

**FY2011 REPORT ON ACTIVITIES WITH INDIAN TRIBES
PURSUANT TO THE
ARIZONA DEPARTMENT OF WATER RESOURCES
TRIBAL GOVERNMENT POLICY**

SUMMARY OF TRIBAL GOVERNMENT POLICY

In the 2006 *ADWR Tribal Government Policy* the Department outlined the following procedures:

1. ADWR will assist tribal governments to develop water resource programs by providing technical assistance, sharing data, conducting joint tribal-State projects and programs, and cooperatively resolving issues to the extent resources allow.
2. ADWR will not conduct any activities within an Indian reservation without first receiving permission from the appropriate tribal official. ADWR employees are encouraged to seek written permission and not rely on verbal assurances.
3. ADWR will enter into Intergovernmental Agreements (IGA) or Memoranda of Understanding (MOU) when considered mutually appropriate by ADWR and an Indian tribal government. This is especially appropriate in any grant programs administered by ADWR.
4. ADWR will open its training programs to tribal officials and tribal staff whenever possible. In particular, technical training of technical management tools, such as remote sensing, modeling, and groundwater level measurements, assist all water resource managers.
5. ADWR will provide notification to affected Indian tribes about policy or management decisions that may affect them.
6. ADWR will share appropriate technical information and data with tribes.
7. ADWR staff will relay Indian tribal issues, including requests from tribes for technical assistance, to the appropriate assistant director(s) as quickly as possible.
8. ADWR staff will obtain approval from their assistant director before initiating contacts with Tribes. This does not apply to referral of complaints to the tribes or contact on ongoing issues previously approved by the assistant directors.

In FY2011, the Department worked on the following which relate to the technical assistance procedures listed in the *Tribal Government Policy*:

DROUGHT PREPAREDNESS

Local Drought Impact Groups - In support of the Arizona Drought Preparedness Plan, local drought impact groups were created in 2006-2007 and met several times. Only two groups, Mohave and Pima County, are currently active due to resource constraints at the state and local

level. Tribal governments are encouraged to participate in the county-level Local Drought Impact Groups established to coordinate drought public awareness, provide impact assessment information to local and state leaders, and implement and initiate local mitigation and response options. The Department provides support to these groups. **Monitoring Technical Committee** – The Department facilitates the work of the State Drought Monitoring Technical Committee (MTC). Each month, the Department, in coordination with the MTC, publishes a Drought Monitor Report which is sent to tribal governments. The MTC also coordinates with tribal governments to share data and drought impact information. **Interagency Coordinating Group** - The Arizona Commission on Indian Affairs is invited to participate on the Governor's Drought Task Force Interagency Coordinating Group (ICG). The ICG is responsible for making recommendations to the Governor regarding drought preparedness and mitigation measures for the state.

REGIONAL STRATEGIC PLANNING

During FY 2011, Regional Strategic Planning staff met with tribes in watershed group settings and at the request of individual tribes. Specific tasks and meetings during the past fiscal year are as follows:

Navajo Nation

The Navajo Nation is a member of the Coconino Plateau Water Advisory Council (WAC) and as a result, Mr. Whitmer meets with NDWR and members of the Navajo Nation Water Commission monthly about WAC activities. The WAC completed a Water Supply Appraisal Study for the Coconino Plateau in FY2007, which encompasses part of the Western Navajo Nation. This Study identified three regional alternative solutions to address the current and projected unmet water demands for the Coconino Plateau. Mr. Whitmer, working with the Navajo Nation, Hopi Tribe, City of Page, City of Flagstaff and Coconino County completed and submitted an application to the Bureau of Reclamation's (BOR) Rural Water Program in FY 2011 for the completion of a Feasibility Study of the three alternatives identified in the Appraisal Study. The application received the highest ranking of all applications submitted to the BOR and was awarded almost \$1 million dollars to initiate the completion of the anticipated five to seven year study. Mr. Whitmer also provided input to two other applications submitted to the Rural Water Program for the completion of appraisal studies on the Navajo Nation in FY2011 that were selected and received funding support. The Navajo Nation is also a member of the Little Colorado River Watershed Coordinating Council (LCRWCC) and as a result, Mr. Whitmer meets with NDWR monthly about LCRWCC issues and activities. Director Whitney, former Director Guenther and Mr. Whitmer met with recently elected Navajo Nation President to discuss how the Department could assist the Navajo Nation with their water issues and issues pertaining to the ongoing settlement negotiations.

Hopi Tribe

The Hopi Tribe is also a member of the Coconino Plateau WAC and as a result, Mr. Whitmer meets regularly with members of the Hopi Water and Energy Commission about WAC activities and issues. At the request of the Commission, presentations have been made to the Commission regarding water issues and specifically the proposed Feasibility Study. Former Director Guenther and Mr. Whitmer met with the Chairman of the Hopi Tribe and several members of the

Council to discuss how the Department could assist the Hopi Tribe with water issues and issues pertaining to the ongoing settlement negotiations.

Havasupai Tribe

Havasupai is also a member of the Coconino Plateau Water Advisory Council (WAC) and as a result Mr. Whitmer meets with members of the Havasupai Tribal Council at the monthly meetings. The Director recently sent a letter to the Secretary of the Interior supporting the Tribe's request for the appointment of a federal negotiating team to help settle the Tribes' water rights claims.

