

Gila River Indian Community balks at Arizona's latest scheme for Colorado River cutback

Posted by on

A new letter from Gila River Indian Community Gov. Stephen Lewis to Arizona's two top Colorado River negotiators complains that the latest version of the state's plan to reduce its use of Lake Mead water would make things worse, in way that actual gives some Central Arizona farmers *more* water than they would get under the current Colorado River operating rules.

As a result, GRIC negotiators have been instructed to reject the latest proposal.

[instructions to reject \(p. 2\)](#)

- The Community’s DCP Steering Committee representatives are instructed to reject any proposed mitigation plan that does not provide for equitable mitigation to the NIA Priority Pool.

As a result of these instructions I must reject the recent mitigation proposal that was delivered to our legal counsel on October 17, 2018, because: (1) it would provide more water to the Ag Pool than it would expect to receive under the 2007 Interim Guidelines, thus placing certain CAP water users in a better position under the LBDCP than they would be under the existing 2007 Interim Guidelines; and (2) it is patently inequitable because it does not fully mitigate the NIA Priority Pool, and is essentially a proposal to transfer of over 300,000 acre-feet of NIA Priority Pool water to the Ag Pool.

The Community still believes that there may be a path for the LBDCP to be adopted and has expressed basic principles that we believe provide a path for LBDCP being adopted. These basic principles are what we will be guided by when evaluating the various proposals under discussion.

A. “Rule of Holes”

First, we believe that the purpose of the LBDCP is to reduce water use from Lake Mead, the source of Arizona’s supply of Colorado River water, in advance of a declaration of a Tier 1 shortage, in order to be better positioned to avoid a Tier 2 shortage, or worse. This is a goal that is worthy of support by all, and tribes join in supporting it with you. To fulfill this goal, we strongly believe that we should not make the problem in Lake Mead any worse by using additional water drawn from Lake Mead in order to mitigate the impact of the LBDCP cuts on any pool of CAP water users. To do so would violate the “Rule of Holes”, which states that when you are in a hole, you should drop digging.

B. Increase Lake Mead Elevation Levels

Second, stopping digging is essential, but we also believe that LBDCP must also seek to fill up Lake Mead as well, to the maximum extent possible to stave off a Tier II cut for as long as possible. Thus, the Community considers a robust program of System Conservation to be an essential element of any LBDCP, and cannot contemplate participating in an LBDCP that does not include such a program.

C. Equitable Burden Sharing

Third, we believe that all interested parties and water users should bear some of the pain of the cuts necessary to better assure longer term water supplies for us all. No one group of water users should be protected from the consequences of the adoption of LBDCP, while others are expected to make sacrifices for our common good. This is a fundamental principle of fairness, and is of particular concern to tribes because we are more often than not the ones expected to sacrifice when others do not. The point is not to protect all from the consequences of the adoption of LBDCP, but to equitably find a way for sharing the burden of these cuts. This means all cuts should be proportional, and if one group is going to be fully mitigated then all groups should be fully mitigated.

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The latest incarnation of the Arizona Plan, Lewis charges, violates “the rules of holes”.

[Rule of Holes \(p. 2\)](#)

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This is another big setback to hopes to wrap up a Colorado River Drought Contingency Plan soon.

(View the full text of the letter [here.](#))