



October 21, 2024

The Honorable Camille Touton
Commissioner
US Bureau of Reclamation
1849 C Street NW
Washington, DC 20240

Dear Commissioner Touton:

We write to urge you to ensure that the Southern Ute Indian Tribe and Ute Mountain Ute Tribe (“the Colorado Tribal Nations”) have the opportunity to apply for funding programs that address drought and water supply management in the Colorado River Basin, including through upcoming drought mitigation funding under the *Inflation Reduction Act*.

As you know, Colorado’s two federally-recognized Tribal Nations had intended to apply for the U.S. Bureau of Reclamation’s (USBR) Upper Colorado River Basin *Inflation Reduction Act* funding for water supply purposes, known as “Bucket 2 Water Supply,” or “B2W” funding. The Colorado Tribal Nations had planned to apply in a bid to receive compensation for forgoing use of certain water rights as recognized under the Colorado Ute Indian Water Rights Settlement Act of 1988 (as amended in 2000). For decades since that Act’s passage, the Colorado Tribal Nations have lacked the infrastructure needed to fully develop their allocated water supply. The Colorado Tribal Nations’ intent to develop uses for their legally recognized settlement water reflects their demand for full utilization of their water rights, despite challenges relating to infrastructure and other issues.

The Colorado Tribal Nations were disheartened to learn that USBR’s forthcoming B2W funding announcement would not be open to projects such as those they originally planned, which would seek compensation for a forbearance of future development of their settlement water. We understand that USBR believes this activity will not qualify as a verifiable reduction in water use that can be compensated under B2W. Still, we must stress that a Tribe’s lack of opportunity to develop those supplies does not equate to a lack of demand – nor should it foreclose other opportunities for that Tribe, including those under the *Inflation Reduction Act*.

We strongly encourage you to explore other avenues for Colorado’s Tribal Nations to pursue funding related to drought response, recognizing that they are currently forgoing their water use not by choice, but resulting from a history of inequity reflected in their long-term lack of infrastructure. We ask that you work with the Colorado Tribal Nations and provide them sufficient time to apply if your agency determines another funding opportunity or source may be better suited to their needs – whether this be USBR’s environmentally-focused funding for the Upper Basin known as “Bucket 2 Environmental” or “B2E”, or another source yet to be identified.

We value your leadership and continued willingness to work with us on efforts to promote the health of the Colorado River Basin. We also appreciate your attention to addressing the longstanding inequities that Colorado’s Tribal Nations have faced, and we look forward to working with you to ensure that paths toward a more equitable future remain open for them.

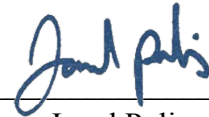
Sincerely,



John Hickenlooper
United States Senator



Michael F. Bennet
United States Senator



Jared Polis
Governor of Colorado