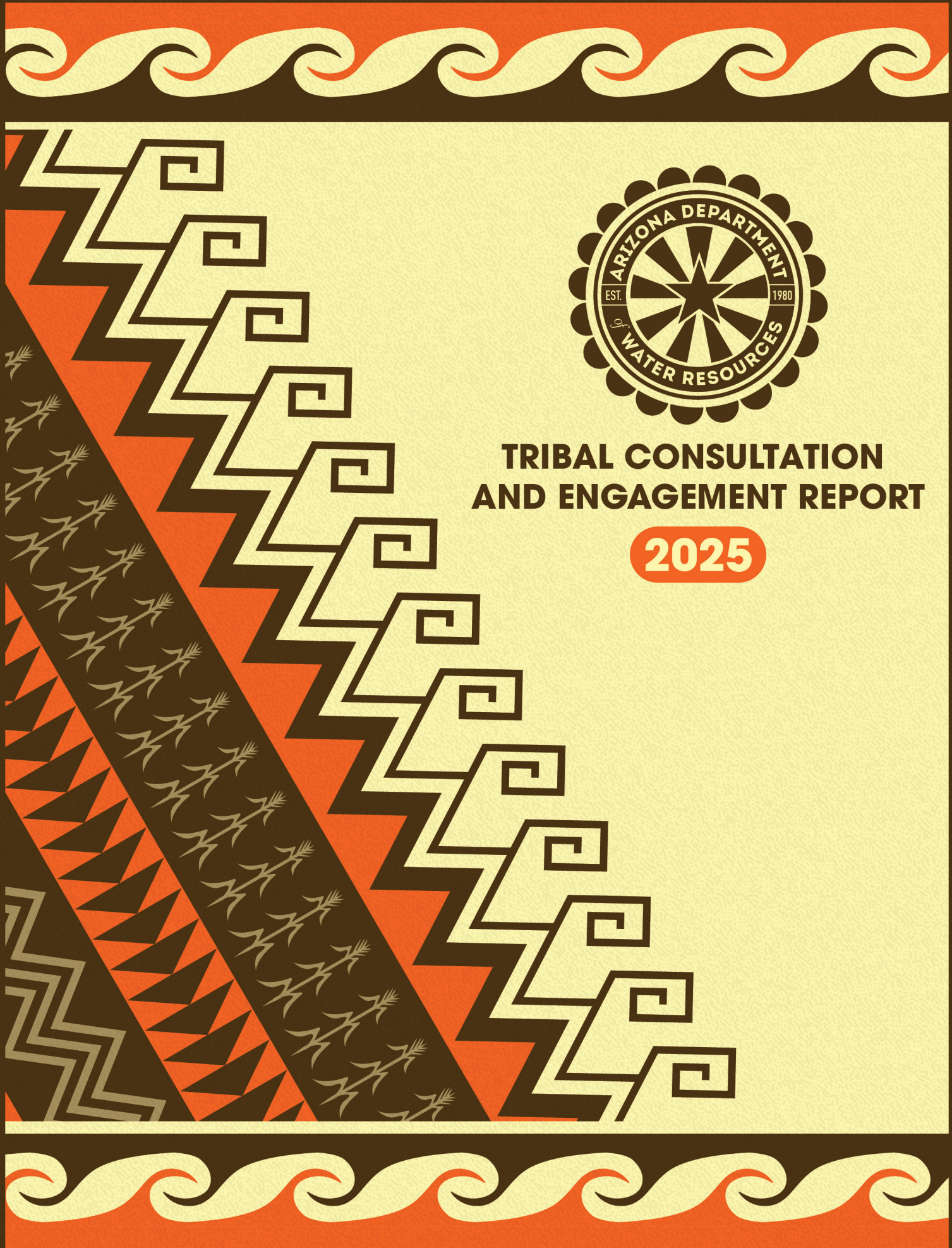




**TRIBAL CONSULTATION
AND ENGAGEMENT REPORT**

2025





ARIZONA DEPARTMENT OF WATER RESOURCES TRIBAL CONSULTATION AND ENGAGEMENT REPORT

Created by the landmark 1980 Groundwater Management Act, the Arizona Department of Water Resources (ADWR) administers the state's water laws and develops policies that promote conservation and protect water availability in the face of climate change. Through its executive office, seven divisions, and 24 programs, ADWR uses its array of expertise to defend the integrity of Arizona water supplies. The Department compiles and analyzes water supply data, engages with stakeholders, and issues permits and licenses. ADWR collaborates and negotiates with national and international partners on behalf of the state and supports the general stream adjudication proceedings. ADWR protects Arizona from the loss of life and property by its oversight of dam safety, flood warning, and floodplain management programs.

ADWR is responsible for the protection and comprehensive management of Arizona's annual Colorado River apportionment, which totals 2.8 million acre-feet (MAF). The ADWR Director represents Arizona on matters related to the Colorado River and is authorized to consult, advise, and cooperate with the Secretary of the Interior.

The majority of ADWR's tribal consultation and engagement occurs around its role as the state's representative on matters related to the Colorado River, as its director also serves as Arizona's principal negotiator in tribal water rights settlement negotiations. Although not every division interacts directly with tribes in its work, the Department regularly engages tribes on issues beyond water rights settlement talks, such as drought mitigation, conservation, and technical assistance.

OUR MISSION

To safeguard the health, safety and economic welfare of the public by protecting, conserving and enhancing Arizona's water supplies in a bold, thoughtful and innovative manner

OUR VISION

Protecting and enhancing Arizona's water supplies for current and future generations

OUR VALUES

QUALITY

We commit to the highest standards of technical expertise and professionalism.

VIGILANCE

We are vigilant in protecting the state's water rights and supplies.

EMPOWERMENT

