

Testimony of Ronald W. Thompson, District Manager
Washington County Water Conservancy District

Before The
Senate Indian Affairs Committee

May 2, 2000

RE: S. 2351
*Settlement of Water Rights Claims of Shivwits Band of Paiute Indian
Tribe of Utah*

The people of Southwestern Utah consider the wise and effective use of its water resources very important. Washington County is the driest county in the second driest state in the United States and water is not only scarce but is the lifeblood of all of our communities.

The age old problem of allocating this scarce resource has always been a critically important issue in Washington County and, particularly along the Santa Clara River, which in addition to providing water to many users, is the home of the Shivwits Band of the Paiute Indian Tribe.

The Washington County Water Conservancy District has worked for many years as a facilitator to bring about a useful, acceptable settlement of the Shivwits water rights claim with the State of Utah and the water users along the Santa Clara River.

Initially, the United States as Trustee for the Shivwits Band, filed the water user claim in the ongoing statutory adjudication of water rights in Washington County claiming the right to 11,355 acre foot of water for the benefit of the Shivwits Band. Since this water right claim was for nearly the full annual flow of the Santa Clara River, it obviously caused a great deal of concern among the water user community within the Santa Clara River system. Much effort has gone into finding a mutually acceptable solution. Attempting to allocate an extremely scarce resource and take into consideration environmental needs along the Santa Clara River along with allowing the input of the water user community has been extremely challenging and required a great deal of time and effort of all the involved parties.

We believe the proposed settlement as outlined in S. 2351 and the settlement agreements allow the parties to not only meet their own water needs, but meet environmental needs found along the Santa Clara River system. This settlement proposal will provide 4000 acre feet of water to the Shivwits Band. It will bring the Shivwits Band and other water users into a pooling agreement which will provide water for both. It will also allow them to share reservoir space, pipe water,

implement aggressive water conservation practices, which will not only allow them to meet the irrigation needs of the water users but also to provide additional instream flows in areas which have historically been dewatered along the Santa Clara River.

The Santa Clara Settlement Agreement pools the water rights of the St. George Clara Field Canal Company, the New Santa Clara Field Canal Company, the Ivins Irrigation Company and the Lower Gunlock Reservoir Corporation Shivwits Band.

The water the Washington County Water Conservancy District delivers is provided for in the Santa Clara Agreement. Pursuant to that agreement, the Shivwits Band will receive 1900 acre feet annually from the Santa Clara River in an average water year and all users will take proportionate reductions in below average years. Surface water rights will be supplemented by underground water rights of the parties, including St. George City, in below average years.

The United States, the State of Utah and the Washington County Water Conservancy District have contributed \$2,250,000 for the construction of the pipeline from Gunlock Reservoir to Ivins Reservoir which will provide the backbone for delivering the water to the Shivwits Band and to the other water users in the lower Santa Clara River. The Shivwits Band, along with the other Santa Clara Water Projects users, will pay their proportionate share of annual operation and maintenance costs for the project.

The project also provides significant environmental benefits such as water savings by use of the pipeline. This water will be released for the benefit of the Virgin River Spinedace. Also, the United States, on behalf of the Shivwits, will be obligated to pay \$15,000,000 to the City of St. George for the Band's proportionate share of the construction, operation and maintenance of the St. George Water Reuse Plant, which will provide 2,000 acre feet of water annually to the Shivwits Band's eastern boundary on the Shivwits Reservation.

S.2351 would approve, ratify and confirm the Santa Clara Project Agreement and the Shivwits Band's water right settlement for 4,000 acre feet of water. It would authorize the Secretary of the Interior to execute the settlement documents and appropriate funds necessary for the implementation of the St. George Water Reuse Agreement, and the Santa Clara Project Agreement.

The bill would also establish a trust fund in the Treasury of the United States for the benefit of the Shivwits Band of \$1,000,000 to be made available to cover the Shivwits' proportionate share of long term operation and maintenance of the Santa Clara Project and an economic development fund to be used on the reservation in the amount of \$5,000,000 to help the band enhance the economic conditions on the reservation.

The legislation also authorizes the Secretary of Interior to establish a water rights and habitat acquisition program in the Santa Clara and Virgin River Basins for the benefit of species and plants which have been listed, are likely to be listed or are subject to a duly approved conservation agreement under the Endangered Species Act. The amount of the fund will be \$3,000,000, which

will be appropriated for this purpose. The fund will be administered pursuant to the terms and conditions of the Virgin River Management Program for water right and habitat acquisition.

The efforts of bringing the parties together to provide an adequate water supply to the Shivwits Band to meet the needs of the environment and the other local irrigators on this river system has been time consuming, however, this agreement brings an opportunity for a win-win resolution in this river system which was not on the horizon until recently. The Washington County Water Conservancy District supports this agreement and has committed to expend substantial funds in making sure the agreement moves forward and is implemented for the benefit of the irrigators including the Band, the communities and the environment.

Thank you for your time and effort.