



Current Indian Water Settlements and Negotiations

**National Congress of American Indians
National Tribal Water Summit
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S. 1125 - H.R. 5633 – Blackfeet Water Rights Settlement of 2016

- Comprehensive settlement of Tribe's water rights claims in Montana
 - Legislation approves Blackfeet Water Rights Compact
 - 750,000 acre feet of surface water, plus groundwater and storage water
 - \$421.96 million in funding for water related infrastructure and other purposes
- 02/03/2016 - Reported out of Senate Committee on Indian Affairs
- 05/24/2016 - Hearing on discussion draft of legislation before House Natural Resources Committee Subcommittee on Water, Power, and Oceans
- 7/11/16 – H.R. 5633 introduced
- 09/15/2016 - Included in Senate version of Water Resources Development Act S. 2848

S. 1983 - H.R. 5984 – Pechanga Band of Luiseño Indians Water Rights Settlement Act

- Comprehensive settlement of Band's water rights claims in Santa Margarita River Basin
 - 4,994 acre feet of water decreed to Band
 - \$28.5 million in funding
- 02/03/2016 - Reported out of Senate Committee on Indian Affairs
- 06/23/2016 - Hearing on draft legislation before House Natural Resources Committee Subcommittee on Water, Power, and Oceans
- 09/09/16 - H.R. 5984 introduced
- 09/15/2016 - Included in Senate version of Water Resources Development Act S. 2848
- 9/22/2016 - Reported out of House Natural Resources Committee

S. 2848, § 8002 – Choctaw Nation of Oklahoma and the Chickasaw Nation water settlement

- First settlement of Indian water rights claims in Oklahoma
- Water rights recognized but no quantified acre feet number. Provides the Nations a defined role in managing water resources within the Settlement Area
 - Places conditions on exports of Sardis Lake water including minimum bypass flows and a lake level management program
 - Provides unique mechanism for resolution of allottee rights
 - Federal contribution: forgiveness of approximate debt of \$51 million potentially owed to US Army Corps of Engineers
 - Nations delegate regulatory authority to State
- 09/15/2016 - Included in Senate version of Water Resources Development Act S. 2848

H.R. 1296 – Amendment to the San Luis Rey Indian Water Rights Settlement Act of 1988

- 1988 settlement included 16,000 acre feet of water and a \$30 million settlement fund for the La Jolla, Rincon, San Pasqual, Pala, and Pauma Bands of Mission Indians
 - Benefits were contingent upon an executed settlement agreement
 - numerous implementation problems arose
- Amendment approves a 2014 Settlement Agreement (as amended in September 2016, including waivers not included in the 1988 Act)
 - Recognizes the continuing federal reserved water rights of the Bands
 - Confirms that the benefits of the Settlement Agreement satisfy the water rights of allottees
 - Limits the Bands' annual withdrawals from the settlement fund (now estimated at approx. \$60 million) to \$3.7 million until the fund is exhausted
- 09/22/2016- Passed in the House of Representatives

S. 2959 – Amendment to the White Mountain Apache Tribe Water Rights Quantification Act of 2010

- Amendment allows a tribal settlement trust fund to be used to cover cost over runs associated with the planning, design, and construction of the WMAT rural water system
- WMAT Act provides
 - \$78.5 million tribal trust fund (WMAT Settlement Fund)
 - \$24 million Cost Overrun Subaccount with authorization for an additional \$11 million
 - \$126.2 million in mandatory appropriations to build the WMAT rural water system
- The WMAT rural water system consists of:
 - A dam and storage reservoir, pumping plant and treatment facilities
 - A pipeline distribution system from the treatment facilities to existing distribution systems that serve various Reservation communities
- 09/07/2016- Reported out of Senate Committee on Indian Affairs

S. 3013 – Salish and Kootenai Water Rights Settlement Act of 2016

- Comprehensive settlement of water rights claims of the Confederated Salish and Kootenai Tribes of the Flathead Reservation (CSKT) in Montana
- Legislation approves CSKT Water Rights Compact
 - Authorizes joint Tribal-State water rights administration on the CSKT Reservation
 - Proposes approximately \$2.3 billion for irrigation and other water resource improvements
- 05/26/2016 - Legislation introduced in Senate
- 06/29/2016 – Hearing before Senate Committee Indian Affairs
 - DOI testified that it could not support the legislation
 - Additional review of the Compact and the legislation needed
 - Significant concerns about costs
- Not yet introduced in the House

S. 3300 – Hualapai Water Right Settlement Act of 2016

- Comprehensive settlement of Tribe's water rights claims in Arizona
 - 4,000 acre-feet of Central Arizona Project water
 - \$134.5 million infrastructure project to divert water from the Colorado River to Peach Springs and Grand Canyon West
 - \$34 million for OM&R trust fund for Tribe
- 09/07/2016 - Legislation Introduced in Senate
- 09/14/2016 - Hearing before Senate Committee on Indian Affairs
 - DOI testified that it does not support the legislation
 - Concerns over costs, including validity of construction estimates
 - Need to assess use of groundwater as part of settlement
- Not yet introduced in the House

S. 2848 – Water Resources Development Act of 2016

- Act includes 3 Indian water Settlements
 - Blackfeet Water Rights Settlement Act
 - Pechanga Band of Luiseno Mission Indians Water Rights Settlement Act
 - Choctaw Nation of Oklahoma and the Chickasaw Nation water settlement
- Administration on record supporting Blackfeet and Pechanga settlements
- Formal position on Choctaw/Chickasaw in process
- Conference expected on S. 2848 and H.R. 5303 in lame duck session

Upcoming Settlements

- Navajo-Utah
- Tule River
- Kickapoo