



GEOG 390 Interdisciplinary Water Seminar:  
Colorado River and Tribes  
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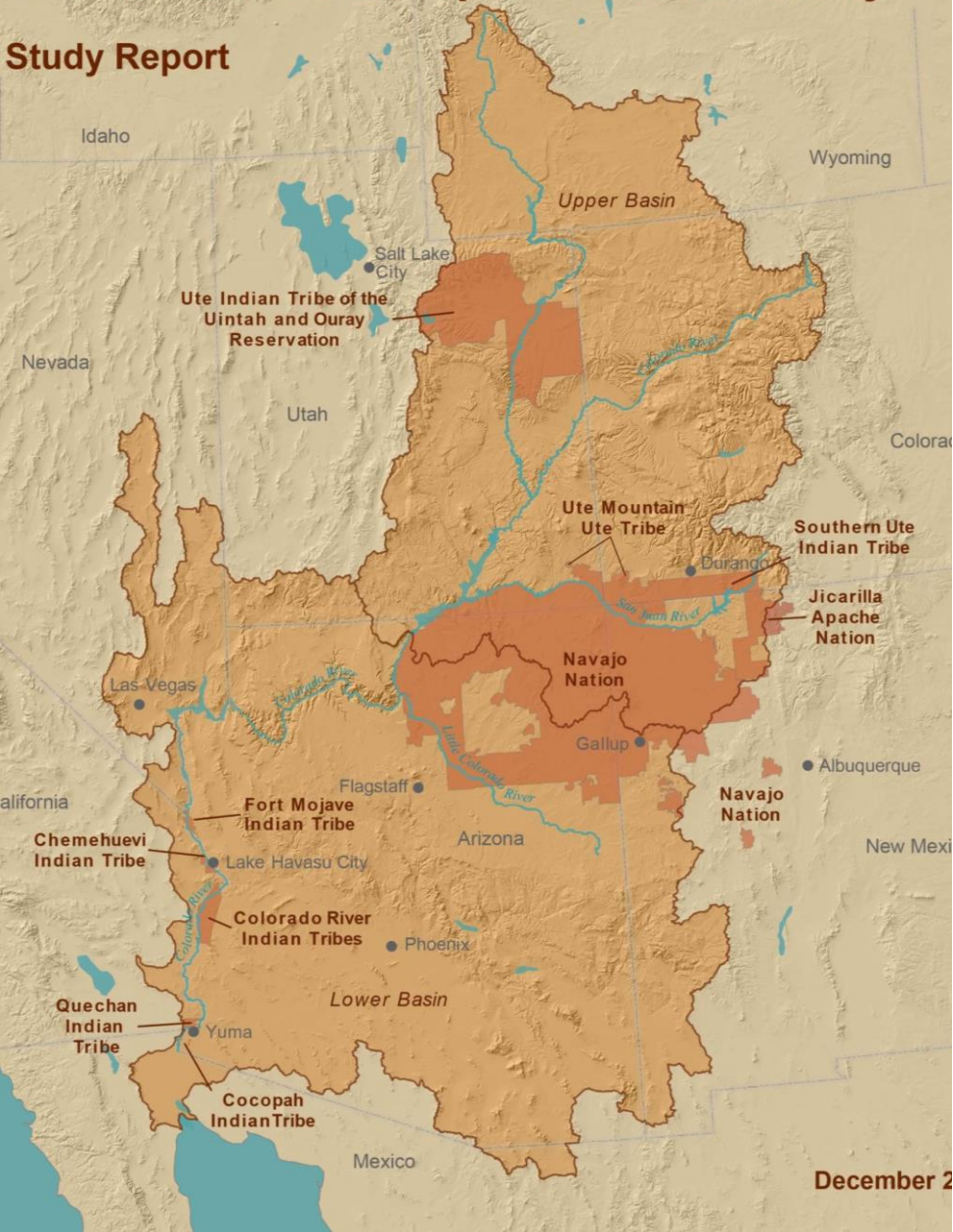
Farm Photos: Eric Whyte, Hay Sales Manager Farm and Ranch Enterprise

# Presentation Overview

- Colorado River Basin Tribal Perspective
- Colorado Ute Indian Water Rights Settlement
- Colorado Settlement Water Uses and Challenges
- Efforts to Settle New Mexico and Utah Water Rights
- Relationship Building: We Must Work Together