We encourage our employees to grow and become problem solvers.

CONFIDENCE

We build confidence by providing timely services and accurate information, and by promoting consensus-based options that create water resiliency.

LEADERSHIP AND COLLABORATION

We engage with Arizona's water community and provide leadership in developing innovative solutions to conserve and augment the state's water supplies.

CONTINUOUS IMPROVEMENT

We strive to innovate, streamline processes, add value and increase productivity.

INTEGRITY

We act with integrity.

AGENCY HIGHLIGHTS

TRIBAL DROUGHT AND CLIMATE RESOURCE

Originally conceived by the water planning and permitting division's conservation and drought program teams, the ADWR Tribal Drought and Climate Resource was launched in November 2024. Found online at the tribal engagement page of the ADWR website, the resource program comprises 22 different resources, from reports on tribal environmental data to grant opportunities from universities, federal agencies, and non-profit advocacy organizations. The resource program is intended to provide a comprehensive repository of tribal conservation-related resources for tribes and tribal programs. This innovative one-stop clearing house was a multi-year effort, and a demonstration of ADWR's commitment to uplift tribes in Arizona.

ADWR also began publishing its annual tribal consultation reports on its website for public viewing and easy access, along with podcasts and relevant press releases.

WATER SETTLEMENTS

Eleven of Arizona's 22 federally recognized tribes have outstanding water rights claims, and resolution of these claims through settlement rather than litigation is a priority for the state. Settlement avoids the significant costs associated with litigation, benefits both tribal and non-tribal water users, and provides greater certainty to all Arizonans regarding available water supplies.



In FY 2025, the following water settlement activities occurred:

HUALAPAI TRIBE

Hualapai Tribe Water Rights Settlement Act of 2022 was passed by Congress and signed by President Biden in early 2023, completely settling the Hualapai Tribe's water rights claims. The parties have now finished the process of conforming the settlement to the legislation as enacted, and a signing ceremony was scheduled to occur in calendar year 2025.

