

PUBLIC INFORMATION MEETING
on Proposed Settlement of White Mountain
Apache Tribe Water Rights Claims in Little
Colorado River Adjudication

Wednesday, August 6, 2014

7:00pm

Show Low City Council Chambers

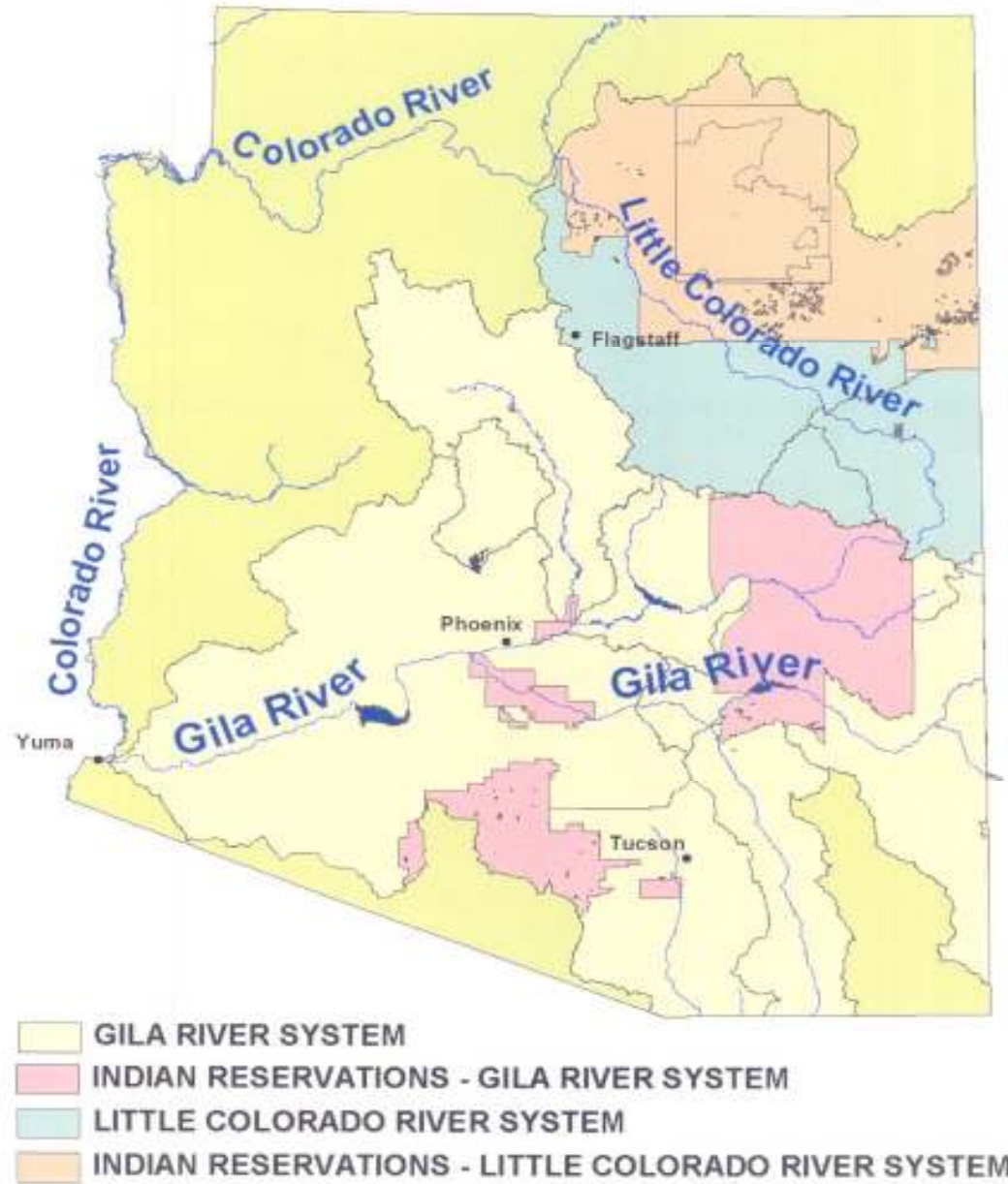
181 North 9th Street

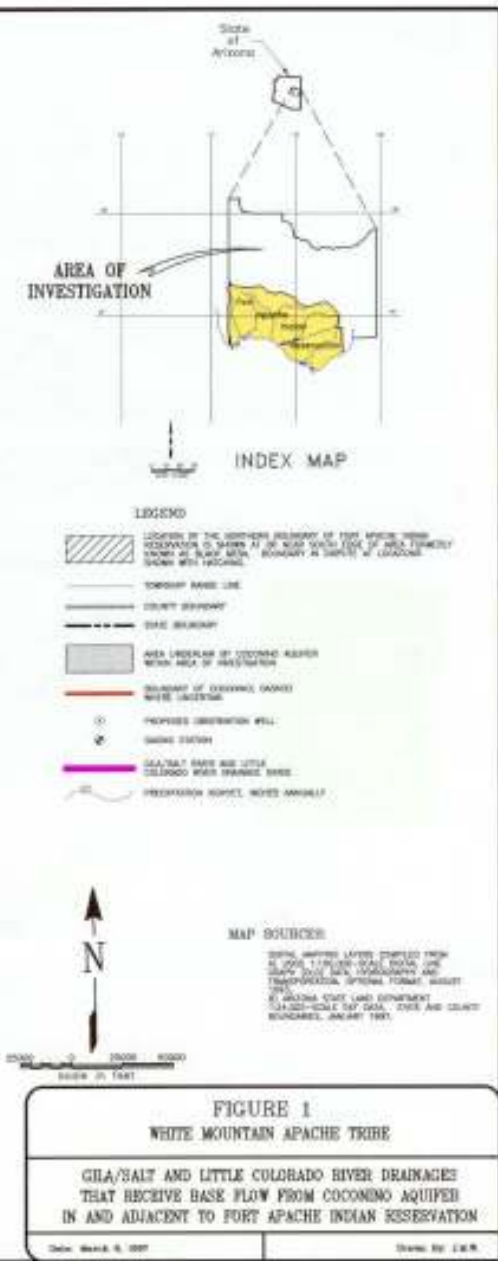
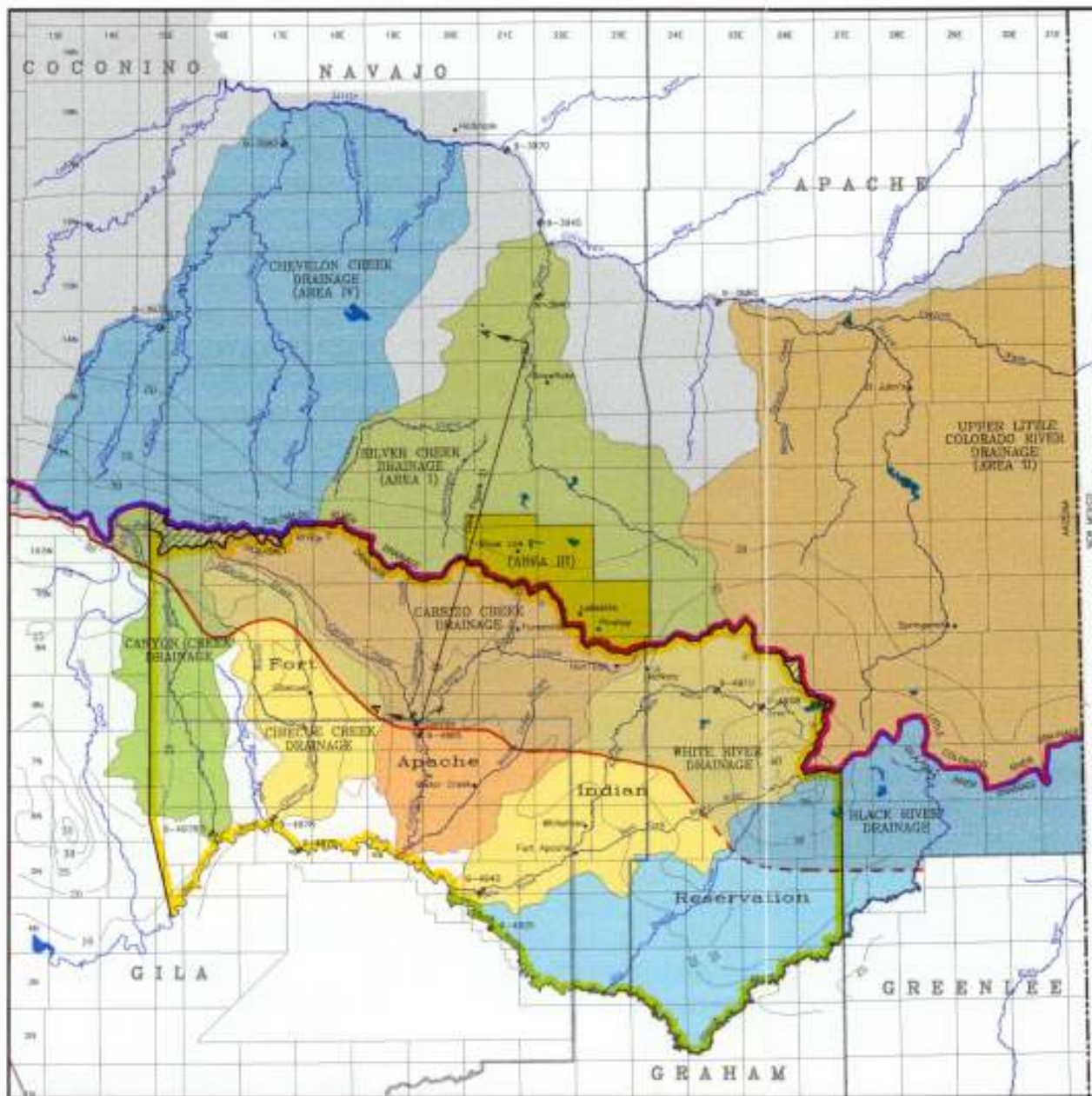
Show Low, Arizona,

Reason for this Public Meeting

- **The Court Order dated April 29, 2014, ordered the WMAT Agreement Parties to:**
- Schedule a public information meeting about the proposed WMAT Water Rights Settlement (“WMAT Agreement”) in Show Low, Arizona on August 6, 2014, to provide interested parties in the Little Colorado River adjudication and the public generally, with information and a description of the terms/conditions of the proposed WMAT Agreement.
- Make a public disclaimer that the WMAT Agreement Parties’ interest in the WMAT Agreement may be adverse to the interests of other parties in the Little Colorado River Adjudication.
- Announce the availability of the ADWR factual analysis/technical assessment of the WMAT Agreement.
- Give notice that the deadline to file objections to the WMAT Agreement is Monday, September 8, 2014.
- Provide copies of the April 29, 2014 Court Order and Attachments A, B and C at the Show Low public meeting.

