

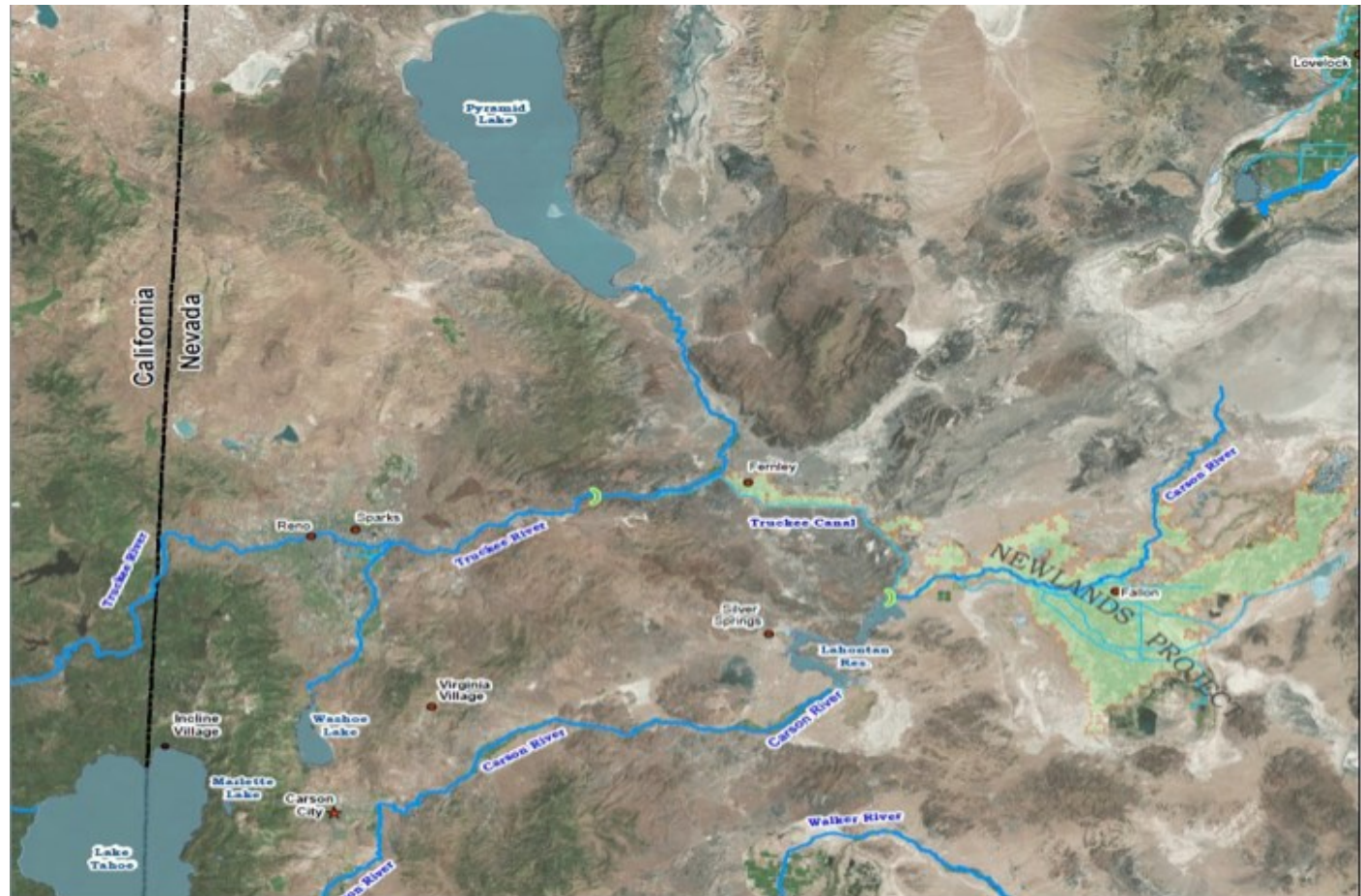
# 14<sup>th</sup> Biennial Symposium on the Settlement of Indian Reserved Water Rights Claims

