SETTLEMENTS APPROVED BY CONGRESS

Updated August 2011

NAME / CITATION	TRIBE(s)/STATE(s)	SIGNIFICANT FEATURES OF SETTLEMENT/ QUANTITY (AC-FT/YR)	TOTAL EXPENDITURES
Ak-Chin Indian Water Rights Settlement Act Pub.L. 95-328, 92 Stat. 409 (1978), *amended*, Pub.L. 98-530, 98 Stat. 2698 (1984), *amended*, Pub.L. 102-497, 106 Stat. 3258 (1992), *amended*, Pub. L. 106-285, 114 Stat. 878 (2000).	Ak-Chin Indian Community of Papago Indians of the Maricopa, Ak-Chin Reservation ARIZONA	• First Indian water settlement; • Federal government and Indian Community were only parties to original settlement; • No local cost share provision required; • Unrestricted water marketing and use under 1992 Amend. Allows off-reservation leasing in certain nearby counties; • Surface water imported from foreign source to satisfy entitlement; • Federal government agreed to deadline for implementation; • Federal government assumed total liability for cost of failure to deliver; • 85,000 afa • Legislation in 2000 gave the tribe authority to enter into either options to renew a lease or renewals of a lease for no more than the original term of a lease up to 100 years long, whereas it earlier denied any post-100 year option. The amendment also provides that the tribe may not permanently alienate the water at issue.	• Federal: - Total of $29.2M to Indian Community (not including $15M in *damages*) (emphasis added); - estimated $50K for feasibility study. - $3.4M to Indian Community for economic development. - $25.3M as loan forgiveness. - Total of $27.2M to irrigation district; - $9.4M for construction & conservation; $17.8M as loan forgiveness
Fallon Paiute Shoshone Indian Tribes Water Rights Settlement Act of 1990 Pub.L. 101-618; 104 Stat. 3289 (1990).	Paiute-Shoshone Tribe of the Fallon Reservation and Colony NEVADA	• Original intent to settle tribal claims for Federally promised irrigation system; • Developed into claims for reserved rights; • Secretary to identify water sources subsequent to settlement; • Environmental dilemmas in two river basins required complex and inter-connected settlements with two tribes; • Development Fund established to improve irrigation system and enhance economic development on the Reservation; • Federally approved Tribal management plan required for administration; • Interstate Allocation Agreement required for reservoir operations; • Limited marketing subject to State law; • *See also*, Truckee-Carson Pyramid Lake Water Rights Settlement Act; • 10,588 afa	• Federal - $43M for Fallon Paiute Shoshone Tribal Development Fund (i.e., $3M in 1992, and $8M each year thereafter until 1997)
Fort Hall Indian Water Rights Act of 1990 Pub.L. 101-602; 104 Stat. 3059 (1990).	Shoshone-Bannock Tribes of the Fort Hall Indian Reservation IDAHO	• Heavy reliance on unallocated Federal storage space required to satisfy Tribes' *Winters* entitlement and to mitigate impacts to local water users within a highly developed system; • Water bank authorized which will allow the Tribes to lease their water rights to local water users off-Reservation; • Tribes allowed to lease all or part of water entitlement on the Reservation; • Tribal Development established in addition to Federal funds provided to develop a reservation water management system; • Instream flow protection allowed (whereas instream flow protection a contentious issue in the Wind River-Big Horn litigation); • Flexible use of Tribes' water on reservation permits traditional uses including agriculture, fish, and wildlife, and environment; • Three member Intergovernmental Board established to mediate or resolve disputes; • 581,031 afa	• Federal - $10M to Tribal Development Fund; - $7M to Tribes for development of a reservation water management system; - $5M appropriated to BIA for acquisition of lands and grazing rights adjacent to Grays Lake to enhance the operation and management of the FHIIP as well as providing collateral benefits for the Fish and Wildlife Service Refuge at Grays Lake; - Federal contract storage rights or studies related to settlement (appropriations unknown)

