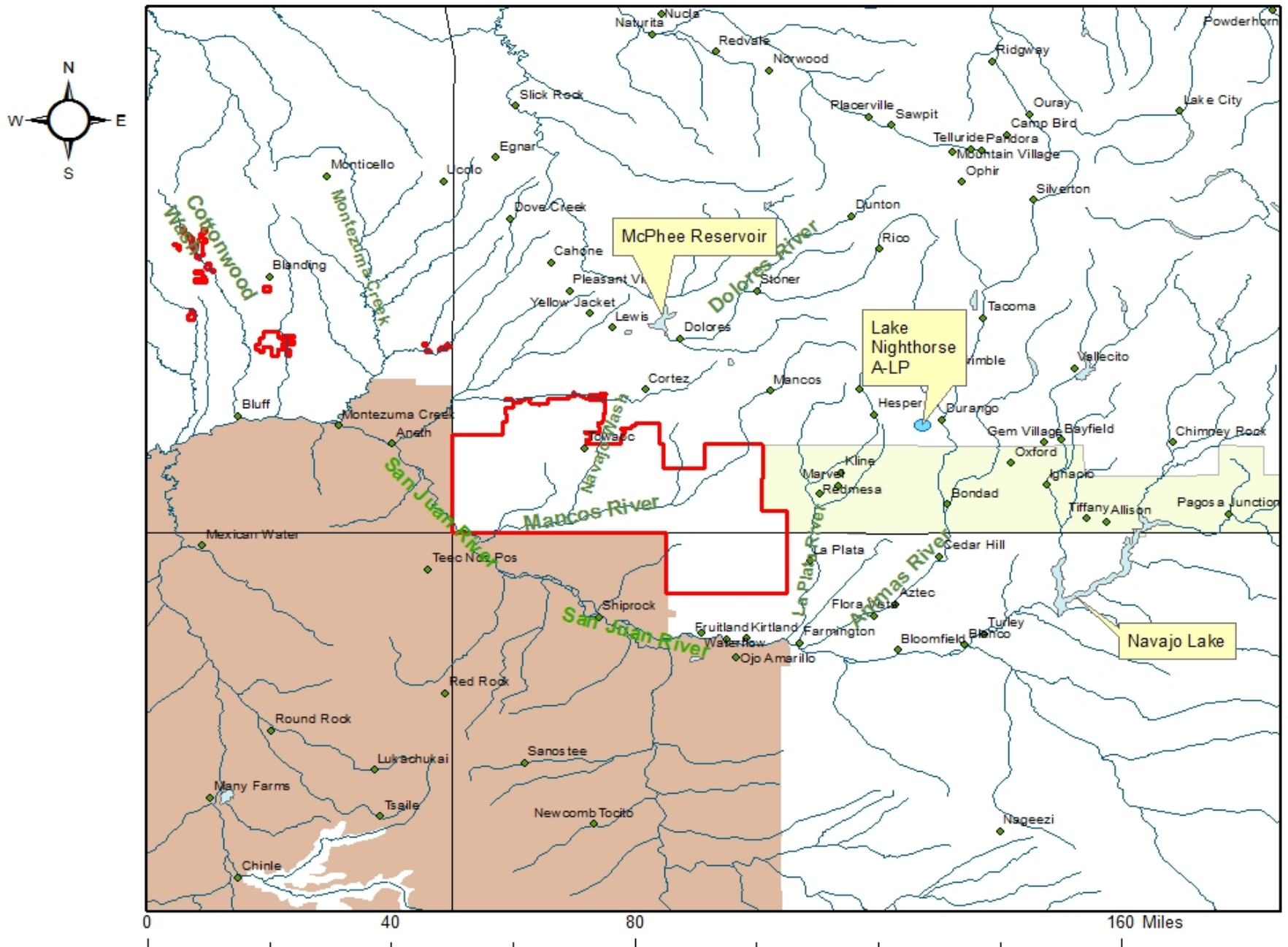


Ute Mountain Ute Tribal Water

Celene Hawkins
Associate General Counsel
Ute Mountain Ute Tribe

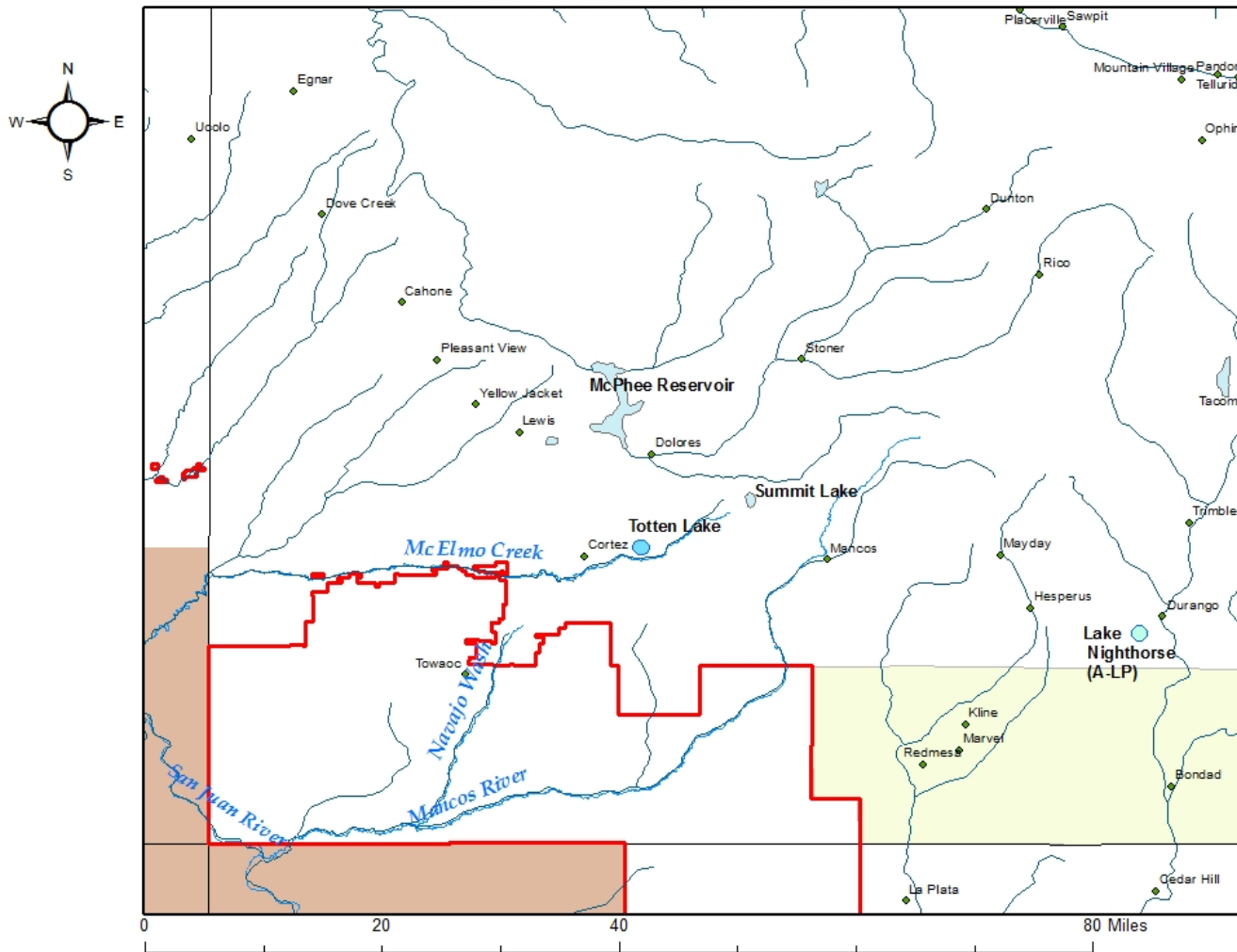
UTE MOUNTAIN UTE RESERVATION AND SURROUNDING WATERSHEDS



Quick Introduction

- UMU Reservation is approximately 600,000 acres, located within the exterior boundaries of Colorado, Utah, and New Mexico (Four Corners Area)
- UMU Reservation lands are semi-arid, with significant water supply needs for irrigation, energy, economic development, and domestic purposes
- Two main Tribal Communities—Towaoc, CO and White Mesa, UT
- Additional Tribal ranch lands in CO and UT, with separate water rights portfolios
- UMU Tribe has approximately 2,100 enrolled Tribal members and serves needs of other residents in Towaoc and White Mesa