# Colorado River Basin Ten Tribes Partnership Tribal Water Study

## Study Report

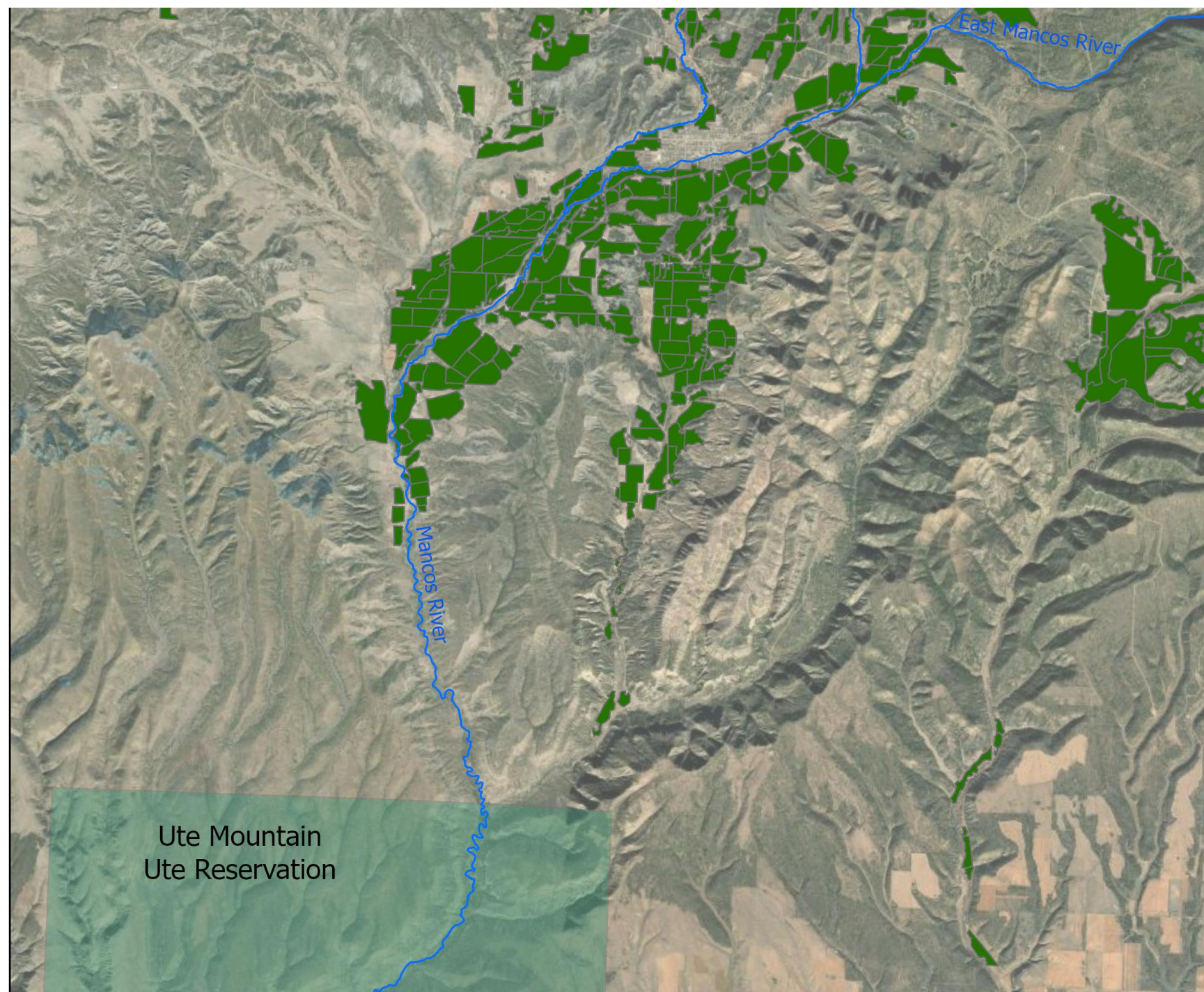


# 10 Tribes Partnership

- \* Formed 1992 to Increase the Influence of Tribes on Colorado River Basin Water Management
- \* Reclamation Tribal Water Study completed in December 2018
- \* Tribes have 2.8M Acre feet in unresolved water rights claims
- \* Tribes Need Legal Quantification of Water Rights
- \* Tribes Need Infrastructure to Access and Use Water Rights
- \* Tribes Need Representation in Basin Management Decisions