Fort McDowell Indian Community Water Rights Settlement Act of 1990 Pub.L. 101-628, 104 Stat. 4480 (1990).	Fort McDowell Indian Community ARIZONA	• Complex multi-party water purchases, exchanges, and storage arrangements; • Much controversy over water supply and sources; • Secretary allowed to identify and acquire water sources subsequent to Settlement; • Indian Community to receive indigenous water supplies from the Verde River; • Off-reservation leasing of CAP water limited to 99 year lease with City of Phoenix Community Development Fund established to enhance economic development; • Federal loan provided to Indian Community to construct delivery system; • Environmental preservation and studies required prior to most water acquisitions; • Instream flow protection to protect endangered species and river habitat; • 36,350 afa	• Federal - $23M for Community Development Fund; - Land and water purchases from unidentified sources including 13,933 afa of CAP water purchased from HVID (appropriations unknown); - Environmental studies associated with land and water purchases (appropriations unknown); - 25 year contract with SRP to store Kent Decree water rights (appropriations unknown; Community able to use some of its Kent Decree water depending on availability and canal conditions); - $13M *loan* to Indian Community (not considered a Federal contribution) (emphasis added); • State/Local - $2M for Community Development Fund; - $5M up-front payment for 99 year *lease* to city of Phoenix (not considered a contribution) (emphasis added) • Tribe - $13M in Federal loan monies to construct delivery systems
Jicarilla Apache Tribe Water Settlement Act of 1992 Pub.L. 102-441, 106 Stat. 2237 (1992).	Jicarilla Apache Indian Tribe NEW MEXICO	• Subcontracting or marketing allowed on or off reservation; • Lease or subcontract terms limited to 99 years; • Subcontracts subject to state law; • Significant Secretary approval process prior to subcontracting; • Tribal water right can not be forfeited or relinquished for nonuse; • Much discussion of the "Law of the River" and prohibiting interstate marketing; • Significant environmental compliance and conservation measures required; • 40,000 afa	• Federal - $6M to Trust Fund; - estimated $1,056,250 in non-reimbursable construction costs; - waiver of OM&R costs (amount unknown)
Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1992 Pub.L. 102-374, 106 Stat. 1186 (1992).	Northern Cheyenne Indian Tribe MONTANA	• Tongue River Dam repair and enlargement major part of settlement; • Much discussion over administration and jurisdiction over tribal water right and Tongue River Dam Project; • Three member Board set up to resolve disputes; • Tribe allowed to administer water right after adopting Tribal Water Code; • Water marketing and transfers allowed on and off the reservation; • Most off-reservation marketing subject to State law; • Tribal water right may be used on the reservation for any purpose and without regard to State law; • Ten-year marketing moratorium with Crow Tribe for water stored in the Big Horn Reservoir; • Trust Fund unrestricted except for per capita payments; • 91,330 afa	• Federal - $21.5M to the Cheyenne Indian Reserved Water Right Trust Fund; - $31.5M for use in the repair and enlargement of the TRDP; - Environmental compliance (estimated at $2M); - Tribe's proportionate share of OM&R costs for water stored behind the Tongue River Dam (estimated at $3,000 annually until 1997 and $28,000 annually thereafter); - $3.5M for fish and wildlife enhancement on the TRDP • State - Repayment of the $11.5M loan to the Tribe; - $5M to TRDP for contract costs; - $4.2M to the TRDP in non-contract costs • Tribe - OM&R costs and capital costs associated with water used or sold for M&I purposes from Big Horn Reservoir (amt. unknown)

Salt River Pima-Maricopa Indian Community Water Rights Settlement Act of 1988 Pub.L. 100-512, 102 Stat. 2549 (1988).	Salt River Pima-Maricopa Indian Community of the Salt River Reservation ARIZONA	• Complex and creative multi-party water exchanges, lease-backs, and storage arrangements (including effluent exchange) between two Indian Communities, seven Phoenix area cities, and three irrigation districts; • Indian Community arranged to receive indigenous water supplies from the Salt River, Verde River, and groundwater beneath the Reservation (e.g., very small amount of imported water used to satisfy entitlement); • Significant, "equitable" local cost sharing required by Federal government; • Marketing of water prohibited except for lease-exchange agreement with Phoenix (water uses unrestricted on reservation); • Very large Community Trust Fund established to develop and maintain facilities and enhance economic development; • Provision to resolve allottee water claims; • 122,400 afa	• Federal - Total of $47,470,000 to the Salt-River Community Trust Fund; - $10M for CAP facility construction (not considered a contribution since entirely allocable to P.L. 90-537, the underlying CAP authorization) • State/Local - $55,933,000 from local water users for contributing 32,000 afa of water (utilizing a value of around $1,800 per afa); - $9M from local cities put in escrow to acquire 22,000 afa of Colorado River water; - $3M from the State of Arizona to community Trust Fund; - $16M in exchange for allocated CAP water (not considered a contribution since it is compensation for a 99 year *lease* agreement) • Tribe - $2M to Community Trust Fund
San Carlos Apache Tribe Water Rights Settlement Act Pub.L. 102-575, 106 Stat. 4740 (1992), *tech. amend.*, Pub.L. 103-435, 108 Stat. 4572 (1994), *amended*, Pub.L. 105-18, § 5003, 111 Stat. 181 (1997).	San Carlos Apache Indian Tribe ARIZONA	• Directs the Secretary of the Interior to reallocate an additional specified amount of water from the Central Arizona Project for the San Carlos Apache Tribe; • Provides for the diversion of 7,500 afy from the Black River; • Requires the Tribe or its lessee to pay any water service capital charges or municipal and industrial subcontract charges for any water use or lease from the effective date of the Act through FY 1995; • Directs the Secretary to designate for the benefit of the Tribe such active conservation capacity behind Coolidge Dam on the Gila River as the Secretary is not using to meet the obligations of the San Carlos Irrigation Project (SCIP) for irrigation storage. Limits any water stored by the Tribe to the dam's first spill water; • Establishes the San Carlos Apache Tribe Development Trust Fund within the Treasury to contain the funds appropriated for it, the funds provided by Arizona under the agreement, and the funds received from the tribal water leases authorized by this Act; • Directs the Secretary to carry out all necessary environmental compliance during the implementation phase of this settlement. Authorizes appropriations; • Directs the Secretary to establish a groundwater management plan for the San Carlos Apache Reservation; • Declares that concessions for recreation and fish and wildlife purposes on San Carlos Lake may be granted only by the Tribe's governing body; • A 1997 amendment settled a right-of-way dispute with Phelps Dodge Corporation and provided for a lease and exchange of 14,000 afy of Central Arizona Project water	• Federal - $38.4M for Development Fund (94%); - Land and water purchases from Planet Ranch located on Bill Williams River in Arizona (appropriations unknown); - Environmental studies, compliance, and mitigation costs to BR associated with land and water allocations or purchases (appropriations unknown); - Construction, operation, maintenance and replacement costs for CAP water facilities (appropriations unknown) • State/Local - $3M for Development Fund (6%); - Purchase of around 58,735 afa of surface water (amount unknown)

