

Gila River leader wants to help Arizona complete water deal but vows to defend landmark settlement

[Ian James](#)

Gila River Indian Community Gov. Stephen Roe Lewis talks about the importance of water to his community and the Colorado River deal Arizona Republic

The Gila River Indian Community is entitled to about a fourth of the Colorado River water that passes through the Central Arizona Project's canal. Much of the water flows to the reservation, where it helps irrigate about 36,000 acres of farmland planted with crops including wheat, sorghum, alfalfa, cotton and corn.

Because it holds this large water entitlement, the community has become a key player in efforts to unblock stalled negotiations in Arizona among state agencies, cities, irrigation districts and tribes on a plan to take less water from the dwindling Colorado River.

If Arizona manages to reach a deal — and it's unclear whether it will — the involvement of the community and its leader, Gov. Stephen Roe Lewis, is likely to play a critical part in the agreement.

Lewis has been deeply involved in the talks, offering to help while also taking a strong stance against any proposal that would undermine the Gila River community's historic water settlement, which his late father, Rodney Lewis, helped win in 2004 after a decades-long legal fight.

The governor said he thinks the parties are close to clinching an agreement

on the proposed Drought Contingency Plan, or DCP. But he also said there are several principles he won't compromise on, including defending his community's hard-won water rights.

“Water settlements, to us they are sacrosanct. Water settlements have to be preserved,” Lewis told *The Arizona Republic* in an interview. “Those can't be gutted.”

'Water is life'



An irrigation canal delivers water to fields in the Gila River Indian Community near Chandler, Ariz. (Photo: Sean Logan, Sean Logan/The Republic)

For Lewis, the drive to defend his community's water settlement is a personal issue and one that's bound up in the long history of how Arizona tribes saw their water taken away starting more than 150 years ago.

The Gila River Indian Community includes people from two groups, the Akimel O'odham and the Pee-Posh, and has about 23,000 members, about 15,000 of whom live on the reservation south of Phoenix.

The O’odham’s ancient ancestors, the Huhugam, created a thriving agricultural civilization in the desert centuries before the arrival of non-native settlers in Arizona.

They used water from rivers and built a complex system of irrigation canals, some of which remain to this day.

In the 1800s, settlers built dams and diversions, drawing away the water that Lewis’ ancestors depended on. Deprived of their water, the Gila River community suffered hardships.

“That was the beginning of a sad history of where really the utter devastation of our – of who we were, as what we call ourselves the Akimel O’odham, ‘People of the River,’” Lewis said. “Our way of life was almost pushed to extinction.”

Lewis’ father, as attorney for the Gila River Indian Community, fought for years to win back their water. And in 2004, the community finally secured its water rights as part of the Arizona Water Settlements Act, which was signed by President George W. Bush. Rodney Lewis died in April at age 77.

The governor pointed out that he wears a pin on his lapel with a tribal seal symbolizing the 2004 water settlement.

“It’s fallen to me as the governor now to protect our water settlement,” Lewis said.

“We have fought to regain our water settlement, our water rights. That historic struggle has really shaped our community, to where we do not take for granted any drop of our water, what we call in our language the O’odham language ‘shudag’ – water is life,” he said. “We have survived, we have endured. But we understand as a people all too well when water, that precious resource, is taken away from us.”

Living with a new normal



Farms in Gila River Indian Community produce crops including alfalfa, sorghum, wheat, cotton and corn. *(Photo: Sean Logan, Sean Logan/The Republic)*

Sitting in a conference room on the reservation with sweeping views of the surrounding desert, Lewis said one of the principles he has insisted on in the talks is that an agreement should be “fair and equitable.”

He rejected an initial proposal by Arizona water managers in October, saying he considered it an attempt to improperly transfer the community’s higher-priority water to the lower-priority growers.

“We all know that this is a new normal. And in regards to drought, ongoing drought and overallocation of the Colorado River, we all have to look at ourselves in regards to our use of the water, in regards to exactly just how we are going to control our water use as we move forward. So, we all have a burden,” Lewis said. “We’re sometimes frustrated when, I think, there is still a level of denial across some of these stakeholders.”

He said it’s clear that all water users will have to deal with an increasingly limited supply of water.