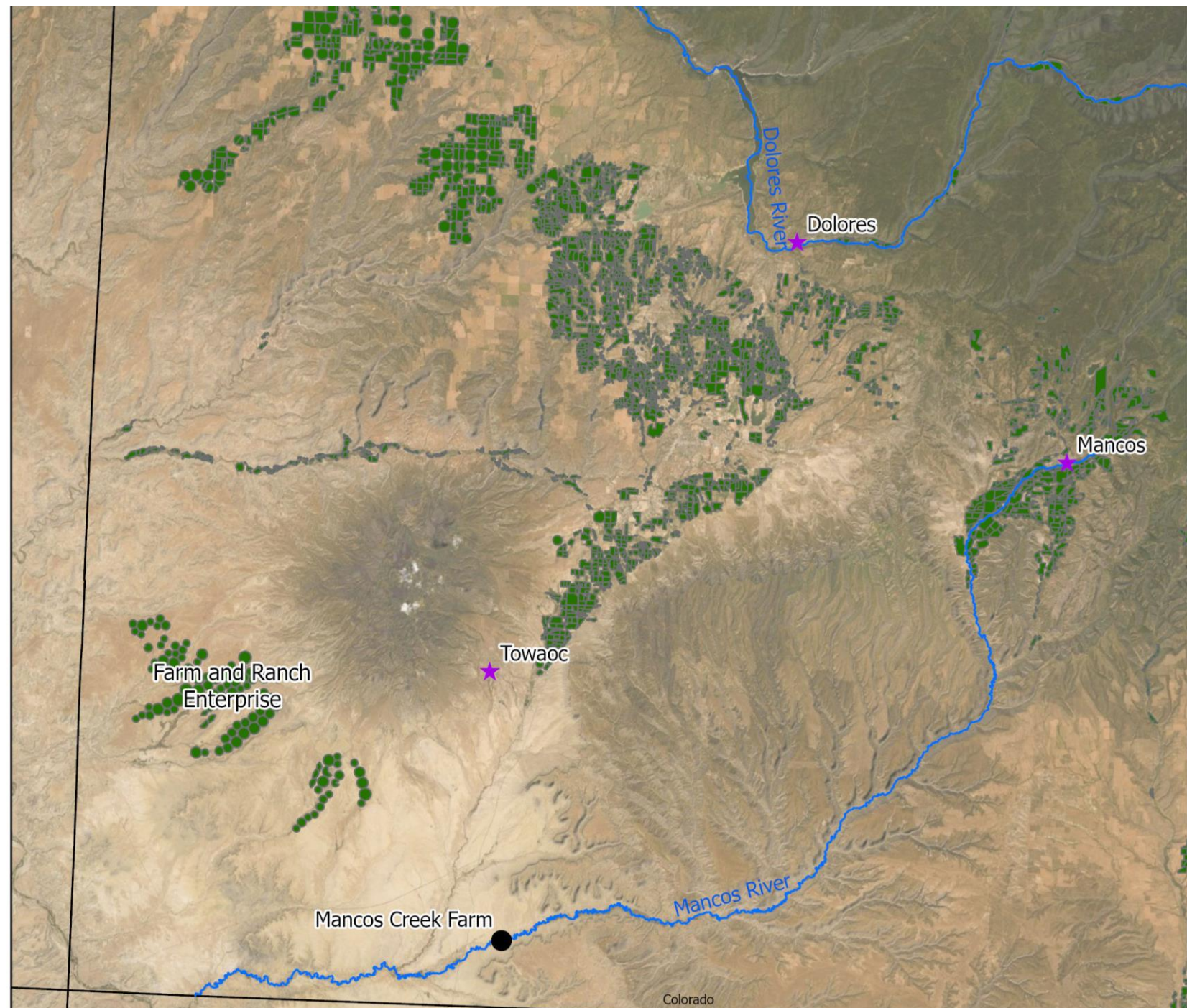
## Colorado Ute Indian Water Rights Settlement of 1986 Legislated 1988

- Subordination of Mancos River Winter's Rights Claims in exchange for Dolores Project Water and Infrastructure was Central to Ute Mountain Ute portion of the Settlement
- Reclamation built Jackson Gulch Reservoir on the Mancos River to Irrigate these Mancos Valley lands while excluding the Ute Mountain Ute Tribe
- A Clear violation of Tribal Winter's Doctrine Rights



# Mancos Rights Subordinated for Dolores Project Allocations

- Dolores Project Infrastructure included a Domestic Water Pipeline from Cortez to the Tribal Community of Towaoc
- Dolores Project's McPhee Reservoir, Canal and Laterals brought irrigation water to far more productive lands around the toe of Sleeping Ute Mountain (Southwest Corner of Map).



