



SENATE JOINT MEMORIAL 24-002

BY SENATOR(S) Roberts and Simpson, Danielson, Baisley, Bridges, Buckner, Coleman, Cutter, Exum, Fields, Gardner, Ginal, Gonzales, Hansen, Hinrichsen, Jaquez Lewis, Kirkmeyer, Kolker, Liston, Lundeen, Marchman, Michaelson Jenet, Mullica, Pelton B., Pelton R., Priola, Rich, Rodriguez, Smallwood, Sullivan, Van Winkle, Will, Winter F., Zenzinger, Fenberg;

also REPRESENTATIVE(S) McCluskie and McLachlan, Catlin, Amabile, Armagost, Bacon, Bird, Boesenecker, Bradley, Brown, Clifford, DeGraaf, deGruy Kennedy, Duran, English, Epps, Frizell, Froelich, Garcia, Hamrick, Hartsook, Hernandez, Herod, Holtorf, Jodeh, Joseph, Kipp, Lieder, Lindsay, Lindstedt, Lukens, Lynch, Mabrey, Marshall, Martinez, Marvin, Mauro, McCormick, Ortiz, Parenti, Pugliese, Ricks, Rutinel, Sirota, Snyder, Story, Taggart, Titone, Valdez, Velasco, Vigil, Weinberg, Weissman, Willford, Wilson, Winter T., Woodrow, Young.

MEMORIALIZING CONGRESS TO FULLY FUND THE AUTHORIZED THIRTY-FIVE MILLION DOLLARS TO THE "WATER INFRASTRUCTURE IMPROVEMENTS FOR THE NATION ACT" ACCORDING TO THE RECOMMENDATIONS OF THE COLORADO RIVER DROUGHT TASK FORCE.

WHEREAS, The Ute People were the original inhabitants of what is now the state of Colorado, and the two federally recognized tribes in Colorado are the sovereign nations of the Ute Mountain Ute Tribe and the Southern Ute Indian Tribe; and

WHEREAS, The Pine River Indian Irrigation Project, or "PRIIP", is a series of canals and ditches, largely located in southwestern Colorado on Southern Ute Indian tribal land, that is intended to bring water to tribal lands for agriculture and that was constructed by the Bureau of Indian Affairs during the late 1800s and early 1900s; and

WHEREAS, The PRIIP system should be providing water to

approximately 14,495 acres and nearly 400 individual users, including approximately 100 non-Native users and the town of Ignacio, Colorado, but due to extreme deterioration of infrastructure, its actual output falls far below that goal; and

WHEREAS, The deteriorated condition of the PRIIP system means that some of its users are unable to access and use water for agricultural irrigation; this neglect has had a devastating effect on many farmers and ranchers; and

WHEREAS, Making efforts toward rehabilitation and improvement of the PRIIP system, the Southern Ute Indian Tribe started a multiyear program to rehabilitate portions of the PRIIP system using \$4.88 million of tribal funding in 2018, but funding to finish construction on completed engineering designs is running low; and

WHEREAS, In 2023, the Bureau of Indian Affairs, which still operates the PRIIP system, completed a modernization plan for the system that has a rough cost estimate of \$60.7 million, and there are other cost estimates for modernization that range as high as \$109 million; and

WHEREAS, PRIIP system water users pay 100% of the system's operations and maintenance annual assessments; however, these fees are simply insufficient to accomplish the necessary annual operations and maintenance work, much less the millions required to address deferred maintenance; and

WHEREAS, The growing disrepair of the PRIIP system has still not been adequately catalogued, though the following issues have been highlighted by studies done in 2000 and 2008 by the Bureau of Indian Affairs and illustrate the system's dilapidated condition:

- Only an estimated 15% of the PRIIP system's 175 miles of canals can be considered to be in good condition;
- Some of the system's major diversion structures date back to the 1930s, with no major rehabilitation or improvements since the early 1960s;
- The system's largest canal, the Dr. Morrison canal, which serves over 4,500 irrigable acres of Tribal land and non-Tribal land, has breached 3 times;
- The Dr. Morrison canal also has multiple large, antiquated flumes