Lake Mead is now just 38 percent full. Under the current rules, if the reservoir's water level reaches elevation 1,075 feet above sea level at the end of any year, the federal government will declare a shortage and supplies to Arizona and Nevada will be cut back.

Federal officials now project that Lake Mead will likely fall below that threshold in 2020, triggering the declaration of a shortage.

The Colorado River has long been overallocated, with the demands of farms and cities exceeding the available water supply, and the strains are being compounded by climate change. Since 2000, the amount of water flowing in the Colorado River has dropped 19 percent below the average of the past century. [Scientific research](#) has found that a large portion of that trend [is a result of global warming](#).

Water managers in Arizona, California and Nevada have been discussing the proposed Drought Contingency Plan in an effort to boost the levels of Lake Mead and prevent it from falling even further.

Talks on the plan have been inching along for the past few years, and federal Bureau of Reclamation Commissioner Brenda Burman has urged the states and local agencies to finish up their negotiations.

In October, the federal government and states that rely on the Colorado River [released drafts of a set of agreements](#) laying out a framework for cuts in water deliveries.

In Arizona, 'time is ticking'

Despite months of meetings and negotiations, Arizona has emerged as the lone holdout.

A final meeting of Arizona's Drought Contingency Plan Steering Committee is scheduled for Nov. 29. Both federal and state water managers have said they hope to finish a deal by December, but it's unclear whether that will happen.

“We have to be positive. You know, the time is ticking,” Lewis said. “In my opinion, we are so close to getting a DCP plan done. ... It would be a big hit to not only Arizona, to not only the Gila River Indian Community but to all parties involved, if we did not bridge that gap.”

After unsuccessful negotiations on several proposals, the board that oversees the Central Arizona Project voted last week to approve its own proposal, calling it an “interim mitigation plan.” The proposal lays out a scenario in which the agency could provide "mitigation water" to soften the blow for farmers in Pinal County who hold the lowest-priority water rights.

MORE: [Arizona water agency floats proposal as negotiations on Co. River deal stall](#)

The proposal has faced criticism, though, because it calls for using some of the Central Arizona Project's stored water in Lake Mead — called "Intentionally Created Surplus" water — at a time when the larger goal is to prevent the reservoir from falling further.

Speaking at last week's meeting of the Central Arizona Water Conservation District, where his father was the first Native American to serve on the board, Lewis stressed that his community “remains committed to seeking an acceptable DCP.”

He said he hopes the agency “remains flexible in considering other options to some of the concepts laid out in its plan today.”

Lewis said the Gila River community strongly opposes “any use of water from Lake Mead for mitigation purposes.”

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A measured approach

The disagreements in the negotiations have largely centered on how the cutbacks should be spread around, and on how much water should be freed up from other parts of the state to help farmers in Pinal County who have the lowest priority and face the biggest cuts.

Lewis has opposed providing more water to the low-priority “agriculture pool” than those growers would expect to receive under the current guidelines for management of Colorado River water.

Lewis said reaching a viable deal will require more discussions. But he said the proposal from the CAP board gives them flexibility.

“I think we’re in a good place moving forward,” Lewis said.



Next Slide

10 Photos

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“We do not see any enemies here,” Lewis said. “But we’re steadfast in the fact where we will fight for our water settlement. We will fight against a second taking of our water.”

Lewis has been effectively asserting himself as a key figure in the discussions, said Sarah Porter, director of the Kyl Center for Water Policy at Arizona State University.

“Gov. Lewis has taken a sort of smart and measured approach to the negotiations,” Porter said.

“The Gila River Indian Community has a very well thought-through plan for how to develop out their water supply, largely for agriculture. And that’s overlooked, I think, sometimes in these discussions,” Porter said. “They understandably take their water rights, water allocations, very seriously. They regard them as quite precious.”

Cynthia Campbell, Phoenix’s water resource management adviser, has been involved in the talks and said Lewis and the Gila River Indian Community “are very much engaged in the conversation and trying to put forward solutions that ultimately find a way so that we can move forward.”

Phoenix leases water from the community under a 99-year agreement, which provides the city 15,000 acre-feet per year.