San Luis Rey Indian Water Rights Settlement Act of 1988 Pub.L. 100-675, 102 Stat. 4000 (1988).	La Jolla, Ricon, San Pasquale, Pauma, Pala Bands of Mission Indians CALIFORNIA	• Problems with water source identification (e.g., originally proposed water from Central Valley Project amended to require "supplemental" water from lining the All American Canal); • Conservation measures required to fulfill Bands' water entitlement by lining the All American Canal in order to reduce seepage; • Existing water canals and systems used to deliver "supplemental" water; • No new facility construction required to be financed by the Federal government; • "Equitable allocation" of local water supply required reallocation of San Luis Rey River system evenly between Bands and non-Indian users; • $30M Development Fund established; • Indian Water Authority established as inter-tribal entity to market water and administer Development Fund; • 16,000 afa	• Federal - $30M for Development Fund; - Lining of All American Canal (appropriations unknown); - Use of existing delivery systems (amount unknown); - Groundwater recharge program (amount unknown) • State/Local - Purchase of water that is surplus to the Bands' needs on the reservations (amount unknown); - Use of existing local water delivery systems to convey Bands' share of local water to the reservations (amt. unknown); - O&M and replacement of existing delivery systems for San Luis Rey water (amount unknown); - Costs associated with Warner Well Field (estimated to range from $1.5 to $3.18M) • Bands - O&M costs associated with delivery of supplemental water through existing facilities; - Costs associated with Warner Well Field (estimated at over $2M annually)
Seminole Indian Land Claims Settlement Act of 1987 Pub.L. 100-228, 101 Stat. 1556 (1987).	Seminole Tribe of Florida FLORIDA	• First Indian water settlement in the Eastern United States; • No prior water rights litigation preceding settlement, but the settlement did resolve litigation and permit challenges on non-water related issues; • No Federal funding required; • Compact compromises between the *Winters* doctrine and riparian doctrine; • Compact gives Tribe absolute preference to ground water; • Tribal water right perpetual in nature and not subject to State renewal; • Compact allows Tribe to issue permits and administer its water rights; • Compact allows Tribe significant participation in water and land related decisions; • Compact gives Tribe jurisdiction to manage its water resources; • Compact given force of Federal law for purposes of enforcing the tribe's rights and obligations in Federal District Court	• None

