

HR 5293

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

Congress: 110 (2007–2009, Ended)

Chamber: House

Policy Area: Native Americans

Introduced: Feb 7, 2008

Current Status: Received in the Senate.

Latest Action: Received in the Senate. (Sep 22, 2008)

Official Text: <https://www.congress.gov/bill/110th-congress/house-bill/5293>

Sponsor

Name: Rep. Heller, Dean [R-NV-2]

Party: Republican • State: NV • Chamber: Senate

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Berkley, Shelley [D-NV-1]	D · NV		Jun 9, 2008

Committee Activity

Committee	Chamber	Activity	Date
Natural Resources Committee	House	Reported by	Jul 15, 2008

Subjects & Policy Tags

Policy Area:

Native Americans

Related Bills

Bill	Relationship	Last Action
110 S 462	Related bill	Jul 10, 2008: Placed on Senate Legislative Calendar under General Orders. Calendar No. 872.
110 HR 2326	Related bill	May 18, 2007: Referred to the Subcommittee on Water and Power.

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, 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 for use on tribal land and for the allocation of 265 acre feet to upstream water users under such Agreement, 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 Shoshone-Paiute Tribes Water Rights Development Fund for: (1) the rehabilitation or expansion of the Project; (2) acquisition of land and water rights; (3) cultural preservation; (4) restoring or improving fish or wildlife habitat; (5) fish or wildlife protection, water resource development, or agricultural development; (6) water resource planning and development; (7) designing and constructing water supply and sewer systems for tribal communities; (8) water-related projects and other related economic development projects; (9) developing water codes; or (10) 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-FY2013. 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 the Tribes' water rights in the East Fork of the Owyhee River in Nevada, and claims to such rights that could be asserted in court proceedings or claims for damages, losses, or injuries to such rights, or claims of interference with, diversion or taking of water rights within the State of Nevada. Authorizes Tribes to waive and release claims against the United States: (1) for water rights in the East Fork of the Owyhee River or the Snake River Basin Adjudication in Idaho; (2) for damages, losses, or injuries to water, such rights, land, or other resources due to loss of water or water rights within Nevada and Idaho; (3) that relate to the operation maintenance, or rehabilitation of the Project; (4) that relate to the litigation of claims concerning the Tribes' water rights in pending proceedings before the Nevada State Engineer to determine the the water rights of the Tribes in the East Fork of the Owyhee River in Nevada or the Snake River Basin Adjudication in Idaho; or (5) that relate to the negotiation, execution, or 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 acquire a water right in a state to the same extent as other entities in the state and to use and protect water rights acquired; (3) claims relating to activities affecting the quality of water; and (4) rights, remedies, privileges, immunities, and powers not specifically waived and released under the terms of this Act.

Provides that the waivers and release of claims become effective when the Secretary publishes a finding that: (1) the Agreement and the waivers and releases authorized have been executed by the parties and the Secretary; (2) 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 (3) 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 March 31, 2016. 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

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- **Sep 22, 2008:** Received in the Senate.
- **Sep 17, 2008:** Considered as unfinished business. (consideration: CR H8368-8369)
- **Sep 17, 2008:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.(text: CR 9/15/2008 H8058-8060)
- **Sep 17, 2008:** On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. (text: CR 9/15/2008 H8058-8060)
- **Sep 17, 2008:** Motion to reconsider laid on the table Agreed to without objection.
- **Sep 15, 2008:** Ms. Bordallo moved to suspend the rules and pass the bill, as amended.
- **Sep 15, 2008:** Considered under suspension of the rules. (consideration: CR H8058-8062)
- **Sep 15, 2008:** DEBATE - The House proceeded with forty minutes of debate on H.R. 5293.
- **Sep 15, 2008:** At the conclusion of debate, the chair put the question on the motion to suspend the rules. Mr. Bishop (UT) objected to the vote on the grounds that a quorum was not present. Further proceedings on the motion were postponed. The point of no quorum was withdrawn.
- **Jul 31, 2008:** Reported (Amended) by the Committee on Natural Resources. H. Rept. 110-815.
- **Jul 31, 2008:** Placed on the Union Calendar, Calendar No. 529.
- **Jul 16, 2008:** Committee Consideration and Mark-up Session Held.
- **Jul 16, 2008:** Ordered to be Reported (Amended) by Unanimous Consent.
- **Jul 15, 2008:** Subcommittee Consideration and Mark-up Session Held.
- **Jul 15, 2008:** Forwarded by Subcommittee to Full Committee Without Recommendation (Amended) by Unanimous Consent .
- **Mar 13, 2008:** Subcommittee Hearings Held.
- **Feb 12, 2008:** Referred to the Subcommittee on Water and Power.
- **Feb 7, 2008:** Introduced in House
- **Feb 7, 2008:** Referred to the House Committee on Natural Resources.