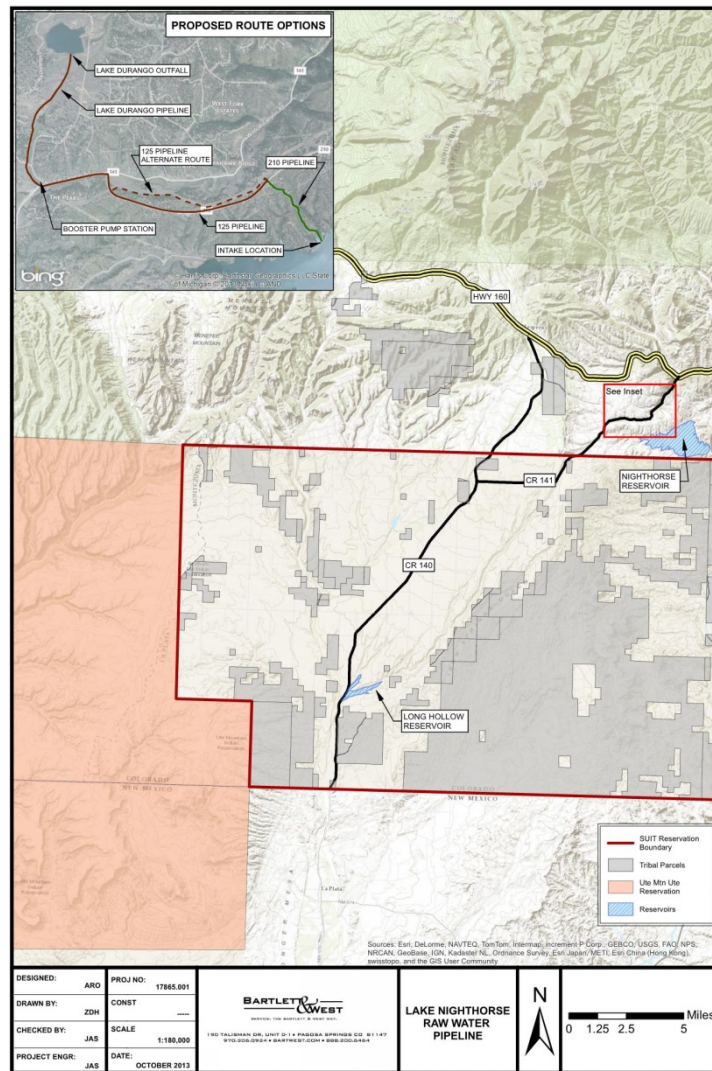
UTE MOUNTAIN UTE RESERVATION
CO and PROXIMATE SURFACE WATERS



COLORADO

Colorado Ute Indian Water Rights Final Settlement Agreement

- Shared settlement with Southern Ute Indian Tribe
- UMUT's settlement rights include:
 - Federal project allocations from the Animas-La Plata Project and the Dolores Project
 - Surface water and tributary groundwater rights from Mancos River, Navajo Wash, La Plata River, San Juan River, and McElmo Creek basins



ANIMAS AND LA PLATA RIVERS

Animas-La Plata Project



Construction—Weeminuche Construction Authority



- UMUT used P.L. 638 contracting mechanism to perform construction of the Animas-La Plata Project.



WCA Crusher at ALP



WCA Crews Cleaning Foundation





Project Success under P.L. 638

- Largest P.L. 638 construction project to date
- Project completion—as contracted and without claims
- Employment and training opportunities for Tribal Members
- Capacity development for WCA



Construction—Cultural Resources Mitigation



- Federal cultural resources compliance and mitigation performed under P.L. 638 Contract by the UMUT
- UMUT team now serves as UMUT Tribal Historic Preservation Office