August 25-27 in Reno, Nevada

*Co-sponsored by the Western  
the Native American Rights*



“It’s amazing what you can do in 102 years when you put your mind to it.” ~Jason King, NV State Engineer



# Bishop Letter and Response

- ◆ Changes the dynamics of settlement authorizations
- ◆ After default “no” since 2011 (earmarks), provides a path to authorization
- ◆ Compliance with Criteria & Procedures (55 Fed. Reg. 9223-25), might not be considered earmarks
- ◆ Introduced in Senate first instead of House
- ◆ Effectively gives OMB veto power
- ◆ Enlist Congressional/Administrative support closer to the front end of the settlement process
- ◆ May be wiggle room to adjust to practicalities

ROB BISHOP OF UTAH  
SENATOR

U.S. House of Representatives

Committee on Natural Resources  
Washington, DC 20515

February 26, 2015

MAY 19 2015



The Honorable Rob Bishop  
Attorney General  
Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20535

The Honorable Rob Bishop  
Chairman, Committee on Natural Resources  
House of Representatives  
Washington, DC 20515

The Honorable Sally Jewell  
Secretary  
Department of the Interior  
1849 C Street, NW  
Washington, DC 20036

Thank you for your letter dated February 26, 2015, describing the process that the Natural Resources Committee is following to bring Indian water rights settlements into the House.

Dear Mr. Attorney General and Madame Secretary:

The House Natural Resources Committee is currently conducting jurisdiction over the legislative resolution of Indian water rights claims within the House of Representatives. It is our policy to resolve Indian water rights claims through negotiated settlement rather than through litigation, both of your Departments play key roles in negotiating and developing settlements.

The Committee recognizes that settlements to these matters are generally preferable to protracted litigation, which does little to provide water supply and financial certainty for settling and other parties. Importantly, settlements, if crafted correctly, can also provide relief to the United States from burdensome legal obligations and benefit all American taxpayers. The Committee recognizes that the Executive branch is charged with implementing existing Indian water rights settlement criteria and procedures designed to meet these goals.<sup>1</sup>

The Department of the Interior and the Department of Justice appreciate your support of the United States that disputes regarding Indian water rights should be resolved through negotiated settlement rather than through litigation. This Administration has made the Federal Government's commitment to addressing the water needs of Native American communities through Indian water rights settlements a high priority. Over the past 6 years, with well over a century of litigation and bitter disputes involving 9 Indian tribes. It is encouraging that the Committee is willing to consider and potentially support Indian water settlements, consistent with the Administration's policy of support for negotiations. The importance of resolving Indian water rights claims across the West will intensify conflict over water supplies, the importance to both Indian tribes and their non-Indian neighbors of resolving Indian water rights claims continues to grow. We understand and appreciate your personal commitment to introduce only settlement legislation that the Administration supports. We are happy to assist by forwarding settlements that we support, along with proposed authorizing legislation, to the Committee. We note that this transmittal does not, of course, change the nature of such settlements. They remain collaborative efforts that reflect Administration input rather than proposals that are predominantly the work of the Administration.

The Administration's policy of support for negotiations is premised on a set of general principles embodied in the *Criteria and Procedures for the Participation of the Federal Government in Negotiations for the Settlement of Indian Water Rights Claims* (55 FR 9223, March 12, 1990) (*Criteria and Procedures*), including that the United States participate in water settlements consistent with its responsibilities as trustee to Indians; that Indian tribes receive equivalent benefits for rights which they, and the United States as trustee, may release as part of a settlement; that Indian tribes should realize value from confirmed water rights resulting from a settlement; and that settlements are to contain appropriate cost-sharing proportionate to the benefits received by all parties benefiting from the settlement.

