

# Gila River Indian Community moves ahead with Colorado River drought plan after clash with lawmaker

[Ian James](#) Updated 12:49 p.m. MT Feb. 23, 2019

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

Arizona's efforts to finish a Colorado River drought plan are moving forward after leaders of the Gila River Indian Community announced that they will proceed with their piece of the deal.

The community's leader, Gov. Stephen Roe Lewis, had threatened to pull out of the agreement if the Legislature didn't drop a bill that he said would undermine the community's water rights under a hard-fought settlement.

The dispute had pitted Lewis against House Speaker Rusty Bowers, who introduced the legislation on behalf of a group of farmers and ranchers. But on Tuesday, after a debate in a House committee, Bowers said he was pulling the bill.

On Friday, leaders of the Gila River Indian Community released a statement saying they had received "sufficient assurances" that the bill is dead and will not be reintroduced. They said they decided to move forward with plan after meetings with Republican House Speaker Pro Tem T.J. Shope, Democratic House Minority Leader Charlene Fernandez and Sen. Lisa Otondo.

Lewis said he's grateful to Shope, R-Coolidge, and Fernandez, D-Yuma, for coming to speak with him and other leaders about what he called a "very

troubling attack” in the Legislature.

“They listened carefully to our concerns, and Rep. Shope assured us he would take them back to the Legislature to help others understand why we perceived this legislation as highly inappropriate and an attack on our Community,” Lewis said in a statement. “He also provided us with very solid assurances that this legislation is truly dead and that there would be no further consideration of it.”

Lewis said the pledge from the lawmakers satisfied his concern that the bill not move forward.

## **Support is key to agreement**

The proposed Drought Contingency Plan, or DCP, involves Arizona, California and Nevada. Under the plan, the three states would take less water out of Lake Mead — which is now 40 percent full and approaching a shortage — to prevent the reservoir from falling to critically low levels.

“I am pleased that the Community will be able to rejoin the State’s efforts to get DCP over the finish line,” Lewis said.

The Gila River Indian Community’s involvement is key because the community is entitled to about a fourth of the water that passes through the Central Arizona Project Canal, and it has offered to kick in some water to make the drought agreement work.



Gov. Stephen Roe Lewis (left) of the Gila River Indian Community speaks as Chairman Dennis Patch of the Colorado River Indian Tribes, listens during the Arizona Lower Basin Drought Contingency Plan Steering Committee meeting to work on a drought contingency plan for the Colorado River at Central Arizona Project headquarters in Phoenix on November 29, 2018. (Photo11: David Wallace/The Republic)

The debate over House Bill 2476 had threatened to blow up the deal within Arizona, derailing an agreement that was negotiated during a series of meetings over the past eight months.

The bill would have repealed the state's water-rights forfeiture law, a measure often called "use it or lose it," under which water rights may be forfeited if water hasn't been used for more than five years. The bill would have changed the law so that not using a water right wouldn't result in automatic forfeiture.

**More:** [Showdown over water bill averted, clearing way for Arizona to finish Colorado River deal](#)

The legislation was aimed at addressing the concerns of farmers and ranchers in the Upper Gila Valley in southwestern Arizona, where the Gila River Indian Community has filed forfeiture cases against some landowners while

defending a 2004 water settlement.

