

Transcript – Native Waters on Arid Lands Podcast

Episode 11: Tribal water sharing agreements with Bonnie Colby

<http://nativewaters-aridlands.com/2018/07/colby/>

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KF: Welcome back to the Native Waters on Arid Lands Podcast, where we're talking with different members of our project team about their work. This is Kelsey Fitzgerald, and today I'm going to be talking with Dr. Bonnie Colby, who is a professor of Agricultural and Resource Economics and of Hydrology and Water Resources at the University of Arizona in Tucson and is currently working on a guidebook to help tribes through the process of setting up water sharing agreements. We're going to be doing this interview remotely today over an internet connection -- Bonnie is in Arizona and I'm here in Reno, NV -- so please excuse any blips that you hear in the audio as we test out this new podcasting system.

KF: Hi Bonnie, are you there?

BC: Happy to be here, Kelsey.

KF: Could you start just by telling us a little bit about what you do for a living?

BC: I've been on the faculty at University of Arizona in Tucson for over 30 years, and I teach classes and guide graduate and undergraduate students here at the university in solving regional water resource puzzles – conflicts over water, how to manage a river, water going to the environment, and of course, interactions between Tribal Nations and other water users have been a really important part of that work, because everywhere in the western US tribes are active in water issues and are interacting with their non-Indian neighbors over water. So that's been a primary focus of my work here at the University.

In the summer, when I'm not teaching classes and doing research and advising students at the university, I often work with Tribal organizations on education and outreach. For example, I worked at a number of summer education programs for staff from tribal governments, tribal council members, elected tribal officials, and also for federal agency staff who work for tribes. So that's been training in economic decision making, as well as river and river basin management. So that's been a lot of fun. Some of that has been with the Native American Rights Fund, some of it has been with American Indian Resource Institute and other organizations. So that's given me a really enjoyable opportunity to work with people from many different reservations all over the western US for over three decades.

KF: So, as part of the Native Waters on Arid Lands project, I understand that you are currently working on a guidebook to help tribes through the process of setting up water sharing agreements. Can you tell us, first of all, what a water sharing agreement is?

BC: Yes. Federally recognized tribal govts are in a really unique position in their regions in that their water rights are often very senior, because the reservations were established in many cases before there was a lot of non-indian settlement and claiming of water by non-tribal peoples. So tribes often have the senior water rights in their region, and that means those rights are more drought proof, and thus desirable not only for use on the reservation but also by non-indian water users.

Say there's a city who has less secure water rights – they might make an agreement with a tribal nation that in return for payments, the tribes would allow the city to use some of their senior, more secure water during a drought period. So when I talk about water sharing agreements, it's that kind of arrangement that I had in mind, and a number of arrangements like that are occurring around the western united states between tribal nations and other water users.

KF: Can you give us an example of a water sharing agreement that you've learned about in your work, and how that agreement is set up?

BC: One example here in Arizona where I live is the Gila River Indian community has a large amount of quantified water rights. Water that is governed by the tribal nation, by the GRIC involving groundwater and surface water and water from a federal project that serves that part of AZ. The Gila River Indian Community is actually banking water beneath the reservation for other parties to draw upon during shortage years. So, It's serving as a water bank, it receives payment for those water banking and storage services, and it also receives the benefit of having more water under the reservation which raises the water table and is good for the other agricultural operations that occur on that reservation. They use both groundwater and surface water, but it makes the groundwater cheaper to pump when it's closer to the surface.

KF: What are your goals of the guidebook that you're putting together?

BC: The goals of the research are to provide practical guidelines, you could even say something as practical as checklists. If you're negotiating with non-indian cities and farming districts over use of tribal water, what are the kinds of things you need to think about? Laying that out in a clear way that a tribal council could use, or tribal agency staff, so that as they're in these complex discussions they have something to refer to, and something that's written for people who are not necessarily specialists in this area but are engaged in the decision-making.

KF [5:20] - Can you share some tips with us? What are some things a tribe needs to think about if they're putting together a water sharing agreement?

BC: Well, like any agreement with neighboring resource users, one really wants to think about what are fair terms to the tribe. So one of the things to carefully consider is what's a fair price that the tribe should be asking? A price that really rewards them for the seniority of their water rights and for their managing the agreement and making water available to the other party during dry periods? So that's a special consideration that one wants to give considerable thought to, and we give some guidelines for doing that in the guidebook that we're producing.

And of course the tribes fortunately have excellent attorneys, so having their attorneys make sure the contract is really well written and considers the tribes interests – not only its financial interests, but it's cultural values, the future of water use on the reservation, the different ways that other generations, future generations of tribal members might want to use water, keeping a flexibility for different arrangements in the future. Those are two considerations that come to mind.

The issue of receiving a fair return and having an agreement that is flexible for the tribe to do different kinds of water uses in the future, as new generations of tribal leadership arise and they have different ideas and values.

KF [6:52] - What are some of the positive outcomes or benefits that you see for tribes that enter into a successful water-sharing agreement?

BC: One of them of course is a direct financial revenue benefit. The revenues are earned by the tribal government, they might invest those in water conservation and water efficiency technologies if they have agriculture on the reservation. They might invest them in restoring river systems and habitat. Revenues for the tribal nation to use in whatever way it sees fit.

Another important benefit is being a central player in the regional water dialogue, along with the off-reservation cities and off-reservation irrigation districts, that tribes are right in there in the negotiation and decision-making process. I see that as a real plus, and something really important that has happened over the last decade and more. That tribes are seen in leadership roles in their regions regarding water issues.

KF: What do you hope to accomplish through this project?

BC: I would love for the work that we're doing – both the guidebook, which will be web-based as well as a typical hard copy document, and presentations that we do at forums where we are talking directly with members of tribal communities, I would like to see tribal decision-makers feel more comfortable, confident, and really able to negotiate on behalf of their tribe's interest in this very complex and specialized area.

KF [8:25]: How far out are you from completing the guidebook? When can people expect to see this?

BC: Well, there will certainly be a draft circulating later this year, and then depending on how long it takes to kind of get some detailed comments and revise it, I think it'll be available for the general public and online certainly in 2019.

KF [8:50]: And where will people look for to find this?

BC: Well, the NWAL website will be the first place to start, but we hope it will be posted lots of places.

KF [9:00] That's great Bonnie, our web address in case people don't know it is nativewaters-aridlands.com, so keep an eye out for that if you're interested. Last question -- what has been the most interesting thing for you so far about your work with the Native Waters project?

BC: I think the most interesting or inspiring thing that I've learned is a new generation of young tribal leaders participating in this dialog. Members of the tribal councils in many tribes are from an older generation, certainly very appropriate given their experience, and it's nice to see younger tribal people – some of them with an educational background that gives them expertise in water management or in geographic information systems, or maybe in fisheries biology, and to see that participation. Because that's the next generation that's going to be grappling with what we expect to be a more and more complex challenge in sharing the water resources of the Western US and managing the risks as we face higher temperatures, changes in population and urban demand for water. So I think for me it's been very exciting to see another generation step forward and dive into this very complex area.

KF: Great, well Bonnie thank you so much for talking with us today. Really interesting to talk to you and best of luck with your work!

BC: Thanks Kelsey

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