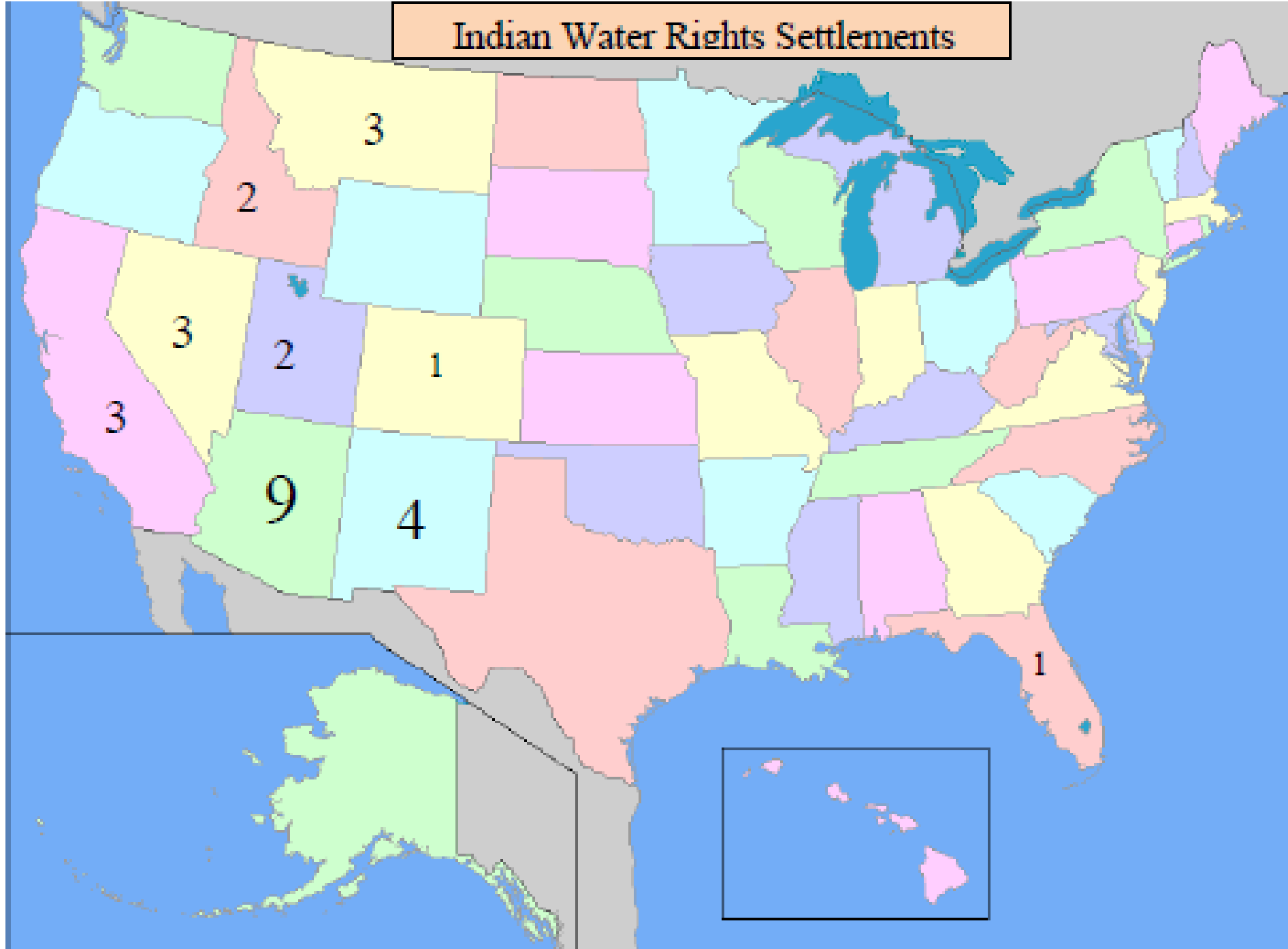


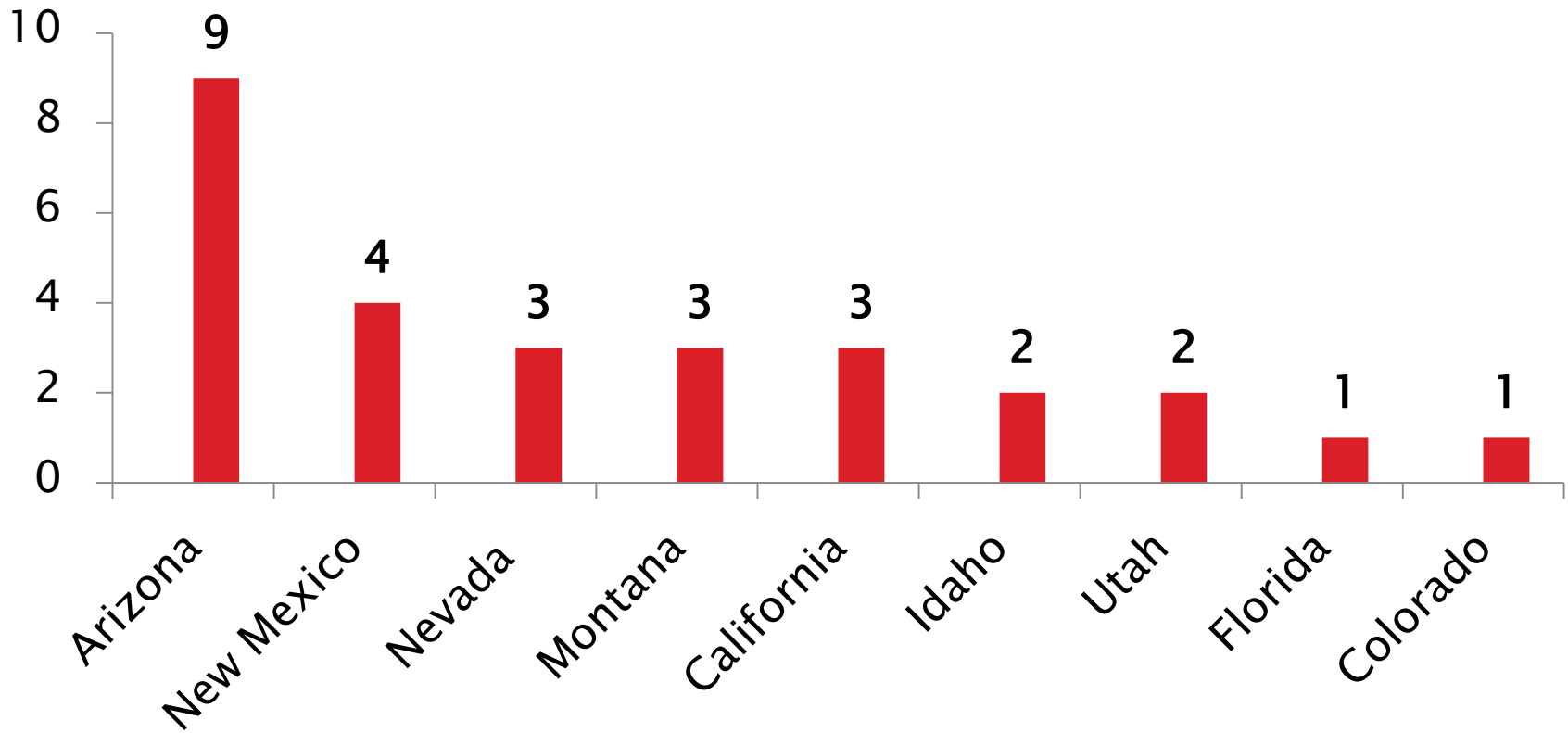
Gathering Background Information and the Role of Technicians in Negotiations