TOHONO O'ODHAM NATION

Federal legislation enacted in 1982, 1986, and 2004 settled the Tohono O'odham Nation's water rights claims for some, but not all, of the Nation's lands. Discussions to settle the Nation's remaining water rights claims have been ongoing for several years, and have included representatives of the Nation, ADWR, the United States, and several non-tribal state water users. ADWR anticipates that settlement discussions will continue during the next fiscal year.

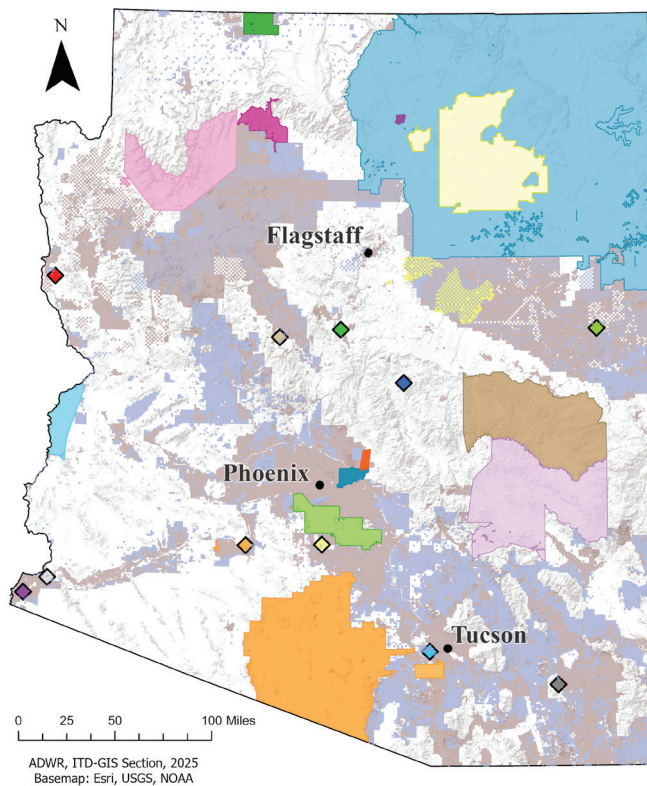
TONTO APACHE TRIBE

Discussions to settle the Tonto Apache Tribe’s water rights claims have been ongoing for several years and have included representatives of the Tribe, ADWR, the United States, and several non-tribal state water users. ADWR anticipates that settlement discussions will continue during the next fiscal year.

PASCUA YAQUI TRIBE

Discussions to settle the Pascua Yaqui Tribe’s water rights claims have been ongoing since August 2024 and have included representatives of the Tribe, ADWR, the United States, and several non-tribal state water users. ADWR anticipates that these settlement discussions will continue during the next fiscal year.

INDIGENOUS TRIBES AND NATIONS OF ARIZONA STATE LANDS AND PRIVATE LANDS



The San Juan Southern Paiute Tribe Reservation (which includes the San Juan Southern Paiute Tribe Southern Area) will be created when the Treaty between the Navajo Nation and San Juan Southern Paiute Tribe and the Northeastern Arizona Indian Water Rights Settlement are ratified by Congress.

YAVAPAI-APACHE NATION

In June 2024, parties to the Nation's water rights claims negotiations reached a settlement and submitted it to Congress for approval. ADWR supported the legislation by providing written statements in support of the settlements to Congress before hearings and traveling to Washington, D.C. alongside the Nation and other settling parties. On November 19, 2024, Governor Hobbs signed the Yavapai-Apache Nation



Water Rights Settlement Agreement (YANWRSA). The settlement agreement was not voted on prior to the culmination of the 118th Congress. Since then, the parties have continued meeting and are working towards reintroduction of the federal legislation in the 119th Congress. ADWR anticipates advocating for its passage in FY2026 through written statements, in-person congressional testimony if requested, and travel to Washington, D.C. to meet with House representatives and Senators. In addition to the work done on YANWRSA, ADWR held a pre-application meeting with the Nation related to its state-based instream flow claim that is a key piece of YANWRSA, and anticipates continuing to meet regarding this application throughout FY 2026.

