



ARIZONA DEPARTMENT OF WATER RESOURCES

REPORT ON ACTIVITIES WITH INDIAN TRIBES PURSUANT TO TRIBAL GOVERNMENT POLICY (July 1, 2015 through June 30, 2016)

Agency Overview

The Arizona Department of Water Resources (ADWR) was created by the 1980 Groundwater Code to manage the water resources of Arizona. ADWR administers state laws regarding water and it works to develop public policies which promote efficient use and equitable allocation of available water supplies. To ensure long-term water supplies for Arizona, ADWR oversees the use of surface water, groundwater and Colorado River water under state jurisdiction and represents the state's interests in interstate and federal issues, including participation in Indian water rights settlement discussions.

Tribal Liaison and Tribal Government Consultation Policy

In 2006, ADWR adopted a substantive policy statement (ADWR Tribal Government Policy) that established the basic principles governing the relations of ADWR with the 22 federally recognized tribes within the state and established a tribal liaison function within ADWR. The purpose of the policy was to establish the basic principles that govern ADWR interactions with Arizona tribes. As policy, ADWR recognized the sovereignty of tribal governments and established procedures. The ADWR Tribal Government Policy can be accessed at: <http://www.azwater.gov/AzDWR/Legal/LawsRulesPolicies/SubstantivePolicyStatement.htm>.

ADWR's primary function with respect to tribal entities under the policy statement is to provide technical assistance and information regarding water resources management and policy. The table below summarizes ADWR's activities that are related to the technical assistance procedures listed in the substantive policy statement for fiscal year 2016.

Procedure in Tribal Government Policy	Activity and Performance Measures
<p>ADWR will assist tribal governments by providing technical assistance, sharing data, conducting joint tribal-state projects and programs and cooperatively resolving issues</p>	<ul style="list-style-type: none"> • ADWR facilitates the work of the State Drought Monitoring Technical Committee (MTC) that gathers Arizona drought, climate and weather data and disseminates that data. ADWR, in coordination with MTC publishes a Drought Monitor Report that is sent to tribal governments. The MTC also coordinates with tribal hydrologists to obtain and share local drought condition information. • Nineteen tribal governments and the Inter tribal Council receive notices regarding meetings of the Governor’s Drought Task Force Interagency Coordinating Group which provides drought declaration recommendations to the Governor. • The Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Navajo Nation, the San Juan Southern Paiute Tribe and ADWR are participants in the Coconino Plateau Watershed Partnership. The tribes and ADWR attend monthly partnership meetings and have the opportunity to work cooperatively to share information and resources. The Hopi Tribe and ADWR have been cost-share participants in the North Central Arizona Water Supply Feasibility Study to examine the feasibility of water augmentation alternatives for the study area. No additional funding was secured in FY2016 and the study is being suspended.
<p>ADWR will not conduct any activities within an Indian reservation without first receiving permission from the appropriate tribal official.</p>	<p>ADWR conducted no activities on Indian reservation lands.</p>

WATER SETTLEMENTS

This activity of ADWR does not fall within the ADWR Tribal Government Policy, but is provided as additional information regarding ADWR participation with tribal entities.

Hualapai Tribe

In recent years, ADWR has been active in negotiations regarding settlement of the Hualapai Tribe's water rights claims in Arizona. In December 2014, the Bill Williams River Water Rights Settlement Act ("Act") was passed by Congress and signed into law by President Obama. The Act authorized and approved two water rights settlement agreements between the Hualapai Tribe, the United States, Freeport Minerals Corporation, the Arizona Game and Fish Department and, in a limited capacity, ADWR. These settlement agreements became enforceable in December 2015. While these settlement agreements do not settle the Tribe's water rights claims for its main reservation, they settle the Tribe's claims in the Bill Williams River watershed and facilitate a future settlement of the Tribe's claims for its main reservation, including its claims to the Colorado River. For that reason, these settlements are considered the first phase of a comprehensive settlement of the Hualapai Tribe's water right claims. Negotiations for a comprehensive settlement of all the Hualapai Tribe's water rights claims in Arizona were on-going during the last few months of 2015 and the first half of 2016. By July 2016, the Hualapai Tribe, ADWR and other state parties had agreed to the terms of a comprehensive settlement. It is expected that federal legislation authorizing and approving the settlement will be introduced in Congress in September 2016.

Navajo Nation and Hopi Tribe

On March 30, 2016, ADWR hosted a meeting with Governor Ducey, Senators McCain and Flake, representatives of the Navajo Nation and the Hopi Tribe and representatives of various State parties to discuss resuming negotiations for a settlement of the Navajo Nation's and Hopi Tribe's water rights claims in Arizona.

Tonto Apache Tribe

Water rights settlement discussions between the Tonto Apache Tribe, the federal government, ADWR and other state parties have been on-going through this reporting period. On May 5, 2016, ADWR hosted a meeting with Senator Jeff Flake, representatives of the Tribe and representatives of various State parties to discuss the status of negotiations. The parties are hopeful that legislation approving a settlement will be introduced in Congress during the last half of 2016.

White Mountain Apache Tribe

Federal legislation approving and authorizing the White Mountain Apache Tribe Water Rights Quantification Agreement ("Agreement") was signed into law by President Obama on December 8, 2010. As provided in the legislation, in order for the Agreement to become enforceable, several actions must be completed by April 30, 2021. It is expected that those actions will be completed and the Agreement will become enforceable within the next one to two years.

Yavapai Apache Tribe

Water rights settlement discussions between the Yavapai Apache Tribe, the federal government, ADWR and other state parties have been on-going through this reporting period.