ARIZONA STREAM ADJUDICATIONS





Location Map



Parties to the WMAT Agreement (also known as the Amended and Restated White Mountain Apache Water Rights Quantification Agreement dated as of November 1, 2012)

- White Mountain Apache Tribe.
- United States.
- Salt River Valley Water Users' Association and Salt River Project Agricultural Improvement and Power District.
- Cities of Avondale, Chandler, Glendale, Peoria, Mesa, Phoenix, Scottsdale, Tempe, Show Low, and the Town of Gilbert.
- Central Arizona Water Conservation District(CAWCD).
- State of Arizona.
- Roosevelt Water Conservation District, Buckeye Water Conservation and Drainage District, Buckeye Irrigation Company, and the Arizona Water Company.

WMAT Agrees to a Quantification of its Indian Reserved Water Rights in 2009, amended and restated on November 1, 2012

- Negotiations 2004-2009 lead to the 2009 WMAT Agreement.
- WMAT's water rights are quantified at a maximum total diversion right of 99,000 acre feet per year: through a combination of surface water (67,000 acre feet Salt River rights and, in addition, 7,000 acre feet from either the Little Colorado or Gila River system-total 74,000 ac ft) and Central Arizona Project ("CAP")(25,000 acre feet, subject to Section 4.1.4 of WMAT Agreement)water resources through an exchange. Total maximum depletion is 52,000 acre feet annually.
- WMAT's surface water rights: total of 74,000 acre feet, including within the 74,000 acre feet diversion right, the ability to divert 7,000 acre feet per year from either the Salt or Little Colorado River system.
- Maximum depletion is 27,000 acre feet annually from the Salt River and Little Colorado River systems of which 4,000 acre feet per year may be from either the Salt River or Little Colorado River system.

QUANTITIES AND SOURCES OF WMAT WATER RIGHTS in WMAT AGREEMENT

Source	Maximum Annual Diversion Amount	Maximum Annual Depletion Amount	Reference
4.1.1 Surface Water and Groundwater Diverted on the Reservation or on Off-Reservation Trust Land from sources within the Salt River Watershed	64,000 AFY	21,800 AFY	As set forth in Paragraphs 5.0, 6.0, and 11.0
4.1.2 Surface Water and Groundwater Diverted on the Reservation or on Off-Reservation Trust Land from sources within the Salt River Watershed or the Little Colorado River Watershed	7,000 AFY	4,000 AFY	As set forth in Paragraphs 5.0, 6.0, and 11.0
4.1.3 Surface Water and Groundwater Diverted on the Reservation or on Off-Reservation Trust Land from sources within the Salt River Watershed the first Use of which shall not commence until after the Year 2100.	3,000 AFY	1,200 AFY	As set forth in Subparagraph 5.2 and Paragraph 11.0
4.1.4 White Mountain Apache Tribe Central Arizona Project Water	At least 25,000 AFY	25,000 AFY	As set forth in Paragraphs 7.0 and 11.0
4.1.5 Total	99,000 AFY Subject to Subparagraph 4.1.4	52,000 AFY	

Diversions and Depletions, af/yr

SUMMARY OF WATER BUDGET			
Purpose		Diversion	Depletion
Irrigation		34,373	25,133
Evaporation			
	Stock Ponds	1,886	1,886
	Existing Lakes	2,121	2,121
	Future Lake	3,060	3,060
	Reservoirs	1,003	1,003
Hatcheries		17,697	0
Domestic and Commercial		24,339	9,737
Livestock		423	423
Resort/Industrial		8,790	2,824
Mineral/Reserve		5,814	5,814
Total		99,506	52,000

Highlights of WMAT Agreement

- WMAT Agreement will resolve water rights claims of the White Mountain Apache Tribe filed by the United States for the WMAT and water rights claims filed by the WMAT itself.
- WMAT's Water Rights shall be held in trust by the United States on behalf of the WMAT.
- All diversions and depletions of water on the Reservation, on Off-Reservation Trust Land, and all WMAT CAP Water use by WMAT or leased to others, is counted toward the maximum annual diversion and maximum depletion.
- The annual maximum diversion and depletion will be monitored and inspected and an annual report prepared by a registered professional engineer or similarly qualified person and filed with the court each year.

Central Arizona Project Water

- The WMAT Agreement allocates 25,000 ac ft of CAP water annually to the WMAT.
- WMAT may deplete water from the Salt River system within its Reservation and put to its own use up to 25,000 acre-feet per year through an exchange of Salt River water for CAP water or choose to lease some or all of its CAP water to others.