Long Hollow Reservoir





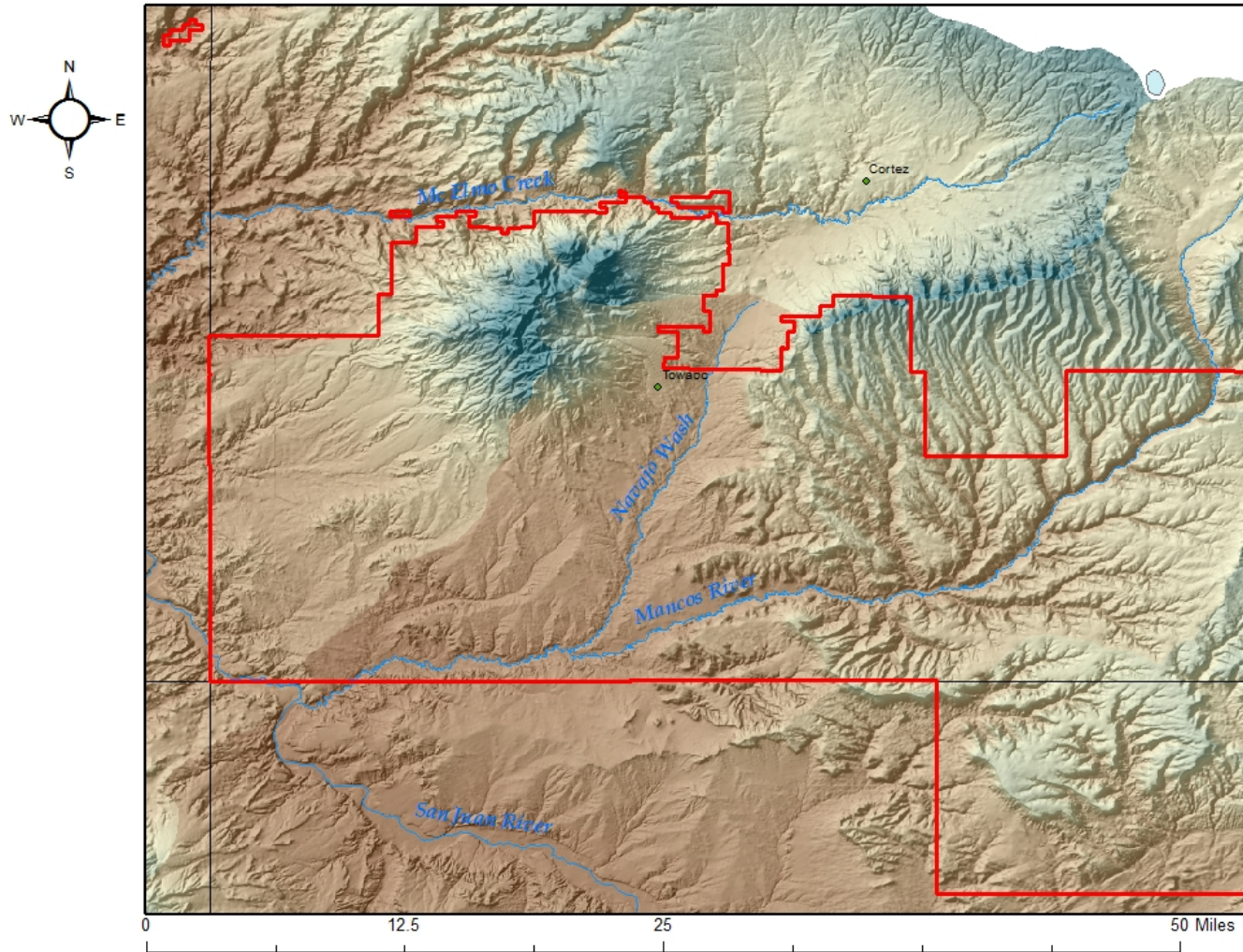
Long Hollow and UMUT Involvement

- Project designed and funded by La Plata Water Conservancy District (CO) to support irrigation in the La Plata River Basin and compliance with interstate compacts on the La Plata River.
- UMUT stepped in with water settlement funds to ensure project completion and to secure storage and other rights associated with the Project
- WCA selected through bidding process to construct the project
- Completion expected in 2014!





