

SUBMIT OPTION SUBMITTAL FORM BY:

1. EMAIL TO: COLORADORIVERBASINSTUDY@USBR.GOV
2. U.S. MAIL TO: BUREAU OF RECLAMATION, ATTENTION MS. PAM ADAMS, LC-2721, P.O. BOX 61470, BOULDER CITY, NV 89006-1470
3. FACSIMILE TO: 702-293-8418

Option Submittal Form

Contact Information (optional):

Keep my contact information private.

Contact Name: _____	Title: _____
Affiliation: _____	
Address: _____	
Telephone: _____	E-mail Address _____

Date Option Submitted: 02/01/2012

Option Name:

Recognition of the Ute Tribe's Reserved Water Right in Storage

Description of Option:

The Ute Indian Tribe (Tribe) of the Uintah and Ouray Reservation (Reservation) is presently engaged in meetings with a Federal Implementation Team, and will subsequently conduct meetings with the State, in order to reach an agreement as to a clarification and common interpretation of the Ute Indian Water Compact before obtaining final ratification of the Compact by the Tribe and the State, pursuant to the 1992 Ute Indian Rights Settlement Act. The Compact recognizes the Tribe's federally reserved water rights within the Upper Colorado River Basin, amounting to 480,594 Acre-Feet (AF) of diversions and 258,943 AF of depletions. A vast majority of these rights are derived from direct natural flow of Reservation streams for irrigation. Natural flows are insufficient to provide needed irrigation water on many Reservation streams, resulting in frequent and severe water shortages. Storage of the Tribe's natural flow rights during high-flow periods (e.g. spring runoff) for later release during low-flow periods (e.g. late summer) will improve Tribal irrigation.

In addition, as the Reservation continues to develop, non-irrigation water demands (e.g. municipal and industrial demands) are expected to increase. The Tribe anticipates the ability to convert irrigation rights to non-irrigation rights, but requires storage to convert seasonal water use to year-round water use. Storage is also needed to permit off-Reservation leases of Tribal water.

The Ute Tribe requests that the Bureau of Reclamation's Study consider the storage of Tribal natural flow water rights in new or existing reservoirs for improved irrigation and/or conversion to year-round use in order to model the impacts of increasing Tribal storage. It also seeks Reclamation's affirmation of the Department's 1995 position that the Tribe has the right to store Its Federally Reserved Tribal Water Rights. See Field Solicitor Memorandum to the Program Director of the Central Utah Project Completion Act, Office of the Secretary, dated October 13, 1995 (concluding that the authority for such rights is found in the 1906 Congressional Act authorizing the Uintah Indian Irrigation Project and the 1923 Federal Court decrees, adjudicating some of the Tribe's reserved water rights). Storing Tribal water will alter the timing and magnitude of Colorado River supplies and demands, and should be a studied option.

Location: Describe location(s) where option could be implemented and other areas that the option would affect, if applicable. Attach a map, if applicable.

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The Reservation is located in northeast Utah, and includes most of the Duchesne River drainage, a portion of the Green River Basin below Flaming Gorge Reservoir, and a portion of the White River Basin from the Utah-Colorado border to its confluence with the Green River.

Quantity and Timing: Roughly quantify the range of the potential amount of water that the option could provide over the next 50 years and in what timeframe that amount could be available. If option could be implemented in phases, include quantity estimates associated with each phase. If known, specify any important seasonal (e.g., more water could be available in winter) and/or frequency (e.g., more water could likely be available during above-average hydrologic years) considerations. If known, describe any key assumptions made in order to quantify the potential amount.

The Tribe requests that the Bureau of Reclamation's Study recognize the Tribe's right to store a large portion of the Tribe's natural flow water rights. Reservoir constraints and uncertainty in future water demands precludes specifying a set storage amount. However, the Tribe advises that Reclamation consider future changes to Reservation water supplies and demands made possible by storage, including: increased diversions to storage during high-flow periods, increased late-season irrigation use, conversion to more year-round use, and increased reservoir evaporative losses.

