



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

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CONGRESS/WATER RESOURCES

House/FY2025 Energy and Water Appropriations

On July 9, the House Appropriations Committee approved the FY25 Energy and Water Development and Related Agencies Appropriations Act by 30-26 vote. The bill would provide a total discretionary allocation of \$59.2B (1.7% above the FY24 enacted level). It apportioned \$34.2B to defense and \$25B in non-defense spending, and prioritized funding for agencies and programs that support national security, energy security, and economic competitiveness. The bill included provisions which: (1) mandate transparency from the Biden Administration in its implementation of the revised definition of Waters of the United States (WOTUS) and the Supreme Court's decision in *Sackett v. EPA*; (2) approve \$33M for California Bay-Delta Restoration; and (3) forbid the use of funds to support the Department of Energy Justice40 initiative outlined by Executive Order 14008. The bill provided \$5M for the Water Infrastructure Finance and Innovation Act (WIFIA) through FY25. It provided \$1.8B from Reclamation's Water and Related Resources account for: (1) the Upper Colorado River Basin fund (\$23.6M); (2) the Lower Colorado River Basin Development Fund (\$7.6M); (3) the San Gabriel Basin Restoration Fund (\$7M); and (4) \$250,000 for grants and financial assistance for educational activities.

The Committee also approved the FY25 Interior, Environment, and Related Agencies Appropriations bill by a vote of 29-25. The bill would provide a total discretionary allocation of \$38.5B (0.2% below the FY24 enacted level). Key provisions prohibited the use of funds for: (1) actions regarding certain species under the Endangered Species Act; (2) promulgation of certain Environmental Protection Agency (EPA) rules under ESA; (3) promulgation of National Environmental Policy Act (NEPA) rules regarding climate change; (3) implementing the U.S. Fish and Wildlife Service February National Wildlife Refuge System rule; and (4) eight climate change Executive Orders. The bill prioritized funding for tribes and wildland fire management, and addressed wildland firefighter pay. The bill included a 20% reduction to EPA funding and a reduction of \$1M for the White House Council on Environmental Quality (CEQ). The bill would appropriate \$3.7B for State and Tribal Assistance Grants, of which

\$1.2B is reserved for Clean Water State Revolving Funds and \$883.5M is reserved for Drinking Water State Revolving Funds. The bill would also appropriate \$64.6M for the cost of direct and guaranteed loans under WIFIA provided that the funds are available to subsidize obligations for the principal amount of direct loans.

CONGRESS/WATER RIGHTS

Arizona/Indian Water Rights Settlements

On July 8, the Arizona delegation introduced the Northeastern Arizona Indian Water Rights Settlement Act (S. 4633, H.R. 8940). Arizona Senators Mark Kelly (D) and Kyrsten Sinema (I) and Representatives Juan Ciscomani (R), Greg Stanton (D), Raul Grijalva (D), David Schweikert (R), Elijah Crane (R), and Ruben Gallego (D) expressed support for the bills, which will ratify the settlement agreement between the Navajo Nation (NN), the Hopi Tribe (HT), the San Juan Southern Paiute Tribe (SJSPT), the State of Arizona, and the United States.

The bills would authorize "...\$5B to acquire, build, and maintain essential water development and delivery projects, including a \$1.75B distribution pipeline. In total, the Tribes would be guaranteed access to over 56,000 acre-feet of Colorado River water, and specific ground water rights and protections." They would also establish a homeland for the San Juan Southern Paiute Tribe.

Under the terms of the settlement, the Navajo Nation would receive: (1) 44,700 acre-feet per year (AFY) of the Arizona allocation of Upper Basin Colorado River water; (2) 3,600 AFY of Arizona fourth priority Lower Basin Colorado River water; (3) all of the Little Colorado River (LCR) mainstem water that reaches the NN (historic estimation 122,000 AFY), with quantified amounts and priority dates for specific historic Navajo irrigation projects; (4) all LCR tributary water that reaches the NN; (5) all of the Coconino Aquifer groundwater that underlies the NN; (6) portions of the Navajo Aquifer that underlie the NN, subject to a NN-HT agreement that limits pumping from the confined aquifer and the Shonto recharge area to 8,400 AFY, and limits industrial use within that allocation to 2,000 AFY; and (7) a NN-HT agreement to share five major washes that grandfathers existing uses, limits new upstream uses, rehabilitates

historic irrigation uses, and would permit traditional agriculture and wash restoration. The settlement also authorizes the NN to; (a) lease, exchange, and accrue long-term storage credits for its Arizona water; (b) store its Arizona water in two reservoirs in New Mexico; (c) store its Arizona water in aquifers on the Navajo Reservation for later recovery; (d) engage in inter-basin transfers of Colorado River water in Arizona; and (e) divert its water in New Mexico and Utah for use in Arizona.

