



September 5, 2024

VIA FIRST CLASS MAIL AND ELECTRONIC MAIL TO [mtouton@usbr.gov](mailto:mtouton@usbr.gov)

Camille Calimlim Touton  
Commissioner  
Bureau of Reclamation  
1849 C Street NW  
Washington DC 20240-0001

**RE: Need for Programs to Address Unused, Undeveloped, Uncompensated and Unquantified Tribal Water in Upper Basin**

Dear Commissioner Touton:

The Colorado River's Upper Basin has supported, since time immemorial, the health, lifeways, and religious and cultural practices of the six federally recognized Tribes in the Upper Basin (namely Jicarilla Apache Nation, Navajo Nation, Paiute Indian Tribe of Utah, Southern Ute Indian Tribe, Ute Mountain Ute Tribe, and Ute Indian Tribe, collectively, the "Tribes") who still call this place home. Water is necessary for all components of life. Each year, the growing demands of water users in the Colorado River strain the available supply gifted to all those who share our Ancestral lands.

As history informs us, the development of Federal Indian reserved water rights in the Upper Basin has lacked consistency, meaning each of the six sovereign nations who share this land have a different water rights development history, yet share one or more common Indian water rights problems also known as the "Four U's": 1) Undeveloped water rights; 2) Unquantified water rights; 3) Unused water rights; and 4) Uncompensated water rights. Regardless of each Tribe's specific circumstances, these four areas are common themes in meetings and government-to-government consultations regarding tribal water and water rights issues in the Colorado River's Upper Basin.

While there are no quick solutions to these problems, there are solutions. For each Tribe there are solutions that can immediately help address each of the "Four U" issues based on the unique needs of each Tribe and its available resources. The Tribes encourage Reclamation to work with the states and Tribes in the Upper Basin to develop programs to help the Tribes alleviate the "Four U" concerns while providing support to the larger Colorado River Basin System.

Reclamation recently announced the availability of phase two funding (i.e., “Bucket Two” funding, including both Bucket 2 Environmental Drought Mitigation or “B2E” and Bucket 2 Water Conservation or “B2W”) to address water issues in the Upper Colorado River Basin under the *Inflation Reduction Act (“IRA”) of August 16, 2022. Public Law 117-169, 136 Stat. 2053.* Among the various solutions available, we urge Reclamation to work with states and Tribes in the Upper Basin to develop conservation and river-system health focused programs specifically for the Tribes in the Upper Basin to address concerns regarding the “Four U’s” as described above and to prioritize Bucket 2 funding to support such programs as applicable. We urge Reclamation to work with states and Tribes in the Upper Basin to identify additional sources for funding to broaden and further support such programs as we work to build resiliency for the Colorado River and our tribal communities.

Sincerely,

Adrien Notsinneh, President, Jicarilla Apache Nation  
Dr. Buu Nygren, President, Navajo Nation  
Hope Silva, Shivwits Band of Paiute  
Melvin J. Baker, Chair, Southern Ute Indian Tribe  
Manuel Heart, Chair, Ute Mountain Ute Tribe

Cc: Wayne Pullan, Upper Colorado River Basin Regional Director at [wpullan@usbr.gov](mailto:wpullan@usbr.gov)  
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