Federal Indian Water

How does the United States Do it?
- NOT VERY WELL -
The Federal Government

• Executive
  – Office of Management and Budget
  – Department of Justice
  – Department of the Interior
  – Department of Defense (Corps)

• Congress
  – House
  – Senate

• Judiciary – McCarren Amendment
Executive Branch

• Office of Management and Budget
• Department of Justice
• Department of the Interior
  – BIA
  – Reclamation
  – FWS
  – Solicitor
• DOD - COE
Federal Indian Water Policy

• Trusteeship – Protection of the Indian assets
  – All of the Federal Government is responsible for trusteeship
  – Main trustee is the Secretary of the Interior
  – The main activity for trust protection is litigation

• Winters Doctrine
  – Supreme Court – Indians have a right to water for the purposes of their reservation
Federal Indian Water Policy

• 1982 - President Reagan first stated the Federal Intent to negotiate Indian water rights claims
• Every Administration since has reiterated its desire to negotiate Indian water rights claims
Federal Indian Water Policy

- Criteria and Procedures – 1990
- Agreement among the DOI; DOJ; OMB
- Basic tenets
  - All parties to a claim should be parties to a water rights negotiation
  - Parties bear the cost of the benefits of settlement
  - Federal contribution to settlement should not exceed the value of the United States
Federal Indian Water Policy

• Department of the Interior
  – Working Group on Indian Water Settlements
  – Indian Water Rights Office
  – Negotiation process
    • Assessment
    • Negotiation
    • Settlement
    • Implementation
Senate

- Energy and Natural Resources Committee
- Indian Affairs Committee
- Appropriations
  - Energy and Water Development
  - Interior, Environment, and Related Agencies
House of Representatives

Resources Committee
  – Water and Power Subcommittee
  – Indian Affairs
• Appropriations (Tom Cole)
  – Energy and Water Development
  – Interior, Environment, and Related Agencies
The Water Development Process

- Determination of a water resource problem
- Technical definition of the problem
- Study of possible solutions
- Identification of probable solution
- Construction of preferred solution
- Operation, Maintenance, and Replacement
## Legislative Process

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