



January 8, 2021

Arizona Department of Water Resources
Attn: Sharon Scantlebury
P.O. Box 36020
Phoenix, AZ 85067-6020

Re: Public Comment on Potential Legislation Authorizing the Colorado River Indian Tribes to Market its Colorado River Water Entitlement and Related Agreements

Dear Ms. Scantlebury:

We write today in support of the proposed Colorado River Indian Tribes and State of Arizona Water Resiliency Act and related agreements. Together, the Act and agreements provide the Colorado River Indian Tribes (CRIT) with greater agency over the use and management of its Colorado River water rights and enable CRIT to engage in partnerships that will improve flexible management of Colorado River water within Arizona and the Lower Basin. Additionally, CRIT proposes to do so through a collaborative process and a transparent method for monitoring and verifying conserved, consumptive water use that can serve as a model for consumptive use reduction projects in the Colorado River Basin to confront the twenty-first-century challenges of increasing drought and water scarcity exacerbated by climate change.

Meaningful participation by tribes in the Colorado River Basin has been crucial to the success of river operations and programs but for reasons articulated by several basin tribes in recent letters,¹ many tribes have faced barriers to participating in river management programs and partnerships for conservation and flexible water management. CRIT has demonstrated its commitment to participating in these programs, including the Pilot System Conservation Program, Intra-Arizona Drought Contingency Plan, and Lower Colorado River Multi-Species Conservation Program, but

¹ See Manuel Heart, Chairman, Ute Mountain Ute Tribe; Jordan D. Joaquin, Chairman, Fort Yuma Quechan Indian Tribe; Robert Miguel, Chairman, Ak-Chin Indian Community; Austin Nunez, Chairman, San Xavier District, Tohono O'odham Nation; Sierra Pencille, Chairwoman, Chemehuevi Indian Tribe; Christine Sage, Chairman, Southern Ute Indian Tribe; Edward Velarde, President, Jicarilla Apache Nation to Secretary of the Interior David Bernhardt, "RE: Comments on Draft Report-Review of Colorado River Interim Guidelines," 14 December 2020.

has faced barriers in fully utilizing its water rights for tribal economic sustainability.² This legislation and its related agreements would remove a critical barrier CRIT faces in fully using its water rights by authorizing CRIT to lease, exchange and store underground a portion of its consumptively used decreed Colorado River water allocation off of its reservation, within the Lower Basin of the State of Arizona. This will expand CRIT's ability to participate in innovative, flexible management partnerships that would benefit both CRIT and Arizona. Authorizing CRIT to lease water off of their reservation is also equitable because other water users in Arizona generally have this right. We would support other proposals to allow off-reservation water leases for Native American Tribes where these transactions are currently prohibited.

Enabling conservation and innovative partnerships will help meet the water needs of tribes, the environment, agriculture, and municipal users not only within Arizona, but across the increasingly water-scarce Colorado River Basin.

Sincerely,



Kevin Moran, Senior Director, Water Program
EDF & Chairman, Water for Arizona Coalition



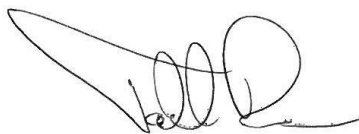
Haley Paul, Policy Director
National Audubon Society/Audubon
Southwest



Kim Mitchell, Senior Water Policy Advisor
Healthy Rivers Program
Western Resource Advocates



Chris Kuzdas, Arizona Program Manager
EDF



Todd Reeve, Director
Business for Water Stewardship



Sinjin Eberle, Communications Director,
Intermountain West
American Rivers

² Colorado River Indian Tribes, Presentation in ADWR Public Meeting #1, 7 December 2020, accessed 4 January 2021, https://new.azwater.gov/sites/default/files/media/120720_CRIT_ProposedLegislation%26AssociatedAgreements_PublicMeeting_Updated.pdf

The Water for Arizona Coalition is a community of Arizonans who support innovative practices and smart policies to ensure a reliable water supply to meet the state's needs. The Coalition was recently recognized as an Arizona Capitol Times "2020 Leader of the Year" for their efforts in protecting Arizona's most valuable resource. Organizational support is provided by solution-oriented groups like American Rivers, Audubon Arizona, Business for Water Stewardship, Environmental Defense Action Fund, and Western Resource Advocates that collectively have over 60,000 Arizona members, as well as hundreds of hunters, anglers, and outdoor recreation enthusiasts across the state. Kevin Moran, a longtime Arizonan and former government relations consultant, is the Chairman of the Coalition.

