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For Immediate Release

Gila River Indian Community Moves Forward With Arizona DCP With Assurances That HB2476 Will Not Be Reintroduced

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Sacaton, Arizona. Today, elected officials of the Gila River Indian Community, including the Governor, Lt. Governor and several Council members, determined that the Community had received sufficient assurances that HB 2476 was “dead” and that the Community could re-engage in the effort to finalize the Arizona Drought Contingency Plan Implementation Plan. Community elected officials came to this determination after meetings with Speaker Pro Tem T.J. Shope, and House Minority Leader Charlene Fernandez and Senator Lisa Otondo.

Due to unjustified attacks on the Community through the Arizona legislative process in the form of HB 2476, earlier this week the Community informed the Chairs of the Arizona DCP Steering Committee that if the Arizona legislature continued its consideration of HB 2476, the Community would have no choice but to withdraw from the Arizona Drought Contingency Implementation Plan altogether. Based on the assurances received at today’s meetings, especially those from Speaker Pro Tem Shope, the Community officials determined that HB 2476 is dead and as a result that the Community is able to move forward with the Arizona DCP Implementation Plan despite this unwarranted attack on the Community.

Speaking for the Community, Governor Stephen R. Lewis stated, “On behalf of the Community, I want to thank Rep. Shope and Rep. Fernandez for making the effort to come and speak with us directly about this very troubling attack on our Community. They listened carefully to our concerns, and Rep. Shope assured us he would take them back to the Legislature to help others understand why we perceived this legislation as highly inappropriate and an attack on our Community. He also provided us with very solid assurances that this legislation is truly dead and that there would be no further consideration of it, as did Rep. Fernandez. Their word on this is what we need to confirm this legislation is truly not moving forward and I am pleased that the Community will be able to rejoin the State’s efforts to get DCP over the finish line.”

Rep. Shope said, “As one of the members representing the Community, and a member of House leadership, I believed it was essential to come and meet with Community leaders and hear their concerns. I was pleased to provide them with the assurances that I have received from the Speaker, and my own, which I believe make clear that this bill is truly dead and will not be raised again this legislative session”

Rep. Fernandez stated, “I completely understand why the Community would have viewed this bill as the attack that it was. It is not only bad policy, but an abuse of our legislative process, and I was pleased to commit to the Community’s leaders the support of my caucus in fighting this legislation if it ever is brought back up, which I do not think will happen.”

Senator Otondo confirmed the Senate Democratic Caucus position in opposition to the bill, and sympathized with the Community, stating “I completely understand why the Community and its members



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would be outraged at this kind of unwarranted attack. From what I know, far from being the bad actor that they were portrayed to be, they are actually the wronged party. While most of the farmers in the Upper Valley are doing all they can to work with Community and the Community is cooperating with them, there is a small group that simply won't pay attention to the law of the Gila River. I think the Community is fully within its rights to try to get them to comply with the law."

Governor Lewis concluded, "This meeting was a critical turning point in Arizona's DCP and Rep. Shope and Rep. Fernandez, and Sen. Otondo, all deserve great credit for taking this important step to reach out to us and hear our concerns and assure us of their continued support. It is this kind of leadership that will help us all move DCP over the finish line. This was an unfortunate chapter in this historic effort, but we will now do all we can to put this in the rear view mirror, and move forward together."

The purpose of HB 2476 is ostensibly to repeal a cardinal principal of Arizona water law, the so-called "use it or lose it" rule codified in the State's very first water code as a rule of forfeiture. Under the forfeiture statute any water right holder who does not use his water rights for an uninterrupted period of five years, without a legitimate excuse specified in the statute, can be found to have forfeited that right. This "use it or lose it" principle is an essential element of the water codes across the arid West, and appears in 16 different state water codes in almost the same form. If HB 2476 were enacted, Arizona would become the first and only state in the West to repeal such a forfeiture statute.

On February 19, 2019, a hearing was held on HB 2476. While the hearing was supposed to focus on the forfeiture statute and its effect on certain water users, the testimony and questions instead focused on the Community's actions in federal district court to legitimately enforce its settlement and to protect its water rights under its settlement. Most of the witnesses who testified actually stated in open testimony that they were concerned for their "hot" land farming practices, a term that refers to a practice of illegally using water from the Gila River, water to which the Community has a clear and superior right. The misstatements made during the testimony and questions posed made it very clear that this hearing was intended to be a form of "show trial" for the Community, whose real purpose could only have been to somehow intimidate the Community into not enforcing its rights. At the end of the hearing, the proponent of HB 2476 asked that his bill be "held" so that he could review its legality and perhaps refine it so it could perhaps be raised again at a future time, leaving the Community with no clear indication as to whether the bill would move forward or not.

This decision to hold HB 2476 put the Community in an untenable position, as it could not proceed with its participation with DCP until this issue was clearly put to rest. Today's meetings provided the Community with an opportunity to discuss directly with key members of the Arizona Legislature whether this legislation is for all intents and purposes "dead" for this session. In the meeting with the Rep. Shope, as a member of House leadership he was able to convey to Community tribal leadership that Speaker Bowers had assured Rep. Shope that the Speaker did not intend to take any further action to move HB 2476 forward this session. In addition Rep. Shope also assured Community leaders that even if Speaker Bowers might decide to move the legislation forward, Rep. Shope would himself vote against it on the floor. During the meeting, Community leaders made clear why they felt HB 2476 was a purposeful attack on the Community and how the hearing had completely misrepresented the Community's legitimate



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actions and efforts to enforce its water settlement rights,. Rep. Shope offered to take these concerns back to the legislature to help educate other members on this issue.

In a separate meeting with the Democratic House Minority Leader, Rep. Charlotte Fernandez, and with Sen. Lisa Otondo, they both reiterated their caucuses' support for the Community in its opposition to this unjustified attack in the form of legislation.

In a separate decision, Community leaders authorized its water team to continue its efforts to protect the Community's water settlement and to enforce the Community's rights as and when necessary.

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Gila River Indian Community located on 372,000 acres in south-central Arizona and home to the indigenous O'odham (Pima) and Pee Posh (Maricopa) people. The Tribe is comprised of seven districts, the administrative offices and departments are located in Sacaton, and serve the people throughout these seven community districts. 100% of its profits from gaming and 17 other Enterprises are utilized by the community providing services and opportunities to achieve the highest quality of life.