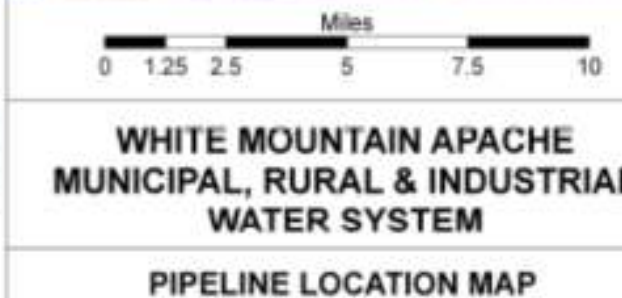
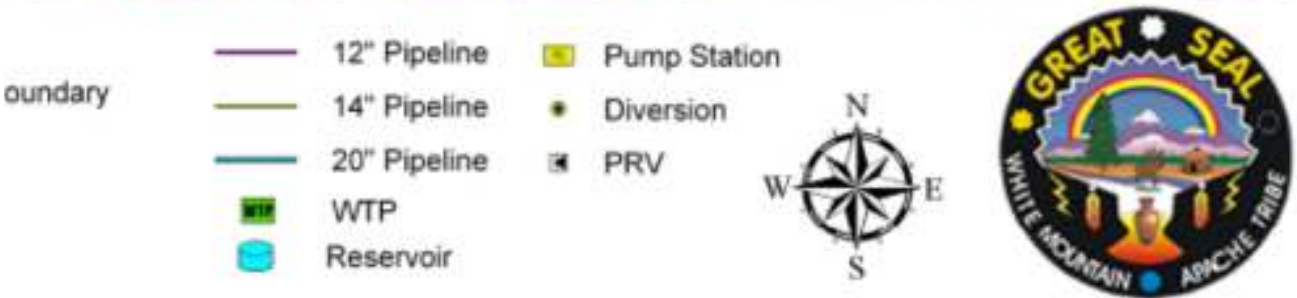
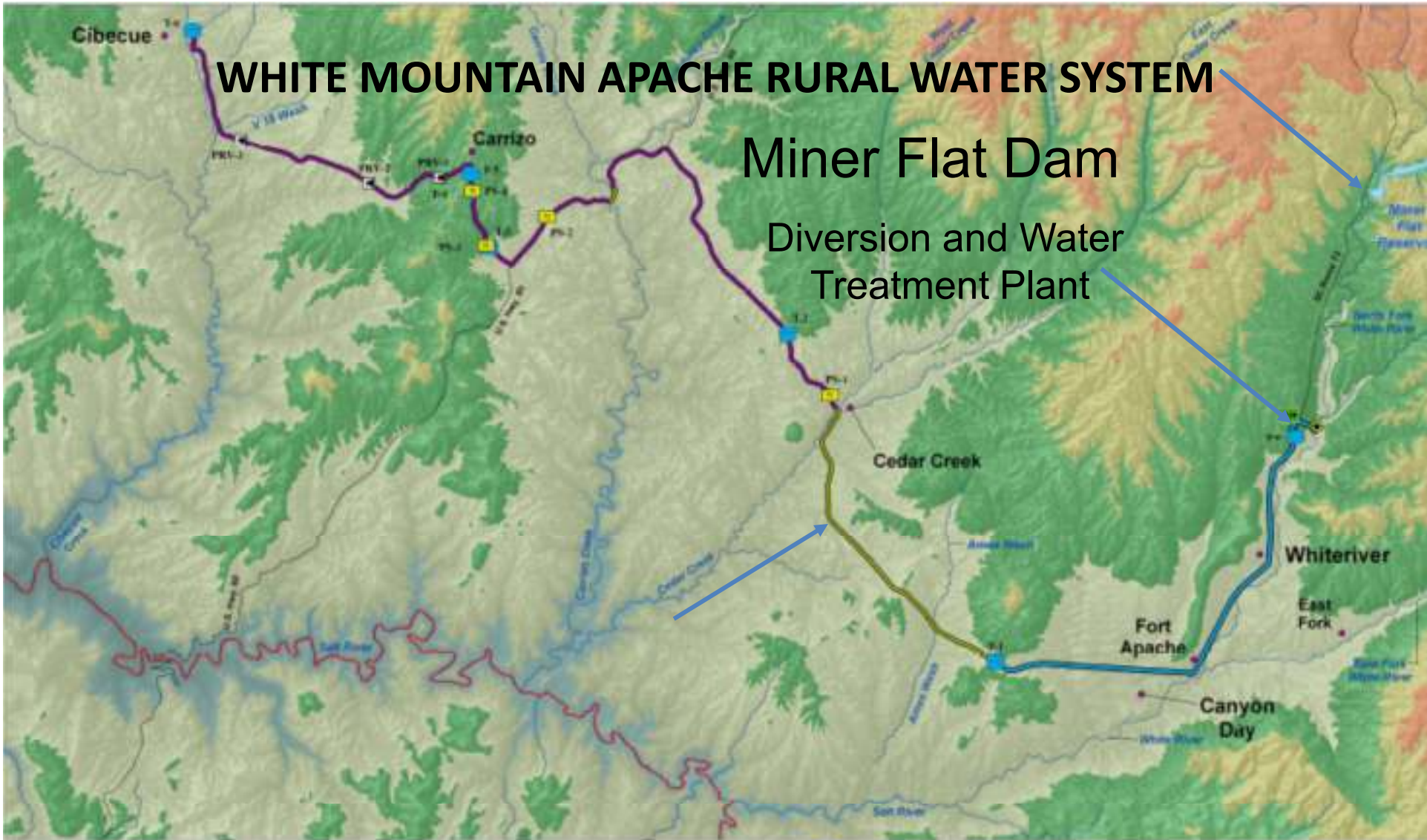
WMAT Agreement

- Except for WMAT CAP water which may be leased, WMAT must use the water from the WMAT Agreement on its Reservation and cannot sell, lease, transfer or use its water outside the boundaries of the Reservation or off-Reservation trust lands other than pursuant to an exchange.
- Water rights claims of the WMAT and its Members and the United States acting as trustee for the WMAT and its Members, will be fully, finally and permanently adjudicated by the proposed Little Colorado River Judgment and Decree.

