

Ad Hoc Group
on
**Indian Water
Rights**

January 18, 2001

Members of the Bush Administration Transition Team for the Dept of Interior
c/o Ann Klee, Chief Counsel
Senate Committee on Environment and Public Works
410 Senate Dirksen Office Building
Washington, DC 20510

Dear Ann:

We write to urge your support of the necessary funding to: (1) provide for federal negotiating teams working with Tribes and affected non-Indians to achieve Indian water right settlements, and (2) to assure implementation once such settlements are achieved and approved by the Administration and the Congress.

By way of background, the Ad Hoc Group on Indian Water Rights was formed in response to an initiative undertaken first by the Western Regional Council (a group of large businesses oriented towards natural resources development in the West). Recognizing the potential complications and uncertainties that unsettled Indian water rights claims represented, the Western Regional Council developed proposed legislation in 1981 to quantify Indian water rights. The Tribes opposed the legislation, but from these discussions arose an interest in beginning a dialogue on what would be an acceptable approach to settling Indian water rights claims. Subsequently, the Western Governors' Association was brought into these discussions, and thereafter the Western States Water Council.

In the course of these discussions, it was generally agreed that there was a need to quantify Indian water rights, and that negotiated settlements were preferable to litigation for purposes of quantifying these rights. Additionally, it was agreed that such settlements should be encouraged and facilitated by the federal government, both in terms of assisting in the negotiations, as well as in providing appropriate funding for the settlements. From these discussions and related efforts evolved a process that contributed to the approval of several Indian water rights settlements.

The Ad Hoc Group has sponsored workshops in Washington, D.C. for representatives of the Department of Interior, Department of Justice, Office of Management and Budget, House and Senate committee staff, and tribal and local groups to identify problems associated with the approval of such settlements and to discuss ways to address these problems. These workshops helped refine and improve the process for settlement.

For some years following 1992, however, the process for settlement appeared to have broken down due to several factors including a lack of commitment from key federal agencies. Few negotiating teams were being formed, few new settlements had been approved, tribes were returning to the courts to get their rights established, agreements which had been approved were experiencing difficulties in being implemented, and funding had all but disappeared. However, with continued support from the Ad Hoc Group members and others, the process was reinvigorated. The Department of Interior created the Federal-Tribal Water Funding Task Force to look at issues of funding settlements, and also assigned new personnel to work on these issues. These steps recognized that the biggest obstacle to further success is assurance that approved settlements will be funded once authorized by Congress, without adverse consequences to Indian programs.

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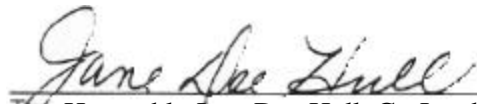
**NATWE AMERICAN RIGHTS
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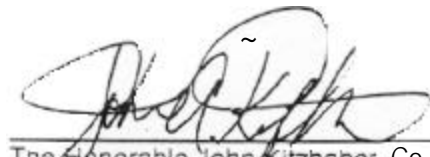
Three settlements were approved by the last Congress and others are expected to be submitted to the new Congress. Approved settlements need funding support. Moreover, for continued success with Indian land and water disputes, there must be sufficient funding to support the negotiating teams in their efforts.

The members of the Ad Hoc Group on Indian water rights have consistently supported the negotiated settlement of Indian land and water right disputes. We believe that the funding of land and water right settlements is an important obligation of the United States government. We urge that steps be taken to change current budgetary policy to ensure that any land or water settlement, once authorized by the Congress and approved by the President, will be funded without detriment to other important programs within the Department of Interior. We would be pleased to meet with you at your convenience to further discuss these matters. Thank you.

Sincerely



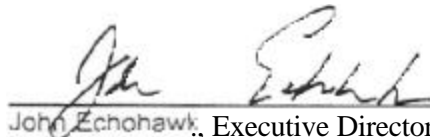
The Honorable Jane Dee Hull, Co-Lead Governor on Indian Water Right Settlements
Western Governors' Association



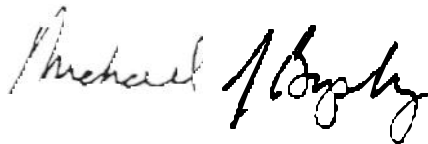
The Honorable John Kitzhaber, Co-Lead-Governor on Indian Water Right Settlements
Western Governors' Association



Kit Kirdball, Director Western
Regional Council



John Echohawk, Executive Director
Native American Rights Fund



Michael Brophy, Chairman
Western States Water Council

cc: David Hayes, Deputy Secretary of Interior (Designated Contact for Interior Transition)
Chair and Ranking Minority Member, House Budget Committee
Chair and Ranking Minority Member, House Resources Committee
Chair and Ranking Minority Member, Senate Budget Committee
Chair and Ranking Minority Member, Senate Indian Affairs Committee