Additional Information

Technical Feasibility: Describe the maturity and feasibility of the concept/technology being proposed, and what research and/or technological development might first be needed.

The Tribe anticipates no technical constraints to this option.

Costs: Provide cost and funding information, if available, including capital, operations, maintenance, repair, replacement, and any other costs and sources of funds (e.g., public, private, or both public and private). Identify what is and is not included in the provided cost numbers and provide references used for cost justification. Methodologies for calculating unit costs (e.g., \$/acre-foot or \$/million gallons) vary widely; therefore, do not provide unit costs without also providing the assumed capital and annual costs for the option, and the methodology used to calculate unit costs.

There will be costs to develop Tribal storage in new or existing reservoirs. Capital repayment and operation and maintenance charges may be assessed for Tribal water stored in existing U.S. reservoirs. New reservoirs will entail large capital costs.

Permitting: List the permits and/or approvals required and status of any permits and/or approvals received.

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Approvals required will include an agreement between the Ute Tribe and U.S. to store Tribal water in existing federal reservoirs and various legal and environmental permitting to construct new reservoirs.

Legal / Public Policy Considerations: Describe legal/public policy considerations associated with the option. Describe any agreements necessary for implementation and any potential water rights issues, if known.

The presented option will be subject to State and Tribal ratification of the Ute Tribe's Water Compact. Conversion of direct flow rights to storage rights will require notification and coordination with the State Engineer's office.

Implementation Risk / Uncertainty: Describe any aspects of the option that involves risk or uncertainty related to implementing the option.

Storage of Tribal water rights will increase water supply reliability on the Reservation, decreasing the risk and uncertainty of water current water shortages.

Reliability: Describe the anticipated reliability of the option and any known risks to supply or demand, such as: drought risk, water contamination risk, risk of infrastructure failure, etc.

Storage of Tribal water rights will greatly increase water supply reliability on the Reservation.

Water Quality: Identify key water quality implications (salinity and other constituents) associated with the option in all of the locations the option may affect.

Water quality alternations may result from changes in use of Tribal water made possible by storage. For example, if irrigation is decreased to permit more year-round municipal and industrial supply, salt loading to the Colorado River will decrease.

Energy Needs: Describe, and quantify if known, the energy needs associated with the option. Include any energy required to obtain, treat, and deliver the water to the defined location at the defined quality.

Energy Required	Source(s) of Energy
Not applicable.	

Hydroelectric Energy Generation: Describe, and quantify if known, any anticipated increases or decreases in hydroelectric energy generation as a result of the option.

Location of Generation	Impact to Generation
Various new and existing	Storage of Tribal water may increase generation at existing reservoirs and may

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reservoirs.	permit new power development at newly constructed facilities. Impacts will be assessed on a case-by-case basis.

Recreation: Describe any anticipated positive or negative effects on recreation.

Location(s)	Anticipate Benefits or Impacts
Various new and existing reservoirs.	Storage of Tribal water may permit increased reservoir pools at existing facilities, improving reservoir recreation. Impacts will be assessed on a case-by-case basis.

Environment: Describe any anticipated positive or negative effects on ecosystems within or outside of the Colorado River Basin.

Location(s)	Anticipated Benefits or Impacts
Various Reservation streams.	Storage of Tribal water will alter streamflow timing, which may affect environmental resources. Environmental studies will be required to assess the impacts of Tribal storage on a case-by-case basis.

Socioeconomics: Describe anticipated positive or negative socioeconomic (social and economic factors) effects.

Tribal water storage will improve reliability of water supply to the Ute Tribe, improve agricultural output, permit an expansion of industry, and may provide environmental and recreation benefits.
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Other Information: Provide other information as appropriate, including potential secondary benefits or considerations. Attach supporting documentation or references, if applicable.

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