UTE MOUNTAIN UTE RESERVATION
PERENNIAL WATERS



COLORADO ON-RESERVATION WATER

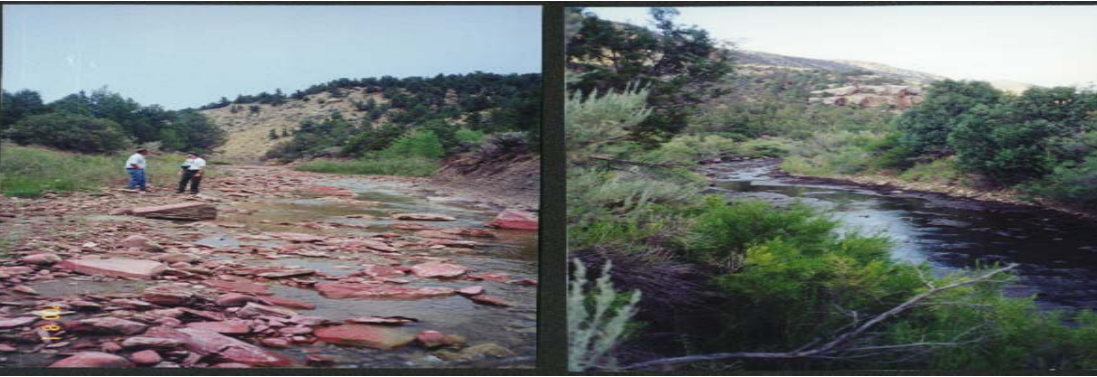
Mancos River Surface Flows

- Mancos River (including Navajo Wash) is the most significant on-reservation surface water resource
- Upstream, non-Tribal water development significantly depleted flows prior to 1986 Colorado Ute Indian Water Rights Final Settlement Agreement
- Settlement allocations in the Mancos River/Navajo Wash are largely subordinated to rights adjudicated prior to 1985

Cultural Resources and Historic Sites—Mancos River Canyon



Riparian Ecosystems and Tribal Culture



Tribal Water Quality Regulation

- Ute Mountain Ute Tribe has delegated federal authority (Clean Water Act) and inherent Tribal authority to regulate water quality
- Significant Tribal programs monitoring Mancos River and Navajo Wash
- Current exceedances of Tribal water quality standards on Navajo Wash at the Reservation boundary, cooperative work with the State of Colorado

Dolores Project