<sup>1</sup> Department of the Interior Working Group on Indian Water Settlements for the Participation of the Federal Government in Negotiations for the Settlement of Indian Water Rights Claims, Federal Register, Vol. 55, No. 48, March 12, 1990.



# Completing Water Rights Settlements & Congressional Authorizations

- Collaboration
  - Settlements: Bring everyone to the table
  - Authorizations: Develop coalitions with non-traditional groups/industries with overlapping interests (i.e., drought)
- Technical Support
  - Settlements: Identifying scope of settlement (technical data takes time and money)
  - Authorizations: Need data to support every \$
- Ongoing Education and Public Relations



# Human Interest



## The Navajo Water Lady



CBS Sunday Morning



Subscribe

33,300



JR MANUEL  
TRIBAL SPIRITUAL LEADER



**Tule River Tribe | Water Rights**

from Noah Carlson [PLUS](#) 3 years ago [NOT YET RATED](#)

# Field Trip

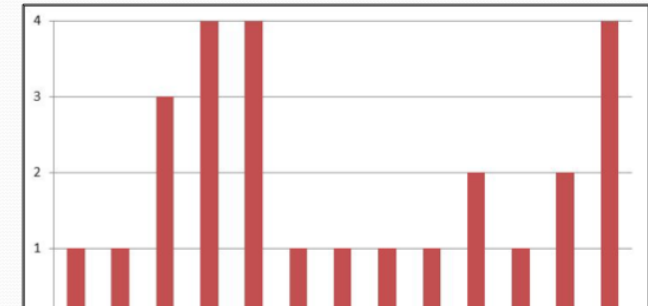




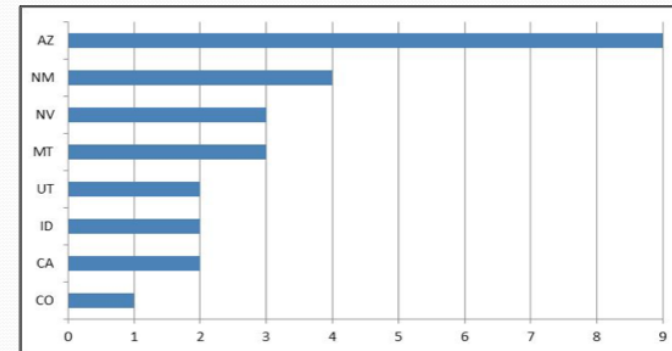
# Past Settlements



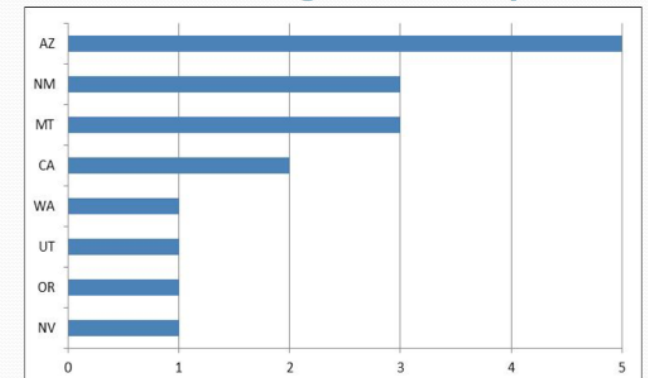
Number of Indian Water Rights Settlements by Year of Federal Legislation



Indian Water Rights Settlements with Federal Legislation, by State



Active Indian Water Rights Settlement Negotiations by State



# Permanent Funding Mechanism

- Settlements pending:
  - S. 1125 Blackfeet Tribe (Montana)
  - S. 133 Klamath, Karuk, Yurok Tribes (Oregon)
  - S. 1983 Pechanga Band of Luiseno Mission Indians and San Luis Rey (California)
  - Navajo (Utah)
  - 566 federally-recognized tribes, 29 completed/authorized settlements since 1978
- WSWC/NARF Letters to Administration/Congress requesting permanent funding, FY2017