- in danger of failing;
- Dozens of smaller irrigation structures constructed before the 1920s have collapsed and have simply been abandoned;
 - Ditches have also been abandoned, and lands that were previously irrigated have become derelict, requiring costly rehabilitation;
 - Erosion has created miles of incised channels and ditches, where elevated headgates no longer allow for the diversion of water to lands that were historically irrigated; and
 - Neglect of operation and maintenance roads has made access to many structures and sections of ditch either unsafe or impossible altogether; and

WHEREAS, This ongoing lack of efficient water delivery to both Tribal lands and non-Tribal lands presents a significant barrier to agricultural development for the Southern Ute Indian Tribe, as well as the local community; and

WHEREAS, Recently, the Bureau of Indian Affairs received \$466 million from the Bipartisan Infrastructure Law, as enacted in 2021 by the federal "Infrastructure Investment and Jobs Act", to be used over the next 5 years; however, of that funding, only \$35 million, \$7 million annually, is allocated to the 16 Indian Irrigation Projects in the western United States; and

WHEREAS, The Bureau of Indian Affairs' report for the fourth quarter of the 2021 fiscal year outlines an initial spending plan for the Bipartisan Infrastructure Law funding and recognizes that, altogether, there is \$788 million in deferred maintenance for all 16 Indian Irrigation Projects; and

WHEREAS, Funding to address some of the PRIIP system's needs was authorized in the federal "Water Infrastructure Improvements for the Nation Act", or the "WIIN Act", which was enacted in 2016; and

WHEREAS, The "WIIN Act" established the Indian Irrigation Fund in the United States Department of the Treasury to address the deferred maintenance, repair, and replacement needs of Indian Irrigation Projects in the western United States; and

WHEREAS, The "WIIN Act" came as a great relief to the Southern

Ute Indian Tribe and many other tribes who had been requesting help with decaying federal irrigation projects for decades, but repairs under the "WIIN Act" met an unexpected delay; while the "WIIN Act" authorized funding for this critical purpose, the actual appropriations have not come close to the authorized amounts; and

WHEREAS, In 2020, the Bureau of Indian Affairs Southern Ute Agency received "WIIN Act" funding, and the amount awarded was approximately \$135,000; this money was spent by the Bureau of Indian Affairs to purchase much-needed heavy equipment, but the needs for the PRIIP system go well beyond what heavy equipment can do; and

WHEREAS, The "WIIN Act" directs the United States Secretary of the Treasury to deposit \$35 million annually through the 2028 fiscal year into the Indian Irrigation Fund, with such sums plus accrued interest to be transferred to the United States Secretary of the Interior for distribution by the Bureau of Indian Affairs; however, since its inception, Congress has only appropriated \$10 million per year to the fund, less than one-third of the \$35 million authorized; and

WHEREAS, Not only does this level of appropriation fail to even begin to address the demonstrated need, continued delay simply adds to future costs as deterioration of the PRIIP system continues; and

WHEREAS, In light of this demonstrated need, the Colorado River Drought Task Force's Sub-task Force on Tribal Matters, in the final report of the task force dated December 15, 2023, unanimously recommended legislative support from the Colorado General Assembly; now, therefore,

Be It Resolved by the Senate of the Seventy-fourth General Assembly of the State of Colorado, the House of Representatives concurring herein:

(1) That the Colorado River Drought Task Force considers the deterioration of the Pine River Indian Irrigation Project an urgent matter of the state of Colorado, as reflected by the Sub-task Force's unanimous recommendation for legislative support; and

(2) That the Congress of the United States is hereby memorialized to fully fund the authorized \$35 million to the "Water Infrastructure Improvements for the Nation Act" for necessary improvements to the

Pine River Indian Irrigation Project.

Be It Further Resolved, That copies of this Memorial be sent to President Joseph Biden; Governor Jared Polis; the Speaker of the United States House of Representatives; the President of the United States Senate; each member of Colorado's congressional delegation; the Tribal Council of the Ute Mountain Ute Tribe and the chairman of the Tribe, Manuel Heart; the Tribal Council of the Southern Ute Indian Tribe and the chairman of the Tribe, Melvin J. Baker; and the United States House of Representatives and Senate Appropriations Subcommittees on Interior, Environment, and Related Agencies.

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