UMUT Dolores Project

Allocations—the “Wet Water”

- Prior to 1986 Colorado Ute Indian Water Rights Final Settlement Agreement—no complete on-reservation domestic water delivery system, water hauling.
- Treated water pipeline—to deliver treated municipal supplies from City of Cortez (water allocation—Dolores Project) for on-reservation enterprises and residences
- Towaoc Highline Canal—to deliver irrigation water from Dolores Project to the Ute Mountain Farm & Ranch Enterprise

Ute Mountain Farm & Ranch Enterprise



Ute Mountain Farm & Ranch Enterprise

- 7,700 acre irrigated farm, 110 center pivot sprinklers
 - ~4,600 acres alfalfa (dairy market)
 - ~1,700 acres award-winning Bow & Arrow corn
 - ~400 acres white (food grade) corn, new cleaning and bagging operation
 - ~1,000 acres hard red winter wheat
- High technology, efficient water use!

Ute Mountain Farm & Ranch Enterprise

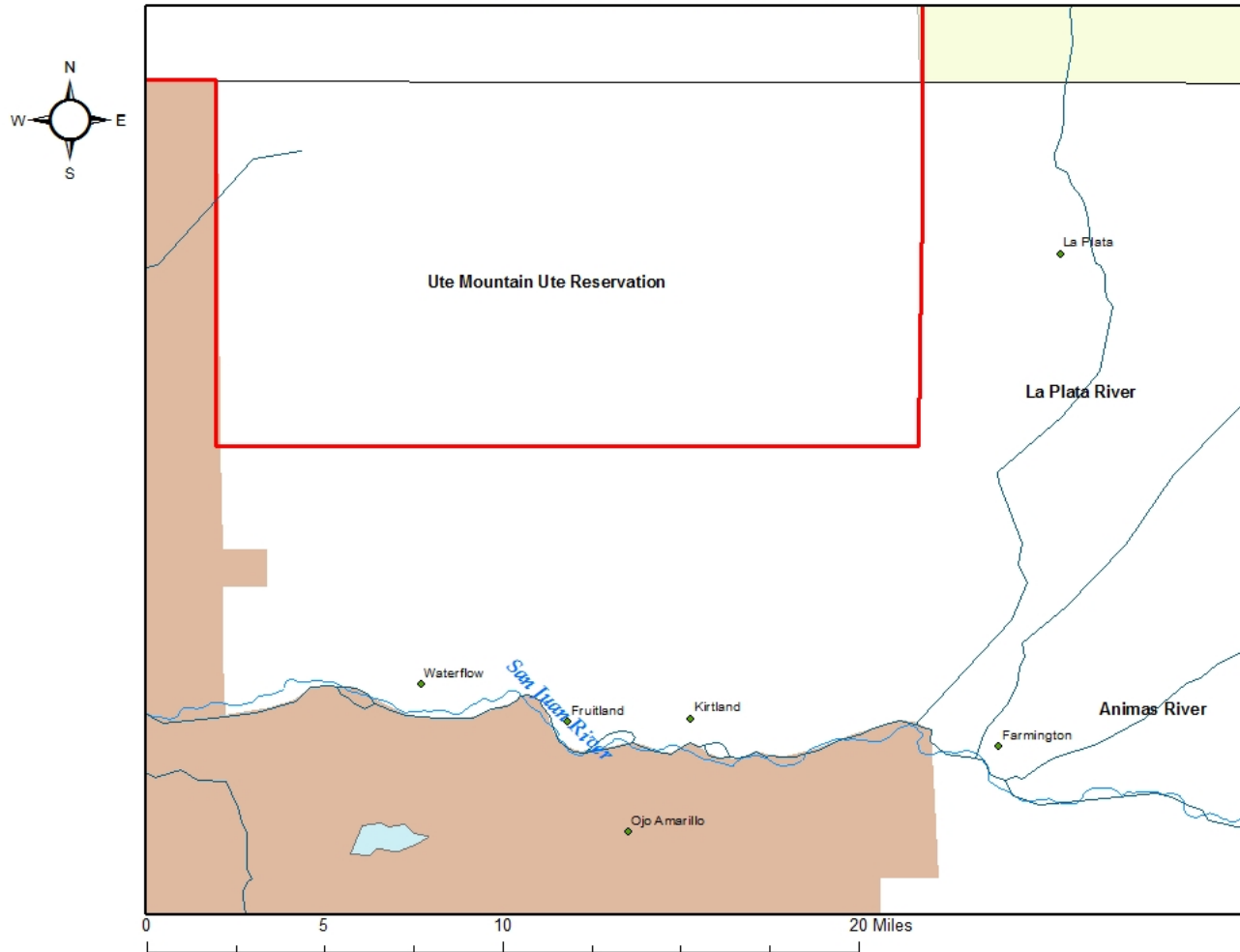
- Bow & Arrow
cow/calf operation
~600 head
- Additional
development of
Tribal livestock
water



