

**Testimony of Chairman Buddy Rocha, Jr.
Yavapai-Apache Nation
Before the
Senate Committee on Indian Affairs
On the
Yavapai-Apache Nation
Water Rights Settlement Act of 2026, S. 3617**

Chair Murkowski, Vice Chair Schatz, and distinguished Members of the Committee: Thank you for the opportunity to submit this written testimony in support of S.3617, the Yavapai-Apache Nation Water Rights Settlement Act of 2026. My name is Buddy Rocha, Jr., and I serve as Chairman of the Yavapai-Apache Nation. I am honored to present this testimony on behalf of our Tribal Council and our people.

S.3617 was introduced by Senators Mark Kelly and Ruben Gallego, and a companion bill has been introduced in the House by Congressman Eli Crane. The legislation enjoys broad support across Arizona — including from the State, the Salt River Project, the Central Arizona Project, Yavapai, and Gila Counties, and from the towns and cities of the Verde Valley. It is also supported by conservation organizations, agricultural interests, and downstream water users. This broad coalition reflects the shared recognition that this settlement is essential to the future of the Verde River Watershed. I have several letters of support for the Settlement that we would request be included in the record of this hearing.

On behalf of the Yavapai-Apache Nation, **we respectfully request that Congress approve S.3617 and fulfill the United States’ trust responsibility to our people.** This legislation is essential to securing a permanent, reliable water supply for our homeland and for the communities who share this watershed with us.

I. Historical Context: Why Water Security Is a Matter of Survival

To understand why this settlement is so vitally important, it is necessary to understand our history — because history is the essential context for the lives of both individuals and nations.

The story of the Yavapai-Apache people in the Arizona Territory of the mid- to late-1800s is a story of profound loss. As settlers moved into the Verde Valley, the land and resources our people depended on were coveted by farmers, ranchers, miners, and businessmen. In 1875, responding to pressure from non-Indian settlers and territorial business interests, the United States ordered the Army to forcibly remove all Yavapai and Apache people from the Verde Valley to the San Carlos Indian Reservation in southeastern Arizona.

This removal resulted in the loss of our homeland and the imprisonment of our people at San Carlos for a generation. Families were marched hundreds of miles in winter. Many did not survive. Those who did were confined far from their ancestral lands, unable to practice their culture, unable to farm, and unable to live as Yavapai-Apache people.

Yet even in those dark years, our ancestors looked forward to the day they could return home. Eventually, with the end of the Apache Wars, the United States lost interest in holding our people at San Carlos, and we began the long journey back to our Verde Valley lands. For the last 125 years, our people have been slowly reclaiming and rebuilding our homeland. Starting with a small 15-acre parcel purchased by Congress in 1909, the Nation's homeland has gradually grown to more than the more than 5,000-acre Reservation we have today—this includes the more than 3,200 acres of our historic homelands that were returned to the Yavapai-Apache Nation in 2024.

Rebuilding our homeland has required strengthening our government, restoring our farming and ranching practices, building homes, starting businesses, and creating a permanent homeland where our people can raise and educate our children, practice our culture, and build a self-sustaining economy that complements the regional economy.

Today, the Yavapai-Apache Nation is poised to move boldly into a future of productivity and prosperity. **This water settlement is the catalyst for that future.**

II. Water Security: The Foundation of Sovereignty and Survival

The American anthropologist Loren Eiseley once wrote: *“If there is magic on this planet, it is contained in water.”* For the Yavapai-Apache Nation, water is not just a resource — it is a core part of our identity.

The perennial Verde River — our Hatayakehela, our Tú ńlíníchoh — flows through the heart of our Reservation and through the heart of our culture. It sustains our ceremonies, our language, our stories, and our homeland. It also sustains thousands of residents in the Verde Valley and contributes significantly to the water security of metropolitan Phoenix downstream.

