



# COLORADO RIVER INDIAN TRIBES

## *Colorado River Indian Reservation*

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November 9, 2018

Thomas Buschatzke, Director  
Arizona Department of Water Resources  
1100 W. Washington St. 3310  
Phoenix, Az 85007

Ted Cooke, General Manager  
Central Arizona Water Conservation District  
P.O. Box 43020  
Phoenix, Az 85080-3020

Delivered via email

Dear Director Buschatzke and Mr. Cooke:

Attached to this letter is the proposal from the Colorado River Indian Tribes for System Conservation and Intentionally Created Surplus to assist the State of Arizona in its effort to adopt the Lower Basin Drought Contingency Plan.

We live on the Colorado River. The River runs through the middle of our land. We understand the risks to the River with continued drought throughout the Basin. Our proposal is to protect the life of the River. We believe that adopting the Drought Contingency Plan by all the Basin States, including Arizona, is the best way to protect the River during the decades-long drought, as temperatures rise and our climate changes.

We have been working with Reclamation and your respective staffs over the last few months to prepare a proposal that will make a difference for this process. This proposal is one that we know we can fulfill, and that Reclamation can verify. The attached documents detail our plan to make 50,000 acre-feet of water available for Compensated System Conservation each year for three years beginning in January 2020 for a total of 150,000 acre-feet of water. In addition, we will agree to forebear from increasing our consumptive use on the Reservation above an agreed upon baseline. This will provide the CAWCD with increased certainty about the supply available for use in Arizona. We are also creating up to 20,000 acre-feet of Intentionally Created Surplus

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in our name to be used as a buffer for our on-reservation water use when the Overrun and Payback Policy is suspended during shortages.

The Tribes are asking for \$250 an acre-foot for the Compensated System Conservation portion of the proposal. This does not reflect the economic value of CRIT water for farming on our reservation or the value of the number one priority water in the Lower Basin. However, we are willing to accept this price in order to assist with the Drought Contingency Plan to protect the River.

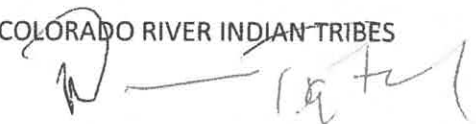
Our water right does not best serve the State of Arizona by placing it in Lake Mead as System Conservation. The value of our water will be realized when we have the Congressional authorization to make a portion of our water available for off-reservation uses within the State of Arizona and preserve the first priority of our right during shortages.

We look forward to working with Governor Ducey and our Representatives in Congress to pass the federal legislation necessary to make this happen.

If you have questions about our proposal, please contact us directly through my office.

Sincerely,

COLORADO RIVER INDIAN TRIBES



Dennis Patch  
Chairman

CC: Governor Doug Ducey

**System Conservation Non-Binding Proposal**  
**Submitted by the Colorado River Indian Tribes ("CRIT") to the**  
**Arizona Department of Water Resources and the**  
**Central Arizona Water Conservation District**  
**November 9, 2018**

**Summary of Terms:**

This Proposal is prepared for the limited purpose of responding to the Draft Mitigation Supply Budget Scenarios as presented in the Arizona LB DCP Stakeholder Meeting on October 17, 2018. The technical information and price are unique to this proposal and do not reflect the position of the CRIT for any other purpose or for other lands within the Colorado River Indian Reservation or owned by the CRIT. This is a non-binding proposal that will remain in effect until March 1, 2019.

**General Terms**

**Proposal:** CRIT will fallow the lands designated in final agreements for 3 years to create System Conservation in Lake Mead. A portion of the water created from fallowing may also be used to create Intentionally Created Surplus on behalf of CRIT as described in the Proposal for CRIT ICS submitted this same date.

**Location:** All lands are in that part of the Colorado River Indian Reservation located in Arizona, near the Town of Parker, Arizona.

**Water right:** CRIT have the first priority present perfected right to water from the mainstream of the Colorado River as decreed in *Arizona v. California*.

**Methodology:** The supporting information for each parcel will be provided in a Technical Memorandum prepared by Natural Resources Consulting Engineers, Inc., similar to that provided for the Pilot System Conservation Project.

**Price per year:** This Proposal is for \$250 per acre-foot per year of consumptive use reduction that is made available for System Conservation adjusted annually by an increase of 3%.

**Additional agreements:** CRIT will coordinate with the Bureau of Indian Affairs to reduce the water orders by the estimated monthly amount to equal a total annual reduction of diversions in the amounts specified in the technical reports.

**Substitute lands:** For farm management purposes, CRIT will confer with the Parties in September of the first and second years of the Agreement to discuss substituting lands to be fallowed.

**Limits on Diversion or Consumptive Use:** During the term of any agreement based on this Proposal the CRIT will agree to forbear from diversions or consumptive use above an annual maximum agreed upon by the Parties.

Exhibit \_\_\_\_

**Colorado River Indian Tribes  
Extraordinary Conservation—Intentionally Created Surplus  
Following  
December \_\_, 2018**

**Creator:** Colorado River Indian Tribes

**Term:** For creation between the effective date and December 31, 2025

**Category:** Extraordinary conservation from land fallowing

The purpose of this project is to create EC ICS that may be used by the Colorado River Indian Tribes to off-set any potential inadvertent overruns during shortages. CRIT is fallowing land to make water available for Arizona Compensated System Conservation. A small portion of the reduced consumptive use from the fallowed lands will be designated annually as EC ICS.

**Creation of ICS:** CRIT may enter agreements to provide specific volumes of water for off-reservation use as System Conservation, or for other lawful purposes. The water available for these purposes will be measured by consumptive use reductions resulting from fallowing. CRIT may designate a small portion of the reduced consumptive use as uncompensated EC ICS. The annual creation amount will be designated in the primary agreements for fallowing and provided to Reclamation, ADWR and CAP in compliance with an Arizona ICS Framework.

**Verification:** The annual creation volumes for EC ICS will be verified in the same manner as verification for System Conservation.

**Quantity of Water:** Creation of annual amounts not to exceed 5,000 acre-feet with an annual accumulation of not more than 20,000 acre-feet. (Annual deductions for evaporation may be replenished to maintain a total of 20,000 acre-feet)

**Delivery of ICS:** CRIT will enter appropriate Delivery Agreements to comply with Reclamation guidelines and policy, and the process established within the State of Arizona for the coordination and timing of ICS creation and delivery.