

Although the salinity problems of the Colorado River are difficult, I am confident that they can and will be resolved.

INDIAN WATER RIGHTS

In *Arizona v. California*, 1963 (373 U.S. 546), claims of the United States on behalf of five Indian reservations in Arizona, California, and Nevada, to main-stream Colorado River water were sustained. The Indian reservations are the Chemehuevi, the Cocopah, the Yuma, the Colorado River, and the Fort Mohave. The Supreme Court held that water in quantity sufficient to irrigate all the acreage practicable of irrigation on the reservations was reserved; that the United States had reserved such water rights for the Indians; and that such rights are "present perfected rights" with priorities as of the dates the reservations were established. The Department, by reason of its responsibilities over Indian matters, has the obligation to protect and conserve these Indian water rights, and to aid in their use and development.

Article II of the Decree entered March 9, 1964 (376 U.S. 340), quantified for each Indian reservation both a maximum annual diversion from the main stream and the number of irrigable acres. The Decree provides an annual measure of the rights for each Indian reservation. That measure is the lesser of two alternatives: (1) the diversion quantity specified for the reservation or (2) the amount necessary to supply the consumptive use required for irrigation of the number of acres specified for the reservation plus satisfaction of related uses.

Article VI of the Decree required the three States and the Secretary of the Interior to present to the Court a list of their claims of "present perfected rights" as a preliminary to the determination of such rights either by agreement or by further proceedings. In March of 1967 the Solicitor General of the United States filed the following list of claimed Indian "present perfected rights":

PRESENT PERFECTED RIGHTS FOR INDIAN RESERVATIONS IN WATERS OF THE MAIN STREAM OF THE COLORADO RIVER

Indian reservation	State	Present perfected rights ¹		
		Diversion, acre-feet	Net acres	Priority date
Yuma.....	California.....	51,616	7,743	Jan. 9, 1884
Fort Mojave.....	Arizona.....	27,969	4,327	Sept. 18, 1890
	do.....	68,447	10,589	Feb. 2, 1911
	California.....	13,698	2,119	Sept. 18, 1890
	Nevada.....	12,534	1,939	Do.
Chemehuevi.....	California.....	11,340	1,900	Feb. 2, 1907
Cocopah.....	Arizona.....	2,744	431	Sept. 27, 1917
Colorado River.....	do.....	358,400	53,768	Mar. 3, 1865
	do.....	252,016	37,808	Nov. 22, 1873
	do.....	51,986	7,799	Nov. 16, 1874
	California.....	10,745	1,612	Nov. 22, 1873
	do.....	40,241	6,037	Nov. 16, 1874
	do.....	3,760	564	May 15, 1876
		905,496	136,636	

¹ According to the terms of the decree, the quantity of water in each instance is measured by (i) diversions or (ii) consumptive use required for irrigation of the respective acreage, and for satisfaction of related uses, whichever of (i) or (ii) is less.

This list presented in tabular form the Indian water rights as specified in Article II of the Decree.

Since in each case substantial quantities of water diverted from the main stream will be returned to the Colorado River, the controlling figures in determining the amounts of water involved for each State are the "consumptive uses" as that term is defined in the Decree—diversions from the main stream minus return flows available for other consumptive use in the United States or in satisfaction of the Mexican Treaty obligation.