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Shoshone-Paiute Tribes of the Duck Valley Reservation Water Rights Settlement Act

Congress: 110 (2007–2009, Ended)
Chamber: Senate
Policy Area: Native Americans
Introduced: Jan 31, 2007
Current Status: Placed on Senate Legislative Calendar under General Orders. Calendar No. 872.
Latest Action: Placed on Senate Legislative Calendar under General Orders. Calendar No. 872. (Jul 10, 2008)
Official Text: https://www.congress.gov/bill/110th-congress/senate-bill/462

Sponsor

Name: Sen. Reid, Harry [D-NV]
Party: Democratic • **State:** NV • **Chamber:** Senate

Cosponsors (3 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Ensign, John [R-NV]	R · NV		Jan 31, 2007
Sen. Craig, Larry E. [R-ID]	R · ID		Jul 19, 2007
Sen. Crapo, Mike [R-ID]	R · ID		Jul 19, 2007

Committee Activity

Committee	Chamber	Activity	Date
Indian Affairs Committee	Senate	Reported By	Jul 10, 2008

Subjects & Policy Tags

Policy Area:

Native Americans

Related Bills

Bill	Relationship	Last Action
110 HR 5293	Related bill	**Sep 22, 2008:** Received in the Senate.
110 HR 2326	Related bill	**May 18, 2007:** Referred to the Subcommittee on Water and Power.

Summary (as of Jul 10, 2008)

Shoshone-Paiute Tribes of Duck Valley Reservation Water Rights Settlement Act - (Sec. 5) Approves, ratifies, and confirms, and directs the Secretary of the Interior to execute, the Agreement to Establish the Relative Water Rights of the Shoshone-Paiute Tribes of the Duck Valley Reservation and the Upstream Water Users, East Fork Owyhee River, Nevada, except as specified in this Act.

Provides that: (1) this Act does not authorize the Tribes to use or authorize others to use tribal water rights off the Reservation other than for storage at Wild Horse Reservoir or use on tribal land off the Reservation; (2) execution of such Agreement shall not constitute major federal action under the National Environmental Policy Act; and (3) this Act does not affect the status of the Duck Valley Indian Irrigation Project.

(Sec. 6) Requires tribal water rights to be held in trust by the United States for the Tribes' benefit. Directs the Tribes to enact a water code to administer such rights. Requires the Secretary to regulate such rights until the Tribes enact a water code. Provides that: (1) such rights are not subject to loss by abandonment, forfeiture, or nonuse; and (2) capital costs associated with the Project are nonreimbursable.

(Sec. 8) Establishes the Shoneshone-Paiute Tribes Water Rights Development Fund for: (1) the rehabilitation and expansion of the Project; (2) acquisition of land and water rights; (3) restoring or improving fish or wildlife habitat; (4) fish or wildlife protection, water resource development, or agricultural development; (5) water resource planning and development; (6) designing and constructing water supply and sewer systems for tribal communities; (7) water-related projects and other related economic development projects; (8) developing water codes; or (9) the costs of implementing the Agreement.

Establishes the Shoshone-Paiute Tribes Operation and Maintenance Fund to pay or provide reimbursement for the operation, maintenance, and replacement costs of: (1) the Project and other water-related projects funded under this Act; or (2) water supply and sewer systems for tribal communities.

Authorizes appropriations for such Funds for FY2008-FY2012. Requires the Secretary to manage the Funds in accordance with the American Indian Trust Fund Management Reform Act of 1994. Provides for withdrawing and spending amounts from the Funds, enforcing tribal management plans and expenditure plans, and reporting on the expenditures from the Funds. Prohibits amounts from the Funds from being distributed to Tribal members on a per capita basis.

(Sec. 9) Authorizes the waiver or release by Tribes and the United States of claims for water rights in or waters of the East Fork of the Owyhee River, and for damages, losses, or injuries to such rights, that could be asserted in court proceedings. Authorizes Tribes to waive and release claims against the United States: (1) for fishing rights that resulted from reduced quantity of water in the East Fork; or (2) that arise out of the negotiation and adoption of the Agreement.

Requires Tribes and the United States to retain: (1) claims for enforcement of the Agreement, the Final Consent Decree, or this Act; (2) rights to use and protect water rights acquired pursuant to any state law; (3) claims relating to activities affecting the quality of water; (4) rights to land outside the Reservation; and (5) rights, remedies, privileges, immunities, and powers not specifically waived and released under the terms of the Agreement.

Provides that the waivers and release of claims become effective when the Secretary publishes a finding that: (1) the Secretary has executed the Agreement as approved by Congress; (2) all parties to the Agreement have executed the Agreement; (3) the Fourth Judicial District Court, Elko County, Nevada, has issued a judgment and decree consistent

with the Agreement from which no further appeal can be taken; and (4) specified amounts have been appropriated. Declares that the Agreement and this Act will not take effect and any funds and interest accrued that have been appropriated under this Act shall revert to the general fund of the Treasury if the Secretary does not publish such statement by December 31, 2015. Provides for the tolling of claims.

(Sec. 10) Gives U.S. consent to jurisdiction in a proper forum for purposes of enforcing the Agreement's provisions.

Actions Timeline

- **Jul 10, 2008:** Committee on Indian Affairs. Reported by Senator Dorgan with an amendment in the nature of a substitute. With written report No. 110-415.
- **Jul 10, 2008:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 872.
- **Jul 19, 2007:** Committee on Indian Affairs. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Apr 26, 2007:** Committee on Indian Affairs. Hearings held. Hearings printed: S.Hrg. 110-105.
- **Jan 31, 2007:** Introduced in Senate
- **Jan 31, 2007:** Sponsor introductory remarks on measure. (CR S1438)
- **Jan 31, 2007:** Read twice and referred to the Committee on Indian Affairs. (text of measure as introduced: CR S1438-1440)

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