The Hopi Tribe would receive: (1) 2,300 AFY of the Arizona allocation of Upper Basin Colorado River water; (2) 5,928 AFY of Arizona fourth, fifth, and sixth priority Lower Basin Colorado River water; (3) existing LCR uses and the same limited new uses as permitted for non-Indian parties, and limited rights to participate with the NN in new and enlarged reservoir projects adjacent to Hopi land; (4) all of the Coconino Aquifer groundwater that underlies the Hopi Reservation (HR), subject to pumping limitations in certain areas; (5) portions of the Navajo Aquifer that underlie the HR, subject to a NN-HT agreement that limits pumping to 5,600 AFY, and limits industrial use within that allocation to 2,000 AFY; and (7) a NN-HT agreement to share five major washes. The settlement authorizes the HT to lease, exchange, and accrue long-term storage credits for its water; store its water in aquifers on the HR for later recovery; and engage in inter-basin transfers of Colorado River water in Arizona.

The San Juan Southern Paiute Tribe (SJSPT) would receive: (a) surface waters, groundwater, springs, and effluent that reach and flow on the southern area of the tribe's lands; and (b) delivery of up to 350 AFY from the Navajo Tribal Utility Authority, either from groundwater or Colorado River water delivered through a new pipeline from Lake Powell. It grandfathered existing surface water rights.

The bills would create four new funds: (1) the Navajo Nation Water Settlement Trust Fund (\$2.75B), which would include accounts for water projects, renewable energy, agriculture conservation, water acquisition, and infrastructure operation, maintenance, and replacement (OM&R); (2) the Hopi Tribe Water Settlement Trust Fund (\$508.5M), including accounts for a groundwater project, agricultural conservation, water acquisition, and OM&R; (3) the SJSPT Water Settlement Trust Fund (\$29.8M) for a groundwater project, agricultural conservation, and OM&R; and (4) the iiná bá – paa tuwaqat'si pipeline Implementation Fund (\$1.72B) to build a pipeline from Lake Powell to be completed by the Bureau of Reclamation by 2040.

Governor Katie Hobbs (D) said: The State of Arizona is thrilled to support the Northeastern Arizona Indian

Water Rights Settlement Act which will, at long last, provide access to safe, reliable water supplies to the Navajo Nation, Hopi Tribe, and San Juan Southern Paiute Tribe. This legislation is a testament to the tireless efforts all parties have made as we usher in a new era of collaboration between the State, tribal partners, and all Arizona communities who will benefit from the certainty and security that will come from achieving this historic water settlement."

On July 8, the Arizona Representatives also introduced the Yavapai-Apache Nation Water Rights Settlement Act (H.R. 8949), which would authorize \$1B to build and maintain water infrastructure, including the Cragin-Verde Pipeline and a surface water drinking plant. It would quantify 4,610 AFY for the Yavapai-Apache Nation, promote water conservation, and protect the flow of the Verde River for the benefit of the surrounding community. It would also exchange lands with the U.S. Forest Service to secure contiguous lands and enhance community resilience and environmental stewardship.

New Mexico/Indian Water Rights

On July 8, New Mexico Representatives Gabe Vasquez (D), Melanie Stansbury (D), and Teresa Leger Fernandez (D) introduced a bill (H.R. 8591) to approve a water rights settlement between the Zuni Indian Tribe, the State of New Mexico, and the United States. They introduced another bill (H.R. 8945) to approve the Navajo Nation Rio San Jose Water Rights Settlement.

On June 11, Senator Martin Heinrich (D-NM) joined the New Mexico Representatives in introducing the Ohkay Owingeh Rio Chama Water Rights Settlement Act (S. 4505, H.R. 8685). It would authorize a Ohkay Owingeh Water Rights Settlement Trust Fund (\$745M) for the development of water resources, and quantifies 3,609 AFY of historic irrigation with a priority date of time immemorial. It also quantifies various livestock water rights, historic domestic, commercial, municipal, and industrial uses, and addresses state-based water rights.

PEOPLE

On June 30, **Jean Thomas**, former National Water Rights Leader, U.S. Forest Service (USFS), passed away at the age of 70. Jean was a hydrologist with a masters degree in geology from the University of Montana and worked in a number of positions involving natural resources and environmental science and policy. In June 2016, Jean retired from the USFS after 32 years of service. Jean represented the USFS as a member of the Western States Federal Agency Support Team (WestFAST), also serving as chair. We express our sincere condolences to Jean's family and friends.

The WESTERN STATES WATER COUNCIL is a government entity of representatives appointed by the Governors of Alaska, Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.