WMAT Agreement Includes Support for a Safe and Reliable Rural Water System for WMAT

- Majority of Reservation population is served by a small and failing well field; new groundwater development is not feasible due to limited aquifer storage.
- WMAT Agreement includes support for federal funding for a rural water system comprised of a dam and reservoir, water treatment plant and pipeline to serve the majority of the reservation population.





WMAT Agreement

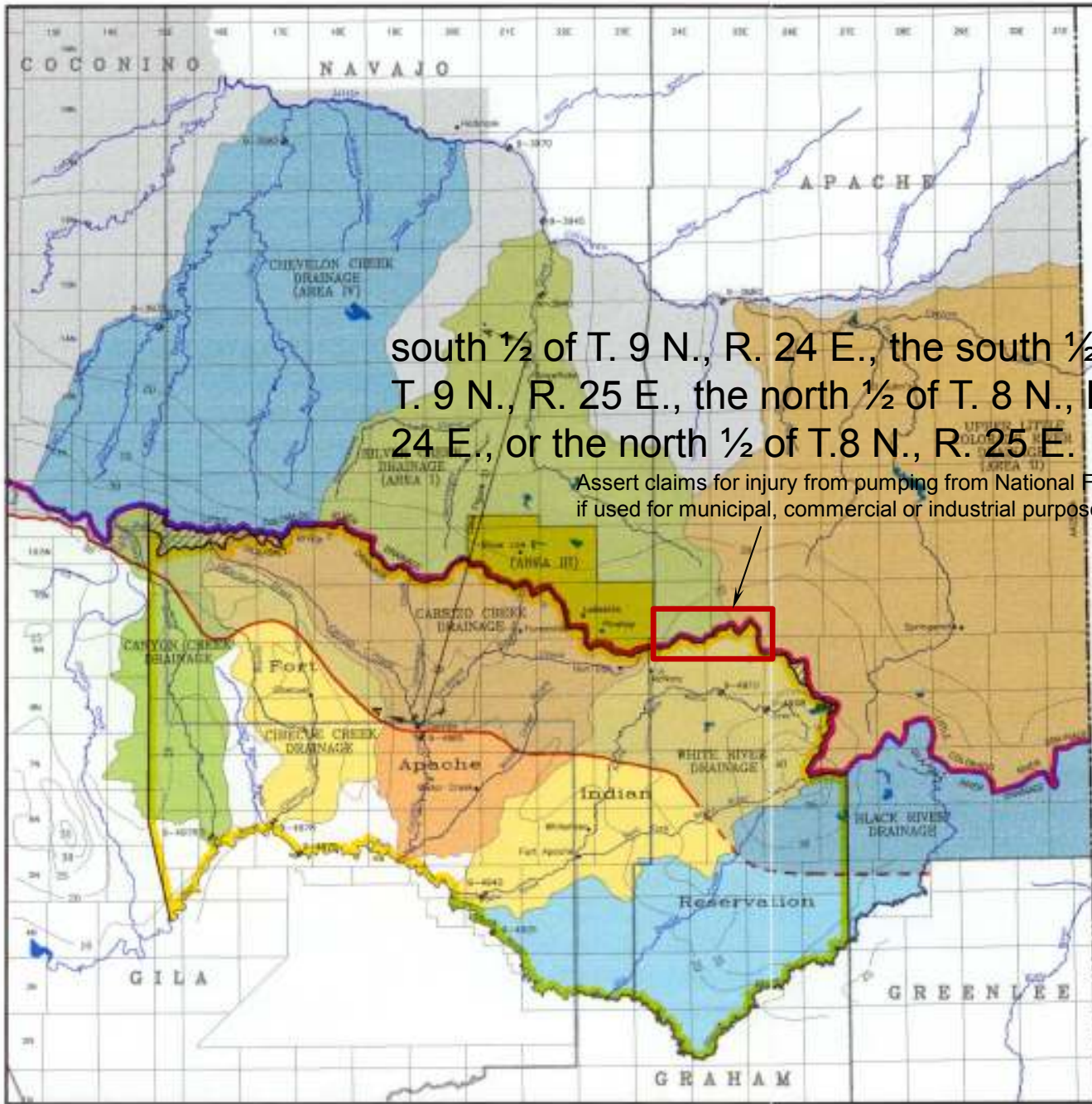
- In return for a permanent and maximum quantification (limit) of its water rights and federal funding to build the WMAT rural water system, and other federal authorizations for water related economic development, the WMAT agrees to provide waivers and releases of claims that benefit all State law water users in the Little Colorado River and Gila River basins as well as the United States(not binding on other Indian Tribes).
- The signed 2009 Quantification Agreement leads to enactment by U.S. Congress of the WMAT Water Rights Act on December 8, 2010.

WMAT Agreement

- Nothing in the proposed Little Colorado River Judgment and Decree for the WMAT quantifies or affects the water rights, claims or entitlements to water of any Arizona Indian tribe, band or community or the United States acting on their behalf.
- Nothing in the WMAT Agreement affects a right of any Party, other than the WMAT and the United States, acting as trustee for the WMAT and its Members, to assert any priority date or quantity of Water for Water Rights claimed by such Party in the Little Colorado River Adjudication or other court of competent jurisdiction.

