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*Managing Water in the West*

## **Overview of the Arizona Water Settlements Act- Activities Affecting the Upper Gila River Basin**

Presented at the 25<sup>th</sup> Annual Arizona Riparian  
Council Annual Meeting, March 30, 2012



U.S. Department of the Interior  
Bureau of Reclamation

# Outline

- **Overview of the Arizona Water Settlements Act (AWSA)**
  - Background
  - Key features
- **Current Activities in the Upper Gila Basin**
  - Funding for activities
  - Upper Valley water rights reduction
  - Support for New Mexico decision-making

# Legal Background



- **Doctrine of Prior Appropriation**
  - No one owns water
  - Must be put to beneficial use
  - *First in time, first in right* creates senior and junior appropriators for future use
- **Federal Trust Doctrine (Winters vs. US, 1908)**
  - Indians have a priority claim to reserved water for future use based on treaties with US, and US has a responsibility to administer and enforce those rights.
    - Federal reserved water rights appurtenant to reservation land
    - Priority date for rights is date of reservation establishment
    - Rights are not lost through nonuse

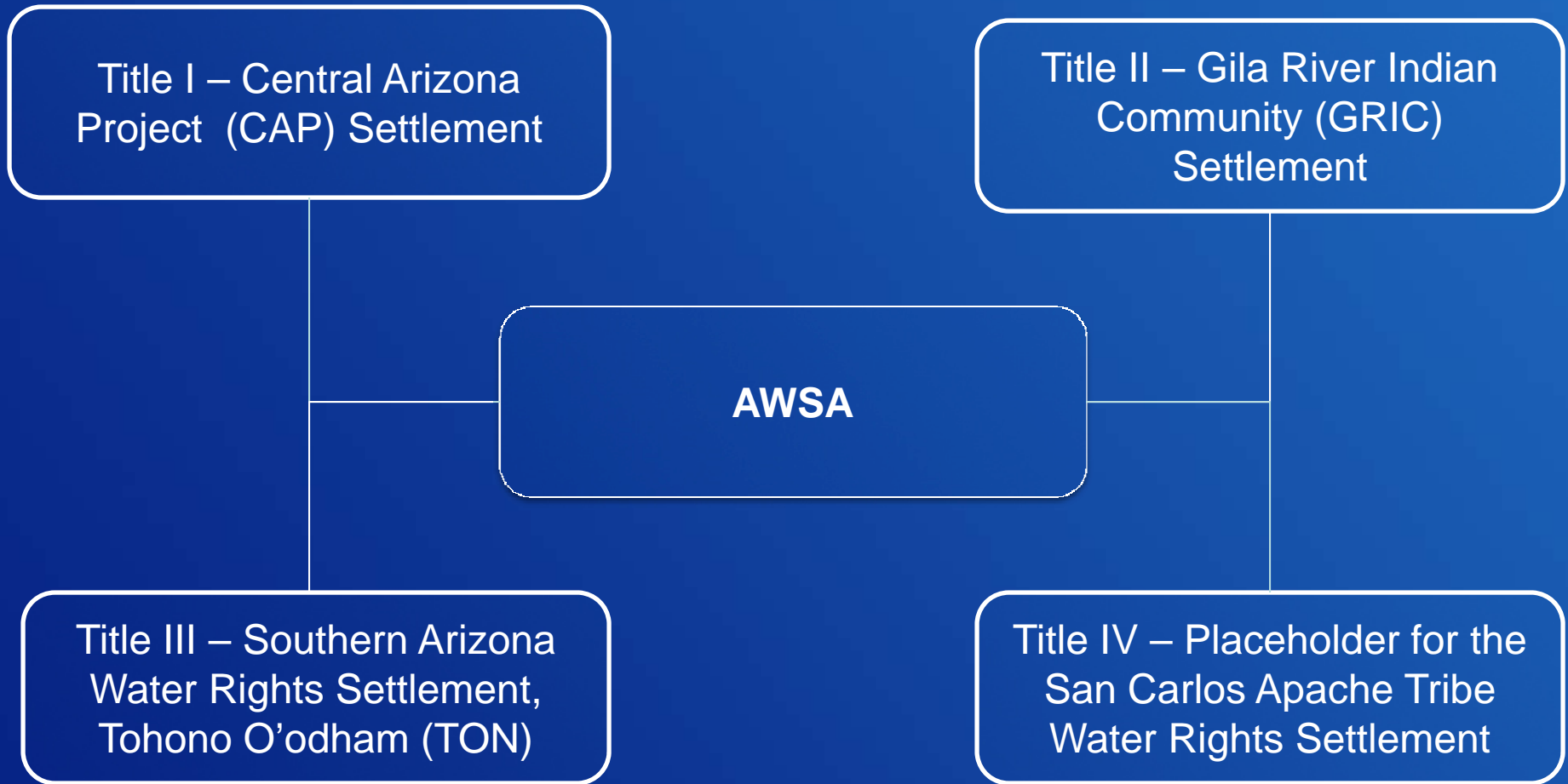
# Benefits to Settlement vs. Litigation

- Addressing water management concerns in affected watersheds
- Settling long-standing disputes
- Enhancing water supply certainty for all parties

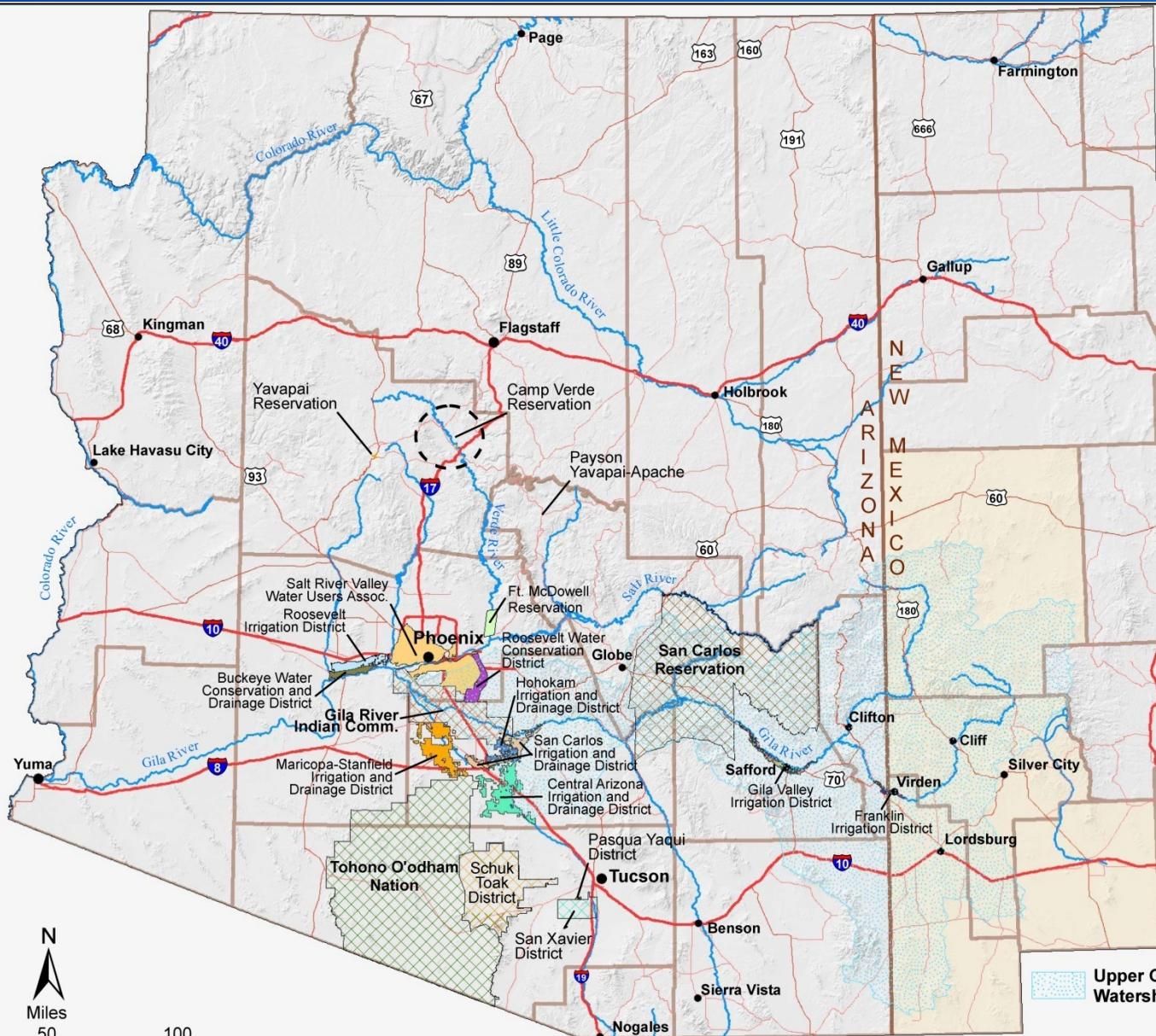


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# Four Settlements in One – Sort of







