

Testimony of Colorado River Indian Tribes  
Chairwoman Amelia Flores  
Before the Senate Committee on Indian Affairs  
March 24, 2021

Mr. Chairman, Madame Vice Chair, I want to begin by thanking the committee for this wonderful opportunity. It is an honor to be here as the newly elected, and first, Chairwoman of the Colorado River Indian Tribes.

Our people are the people of the River. The river runs through us in the same way that it runs through our reservation in Eastern California and Western Arizona. It the cornerstone of our culture, and the foundation of our economy. It is essential to who we are as a people. That's why I am honored to share how the United States can improve access to efficient water infrastructure.

The first thing you need to know: you don't need to just throw money at the problem. It helps of course, but it's not the only thing holding tribes back.

CRIT has dealt with a number of legal and policy barriers that make efficient water infrastructure challenging.

For our tribe, the most consequential barrier is the Indian Non-Intercourse Act. As a result of this law, CRIT cannot lease water without Congressional approval. Congress has given that right to many tribes in their water settlements. But for those of us with decreed water rights, we still can't lease our water.

If given that right, we would use our water to preserve the life of the river, and reinvest the proceeds to improve the Colorado River Irrigation Project (CRIP).

CRIT also faces continuing challenges with the operation of the Irrigation Project. This Project is owned by the federal government and operated by the BIA.

Routine project maintenance often goes unfinished because the BIA fails to charge water users enough to cover the basic costs of maintenance. The Tribe asks the BIA year after year to raise these rates—essentially taxing ourselves—so that the work can get done. But we have had minimal success even as the maintenance backlog grows.

In the most extreme scenario, in 2019, the poor operational protocols at the Project resulted in the BIA failing to divert more than 80,000 acre-feet of our water to the reservation. To put that in context, Mr. Chairman, that is only a little less than the City of Hilo uses in an entire year.

In other words, better management would result in our existing infrastructure lasting longer and being more efficient.

I am grateful that Congress has begun to focus on these small changes. In 2019, Congress updated the WaterSMART program so that it better aligns with tribal water rights. Since then,

we have received three grants to improve our irrigation project. These grants will help conserve more than 3.2 billion gallons of water in the coming years.

As this Committee knows, significant change only comes after meaningful consultation. Fortunately, the water stakeholders in the Colorado River Basin are catching on to the importance of consulting with tribes. Under the Intra-Arizona agreement to implement the Drought Contingency Plan, our tribe and the Gila River Indian Community were able to provide Arizona water users with a bridge water supply for the DCP. We were the ones that brought solutions to the table.

The inverse is also true: when tribes are excluded, ill-informed decisions follow. The Bureau of Reclamation's 2007 Interim Guidelines were based on an understanding of non-tribal water, even though tribes control 20 percent of the water rights from the Colorado River. As a result, on-river tribes have difficulty participating in programs established by the Guidelines.

As prolonged drought and climate change continue to impact our basin, it is my hope that this Committee will insist that Secretary Haaland and her staff engage tribal leaders as they rework these guidelines in the coming years.

Finally, I would be remiss not to mention the outstanding financial needs to support water infrastructure in Indian Country.

The programmatic, annually appropriated funding for this work is not sufficient to provide access to clean water for all tribal nations. I know our new Senator, Mark Kelly, has made this a priority in his short time there in D.C., and I am grateful for his role in securing new funding for clean water projects in the American Relief Plan.

I also want to put vast needs for water project funding into context: if CRIT spent 100% of our funds from the American Relief Plan, it would only pay for 49% of the work needed on our irrigation project. And of course, there is no way that we can do that. We need to spend that funding on government services.

I will conclude my remarks here. I appreciate the Committee's attention to water infrastructure and would be happy to answer any questions.