Gila River Indian Community v. Bowman, 2023 WL 2633614 (D. Ariz., March 24, 2023).

- **Holding**: The Gila River Indian Community successfully asserted that the water rights of two private landowners under the Globe Equity Decree No 59 had been forfeited under the Arizona forfeiture statute.
- **Summary**: The Globe Equity Decree No. 59 was entered by the Arizona federal district court in 1935 to govern the distribution of Gila River water among the Gila River Indian Community ("the Community"), the San Carlos Apache Tribe, and various other landowners. The Community brought an action under Arizona law asserting that several landowners had forfeited their water rights due to five or more years of nonuse. All claims but two were resolved through settlement agreements. Two actions remained: in one, the landowners were currently unable to irrigate their land due to a 1983 flood that had washed away the topsoil—the land would remain unsuitable for irrigation until the Gila River flooded again and deposited 12-24 inches of topsoil on the parcels. In the second action, floods in 1993 and 1994 had damaged the parcels and made them unfarmable, but a 2005 flood had deposited sufficient soil to allow cultivation. As of 2022, however, the landowners had not yet returned the land to irrigated agriculture due to a lack of resources. While Arizona law allowed the court to find that nonuse was excused for "any other reason that a court of competent jurisdiction deems would warrant nonuse," the court determined that nonuse in both cases was not warranted, and found the water rights to be forfeited.
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