Cindy Chandley, Snell & Wilmer
August 13, 2013

Indian Water Rights Settlements



Where Settlements Have Occurred



Arizona

Zuni Indian Tribe
Water Rights
Settlement Act of
2003

White Mountain
Apache Tribe
Water Rights
Quantification Act
of 2010

Yavapai-Prescott
Indian Tribe Water
Rights Settlement
Act of 2004

Arizona Water
Rights Settlement
Act of 2004

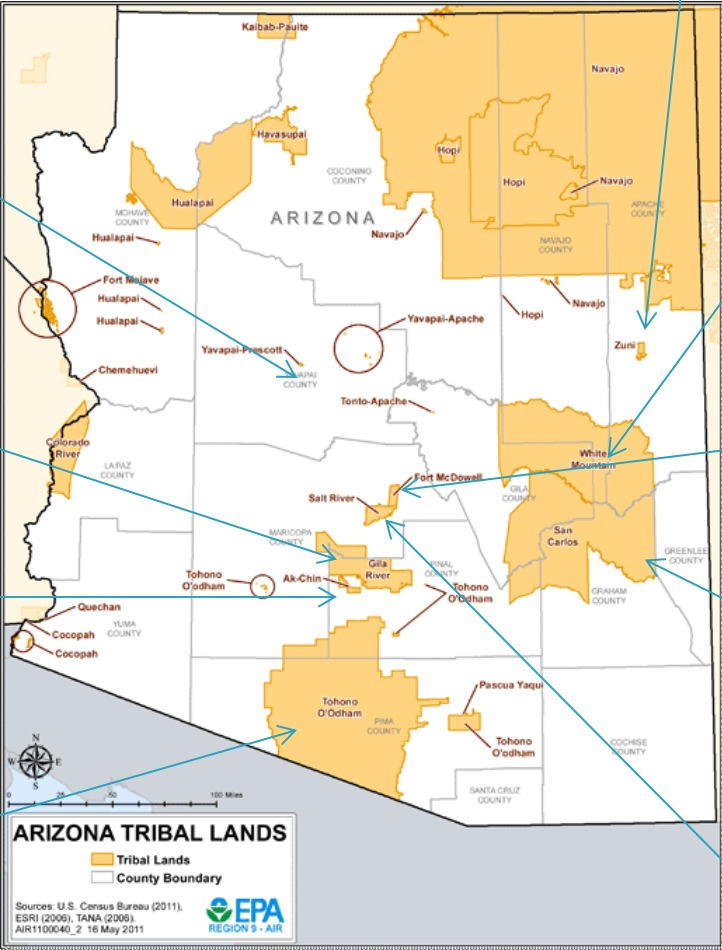
Fort McDowell
Indian Community
Water Rights
Settlement Act of
1990

