



# 3 | The Tribes of the Ten Tribes Partnership

## 3.0 Introduction

The Colorado River Basin Tribes Partnership, also known as the Ten Tribes Partnership (Partnership), is an organization formed in 1992 by ten federally recognized tribes with federal Indian reserved water rights in the Basin. The member tribes, listed in order from north to south in the Basin, are: Ute Indian Tribe, Southern Ute Indian Tribe, Ute Mountain Ute Tribe, Jicarilla Apache Nation, Navajo Nation, Fort Mojave Indian Tribe, Chemehuevi Indian Tribe, Colorado River Indian Tribes, Quechan Indian Tribe, and Cocopah Indian Tribe.

Partnership Tribes have reserved water rights, including unresolved claims, to divert nearly 2.8 million acre-feet of water per year from the Colorado River and its tributaries. In the Upper Basin, Partnership Tribes have Federal Indian reserved diversion rights of 1,060,781 AFY and unresolved diversion claims of 762,345 AFY. In the Lower Basin, the Partnership Tribes have decreed diversion rights to Colorado River water of 952,190 AFY and unresolved diversion claims of 22,928 AFY. For additional detail, see Section 5.11 of *Chapter 5 – Assessment of Current Tribal Water Use and Projected Future Water Development*.

The ten tribes formed the Partnership for the purpose of strengthening tribal influence among the seven Basin States over the management and utilization of Colorado River water resources. Specifically, the Partnership supports Partnership Tribes in their efforts to develop and protect tribal water resources and to address technical, legal, economic, and practical issues related to the management and operation of the Colorado River. The Partnership joined the Colorado River Water Users Association in 1996 in an effort to more actively participate with the seven Basin States and the federal government with policy and management decisions for the Colorado River.

## 3.1 Overview of Partnership Tribes' Reserved Water Rights

The federal Indian reserved water rights for the five tribes with direct mainstream diversions below Hoover Dam were decreed in *Arizona v. California*. The five tribes are: the Fort Mojave Indian Tribe; the Chemehuevi Indian Tribe; the Colorado River Indian Tribes; the Quechan Indian Tribe; and the Cocopah Indian Tribe.<sup>1</sup> In that case, the Supreme Court found that the Secretary of the Interior had a statutory duty to respect the present perfected rights established prior to the date Congress passed the Boulder Canyon Project Act. The reserved water rights of these Tribes are included as present perfected rights and have priority based on the establishment date of each reservation and on subsequent dates of related boundary adjustments.<sup>2</sup>

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<sup>1</sup> The Court first determined the federal Indian reserved rights of the five Lower Basin Tribes in *Arizona v. California*, 373 U.S. 546 (1963) and quantified the rights in the first Decree, *Arizona v. California*, 376 U.S. 340 (1964). Subsequent decisions by the Supreme Court altered the original 1964 Decree. All rights are currently set forth in the 2006 Consolidated Decree, *Arizona v. California*, 574 U.S. 150 (2006).

<sup>2</sup> *Arizona v. California*, 373 U.S. 546, 600 (1963). *Arizona v. California*, 574 U.S. 150 (2006).

A portion of the Ute Indian Tribe's reserved water rights was decreed in 1923<sup>3</sup> with a senior priority date of 1861, based on the establishment date of the Uintah Valley Reservation, pursuant to *Winters v. United States*.<sup>4</sup> In 1965, the United States, the Central Utah Water Conservancy District, the State of Utah (by Joint Resolution of the Legislature), and the Ute Indian Tribe agreed to the quantification of the remainder of the Tribe's reserved water rights by contractual agreement. The state and federal governments are currently in negotiations with the Tribe to complete the Ute Indian Water Compact.

The reserved water rights for the four remaining Partnership Tribes have been determined to a certain extent through various settlements; however, not all Indian water rights claims have been resolved. The 1988 Colorado Ute Settlement Act, as amended by the 2000 Amendments and the Colorado state court consent decrees, quantified the water rights of the Southern Ute Indian Tribe and the Ute Mountain Ute Tribe in the state of Colorado. The 1992 Jicarilla Apache Tribe Water Rights Settlement Act represents a full and final settlement of the future use water rights claims of the Jicarilla Apache Nation to the water of the Colorado River. In 2009, Congress approved the Navajo Nation's settlement of its San Juan River federal Indian reserved water rights that was reached with the state of New Mexico and the United States. However, the Navajo Nation has not resolved its water rights claims in the states of Arizona and Utah, or outside of the San Juan River basin in New Mexico. The Ute Mountain Ute Tribe has not resolved its water rights claims in the states of New Mexico and Utah.

Detailed information regarding each Partnership Tribe's water rights is available in *Chapter 5 – Assessment of Current Tribal Water Use and Projected Future Water Development*.

### **3.2 Partnership Objectives**

The Partnership's objectives are to ensure that, within the next decade:

- (1) Each Partnership Tribe has settled or otherwise resolved its Indian reserved water rights claims;
- (2) Each Partnership Tribe has the ability to maximize its on-reservation use of water and the flexibility to explore, facilitate and implement off-reservation use and transfers;
- (3) Each Partnership Tribe benefits from water infrastructure projects promised or obtained through Congressional actions and/or settlements with state and federal governments and partners in a timely fashion; and
- (4) The federal government firmly asserts and exercises its trust responsibility to protect the Partnership Tribes' reserved water rights in all its management actions related to the Colorado River.

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<sup>3</sup> *United States v. Cedarview Irrigation Company et al.*, No. 4427 (D. Utah 1923), and *United States v. Dry Gulch Irrigation Company, et al.*, No. 4418 (D. Utah 1923).

<sup>4</sup> 207 U.S. 564 (1908).