Upper Gila River Watershed



AWSAprojects.mxd, 3/23/2012

**AWSA Implementation Activities**

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# **AWSA – Key Dates**

- **December 10, 2004 - Public Law 108-451 Signed**
- **December 14, 2007 – Statement of Findings for Enforceability of CAP, GRIC, & TON Settlements**
- **January 1, 2010 – Lower Colorado River Basin Development Fund Available for AWSA expenditures**

# AWSA Title I

## Central Arizona Project Settlement

- **Reduced Central Arizona Water Conservation District repayment of CAP costs**
- **Allocation of CAP Water**
  - **Reallocation of non-Indian Ag Priority Water**
    - to AZ Tribes (197,500 AF)
    - To ADWR (96,295 AF)
  - **Reallocation of un-contracted Municipal & Industrial Priority Water (65,647)**
    - 20 cities and water companies in AZ



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# AWSA Title I

## Central Arizona Project Settlement

- **Firming of CAP Indian Water**
  - **AZ/Secretary of Interior (SOI) will ensure 60,648 AF of Ag priority water is reallocated for 100 years to AZ tribes during shortage at same priority as M&I.**



Pima Maricopa Irrigation Project-GRIC

# AWSA Title I

## Central Arizona Project Settlement

- **Lower Colorado River Basin Development Fund – Disbursements began in 2010**
  - **Funds from CAP repayment & some power revenue used to pay for AWSA activities like**
    - **Rehab of the San Carlos Irrigation Project (SCIP)**
    - **New Mexico Unit Fund**
    - **Gila Valley Irrigation District for potential diversion deficits resulting from a NM water exchange**
    - **Additional gages for the Gila and tributaries for CUFA**

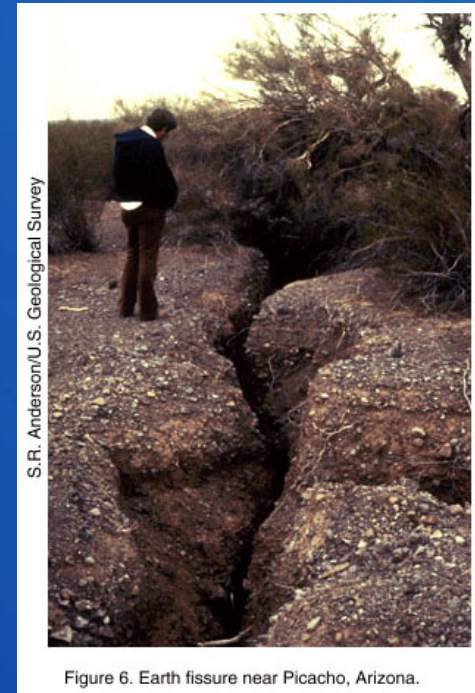


# **AWSA Title II GRIC Water Rights Settlement**

- **Quantification of GRIC water sources**
- **Reallocation of CAP water to GRIC**
- **Infrastructure development, operation, maintenance and replacement assistance**
- **Rehabilitation & operations agreement for Indian and non-Indian portions of the San Carlos Irrigation Project**
- **Allows GRIC to contract or lease water to users in 10 AZ counties**