Dolores Project and Shortage Sharing

- 2013—second year of drought in Dolores River, significant shortages for Dolores Project users not supported by senior direct diversion rights
- FRE shares shortages in the project—received ~25% of the Tribe's project allocation
- All project users share shortages, face challenges related to environmental, aquatic, and recreational flow needs above and below McPhee Dam

UTE MOUNTAIN UTE RESERVATION
NM and PROXIMATE SURFACE WATERS



NEW MEXICO

UMUT Water Rights—NM

- Ongoing litigation (San Juan River General Stream Adjudication)
- Significant current (ongoing) and projected tribal needs for water (energy, livestock, economic development, municipal supplies for future Tribal communities)
- Over-allocated rivers and interstate compact considerations may pose significant challenges to negotiated settlement of the UMUT's water rights in New Mexico

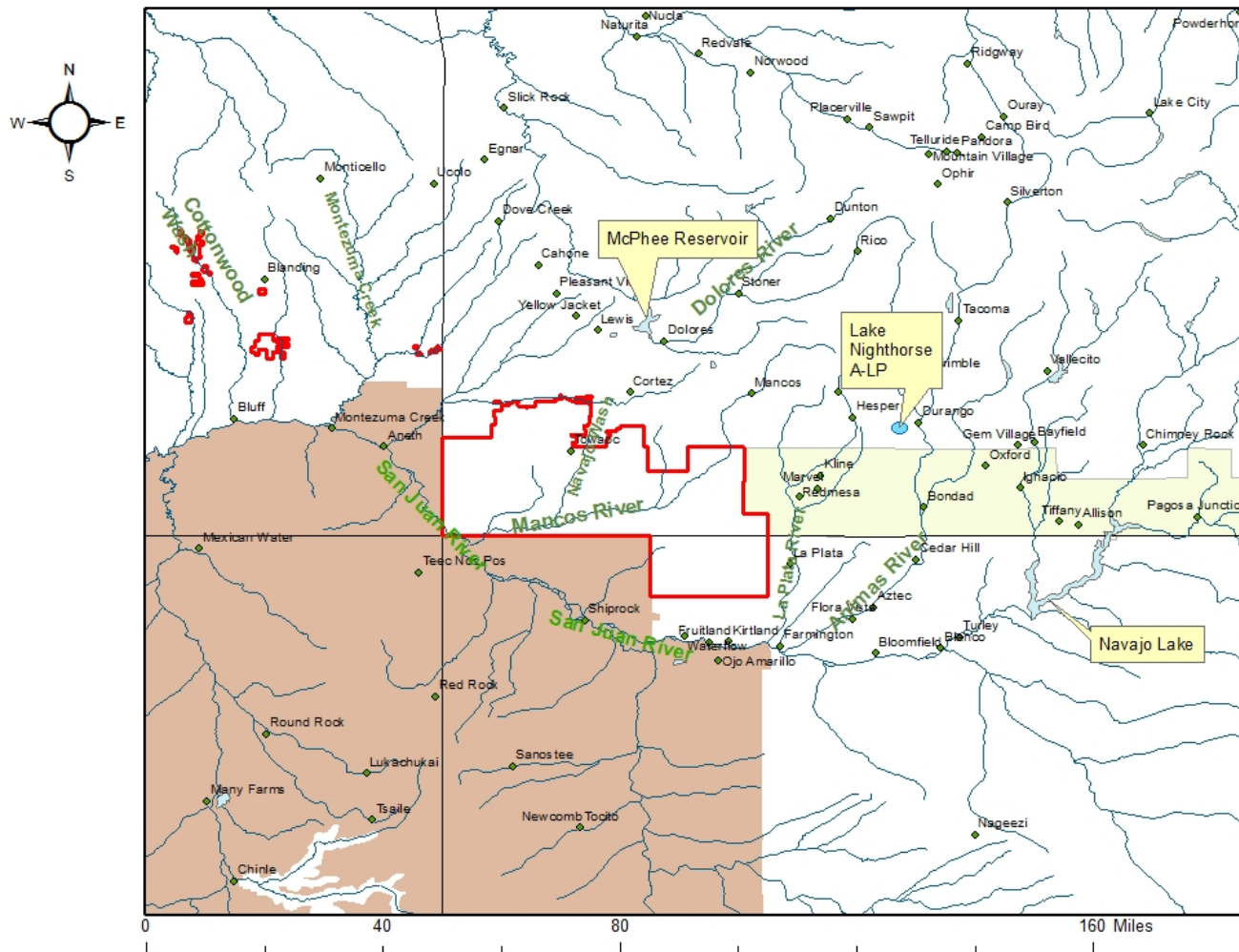
UTAH



UMUT Water Rights—Utah

- No current process or litigation for resolving federal reserved water rights claims in Utah
- White Mesa Community uses Utah State permitted groundwater wells (N-aquifer water) to meet current needs of UMUT community in White Mesa
- Tribal ranches hold other Utah State permitted water rights
- Significant concern about operation and regulation of White Mesa Mill (3 miles adjacent), current contamination of surface water and perched (shallow) groundwater aquifer

UTE MOUNTAIN UTE RESERVATION AND SURROUNDING WATERSHEDS



MULTI-STATE RESERVATIONS AND THE LAW OF THE RIVER

Multi-State Reservations and the Law of the River

- Some reservations—like UMU Reservation—contain lands located within the exterior boundaries of two or more states
- Litigation (and settlement of Indian water rights) usually occurs state-by-state (very difficult to have comprehensive settlements covering more than one state)
- Therefore, Tribes—like UMUT—may have significant “future use” water allocated and available in one state (CO), but not others (NM, UT)

Multi-State Reservations and the Law of the River

- State-based water rights, interstate compacts, and other elements of the Law of the River currently raise questions about Tribes' ability to move and use Tribal water over state lines (but on Tribal lands) to accommodate the best and most efficient use of Tribal water resources
- Potential difficulties delivering and using Tribal water on-Reservation (but within different states) raise significant concerns about Tribal authority, sovereignty, and historic lack of Tribal presence in interstate compact and other Law of the River negotiations

Multi-State Reservations and the Law of the River

- Tribes are encouraged by new era of study and dialogue in the Colorado River Basin to identify emerging solutions to predicted future supply and demand imbalances
- Multi-State Reservation Tribes *and many other water users in the Colorado River Basin* could benefit through increased flexibility to plan and deliver Tribal water allocations on Reservations

Next Steps--UMUT

- Settlement implementation (Colorado)
 - Water Conservation and Management Plan
 - Protection and development of settlement water rights portfolio (including infrastructure!)
 - Partnership projects with adjacent non-Indian community
- Litigation/settlement of Tribal water rights (New Mexico, Utah)
- Water Quality Monitoring and Protection (all three states)