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FEDERATED UTE CITIZENS OF THE  
STATE OF UTAH  
(ALSO KNOWN AS THE UINTA BAND OF  
UTAHS)  
DOI-OFFICE OF THE  
EXECUTIVE SECRETARIAT

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UINTAH & OURAY AGENCY  
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FORT DUCHESNE, UTAH  
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February 3, 2026

Department of the Interior  
Scott Cameron, Acting Commissioner  
Bureau of Reclamation  
1849 C Street, N.W.  
Washington, D.C. 20240

Department of the Interior  
Andrea Travnicek, Assistant Secretary  
for Water and Science  
Bureau of Reclamation  
1849 C Street N.W.  
Washington, D.C. 20240

**RE: Comments on Post 2026 Colorado River Operations EIS Draft**

Dear Mr. Cameron and Ms. Travnicek,

These comments Regarding future management of the Colorado River have a multiple purpose; 1) To bring public and federal awareness to our tribe and our exclusive ownership of the land and water that makes up the Uinta Basin in Eastern Utah (*aka*, Upper Colorado River Basin); 2) to bring public and federal awareness to the tribe's jurisdictional boundaries; 3) to offer another way to view your task in a larger framework by reviewing what went wrong in the past and 4) to offer another potential option to aid in fixing what's broken which will necessitate tribal/federal involvement.

Our tribal administration reviewed the document released on Friday 1-09-2026 containing the range of options released in the draft EIS long-term plans for Colorado River management that is anticipated to serve as the foundation for how to manage the river's largest reservoirs – Lake Mead and Lake Powell. The following narrative has relevance to this issue.

In reviewing the draft and from our knowledge, we see the problem differently and would suggest the first step is “how to manage the identifiable water sources that feeds the Colorado River,” 2) “where does the water originate from and 3) “how does it reach the river?” Once the drainage water from the Uinta Mountains and

surrounding areas reach the Colorado River, the second step is “how to manage the Colorado River water and apportion it properly to the seven States and numerous Indian reservations in years to come.” This time around, we propose that the Uinta Band of Utahs (aka, Tribe of Affiliated Ute Citizens) at the Uinta & Ouray Agency in Fort Duchesne Utah and the Federal Government who is this tribe’s protectorate and trustee, handle the task of water management in the Upper Basin, which is the Uinta Valley Reservation (aka Uinta & Ouray Reservation), a federal Indian reservation under federal jurisdiction. The Uinta Basin Reservation is not state land and is not subject to state jurisdiction by any explicit federal approval.

The new public environmental review process required before a final decision can be made opens the door for a more sensible and realistic look at the potential and effects tribal/federal management of the Upper Basin will have on our reservation lands and natural resources when refiguring the new Colorado River management proposed for today. We hope our candid comments and insight will be of assistance.

The Uinta Bands of Utah Indians (aka, The Affiliated Ute Citizens of the State of Utah), are the exclusive owners of the Uinta Valley Indian Reservation (the entire Uinta Basin) in Eastern Utah-Western Colorado and have been the owners since October 3, 1861 - for 164 years. This declaration demands some history and background to show relevance to the issue of water management. Upon information and belief, we believe the following events are contributing factors to Lake Mead, Lake Powell, the Colorado River, and the Uinta Valley’s water condition today that is made transparent in the following comment:

## BACKGROUND

For clarity, we will be talking about two separate and distinct tribes living on the Uinta Valley Reservation – one under federal jurisdiction and the other under State jurisdiction as ordinary citizens. The *first* Tribe and allodial landowners are the Uinta Valley Band of Utahs (aka Affiliated Ute Citizens of the State of Utah), who originate from Utah Territory for whom the reservation was set apart from the public domain by President Abraham Lincoln by Executive Order 38-1 on October 03, 1861, which was Confirmed by Congress on May 5, 1864 (13 Stat. 63). This Native Tribe of Utahs is of ancient origin known by archaeologists and anthropologists to descend from the indigenous Fremont Culture period. The Utah Indians occupied the Great Basin and surrounding areas since approximately 400 A.D. The many Bands of Utahs became known as the “Uinta band” after 1861 because of its location in the Uinta Mountain Range of the Uinta River Valley (Uinta Basin) geographically located in Eastern Utah and Western Colorado.

The *second* group of Indians residing on the Uinta Valley Reservation consists of two bands of former Colorado Confederated Utes (White River and Uncompahgre). In 1868, the Confederated Ute Bands of Colorado consisted of seven bands: Southern Utes, Ute Mountain Utes, 3 bands of White Rivers (Grand River, Yampah, and Uintah), White Mesa and Uncompahgre Utes that had a reservation land base and treaty rights in Colorado Territory from 1863 to 1879. When the White River Indians killed their Indian agent at the White River Agency, Congress was forced to act and in 1880 the United States, by act of congress, divested all its trust obligations and responsibility for said Confederated Ute Bands and turned them over to the States. With the 1880 Agreement (21 Stat. 199), the Ute Bands agreed to cede their 1868 reservation land in Colorado and all appurtenant thereto to the United States and take allotments only on public lands. They agreed to disband, abandon their governments and become ordinary citizens subject to the civil and criminal laws of the Territory (State) “*in which they may reside*” thereafter - forever. (21 Stat. 199)

The State of Utah has not spoken with us and has no approvals for their taking of our water and misrepresenting who the Federal Tribe is on our reservation. Their illegal agreements are with the ordinary State citizens calling themselves the Northern Ute Tribe (historically known as the Confederated Utes of Colorado).

