water conservation projects that would benefit both the Upper and Lower Basins. The water agencies that funded this program were the Central Arizona Water Conservation District (CAWCD), Denver Water, The Metropolitan Water District of Southern California (MWD), and the Southern Nevada Water Authority (SNWA). In the later years of the program, funding was also provided by the Walton Family Foundation (WFF) through the Environmental Defense Fund.
- ¹³ See "Ten Tribes Proposal" (1992). A copy of the proposal is available from the co-facilitators of the Water & Tribes Initiative.
- ¹⁴ See "Options Submitted by the Ten Tribes Partnership and the Inter Tribal Council of Arizona" (Appendix F13), Colorado River Basin Water Supply and Demand Study (2012), https://www.usbr.gov/lc/region/programs/crbstudy/finalreport/Technical_Report_F - Development of Options and Strategies/TR-F_Appendix13_FINAL.pdf
- ¹⁵ Ten Tribes Partnership and U.S. Bureau of Reclamation, "Colorado River Basin Ten Tribes Partnership Tribal Water Study: Study Report" (December 2018), <https://www.usbr.gov/lc/region/programs/crbstudy/tribalwaterstudy.html>

For More Information

The Water & Tribes Initiative emerged in 2017 to enhance the capacity of Tribes in the Colorado River Basin and to support sustainable water use through collaborative problem-solving. The Initiative is guided by a broad-based Leadership Team and the Babbitt Center for Land and Water Policy serves as the fiscal manager and a partner. The Initiative is funded through in-kind contributions of Tribes and other organizations, as well as generous donations from the Catena Foundation, Walton Family Foundation, and twenty other organizations representing agricultural water users, water utilities, conservation groups, and university experts. For more information, please go to www.waterandtribes.org.

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