

Sep-08-00 07:57A Ute Mtn Chairman's Office (970) 565-2313 P.01



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Jane Harkins
USBR
Boulder City, NV

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Re: Colorado River Interim Surplus Criteria DEIS

While we appreciate USBR's survey of Ute Mountain Ute Tribe reserved water rights set forth in the DEIS, we are concerned that Reclamation fails to set forth in the document any commitment to protect these important Indian trust assets.

- 1 On one hand Reclamation acknowledges it has a duty to protect the Ute Mountain Ute Tribe's water rights (p.3-14-1), but on the other hand Reclamation ignores the Tribe's concern that the surplus criteria analysis will perpetuate California's reliance on unused Tribal water (p.3-14-2). Reclamation needs to stand up and make an affirmative statement in the final environmental impact statement and in the underlying record of decision that its Lower Colorado River Water Master policies will never be utilized to reduce directly or indirectly the development of the Ute Mountain Ute Tribe's water rights. We request on behalf of our Tribe and the other Tribes in the Upper and Lower Basin that such a commitment be expressly stated in the final EIS.
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Thank you for this opportunity to comment.

Very truly yours,

Ernest House, Sr., Tribal Chairman
Ute Mountain Ute Tribe

1: The Department is working closely with the State of California to reduce its over reliance of Colorado River water. The selection of the Basin State alternative as the preferred alternative brings with it satisfactory progress measures and reversion to conservative surplus criteria if those progress measures are not met. The Department believes this will provide incentive to California to reduce its use of Colorado River water.

2: In response, Reclamation states that its policies with respect to the proposed action will not serve to reduce the development of the Ute Mountain Ute Tribe's water rights.