Let's be clear, the water rights of the native tribes and reservation lands along the river are equally important as the States water rights. The participation of the Affiliated Ute Citizens, as an autonomous tribe under the Ute Indian Tribe of the Uinta & Ouray Reservation, a federally recognized corporation; is vital in developing the new plan within the Uinta Valley Reservation. The goal is to stop the continued damaging effects of mismanagement and abuse of our reservation lands and water resources due to poor insight, racism, greed, and avarice on the part of the State of Utah and its political subdivisions which includes the States Confederated Ute Citizens (aka, Northern Ute Tribe).

The draft EIS does not expressly address the Uinta Valley Reservation, the United States' trust relationship as protectorate, tribal participation, or the effects on our reservation lands and eco-system as the water passes through, which is essential if a healthy functioning system is the goal. Perhaps our importance is yet unknown. Our knowledge of what went wrong in the Uinta Valley Basin with Utah's initial failed attempt at management of its portion of the Colorado River water under the Colorado River Water Compact between the seven states years ago, that included the Central Utah Water Project (CUWP), may be helpful. Upon information and belief, we believe this previously 'federally unsupervised' CUWP project has significantly contributed to the shortages the river has experienced in recent years, in addition to the drought conditions from mother nature. Another contributing factor is the Utah Conservancy District's non-construction of the planned reservoirs in the high Uinta Mountains, short-sighted planning, unfinished units, and management failures of the project's water commissioners.

It is important that an understanding of Utah's water management within the State becomes transparent. The effects over the years damaged our lands, federal protections, and the Colorado River System in ways unknown outside of the State and was not recognized by federal authorities responsible for oversight within the Uinta Valley Reservation. The concern being voiced today has been influenced or touched by said water management.

Each of the State's, including Utah was allocated shares of Colorado River Water but in order for Utah to get its portion of water from the Flaming Gorge Dam on the Wyoming and Utah border, Utah had to construct an aqueduct through the mountain that would transfer water from the Dam through the east end of the Uinta Mountains to empty water taken from the Dam into the reservoir that would be constructed for storage purposes on the Uinta Valley Reservation. The purpose for the reservoir was 2-fold. 1) to provide a water storage supply for the tribe and others 2) replace the tribe's water that was taken by Utah in the conduit process. It was intended that several such reservoirs would be constructed across the high Uinta Mountains to conduit the State's share of Colorado River Water across the reservation to its destination in the Salt Lake Valley. Utah was told by experts (E.L. Decker Report December 1960) at the time; the only way this system of water conveyance could work was if the reservoirs were constructed on the reservation and the State's share of the Colorado River water replaced the tribal water.

Utah was appropriated the construction funds but did not build the intended dams for reservoirs in the Uinta Mountains which would not only capture the State's share of the Colorado River Water from the Flaming Gorge Dam but would have also captured the natural water drainage as the snow melted from the Unitas and surrounding mountains where it could be stored and used year-round. Instead, when Utah water commissioners discovered they could not build the aqueduct at Flaming Gorge Dam, they modified the plan and took it to the Confederated Ute Business Committee (aka, Northern Ute Tribe). Agreements were struck between them to put pumps on the high mountain lakes and rivers in the Uinta Mountains and laid pipes to run the captured tribal water through to the Wasatch Front along the Salt Lake Valley, claiming it was Colorado River water. It was a lie. Utah may have shares

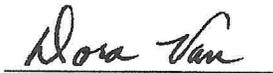
in the Colorado River but does not have access to Colorado River Water. The Confederated Utes (aka, Northern Ute Tribe) had no legally protectable interest in the water and water rights of the Uinta Valley Reservation and could not approve agreements with the State.

This maneuver effectively took the water in the Uinta Mountains away from the Tribe of Utah Indians in the Uinta Valley Basin via agreements made between the State and its Confederated Ute citizens (aka, Northern Ute Tribe) who were pretending to be a federally recognized tribe, and diminished the natural flow of water down the reservation where it would empty into the Colorado River. By not having Federal oversight within the boundaries of the Uinta Valley Reservation since 1944 was a major mistake made by the State officials and a group of State Confederated Ute Citizens by design. The Uinta Valley Basin has been treated for some time, by non-Indians like it's the 1800's Wild West where the only law is what they say it is. Utah and its political subdivisions undermined the federal trust obligations of the United States Government and violated the Uinta Utahs Tribal land ownership rights, tribal sovereignty, and property rights by claiming exclusive management of the reservation and all appurtenant thereto when none of the parties involved had/have a legally protectable claim within the original boundaries of the Uinta Valley Reservation.

By not building the upper reservoirs in the Uinta Mountains is a causal factor behind what has happened to the Uinta Mountain water that for decades normally naturally flowed through the Uinta Valley Reservation (Uinta Basin) headed south to the Colorado River in eastern Utah. Pretending there isn't a larger issue than merely drafting "a new plan for water management of the Colorado River" - is a problem. The larger concern is realistically the management of the headwaters and drainage systems that feed the Colorado River. If the new plan fails to recognize and manage most of these tribal waters first, or simultaneously as one of the Colorado River long-range options, the damage may indeed be irreparable to Lake Mead and Lake Powell and to the downstream water users that share the river's flow and limit the departments' ability to send water downstream to Nevada, Arizona and California as necessary under a new plan.

It is our sincere hope that our comments are constructive and provide a different view that may be beneficial to us all.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dora Van", is written over a horizontal line.

Dora Van, Chairwoman



THE UINTA BAND OF UTAH INDIANS  
OF THE "UTE INDIAN TRIBE" A FEDERAL  
CORPORATION OF THE UINTA VALLEY  
AND OURAY RESERVATIONS IN UTAH

UINTA & OURAY AGENCY

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DOUG BURGUM

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1849 C Street, N.W.  
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*Attn: Colorado River  
Management*

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