# Colorado Ute Indian Water Rights Settlement of 1986: Brought 1,000 Acre Feet of Water for Drinking and Economic Development

- Brought Clean Drinking Water to the Tribal Community of Towaoc for the First Time.
- People had been Drinking Water from Front Yard Stock Tanks
- Clean and Reliable Water Set the Stage for Economic Development

Clean Water Supported the Development of the Ute Mountain Ute Casino, Hotel, RV Park and Fueling Center which Employ over 500 People



# Ute Mountain Ute Farm and Ranch Enterprise: Colorado Ute Indian Water Rights Settlement

**Settlement Provided water from the  
Dolores Project in the amount of 24,517  
Acre Feet to Irrigate 7,700 Acres**



**The Result: A Highly Efficient, Highly  
Productive Tribal Farm**



# Bow and Arrow Brand Cow Herd

**The Bow and Arrow Brand Cow Herd  
Summers on Tribal Rangelands and  
Winters on Alfalfa Aftermath**



**The Bow and Arrow Cow Herd Averaged  
675 Mother Cows Prior to Current Drought**



# Bow and Arrow Brand Corn Mill

- The Bow and Arrow Brand Corn Mill was Established in 2017 to create a value-added product.
- Markets were expanding and the mill has been profitable
- Recent Drought has put this expansion at risk.



# Severe Drought Related Allocation Shortages in 2021 and 2022 are Resulting in Extensive Financial Damage and Stress on the Land

- The 2021 water supply has been 10% of allocation, allowing for the planting of only 10 of the Farm's 110 center pivot fields. 2022 is only slightly better.
- 9 of 110 center pivot fields totaling 534 acres were planted in corn to support the Bow and Arrow Corn Mill
- The 791 acres of alfalfa that are being kept alive and 231 acres of triticale will not produce enough forage to sustain the herd, resulting in increasing pressure to sell off cows.
- 2021 unaudited net income losses were (\$2,182,413)
- Farm and Livestock Employment has Decreased 50% from 30 to 15 people.
- Employment in the Corn Mill has Decreased from 12 to 9 people



# Use of Farm Crews to Improve Efficiency Until Water Returns

- Crews are employed replacing center pivots over 25 years old, and efficiency nozzles with assistance from NRCS.
- Crews are being used to install micro-hydro units in farm laterals to power pivots and headquarters assisted by Colorado Department of Ag Renewable Energy Program.
- Crews will be used to install new sectionalizing valves for better water management with assistance from Reclamation Native American Infrastructure program.



# Strategies for Producing More Value with Less Water

- Efficiency Improvements: New Pivots, Nozzles and Sectionalizing Valves, Micro-Hydro Power Units
- Water Efficient Crops: Corn, Hemp Seed, Custom Sunflowers
- Food Production to Supply New Tribal Grocery Store



# The 2000 Colorado Water Settlement Amendment Resulted in the Development of the Animas La Plata Project and Lake Nighthorse which Stores Municipal-Industrial Water for the Colorado Ute Tribes – Access to and Use of ALP Water is Restricted and Expensive

## **Animas-La Plata Project: Constraints to Tribal Use of ALP M&I Water**

- The Ute Mountain Ute and Southern Ute Tribes were each Allocated 16,525 Acre Feet
- Colorado River Compact restricts use of Tribal ALP Water Outside of Colorado with no agricultural uses allowed.
- Proposed Repayment Contract Terms Require Full and Permanent Payment of Operation and Maintenance Costs currently averaging \$600K per Tribe per year.
- 16,525 AF is a very large M&I Allocation that would need to be developed incrementally
- The ALP Amendment did not include infrastructure to bring ALP water to the Ute Mountain Ute Reservation