NAVAJO NATION, HOPI TRIBE, AND SAN JUAN SOUTHERN PAIUTE TRIBE

An unprecedented and landmark achievement by all involved, parties to the water rights claims for three Tribes in northern Arizona reached a settlement agreement in 2024 after a year and a half of negotiations.

Introduced in both chambers of Congress on July 8, 2024, the Northeastern Arizona Indian Water Rights Settlement Agreement (NAIWS Agreement) settles all water rights claims in Arizona for the Navajo Nation, the Hopi Tribe, and the Southern San Juan Paiute Tribe. The Agreement is the culmination of decades of tireless advocacy and cooperation by all involved. It became



effective on November 19, 2024 when Governor Hobbs executed the agreement. In addition to settling the three Tribes' water rights claims in Arizona, the Agreement also creates the San Juan Southern Paiute Tribe Reservation, located in Arizona and Utah. A congressional hearing in a subcommittee of the House of Representatives was held on July 23, 2024.

Because the NAIWRS Act was not passed in 2024, it was reintroduced on March 11, 2025 in both the Senate and the House. While no hearings have been scheduled yet, the parties are hopeful that congressional hearings on the NAIWRS Act will be held later this year. ADWR continues to discuss outstanding issues raised by the Upper Colorado Basin States related to the NAIWRS Act. If the Act is passed, the parties will need to amend the NAIWRS Agreement to conform to the NAIWRS Act. Since October 2023, ADWR staff have spent collectively well over 4,392 working hours on this settlement.

ENGAGEMENT

ADWR interacts with tribes and participates in an array of events such as conference panels, community fairs, council presentations, tribal inaugurations, signing ceremonies, and community briefings regularly. ADWR participates with tribal leaders in the Governor's Water Policy Council, and receives data reports from tribes in its Drought Interagency Coordinating Group meetings to determine drought recommendations.

Last fall, the ADWR tribal liaison, along with the Arizona Water Protection Fund director, presented to the Inter-Tribal Council of Arizona (ITCA) about the department's renewed initiatives for tribal engagement, as well as to facilitate the appointment of a tribal representative to the Water Protection Fund Commission. After months of communication and close coordination with ITCA staff, ITCA appointed Pascua Yaqui Councilman Rolando Flores to represent tribes on the commission.