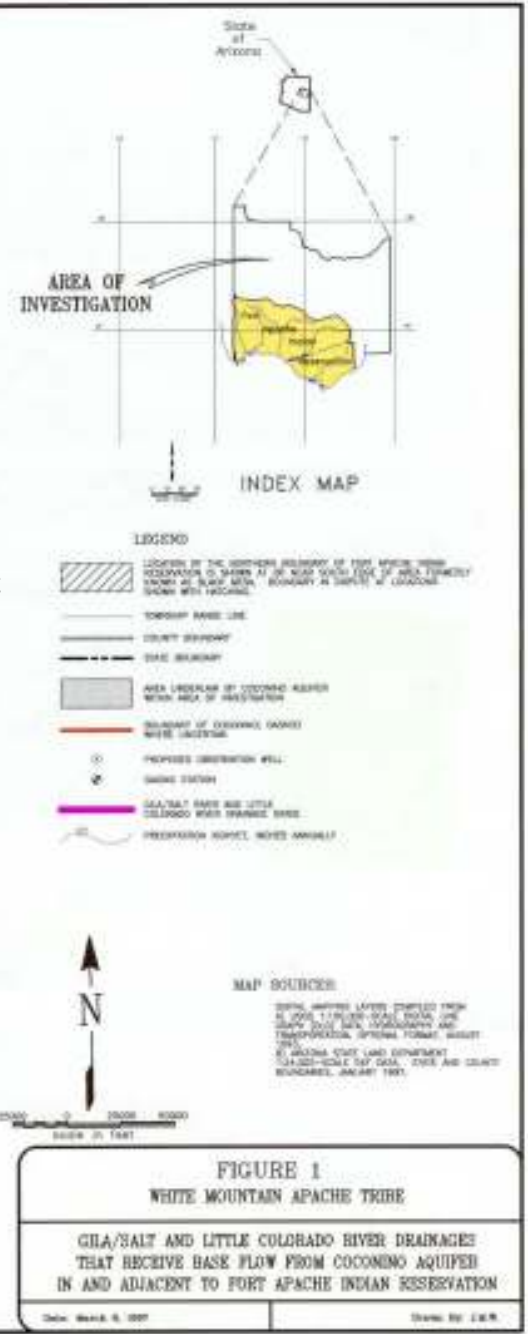
WMAT AND U.S. NOT TO OBJECT TO WELLS DRILLED OFF-RESERVATION (Excerpt from Attachment A to Order for Special Proceeding)

13. Except as provided in Subparagraph 12.6.1(i) and 12.7.1(f) of the WMAT Agreement, the WMAT and the United States acting in its capacity as trustee for the WMAT shall not: (1) object to the usage of any well located outside the boundaries of the Reservation or the Off-Reservation Trust Land in existence on the Enforceability Date; or (2) object to, dispute or challenge after the Enforceability Date the drilling of any well or the withdrawal and Use of Water from any well in the Little Colorado River Adjudication Proceedings or in any other judicial or administrative proceedings.



south ½ of T. 9 N., R. 24 E., the south ½ of T. 9 N., R. 25 E., the north ½ of T. 8 N., R. 24 E., or the north ½ of T.8 N., R. 25 E.