For more than forty years, the Nation has been a party to Arizona's Gila River General Stream Adjudication, seeking legal recognition of our water rights and protection of the river that defines us as a people. In a very real sense the health of the river is inseparable from the physical, spiritual, and economic health of the Yavapai-Apache Nation, and indeed the entire Verde Valley community of which we are a part. After decades of rigorous negotiation, in June 2024 we reached a historic Settlement Agreement with the State of Arizona, the Salt River Project (SRP), the Central Arizona Project (CAP), Yavapai County, Gila County, and the towns and cities of the Verde Valley. Every party has approved the settlement. Every party is ready to move forward. **Now, only Congress can complete this work.**

III. The Tú ńlíníchoh Water Infrastructure Project: A Permanent Water Supply for the Nation

The core of the settlement is the construction of the Tú ńlíníchoh Water Infrastructure Project — a pipeline from the Bureau of Reclamation’s C.C. Cragin Reservoir and a modern drinking water treatment plant located on our Reservation. This project will deliver a clean, renewable surface water supply to the Nation for the first time in our history.

This infrastructure is absolutely necessary to secure the permanent homeland that was promised to the Yavapai-Apache Nation under our treaty and our longstanding relationship with the United States. Our Nation is growing, but without a secure water supply, we cannot build the homes, businesses, and economy our families desperately need.

Many of our citizens currently live in off-reservation communities but want to return home to live and work. Today, more than 200 Yavapai-Apache families are on our tribal housing waiting list — and we cannot meet that need without reliable drinking water.

We have spent years working alongside the United States and our settling partners to identify a source of water to meet the Nation’s long-term social and economic needs. Working together, we identified the delivery of Cragin Reservoir water as the most viable and sustainable solution for all stakeholders.

Today, our groundwater aquifer is declining in both quantity and quality. At least two of our wells, including a critical municipal well, are failing to produce enough water to meet current demands and must be significantly deepened. Continuing our exclusive reliance on diminishing groundwater resources injects severe uncertainty into the Nation’s ability to sustain itself.

The Cragin-Verde Pipeline will change that. It will allow us to build homes, expand our community, support our workforce, and sustain our cultural practices for generations.

Furthermore, this infrastructure is needed to support our status as one of the Verde Valley’s largest employers, providing the economic revenue required to fund our tribal government and deliver essential public services. Critically, by importing this new and renewable surface water, we will dramatically reduce our reliance on unreliable groundwater sources. This also protects the natural flows of the Verde River and safeguards the health of the local aquifers that sustain communities throughout the entire region.

In response to the Department’s previous concern, the planned Project does not exceed the Nation’s well documented water needs to establish a permanent homeland. For the Nation to be self-sufficient and engage in Indian self-determination as contemplated by the U.S. Supreme Court in *Winters*,¹ it **must have sufficient water** to construct community housing and engage in the types of economic development that can generate tribal revenues to support governmental services, enhance the lives of community members and their families, and protect the culture and lifeways of the Nation. Accordingly, the water demands of the Nation were carefully evaluated by the Nation, the settling parties, the Bureau of Reclamation and the Nation’s technical experts,

¹ *Winters v. United States*, 207 U.S. 564 (1908); see also *In re Gen. Adjudication of All Rights to Use Water in the Gila River Sys. & Source*, 35 P.3d 68, 79 (Ariz. 2001) (Gila V) (establishing the factors to be used in Arizona to quantify federal reserved water rights for Indian tribes under *Winters*).

and it was determined that the Project and Drinking Water System must have the capacity to deliver and treat up to 4,610 AFY of water to meet the existing and future needs of the Reservation as a permanent Tribal homeland under the *Winters* Doctrine. Thus, the capacity of the Project and associated Drinking Water System is sized to deliver and treat 4,610 AFY of water from the Cragin Reservoir to support the Nation's future DCMI.

Nevertheless, we understand and appreciate the Department's concerns with regard project's "cost certainty." We look forward to further discussions with the Department about ways to address this concern and ensure that the United States is fulfilling its trust responsibility to the Yavapai-Apache Nation in the most fiscally prudent way possible.