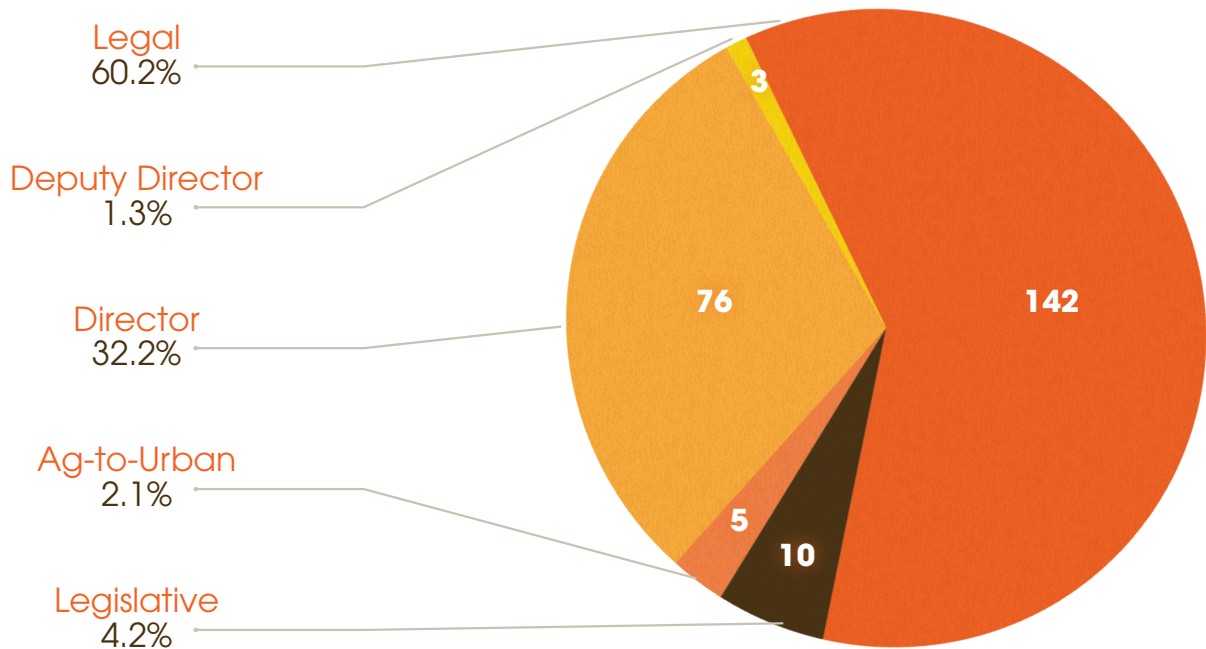
CONSULTATION

While engagement and outreach with tribes is essential to our work—and largely the foundation of our relationships with tribes – ADWR recognizes tribal consultation is specifically defined as conversations and interactions between elected tribal principals and ADWR leadership, commonly referred to as 'leader-to-leader.' The director and ADWR leadership meets directly and communicates regularly with tribal electeds and their designated representatives in-person, virtually, and by phone.

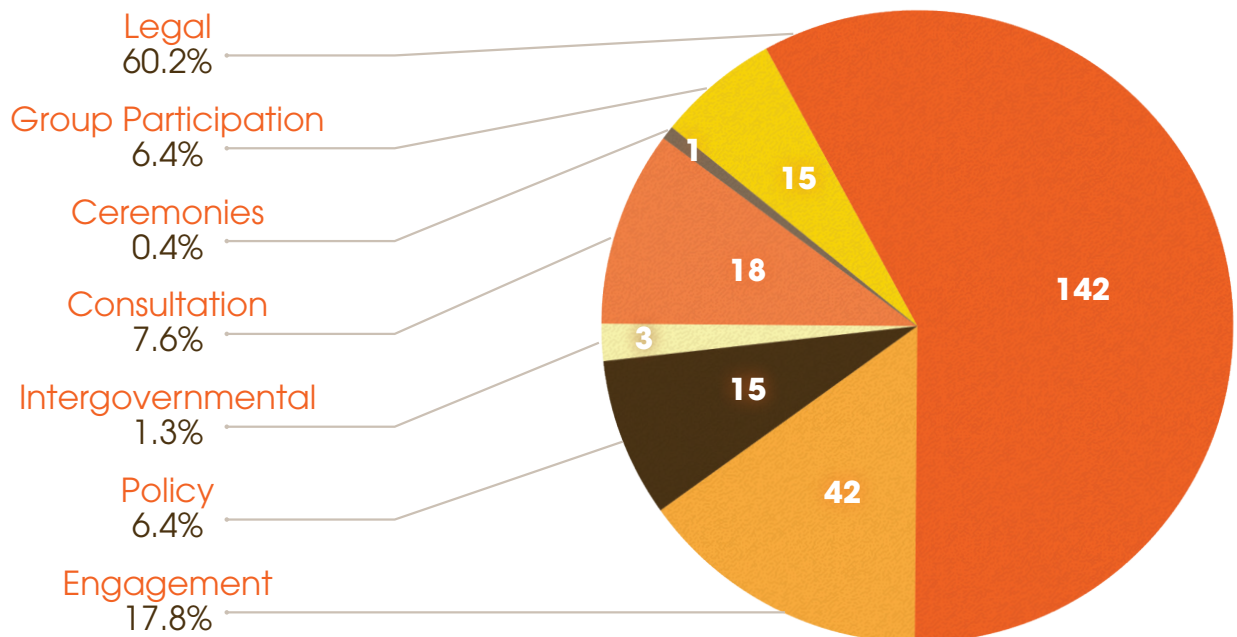
As agency principal, Director Buschatzke consults with tribal leaders in the Arizona Reconsultation Committee meetings, the Governor's Water Policy Council, in convenings of Colorado River leadership meetings with tribal principals, and one-on-one touchpoint conversations virtually in ongoing collaboration on all things Colorado River.