Ak-Chin Indian
Water Rights
Settlement Act

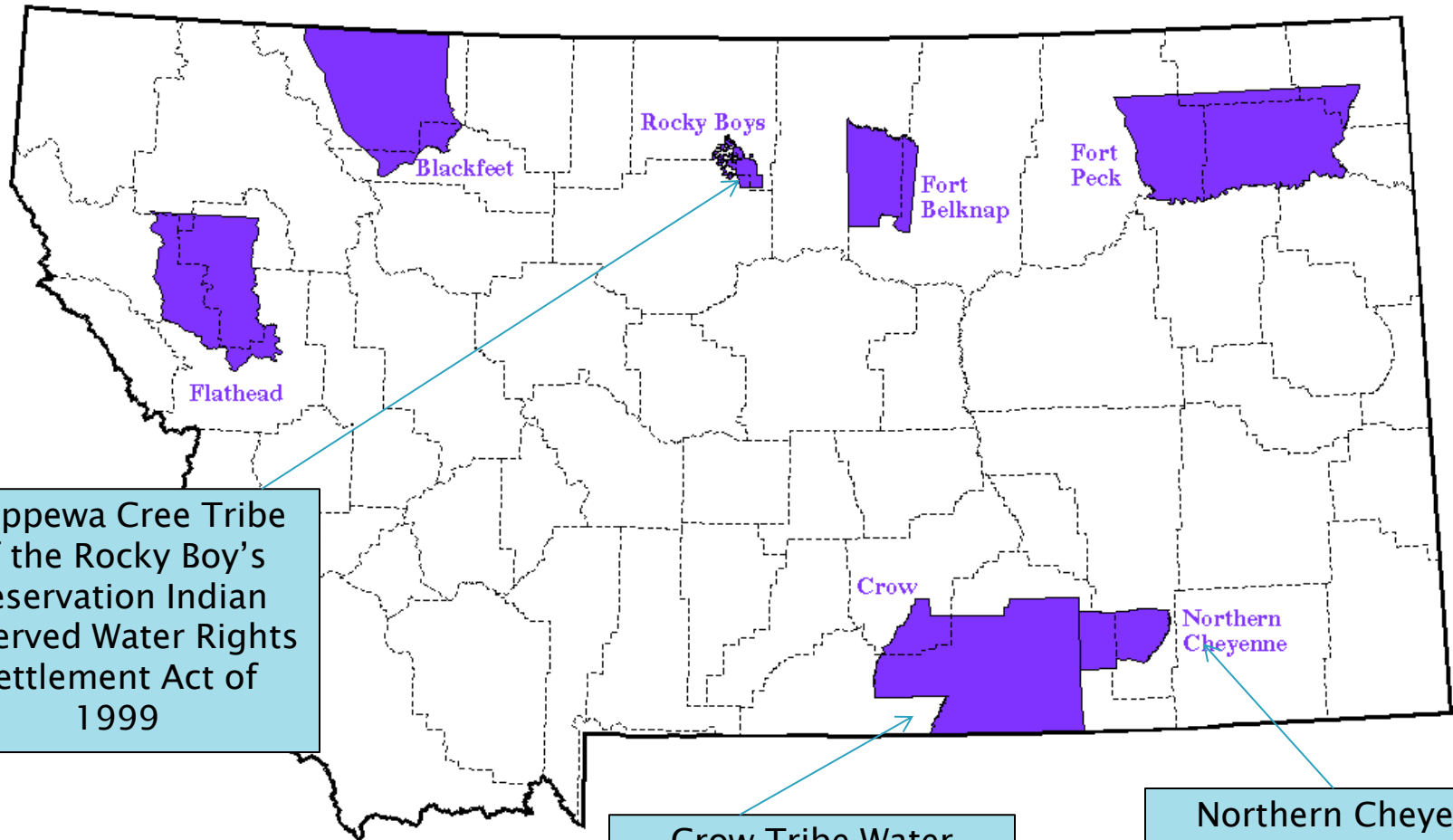
Southern Arizona
Water Rights
Settlement Act

San Carlos
Apache Tribe
Water Rights
Settlement Act

Salt River Pima-
Maricopa Indian
Community Water
Rights Settlement
Act of 1998



Montana



Chippewa Cree Tribe
of the Rocky Boy's
Reservation Indian
Reserved Water Rights
Settlement Act of
1999