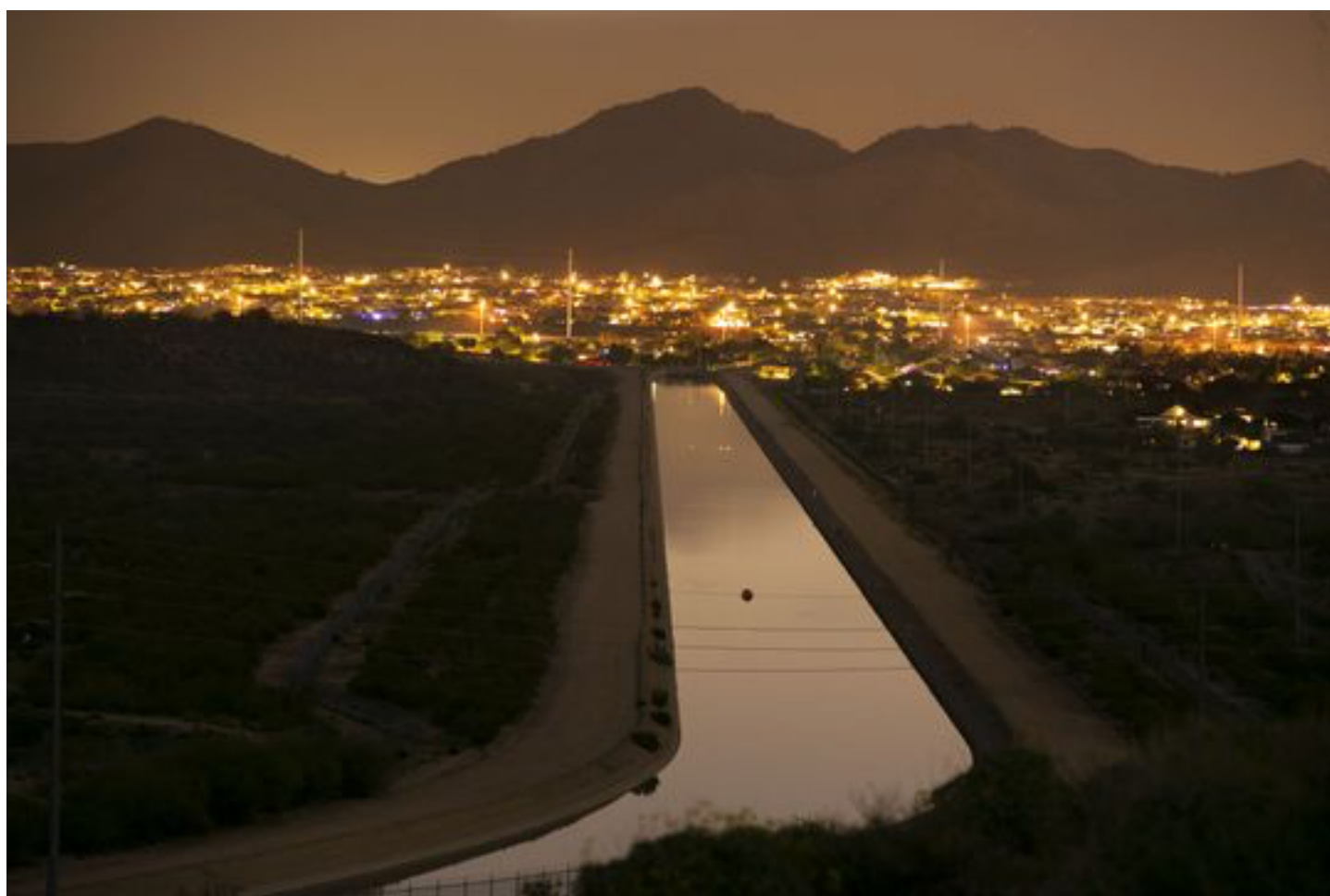
But Lewis called Bowers' bill an unjustified attack on the community and “slap in the face.”

## **Plan would ease pain of shortage**

With that dispute out of the way, Arizona still needs to finish a list of water agreements to make its piece of the Colorado River deal work. Two of those agreements would require the approval of the Gila River Indian Community.

Arizona's plan for divvying up the water cutbacks during a shortage involves deliveries of “mitigation” water to help lessen the blow for some farmers and other entities, as well as compensation payments for those that contribute water.

Those payments are to be covered with more than \$100 million from the state and the Central Arizona Water Conservation District, which manages the CAP Canal. Much of the money would go toward paying for water from the Colorado River Indian Tribes and the Gila River Indian Community.



The CAP Canal heads towards a neighborhood in Phoenix as seen from the Deem Hills Recreation Area on Dec. 12, 2018. (Photo11: David Wallace/The Republic)

The Colorado River irrigates more than 5 million acres of farmlands and supplies about 40 million people in cities from Denver to Palm Springs. Nineteen years of drought and chronic overuse, combined with the worsening effects of climate change, have pushed the levels of the river's reservoirs lower and lower.

A first-ever shortage could be declared in 2020 if federal officials determine this August that the lake is projected to be below elevation 1,075 feet at the start of the year.

Under the Drought Contingency Plan, Arizona's total use of Colorado River water would decrease by more than 500,000 acre-feet, or 18 percent of the state's legal entitlement, during the first year of a shortage. That will mean taking less water from Lake Havasu and pumping less into the 336-mile CAP Canal, which cuts across the desert, passes through Phoenix and ends in Tucson.

## **State doesn't expect to meet deadline**

Federal Reclamation Commissioner Brenda Burman has been pressing for the states to finish the drought plan. She initially set a deadline for Jan. 31 for all the states to have the deal done.

Arizona's Legislature passed a package of legislation just before the deadline approving the state's participation in the plan.

Burman has called that a positive step but pointed out that more remains to be done to finish the deal. Earlier this month, she gave California and Arizona a March 4 deadline for having their pieces of the deal all done. If they aren't, she warned the Interior Department will start requesting input from the governors of seven Western states about the steps it should take to prevent Lake Mead from continuing to fall.





A line along a cliff illustrates where the surface of Lake Mead once stood near South Cove in the Lake Mead National Recreation Area on Aug. 1, 2018. Lake levels are at or near historic lows. *(Photo11: David Wallace/The Republic)*

Arizona's top water officials have said they're hurrying but they don't expect to be finished with the list of 16 internal agreements that need to be signed before March 4.

Congress also needs to pass legislation signing off on the Drought Contingency Plan.

And in California, unresolved issues remain between the federal government and the Imperial Irrigation District, which holds the single largest entitlement to Colorado River water. The district has demanded \$200 million for projects to control dust and build wetlands around the shrinking Salton Sea.

If California and Arizona don't sign the deal by March 4, it's not clear how the federal government's process of seeking input from the states would play out, or whether it might spark more disputes.

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