# AWSA Title II GRIC Water Rights Settlement

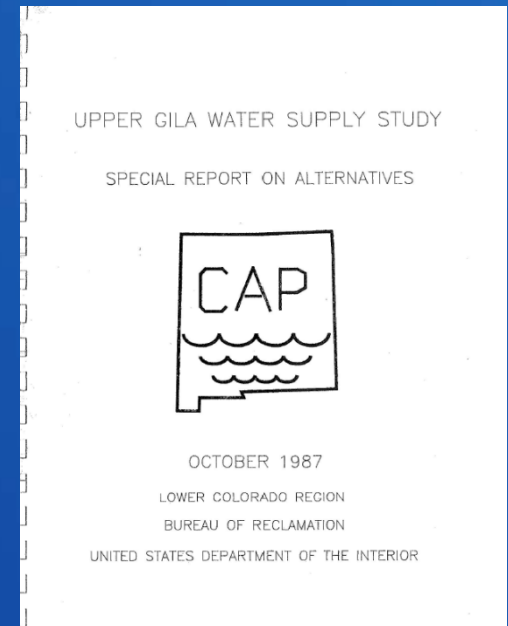
- Subsidence Remediation Program
- Reduction of Water Rights on TBI Eligible Acres
  - Payments to Gila Valley and Franklin Irrigation Districts for the acquisition and extinguishment of UV decreed water rights on TBI Eligible Acres
    - Phase I rights to 1<sup>st</sup> 1000 acres to be acquired by Dec 2011
      - Decision ongoing
    - Phase II rights to 2<sup>nd</sup> 1000 acres to be retired Dec 2014





# AWSA Title II GRIC Water Rights Settlement

- **New Mexico Gila River Exchange**
  - **Pre-AWSA**
    - **Gila River Exchange – 18,000 AF annual average**
    - **Plus 30,000 AF/year if augmented supplies available**
    - **Authorized Hooker Dam or alternative**
  - **Reclamation eliminated Hooker Dam based on costs and environmental issues**
  - **3 off-stream storage alternatives but recommended use of groundwater until supply not sufficient (Reclamation estimated by 2010)**



# **AWSA Title II**

## **GRIC Water Rights Settlement**

- **New Mexico – Post – AWSA**
  - **NM must decide if they wish to divert Gila River water in exchange for CAP water by December 31, 2014.**
  - **NM can exchange up to an annual average of 14,000 af/yr from Gila/SF Rivers and tributaries**
  - **Funding provided for a NM Unit or other water utilization alternatives - starting in 2012 for 10 years**
  - **Up to an additional \$62 million is available if NM chooses to construct a Unit for the exchange**

# **AWSA Title II**

## **GRIC Water Rights Settlement**

- **Consumptive Use & Forbearance Agreement (CUFA)**
  - **Provides rules by which exchanges will occur**
  - **The Secretary has dual roles –**
    - **the authorized diverter with respect to NM**
    - **the CAP Owner for deliveries to downstream entities**

# AWSA Title II

## GRIC Water Rights Settlement

### CUFA Signatories

- Gila River Indian Community
- San Carlos Irrigation & Drainage District
- Secretary of Interior
- Franklin Irrigation District
- Gila Valley Irrigation District
- Phelps Dodge/Freeport McMoRan
- Brown Canal Company
- Curtis Canal Company
- Dodge-Nevada Canal Company
- Fort Thomas Canal Company
- Graham Canal Company
- Highline Canal Company
- Montezuma Canal Company
- San Jose Canal Company
- Smithville Canal Company
- Sunset Canal
- New Model Canal
- Union Canal Company
- Sunset Ditch Company
- New Mexico New Model Community Ditch Association
- Valley Canal Company



# **AWSA Title II GRIC Water Rights Settlement**

- **2010 Payment to Gila Valley Irrigation District to develop programs or facilities to mitigate the risks of a NM CAP Exchange**
- **Transfer title to the Blue Ridge Reservoir to Interior for operation of the C.C. Cragin Dam & Reservoir by Salt River Project**
  - **Dedicates 3500 AF/yr for municipal/industrial use in Northern Gila county**



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# AWSA Title II GRIC Water Rights Settlement

- Retirement of debt for the Safford Water Reclamation Plant
  - Via Annual payments through 2013



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# **AWSA Title III (SAWRSA)**

## **Southern AZ Water Rights Settlement**

- **Amends SAWRSA of 1982 to allow full implementation**
- **Construct and deliver CAP water to the San Xavier Reservation and the Schuk Toak District**
- **Complete or pay out the San Xavier New Farm irrigation works – Tribe opted for pay out**
- **Allows TON to contract or lease CAP water to users**

# **Title IV - San Carlos Apache Tribe Water Rights Settlement**

- **Preserves the water rights claims of the San Carlos Apache Tribe while settlement negotiations continue**



# Reclamation's Role in AWSA Implementation

- Provide oversight/support for the Secretary of Interior
- Manage the Lower Colorado River Basin Development Fund
- Assure Environmental Compliance of Settlement Activities
- Fulfill Reclamation's Federal Trust Responsibility to the Tribes

# Questions?



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