Crow Tribe Water
Rights Settlement Act
of 2010

Northern Cheyenne
Indian Reserved Water
Rights Settlement Act
of 1992

New Mexico



Northwestern New Mexico Rural Water Projects Act

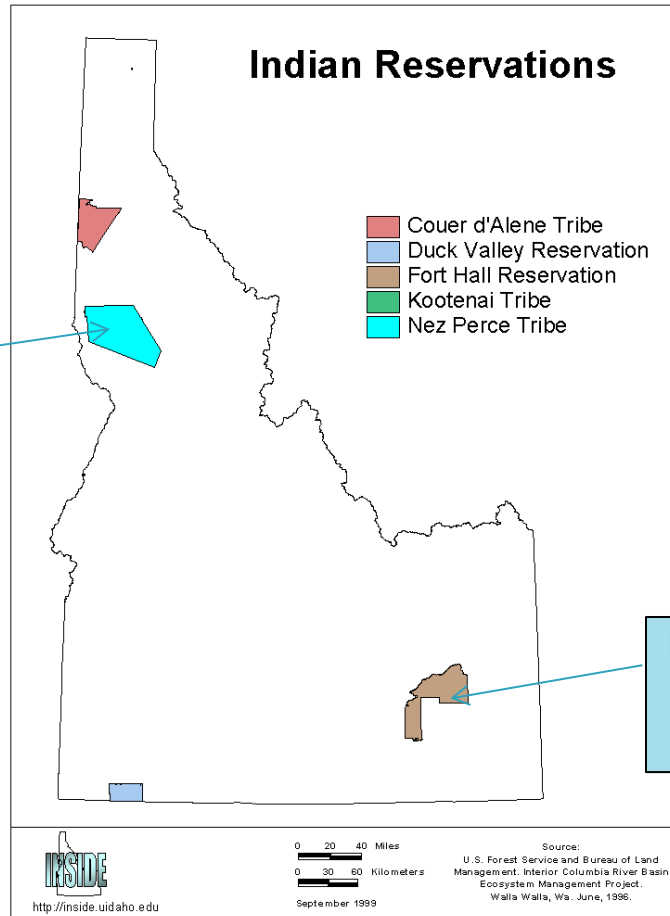
Aamodt Litigation Settlement Act

Jicarilla Apache Tribe Water Settlement Act of 1992

Taos Pueblo Indian Water Rights Settlement Act

Idaho

Snake River
Water Rights
Acts of 2004



Fort Hall Indian
Water Rights
Act of 1990

Roles of Experts

- ▶ Assist in the Development of a Tribal Water Code
- ▶ Evaluate Water Rights for Purchase or Sale
- ▶ Construction of Water Delivery Infrastructure
- ▶ Environmental Impacts of New Water Projects or Water Uses
- ▶ Water Right Quantification
- ▶ Evaluation of Water Demand between Competing Parties
- ▶ Water Storage and Delivery Projects
- ▶ Calculate Loss of Electrical Power Generation Due to Upstream Diversions
- ▶ Irrigation Demands, Water Duties, Return Flows
- ▶ Groundwater Management Plans
- ▶ Evaluation of Municipal and/or Industrial Supplies
- ▶ Evaluate Allottee Water Uses and Rights
- ▶ Technical Advisor to an Adjudication Court
- ▶ Groundwater Buffer Zones
- ▶ Water Banking Issues
- ▶ Instream Flows
- ▶ Calculation of PIA
- ▶ Water Leasing
- ▶ Water Exchanges
- ▶ ESA Issues