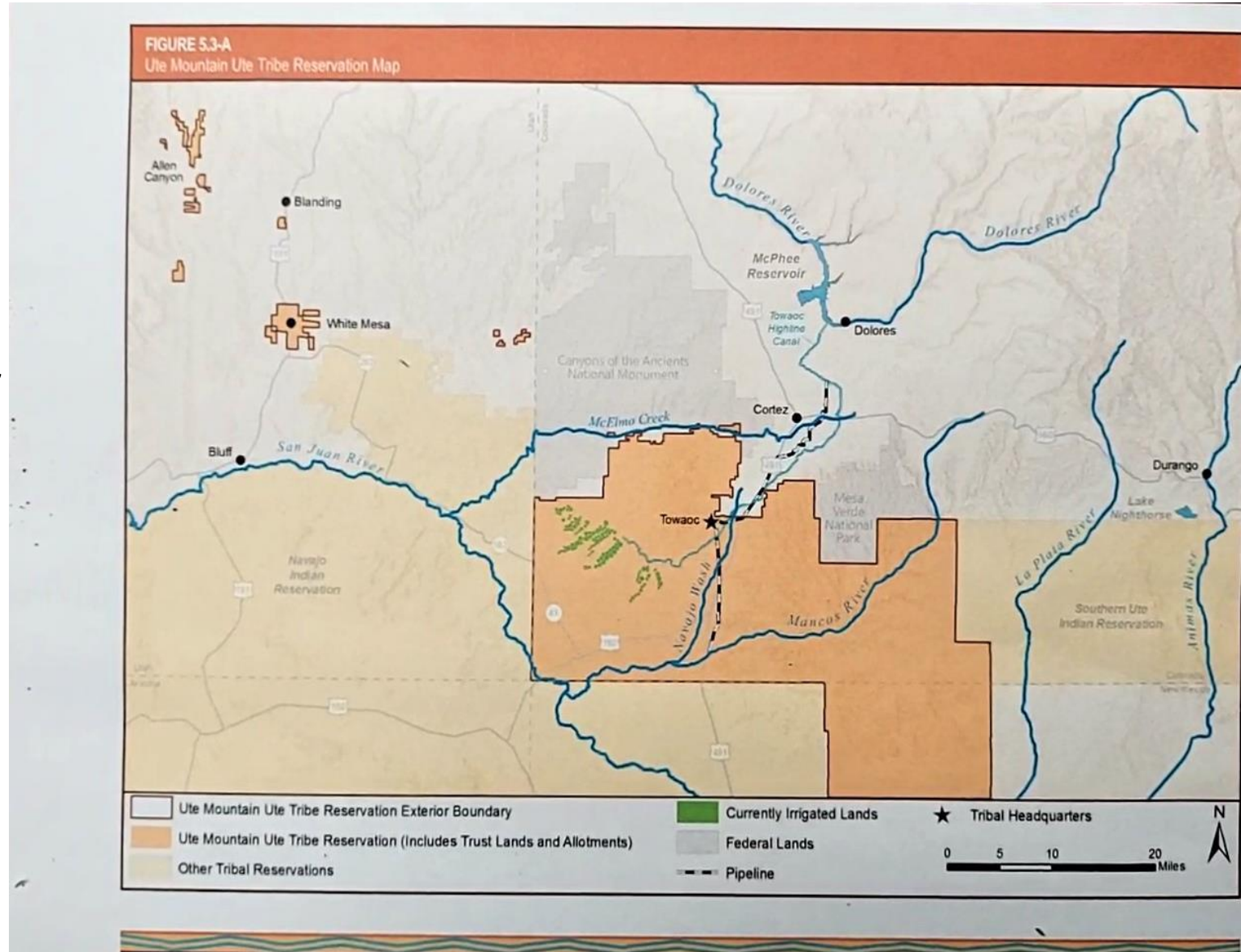
- The 2000 ALP Settlement Amendment cut out all irrigation and water delivery infrastructure, and downsized Lake Nighthorse
- Tribes are struggling with how to make use of ALP Water

## **Lake Nighthorse**



# Ute Mountain Ute Reservation

- Ute Mountain Ute Tribal Lands in 3 States:
- Colorado Ute Indian Water Rights Settlement 1986 Amended 2000 - Details in Next Section
- New Mexico Settlement Negotiations Underway – Primary Water Need is for Renewable Energy Projects in Tribal Transition from Fossil Fuel to Renewable Energy Economy
- Utah – No Settlement Talks yet. Concern: White Mesa Groundwater Impacted by Uranium Milling & Waste Disposal



# With Help from Our Friends and Partners

- State of Colorado has actively Engaged Tribes in Colorado Basin Issues, and provided Water/Ag Funding Assistance from CWCB, DNR and Dept of Ag
- State Legislature passed Senate Bill 22-105 which acknowledges Tribes as Sovereign Nations and Inviting Tribes to Annually address a Joint Session of the State Assembly
- Tribes have been provided a seat on the Board of Colorado Water Congress.



## We Are All in This Together

- All the challenges the Tribes face in managing drought impacts, locally and within the Colorado River Basin, have made it clear that we must all work together to adapt to these challenges.
- The Tribes benefit from the support of Becky Mitchell who, in her position of Director of CWCB and Upper Colorado River Commissioner, has opened the door for direct Tribal participation.
- Our Colorado Senators, the Governor, and State Legislators stand ready to support our efforts.
- The Tribes have also been welcomed by the “Water Community” of Colorado with the opportunity to address the Southwest Seminar, being featured with other Basin Tribes in the Spring edition of Headwaters Magazine and being offered seats on the Colorado Water Congress Board