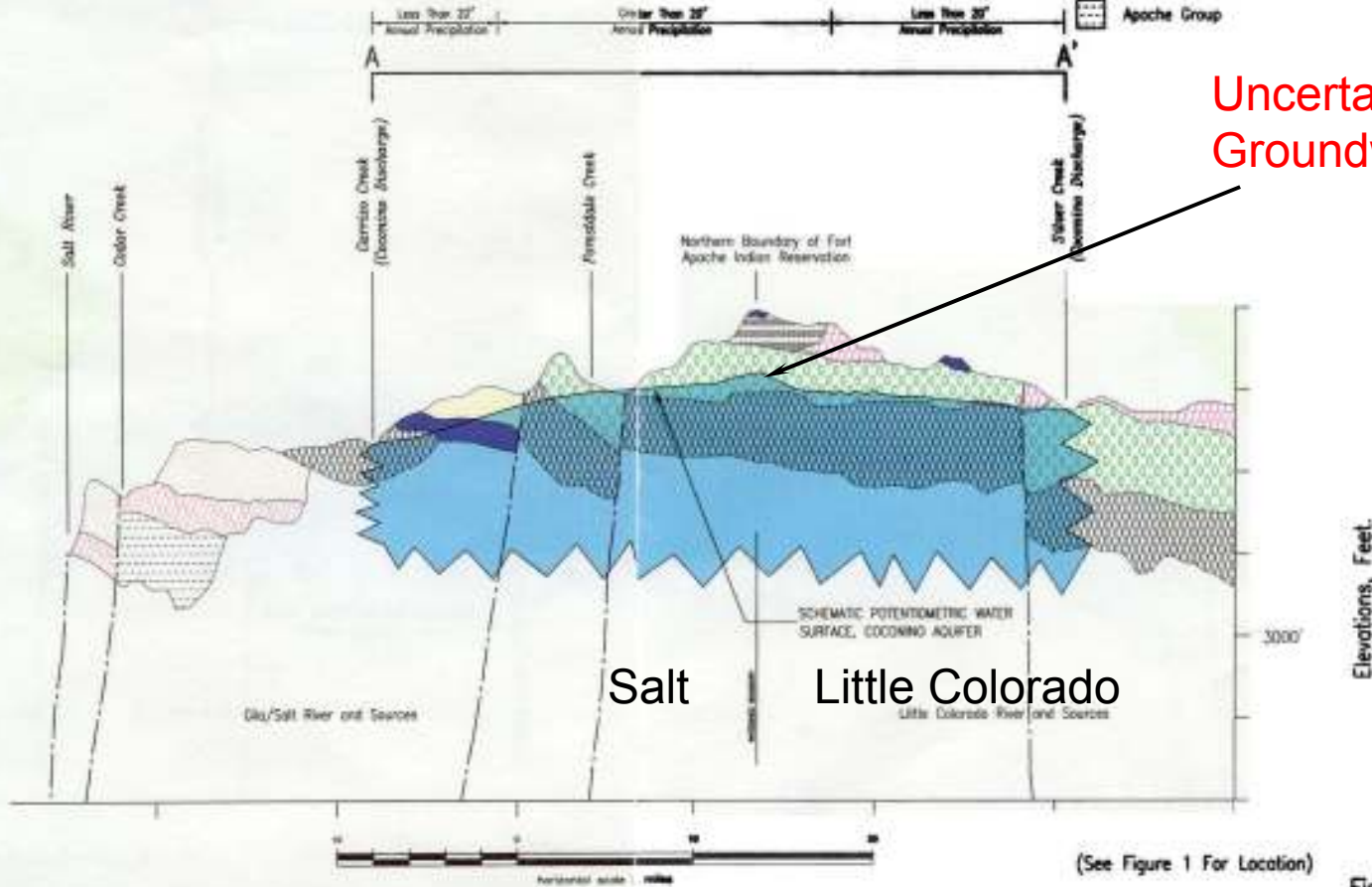
Assert claims for injury from pumping from National Forest if used for municipal, commercial or industrial purposes



SCHEMATIC CROSS-SECTION OF FORMATIONS CONTAINING COCONINO AQUIFER ON LINE BETWEEN CARRIZO CREEK (GILA/SALT) AND SILVER CREEK (LITTLE COLORADO)

ADAPTED FROM: USGS WATER SUPPLY PAPER 1619-H, PLATE 3

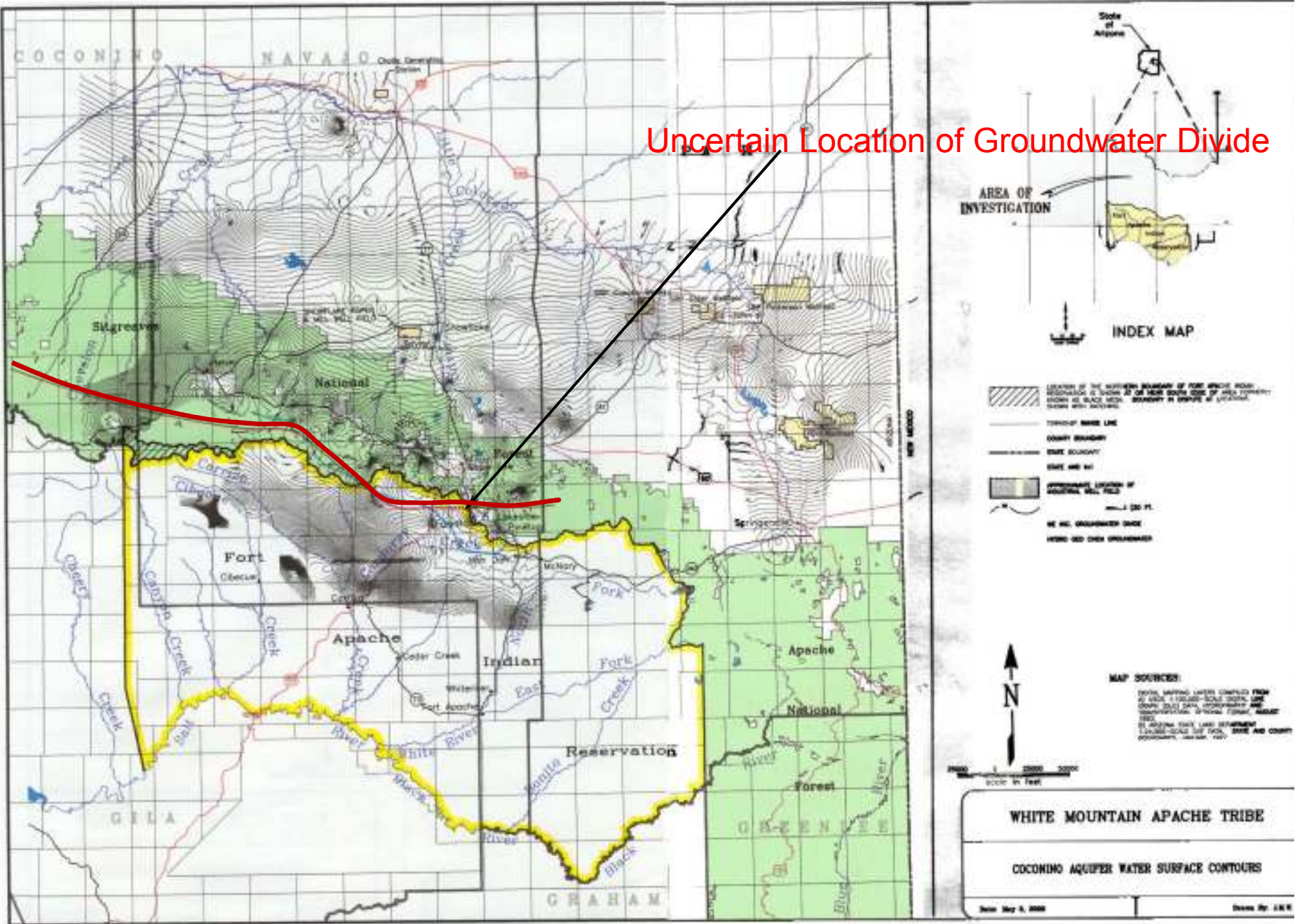
- Fault
- Basalt
- Sedimentary Rocks Undivided
- ▨ Sedimentary Rocks Undivided
- ▩ Moenkopi Formation
- ▧ Coconino Sandstone
- ▦ Supai Formation
- ▥ Mazoni Formation
- ▤ Redwall Limestone
- ▣ Apache Group