Campbell said the city, which gets about 40 percent of its water from the Colorado River, has been largely aligned with the Gila River community in the negotiations.

She said Lewis has “done an exceptional job of representing the community’s interests and helping others understand what their water means to them.”

Putting the pieces together



A farm worker drives a tractor on farmland in the Gila River Indian Community on Thursday, Nov. 15, 2018, near Chandler, Ariz. *(Photo: Sean Logan, Sean Logan/The Republic)*

Arizona is entitled to 2.8 million acre-feet of water from the Colorado River annually. Under the terms of the proposed deal, the state would face cutbacks of 512,000 acre-feet or 18 percent of the state's total.

Campbell said because there are few sources of water available to help spread around such large cuts, the Gila River community's participation will be crucial.

"I believe that their role will be instrumental in making it actually effectuate, making it work," Campbell said.

Other tribal leaders are also offering to help.

The Colorado River Indian Tribes offered the state 50,000 acre-feet of water a year for three years starting in 2020. The water would be stored in Lake Mead, and the tribe's leaders proposed payment of \$250 per acre-foot.

Vice Chairman Keith Moses said in a statement that the water is worth more than that and that they're making the offer to help "move the process

forward.”

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Gov. Doug Ducey has said reaching a deal will require compromise by all stakeholders.

In a recent [op-ed article](#) in the *Arizona Capitol Times*, Ducey wrote: "It's time to get to this done and make DCP a priority."

Lewis said the Gila River Indian Community's leaders largely agree with Ducey's position.

But disagreements remain, and time is running short before the December deadline that both state and federal officials are insisting on.

Complicating matters, officials at the state Department of Water Resources have at times been at odds with CAP officials during the negotiations.

Former Arizona Gov. Bruce Babbitt, who dealt with Colorado River issues as Interior Secretary during the Clinton administration, weighed in this month in [an opinion article in *The Arizona Republic*](#), saying the ongoing conflict between the two agencies in Arizona “has deadlocked legislative attempts at ratification of the DCP.”

Babbitt also put blame on the stance of agricultural irrigation districts in Pinal County. He pointed out that, back in 2004, the districts agreed that their use of Colorado River water would be phased out by 2030 and that they would go back to relying entirely on groundwater pumping.

“The districts have historically relied on local pumped groundwater as a major source of irrigation water. They presently use about 50 percent groundwater for irrigation, and they can now manage to move to 100 percent,” Babbitt wrote. He said Arizona has “blundered into Colorado River

wars in the past,” and must not do it again.

Pinal growers seek assurances



These fields are among approximately 36,000 acres of farmlands under cultivation in the Gila River Indian Community. *(Photo: Sean Logan, Sean Logan/The Republic)*

The idea of completely cutting off Colorado River water to Pinal County farmers, however, still faces strong local opposition.

Paul Orme, a lawyer who represents four agricultural irrigation districts that include about 200 farms, pointed out that proposals for sending “mitigation water” to the growers have declined during the talks, and one recent proposal included 595,000 acre-feet of water delivered over a seven-year period. Orme said in an email that if Pinal County agriculture is to remain viable, “we can’t go lower.”

At the meeting last week, Lewis said while the Gila River Indian Community is ready to accept significant cuts in water deliveries, “this burden must be shared equally by all.”

Lewis said the DCP shouldn't be used as a "subsidy" to aid one group over others, and that he supports the idea of drilling wells to help Pinal County farmers transition from Colorado River water to groundwater.

After the meeting, Lewis said: "We see ourselves as a moral compass in all of this. You know, we've lived through water taken away from us."

Salt River Project announced in June that water use among its users has decreased by one-third since 1980, even though Arizona's population has doubled since then. Wochit

The Indian community was historically left out of discussions on water issues in Arizona, he said, but now that it has a seat at the table, "we can bring very innovative, very progressive, out-of-the-box options."

What shape those options take might still be worked out in negotiations over the coming days.

"We're hoping for a sustainable path forward," Lewis said. And that includes laying down a set of principles, he said, including that there's only so much water to go around. And that more water should be kept in Lake Mead.

The reality now, he said, is that there is "a limited amount of water that we are going to have to contend with, we're going to have to plan with, we're going to have to deal with."

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Next Slide

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