The mix of tribal engagements across official consultation, staff collaborations, and participation necessitated a delineation by type and person to gain insight into what actions ADWR should take to improve tribal relations overall. This delineation occurred in work on the Breakthrough Project and is ongoing.

FY2025 TRIBAL CONSULTATION AND ENGAGEMENT BY GROUP/INDIVIDUAL



FY2025 TRIBAL CONSULTATION AND ENGAGEMENT BY TYPE



As demonstrated in the charts above, a majority of ADWR's engagement with tribes occurs with our legal team, and can be defined as consultation. However, the department recognizes that for tribal relations to become truly robust and more mutually beneficial than current trends, we

must devote additional efforts to collaborative partnerships wherein we work alongside tribes to pursue a common goal. The figures here only represent in-person interactions, although virtual and electronic communication and engagement regularly occurs across relevant teams.

RESOURCE SERVICE REQUESTS

ADWR regularly receives inquiries about agency resources, written notices on tribal actions from tribes and federal agencies, emails and calls from tribal program staff on technical questions, and requests for comments on environmental projects on tribal land. This last fiscal year, ADWR has received at least two invitations for comment and advance notice on tribal actions regarding water-related projects from tribal programs and federal agencies.

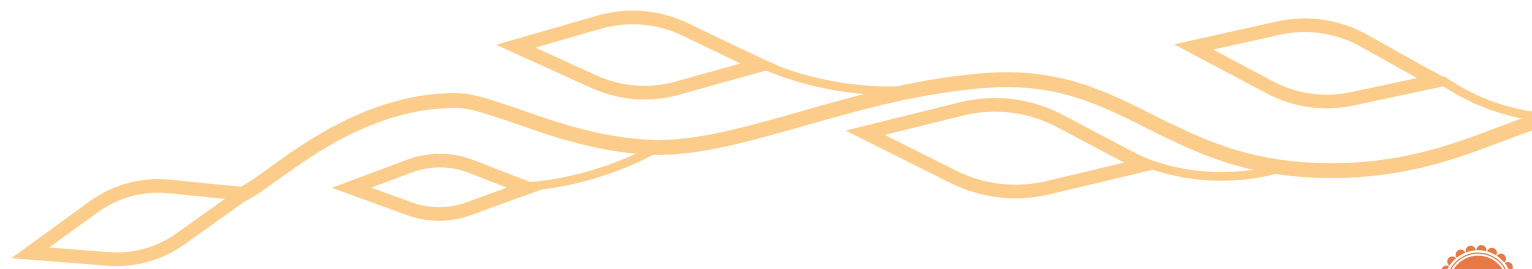
POLICY REVISIONS

Considering that before FY 2024 ADWR did not have a permanent, dedicated tribal liaison, the department is working now to identify gaps in internal processes to facilitate prioritization and responsiveness to tribal communications and requests. ADWR is working to identify, educate and implement best practices for how these interactions should be handled, whether they be notices, requests for technical assistance or comment on tribal projects, invitations to events and forums, or official requests for consultation on specific matters. The director's office team has identified the need for administrative process development, known internally as 'standard work,' around the tribal engagement program, and expects to begin development efforts this next fiscal year.

ADWR partnered with tribal liaisons from Arizona's early childhood education agency, First Things First, to host a virtual agency-wide cultural competency training in May. Fifty-five employees attended the training, which was well-received. The virtual presentation was recorded, allowing the director's office to develop a training tool for future use.

The tribal liaison also provided training presentations on tribal consultation and engagement to approximately 30 staff in January. The presentation was focused on tribal consultation and its development historically. The tribal liaison will continue developing and providing training to ADWR teams in FY 2026.