Uncertainty of Groundwater Divide

(See Figure 1 For Location)

Figure 3



Uncertain Location of Groundwater Divide

State of Arizona

AREA OF INVESTIGATION

INDEX MAP

LEGEND:

- LOCATION OF THE NORTHERN BOUNDARY OF FORT HUACHUCA NATIONAL MONUMENT IS SHOWN AS BLACK WITH BOUNDARY IN WHITE AT LOCATION
- TERRAIN BOUNDARY LINE
- COUNTY BOUNDARY
- STATE BOUNDARY
- STATE AND AIR
- APPROXIMATE LOCATION OF SURFACE WATER

SCALE: 1:50,000

MAP SOURCES:

- TOPOGRAPHIC MAPS COMPILED FROM U.S. GEOLOGICAL SURVEY 7.5-MINUTE SCALE (20,000 SCALE)
- USGS 25-MINUTE SCALE (250,000 SCALE)
- USGS 15-MINUTE SCALE (750,000 SCALE)
- USGS 7.5-MINUTE SCALE (250,000 SCALE)
- USGS 1:250,000 SCALE (750,000 SCALE)

Scale: 0 2000 4000 Feet

WHITE MOUNTAIN APACHE TRIBE

COCHISE COUNTY WATER SURFACE CONTOURS

Date: May 8, 2008

Drawn By: L.R.K.

PRIORITY DATES of WMAT WATER RIGHTS (Excerpt from Attachment A to Order for Special Proceeding)

7. The priority date for the administration of the Water Rights of the WMAT and the United States on behalf of the WMAT from the Little Colorado River and its tributaries for Uses on the Reservation shall be November 9, 1871. The priority date for the administration of the Water Rights of the WMAT and the United States on behalf of the WMAT for Uses on Off-Reservation Trust Lands from the Little Colorado River and its tributaries shall be November 4, 1985. Except as provided in Section 18 hereof, upon the entry of the Proposed LCR Judgment and Decree, the Water Rights described in Sections 3, 4 and 5 hereof and this Section 7 shall be binding on all parties to the Little Colorado River Adjudication.

WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS QUANTIFICATION ACT (“Act”) OF 2010, PUB.L. 111-291

- Act Confirms the 2009 WMAT Water Rights Quantification Agreement referred to by the Court as the “WMAT Agreement” in the Court Order dated April 29, 2014.
- Act requires Secretary to construct a rural water system (WMAT Rural Water System) to provide reliable, clean and safe drinking water for the reservation.
- Act requires as a condition of enforceability, amongst other conditions which have already been satisfied as of July 29, 2014,(one of which was to amend the 2009 Quantification Agreement to conform to the Act), that the Apache County Superior Court approve the WMAT Agreement. This Public Meeting is part of the Court approval process.
- Act requires the Secretary of the Interior to issue a Record of Decision approving the construction of the WMAT Rural Water System.
- Deadline for enforceability of the Act is April 30, 2021.

FEDERAL FUNDING

- \$126.2 M mandatory appropriation for dam, treatment plant, pumping stations, 60 mile pipeline for reservation wide rural water system.
- \$24 M mandatory appropriation for Cost Overrun Fund for rural water system.
- \$50 M mandatory appropriation for WMAT Operation, Maintenance and Repair held in Trust for WMAT.
- \$2.5 M mandatory appropriation to operate and maintain drinking water system until title to rural water system is transferred by Secretary to WMAT.
- \$113.5M authorized for WMAT Settlement Fund for water related economic development, includes \$35M (\$24M Mandatory Appropriation and \$11M authorized) for Cost Overrun Fund.
- Approximately \$22 million for United States to firm 3,750 afa of WMAT CAP Water to M&I priority water for 100 years.
- **All funding is indexed in accordance with engineering indices for construction costs.**

STATE FUNDING

- \$2M from State for construction of Reservation Rural Water System has been authorized by the Arizona State Legislature once WMAT Water Rights Act becomes enforceable.
- State agrees (same as Federal Government) to firm 3,750 afa of WMAT CAP Water to M&I priority water for 100 years, estimated cost is \$22 million.

Questions?

END