Inter-Tribal Council of Arizona (ITCA)

At the request of the ITCA, Mr. Whitmer has made presentations at quarterly Tribal Environmental and Water Managers meetings conducted by the ITCA. Tribes that generally attend these meetings are San Carlos Apache Tribe, White Mountain Apache Tribe, Colorado River Indian Tribes, Tohono O'odham Nation, Hopi Tribe, Fort Mohave Tribe, Navajo Nation, Hualapai Tribe and Pascua Yaqui Tribe. These meetings have resulted in the establishment of a point of contact for the tribes and occasional requests for presentations related to water. The Department responds to these requests as appropriate.

Hualapai Tribe

The Hualapai Tribe is a member of the Northwest Watershed Council and as a result Mr. Whitmer meets with their Director of Planning and Environmental Programs Manager at the Council's monthly meeting. They also are members of the Coconino Plateau WAC and attend meetings on occasion.

UNDERGROUND STORAGE AND RECOVERY PROGRAM

The Department works with applicants to permit the underground storage and recovery of Central Arizona Project water, effluent and other surface water. One type of storage facility is a Groundwater Saving Facility (GSF). At a GSF, the permittee, usually an irrigation district, receives in lieu CAP water or effluent in exchange for an acre-foot for acre-foot reduction in irrigation grandfathered groundwater rights (IGFR). That in lieu water is provided by an entity with a water storage permit, and that entity earns long term storage credits to recover the stored water in the future.

The Gila River Irrigation and Drainage District (GRIDD), an entity of the Gila River Indian Community (GRIC) is the only tribe to have applied for and received a GSF permit from the Department. The Arizona Water Banking Authority currently has a storage permit for the GRIDD facility and has been storing CAP water and earning long-term storage credits. The GRIDD is able to continue to farm with a reduction of groundwater pumping within the reservation boundaries, helping to preserve a common aquifer. The GRIC is now buying water directly from the CAP to recharge in the GRIDD. In addition to the GSF permit issued to the GRIDD, several tribes have applied for and received from the Department water storage permits (WSP) to store water at State permitted recharge facilities. The Tohono O'odham has a total of six WSPs for storing water; 3 in the Tucson AMA and 3 in the Phoenix AMA. The Pascua Yaqui has 2 WSPs for storing water in the Tucson AMA. The Hopi Tribe has 1 WSP for storing water in the Phoenix AMA. The GRIC has 3 WSPs for storing water in the Pinal AMA.

WATER RESOURCE DEVELOPMENT COMMISSION

The Water Resource Development Commission (WRDC) was authorized in 2010 to conduct an assessment of the current and projected water supplies and demands through the year 2110 for the entire State. The goal of this effort was to identify areas of potential unmet water demands and to identify alternatives to address the projected unmet demands. Both the Navajo Nation and the ITCA are members of the WRDC and regularly attend Commission, committee and subcommittee meetings. Director Whitney Co-Chairs the Commission with two other members of the Commission. In addition to Director Whitney's involvement, more than ten members of the Department have been actively engaged in providing technical and administrative support to the Commission and its seven committees and sub-committees since October 2010. The WRDC and the Department have reached out to all of the Tribes through the Navajo Nation and the ITCA to obtain current and projected population and water supply and demand data. The WRDC has been meeting bimonthly since October 2010 and the seven committee and subcommittees have been meeting in some cases almost weekly to accomplish the completion of a final report by October 2011.

COLORADO RIVER BASIN STATES WATER SUPPLY AND DEMAND STUDY

Arizona, the other Colorado River Basin States and Reclamation comprise the funding entities and Steering Team for the Colorado River Basin Water Supply and Demand Study, a study of water supply and demand through 2060 using a downscaled climate model. The Study will analyze options to address supply and demand imbalances including conservation, operational changes, new facilities and augmentation. As a part of this effort, Reclamation has implemented an extensive outreach effort to Tribes with lands in the Colorado River Basin. Tribes have been asked to provide water demand projections for inclusion in the Study. Some Tribes are participating on individual study teams to help with development of the work. ADWR represents the State on the Study Steering Committee and on the demand Study Team. The first interim report has been released for public review and comment. The Study will be completed mid-2012.

WATER SETTLEMENTS

This activity of the Department does not fall within the ADWR Tribal Government Policy, but is provided as information about other tribal work done in the Department. Since 2004, to the current date, the Department has participated in settlement negotiations with the Navajo Nation and Hopi Tribe. The Department also participated in the recently approved by Congress White Mountain Apache Settlement. The Department is now working with the all settlement parties on the implementation of the Settlement. In both sets of settlements the Department has provided technical assistance, as well acted as facilitator for the Navajo and Hopi negotiations.

Both Havasupai and Hualapai Tribes have requested federal settlement teams be organized to begin working on a water settlement for each tribe. The Director recently sent a letter to the Secretary of the Interior supporting the appointment of settlement team for the Tribe. Director Whitney, Mr. Whitmer and Chief Legal Council Slowinski have met with both tribes and provided letters of support to have a federal settlement teams established. Director Whitney, Mr. Whitmer and Chief Legal Council Slowinski are continuing to meet with both Tribes to discuss their proposed settlement claims. As with the ongoing Navajo and Hopi settlement negotiations

and the recently completed White Mountain Apache Settlement the Department will provide technical assistance and act as a facilitator for any formally authorized settlement negotiations with the Havasupai and Hualapai Tribes.

ADWR has been involved in settlement discussions with the Tohono O'odham Nation regarding water rights claims for their Sif Oidak District. ADWR staff participated in a tour of the district on November 30, 2010.