Looking forward, ADWR will also begin work to review, revise and update its tribal consultation policy with input from tribes in the next fiscal year. The department hopes to coordinate tribal consultation on this project, depending on availability from tribes.



PROGRESS REPORT

BREAKTHROUGH PROJECT

After much internal work on ADWR’s FY 2025 Breakthrough Project between the tribal liaison and the director’s office on continuous improvement, the initial project goal was expanded to become a multi-year effort. The project’s goal is to expand and increase meaningful tribal consultation by meeting with tribal elected principals on water-related issues.

The director’s office team identified gaps in establishing processes, education, and training internally. These gaps must first be addressed to better effectuate the project goals. Other mitigating factors were considered, such as statewide travel restrictions and the capacity of tribal representatives to initiate and collaborate on new projects. ADWR will continue pursuing these goals in the next fiscal year.

Despite these adjustments, in FY 2025, ADWR continued to provide opportunities to tribes for partnership, collaboration, and cooperation in ongoing initiatives.

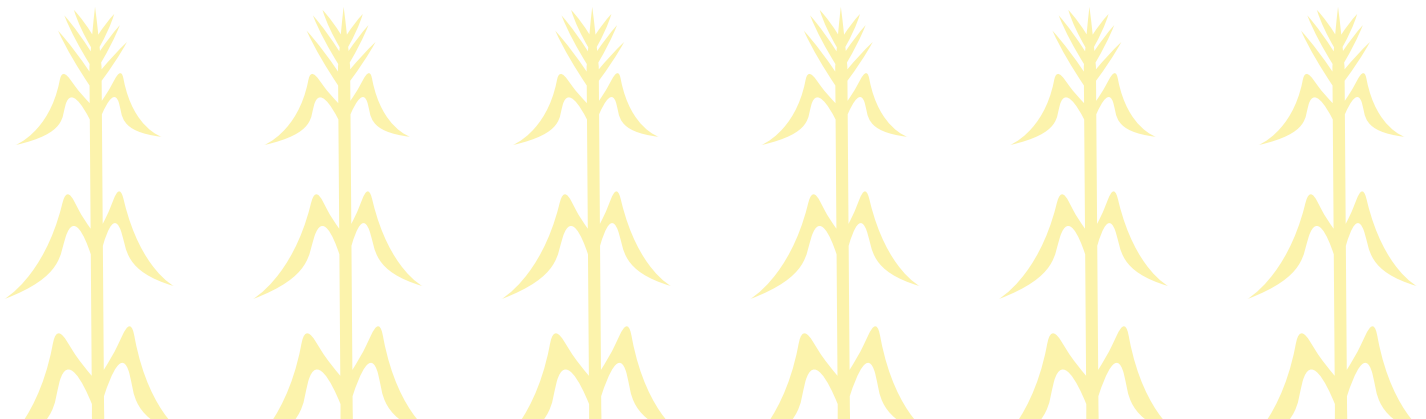
FY 2026 GOALS

In FY 2026, along with our continual efforts to seek settlement to tribal water rights claims, ADWR continues to pursue our multi-year breakthrough project goal, along with internal developmental activities such as training, process development, and education for ADWR professionals.

In 2006, ADWR adopted a substantive policy statement that established principles governing the relationship between ADWR and tribes and first established a tribal liaison role at ADWR. The policy does not include performance measures and has not been updated. In the next fiscal year, ADWR will work to revise and update its tribal consultation policy to better reflect the current dynamics of tribal relations and the department’s role to secure and protect Arizona’s water resources.

LOOKING FORWARD

Tribes in Arizona are unique—they vary in size, demographics, geology, climate, and population. ADWR recognizes the special challenges tribal leaders face as it pertains to capacity and bandwidth in prioritizing issues. As ADWR works to carefully review our work in uplifting and partnering with tribes to more effectively protect and secure Arizona’s water resources, the truth remains that water knows no boundaries, and we must continue in this important effort to work together with tribes to meet the challenges and opportunities ahead for every Arizonan.



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