IV. Correcting Longstanding Inequities: Access to CAP Water

Importantly, this project will also allow the Nation to finally realize the benefit of our 1,200-acre-foot Central Arizona Project water allocation, which we have held since 1980 but have never been able to use. While other Arizona tribes have successfully taken delivery of their CAP water for decades, our physical distance from the CAP canal has deprived us of this federal resource for more than forty years, allowing downstream users to benefit from our allocation instead. **This settlement corrects that longstanding inequity.**

Additionally, the Cragin pipeline will support a critical water exchange with the Salt River Project, allowing us to store water in Phoenix-area underground facilities and receive additional Cragin water in return. This exchange strengthens the long-term reliability of our supply and protects the federal investment in the project.

V. Wastewater Treatment and Long-Term Conservation

The Settlement also supports the completion of our modern wastewater treatment facility, replacing an outdated lagoon system installed by the Indian Health Service decades ago. This project is funded in part through a low-interest loan from Arizona's Water Infrastructure Finance Authority and a \$3 million contribution from the State of Arizona. However, to complete this facility and realize its full potential, we need congressional approval of the settlement.

Once operational, we will be able to treat effluent to a high standard for reuse in our farming operations, further reducing groundwater pumping and keeping water in the Verde River. As Arizona suffers through a historic drought, this facility is a critical component of long-term water conservation for the Nation and a model for all communities across the State.

VI. A Model of Partnership, Sacrifice, and Regional Cooperation

To secure these benefits through settlement, the Nation has made significant compromises. We have agreed to broad waivers of our water-rights claims, protecting all existing water uses in the watershed from future litigation. No off-reservation wells will be shut down. No historic irrigation rights will be harmed. We have chosen partnership over conflict, legal certainty over protracted litigation, and regional cooperation over decades of continued instability.

For these reasons, the settlement is strongly supported by a broad coalition, including the State of Arizona, SRP, CAP, Yavapai County, Gila County, the towns of Camp Verde, Cottonwood, and Clarkdale, and prominent conservation organizations like The Nature Conservancy and Friends of the Verde River. It stands as a model of what can be achieved when tribes, states, local governments, and everyday water users pull in the same direction.

Without congressional approval of S.3617, however, none of this progress can move forward. The pipeline cannot be built. The drinking water system cannot be completed. The Nation cannot use its CAP water. Our wastewater project will not realize its full potential for water conservation. And the Verde Valley will remain vulnerable without a long-term, renewable water supply.

VII. Working with the Administration

An important partner in this Settlement is, of course, the United States. The Department of the Interior fully supported the preparation of the Value Planning Study of the C.C. Cragin-Verde Pipeline. We understand that while the Department has some concerns regarding the “cost certainty” of the construction of the pipeline, as well as with other elements of the settlement, it remains committed to working with the Nation to resolve these concerns. We stand equally ready to continue the work of resolving the Department’s concerns to the satisfaction of all the parties.

As noted above, the parties, including the United States, determined that the best way to meet the long-term water needs of the Nation is to construct the necessary infrastructure to import water under the Settlement from the Cragin Reservoir for use by the Nation. This is why the Nation jointly worked with Interior to develop the details of the Value Planning Study and why we will continue to work to refine the final cost estimates. The Nation understands Interior’s concern surrounding the difficulty of guaranteeing the ultimate cost of the Project and Drinking Water System and we are committed to working with the parties to address this concern.

VIII. Conclusion: A Promise Fulfilled

Our ancestors endured unimaginable hardship to keep our connection to the Verde Valley alive. They prayed and worked for the day when their descendants could live in their homeland in security, peace, and prosperity. **This settlement is the fulfillment of those prayers and of generations of perseverance and hard work by our people.** It is our commitment and our legacy to our children and grandchildren.

On behalf of the Yavapai-Apache Nation, I respectfully urge this Committee to advance S.3617, and I ask Congress to swiftly pass this legislation. It is a wise, vital investment in justice, economic stability, and environmental sustainability for central Arizona. It permanently replaces the cloud of endless litigation with the promise of a collaborative future.

Thank you for your time, your consideration, and your leadership. The Yavapai-Apache Nation stands ready to work with Congress to create a water-secure future for our people.

