

PROPOSAL BY ARIZONA
RESPECTING INDIAN USE OF
COLORADO RIVER WATER

In view of the execution by the complainant, the defendants, and the United States as intervenor, in State of Arizona v. State of California et al., No. 10 Original, in the Supreme Court of the United States, of a stipulation dated day of , 19 a copy of which is attached hereto and made a part hereof, and for the purpose of clarifying the position of the State of Arizona with regard to uses by Indians and Indian tribes in Arizona of waters from the Colorado River and its tributaries, the State of Arizona proposes that --

(1) In the event of a decision by the Supreme Court of the United States in the pending case of Arizona v. California et al., United States of America, intervenor, that beneficial consumptive use of water shall be measured in terms of "main stream depletion," } then waters of the tributaries of the Little Colorado River on Indian reservations in Arizona and waters of the Big Sandy River and Cataract Creek may, subject to priority, if any, for such non-Indian uses as existed on or prior to August 13, 1952, be diverted and used by the Indians and Indian tribes to the extent required for the irrigation of the acreages set forth in the following tabulation, with the right to divert and use such quantity of water superior and prior to any non-Indian uses which may come into being subsequent to August 13,

1952, and without affecting or impairing in any way any existing earlier priority to which the Indians and Indian tribes may be entitled:

Little Colorado River Basin	Acreage	
	Present	Ultimate
Navajo Reservation (Small Units) Streams & Washes	3,000	10,905
Hopi Reservation Little Colorado	160	730
TOTAL, LITTLE COLORADO RIVER BASIN	3,160	11,635
Hualapai Reservation Big Sandy River	70	170
Havasupai Reservation Cataract Creek	175	200
TOTAL	3,405	12,005

(2) In view of the fact that all the water of the Gila River and its tributaries is now put to beneficial use and is governed by existing decrees adjudicating the rights to such use, any additional uses of water within the basin of the Gila River and its tributaries must be satisfied out of water taken from the main stream of the Colorado River. In the event any project or projects are hereafter constructed for the diversion of water from the main stream of the Colorado River into the basin of the Gila River for use above Gillespie Dam, Indians and Indian tribes may use that quantity of such water as is proposed to be apportioned for use on Indian lands in accordance with recommendations contained in the Bureau of Reclamation Report on the Central Arizona Project (House Document 136, 81st Congress).

(3) In the event that the total quantity of Lower Basin Colorado River water available for use in Arizona under a decree hereafter entered in the Arizona v. California case shall be sufficient to provide a water supply for all existing uses, including uses by Indians and Indian tribes, and for all uses covered by existing contracts

between Arizona water users and the Secretary of the Interior, including the North Gila Valley Irrigation District contract which is now being renegotiated, then any additional main stream water available for use in Arizona shall be available to the extent required for the irrigation of an area of 77,400 acres of Indian-owned lands on the Colorado River Indian Reservation in addition to the area now under irrigation and for 11,000 acres of Indian-owned lands on the Fort Mohave Indian Reservation. *32550*

The undersigned officials of the State of Arizona bind themselves to take any and all steps necessary to accomplish the attainment of the principles above set forth.

STATE OF ARIZONA

By _____
Governor, State of Arizona

Attorney General,
State of Arizona

ARIZONA INTERSTATE STREAM COMMISSION

By _____