



The Gila River, downstream from Coolidge Dam, in eastern Arizona.

[Alan Stark via Flickr](#)

Citing Controversial Bill, Gila River Tribe Backs Away from Arizona Drought Plan

ELIZABETH WHITMAN | FEBRUARY 14, 2019 | 6:11PM

The Gila River Indian Community threatened Thursday to pull out of Arizona's Drought Contingency Plan, citing the advancement of a bill in the Arizona Legislature that it said threatened its water rights.

The tribe, which is contributing significant amounts of water to help implement the Drought Contingency Plan in Arizona, said it would not approve or even discuss the agreements necessary for it to do so. Last week, its governor had called for a special council meeting, the date of which was not specified, to consider those agreements.

The bill, HB 2476, would strengthen the claims of farmers and other landowners in the Upper Valley of the Gila River to water and land rights in that area – rights that, in many cases, the tribe could otherwise claim.

"I have consulted with my Council and they agree with me that we have no choice but to remove the approval of the ... Implementation Plan from the Special Council agenda," Governor Stephen Roe Lewis wrote in an email to Ted Cooke and Tom Buschatzke, who co-led the negotiations for Arizona's Drought Contingency Plan. The email was sent via Don Pongrace, an attorney for the Gila River Indian Community.

"This step may very well prevent us from being in a position to approve the ... Implementation Plan in time to meet the very real deadline established by the Bureau of Reclamation, or in fact ever," Lewis added.

The Drought Contingency Plan is a complex, multistate effort to prevent the Colorado River from dipping to catastrophically low levels. Each state must sign on to an interstate plan as well as devise internal ones spelling out how their users will share cuts to Colorado River water, which could start as soon as 2020.



Governor Stephen Roe Lewis of the Gila River Indian Community.

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Arizona and California were the two holdouts that missed an initial January 31 deadline to finish those plans. The Bureau of Reclamation has now given them until March 4. Otherwise, the federal government will step in.

Spokespeople for Cooke, the general manager of the Central Arizona Project, and Buschatzke, director of the Arizona Department of Water Resources, confirmed Thursday that both had received Lewis' email. Both declined to comment.

The source of strife is [HB 2476](#), a bill sponsored by House Speaker Rusty Bowers that would repeal so-called "use it or lose it" provisions in state law that force a water-right holder to forfeit those rights if they don't use the water for five consecutive years.

In his email, Lewis said that he and the Council had decided against discussing the Drought Contingency Plan after learning on Wednesday that Bowers had decided to move forward with the bill. The Natural Resources, Energy and Water Committee is scheduled to consider it Tuesday.



Arizona House Speaker Rusty Bowers during the opening session of the legislature, January 14, 2019.

Elizabeth Whitman

If the bill passes, it would benefit farmers in the Upper Valley of the Gila River while undermining the Gila River Indian Community's claims to water. By eliminating the forfeiture clause, the bill would allow farmers to claim rights to land and water – even if they hadn't used it for five consecutive years – that would otherwise go to the tribe.

HB 2476 "is specifically to target the Community's efforts to enforce its water settlement rights," Lewis wrote. He blamed Bowers for "plac[ing] the future of DCP in serious jeopardy."

Throughout Drought Contingency Plan negotiations, the tribe maintained that it needed to protect its water rights, and promised that if forced to choose, it would prioritize those rights over the Drought Contingency Plan. Lewis issued a warning along these lines in January, when Bowers, a staunch ally of farmers, first introduced HB 2476.

The Gila River Indian Community derives its leverage from the fact that its participation is critical for the Drought Contingency Plan to work. Under it, in return for about \$60 million, the tribe would leave substantial amounts of Colorado River water in Lake Mead to help shore up the reservoir's declining level.

Matt Specht, a spokesperson for the House Republican caucus, confirmed that Bowers had seen Lewis' statement, but said he was going to "hold off on commenting" until after the bill is heard in committee next week.

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