Federal Indian Water Rights Teams

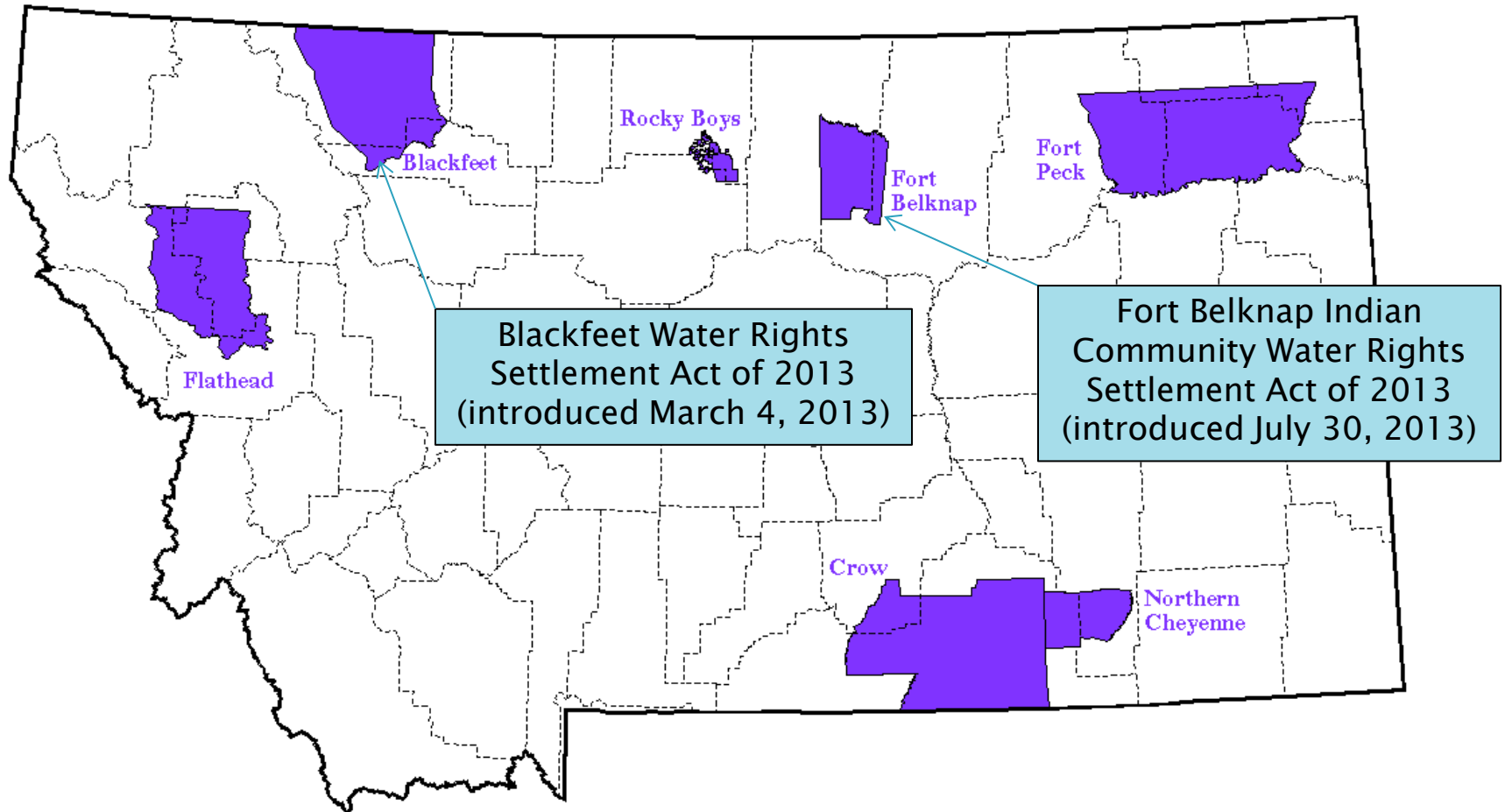
28 – Indian Water Rights Settlements Authorized

21* – Federal Implementation Teams

17* – Federal Negotiation Teams Appointed

*Source: U.S. DOI Secretary Sally Jewell at U.S. Senate Affairs Committee Hearing on May 15, 2013

Montana Indian Water Settlements Currently Pending in Congress



Litigation Issues Involving Experts

- ▶ Fort Mojave Indian Tribe v. United States
 - 64 F.3d 677 (Fed. Cir. 1995)
- ▶ San Carlos Apache Tribe v. Bolton ex. rel.
 - 977 P.2d 790 (Ariz. 1999)
- ▶ State of New Mexico v. Lewis
 - 861 P.2d 235 (N.M. App. 1993)

The Future of Indian Water Settlements

- ▶ Many Tribes do not have settlements yet, and the the key issues the parties and their experts will face in the future include:
 - Federal Funding
 - Increased Competition for Limited Water Supplies
 - The Need for New and Improved Water Storage and Delivery Infrastructure