

DRAFT FREQUENTLY ASKED QUESTIONS
YAVAPAI-APACHE WATER RIGHTS SETTLEMENT

JULY 2024

- **What is an Indian water rights settlement?**

An Indian water rights settlement is an agreement with a federally recognized Indian Tribe, the United States, and the State, as well as other settling parties, to finally resolve the water rights claims of the Tribe. There have been dozens of water rights settlements throughout the United States, including in Arizona. Generally, these settlements bring certainty to the Tribe and neighboring communities, while also providing infrastructure to facilitate water use and management into the future. Once settlements are agreed to, the United States Congress must authorize the settlement through legislation.

- **How will this impact my water rights claim in the Gila River Adjudication?**

The Gila River Adjudication, which began nearly 50 years ago, is a slow-moving lawsuit that is designed to determine water rights in the Gila River watershed, which includes the Verde River. The adoption of the Yavapai-Apache water rights settlement will mean that the Adjudication court will no longer have to go through a lengthy court proceeding to determine the water rights of the Yavapai-Apache Nation. And, after settlement, the Yavapai-Apache Nation and the United States on its behalf, will no longer actively participate in the Adjudication, except as expressly permitted in settlement. This means that for most existing individual claims in the Adjudication, the Yavapai-Apache Nation will not litigate against these claims in the future.

- **How will the Yavapai-Apache Nation's Settlement impact my community?**

The Yavapai-Apache Nation's water rights settlement brings certainty to Verde Valley communities by quantifying the existing water rights of the Nation, and the United States on its behalf, and by avoiding years of costly litigation in Gila River Adjudication for everyone. The Settlement Agreement includes agreements with Verde Valley communities and waivers protecting non-Tribal communities, ditch right owners, and other water users from litigation by the Yavapai-Apache Nation and the United States on its behalf. Most future developments are also protected from litigation as long as they build to modern water conservation standards which are spelled out in the Settlement Agreement.

- **Will the settlement bring new infrastructure to the Verde Valley?**

The cornerstone of the Settlement is the development and construction of an underground water delivery pipeline, using existing Forest Service roads, from the C.C. Cragin Dam and Reservoir (once known as "Blue Ridge Reservoir") located

on the Mogollon Rim, to the Nation's Reservation in the Verde Valley, near I-17 and Middle Verde Road. This pipeline, and the modern surface water treatment facility that will treat the water, will provide a renewable water supply to the Yavapai-Apache Nation and, if approved by Congress, the pipeline (referred to as the Cragin-Verde Pipeline) will have the capacity to serve neighboring communities that wish to participate. The new infrastructure will add to the Verde Valley's portfolio of water supplies without jeopardizing the Verde River or the groundwater aquifers that support the Verde River.

- **Will the settlement help protect the Verde River?**

The Settlement is a once-in-a-lifetime investment in water for the Nation and the Verde Valley, which includes the construction of a pipeline to bring renewable water from the C.C. Cragin Dam and Reservoir to the Verde Valley, reducing pressure on the Verde River and leaving more water to flow naturally through our communities. In addition, the Settlement recognizes an in-stream flow right that will help support the existing flows in the Verde River for the benefit of everyone.

- **Will this Settlement shut down my well?**

No, the Settlement does not allow the Yavapai-Apache Nation or any other water user to shut down existing wells or surface water diversions. As part of the Settlement, the Yavapai-Apache Nation and the United States on its behalf, have agreed not to litigate against existing water use claims in the Verde River Watershed, including claims involving existing wells. The Nation has also agreed to support most types of future developments in the Verde River Watershed, as long as those future uses meet modern water conservation standards as spelled out in the Settlement Agreement.

- **Will there be enough water left for my community?**

Yes. The Settlement does not increase the amount of water that the Yavapai-Apache Nation is already using from the Verde River and it significantly limits the Nation's ability to develop future groundwater resources. Instead, the Settlement brings a new *renewable* water resource to the Yavapai-Apache Nation, while also providing an opportunity – with appropriate Congressional approvals – for water to be imported for the benefit of non-Tribal communities in the Verde Valley as well.

- **I own land and want to build homes on it, how will this Settlement impact me?**

In addition to the Yavapai-Apache Nation waiving its ability to pursue claims against existing water users, developers of all sizes will be able to obtain waivers as well. The Settlement lays out in plain language that a developer that places their well away from the river and adopts modern water conservation building standards, will automatically have a waiver from the Yavapai-Apache Nation and the United States on the Nation's behalf, as spelled out in the Settlement Agreement.

- **Will the Settlement harm my irrigation rights?**

No. As part of the Settlement, the Yavapai-Apache Nation and the United States on its behalf have agreed not to litigate against existing surface water claims in the Verde River Watershed. In addition, the Settlement makes clear that nothing in the Settlement is intended to change the way ditch rights are used or how the ditches are administered in the Verde Valley.

- **Now that there is a Settlement, what comes next?**

For the Settlement to take effect, legislation that is already pending in Congress must be enacted to approve the Settlement and provide funding needed to construct the Cragin-Verde Pipeline and the other water infrastructure projects that are needed to treat and deliver this new source of water to the Nation's Reservation. In addition, the Gila River Adjudication court must formally approve the Settlement and decree the water rights to the Nation that have been resolved by the Settlement.