Southern Arizona Water Rights Settlement Act Pub.L. 97-293, 96 Stat. 1274 (1982), *tech. amend.*, Pub.L. 102-497, 106 Stat. 3256 (1992).	San Xavier and Schuk Toak Districts, Tohono O'Odham Nation (formerly Papago) ARIZONA	• Water provided from CAP allocation and reclaimed effluent water from Tucson; • Nation guaranteed a "firm" delivery of water even in dry seasons; • Federal government assumed liability for failure to deliver water and replacement costs; • Construction costs of Federal facilities required to deliver entitlement is entirely allocable to Pub.L. 90-537, (the underlying CAP authorization), not SAWRSA; • Limited off-reservation leasing in Tucson AMA; • Two independent trust funds established, a Tribal and Cooperative Fund; • Settlement and implementation delayed due to dispute over ownership and allocation of water between allottees and Nation; • 66,000 afa	• Federal - Estimated $1M to establish water management plan and conduct certain studies; - $5.25M to "Cooperative Fund;" - $15M to Nation's Trust Fund; - Up to $3.5M, if needed, to cover fluctuations in construction costs for "on-reservation" improvements only (amount unknown); - Up to $3.3M in annual contingent liability for replacement water for damages for failure to deliver entitlement (to be paid from interest of "Cooperative Fund"); - Estimate $65M for construction of Phase B of Tucson Aqueduct; estimated $50M to acquire reclaimed effluent water and increase capacity of the Tucson Aqueduct to deliver such water; estimated $19M to improve on-reservation irrigation systems; unknown amount for O&M; (above amounts not included since costs entirely allocable to P.L. 90-537, the underlying CAP authorization) • State/Local - $2.75M from the State of Arizona, $1.5M from the City of Tucson, and $1M from local non-Indian users to "Cooperative Fund"; - Forgone profits to City of Tucson from contributing 28,200 afa of reclaimed effluent water at cost to Federal government (amount unknown) • Nation - estimated $1M for construction of site specific on-reservation farm ditches, subjugation of land, and O&M cost (to be paid from interest of trust fund)
Truckee-Carson-Pyramid Lake Water Rights Act Pub.L. 101-618, 104 Stat. 3294 (1990).	Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation NEVADA (CALIFORNIA)	• Environmental dilemma and Endangered Species Act were major issues driving the settlement; • Key provision involving reservoir operation and administration requires Interstate Allocation Agreement; • Some unidentified water sources to be acquired subsequent to settlement; • Economic Development Fund established for economic development on the Reservation; • Fisheries Fund established to enhance, restore, and conserve Pyramid Lake fish; • Limited water marketing is subject to State law; • Municipalities to install water meters for conservation purposes; • Environmental dilemmas in two river basins required complex and inter-connected settlements with two tribes -- *See also*, Fallon Paiute-Shoshone Settlement Act; • 520,000 afa	• Federal - $25M for Pyramid Lake Paiute Fisheries Fund; - $40M to the Pyramid Lake Paiute Economic Development Fund (in five equal annual installments from 1993 to 1997); - Land and water purchases from unidentified sources (appropriations unknown); - Environmental studies associated with land and water purchases (appropriations unknown) • State/Local - Local conservation acquisitions (contribution unknown)

Ute Indian Rights Settlement Act of 1992 Pub.L. 102-575, 106 Stat. 4650 (1992).	Northern Ute Indian Tribe of the Uintah & Ouray Reservation UTAH	• Primary purpose of settlement was to resolve claims against the Federal government for breach of Deferral Agreement where United States failed to construct ultimate phase projects of the CUP and Tribe deferred use and development of tribal land and water; • One of two settlements fully Federally funded (*See also*, Ak-Chin Settlement); • Limited local cost share provisions commencing in the year 2042 for use or purchase of 35,500 afa of tribal water; • Monies appropriated to enhance Tribal fish, wildlife and environment in lieu of constructing promised ultimate phase water projects; • Off-reservation leasing provision strips tribes' water of its reserved character and exposes tribal water to State law; • "Neutral" marketing provisions may allow tribe to sell water in the future depending on "Law of the River"; • Largest Development Fund established to enhance economic development and compensate for breach of Federal agreement; • Ute Water Compact has not yet been approved by either the Tribe or State; • 481,000 afa	• Federal - Total appropriations: $198,500,000 (represents damages for breach of Deferral Agreement); - $45M for Tribal farming operation; - $5M for Cederview Reservoir repair; - $10M for stream improvements; - $500,000 for Bottle Hollow Reservoir clean up; - $10M for recreational enhancement; - $3M for municipal water system; - $125M for Tribal Development Fund; - estimated $2M per year for 50 years ($100M) in Bonneville revenues (represents future damages for use of 35,500 afa of tribal water) • State/Local - 7 percent of the then fair market value of 35,500 afa of Bonneville agricultural water which has been converted to M&I water beginning in the year 2042 (amount unknown)
Yavapai-Prescott Indian Tribe Water Rights Settlement Act of 1994 Pub.L. No. 103-434, 108 Stat. 4526 (1994).	Yavapai-Prescott Indian Tribe ARIZONA	• Environmental issues, groundwater restrictions, and inability to use prior CAP allocations from the Verde River required Tribe and municipality to relinquish CAP water for alternate sources; • Settlement mutually benefited the Tribe and city and required much cooperation; • Municipality required to provide Tribe water and sewage services "in perpetuity"; • Tribe and city both required to relinquish, assign or sell prior CAP allocations; • "Water Replacement Fund" established to manage all money associated with the relinquishment of Tribe's and city's prior CAP allocation; • Water Fund, or water bank, to be used by city to acquire new water sources; • Water Fund to be used by Tribe to defray its costs associated with water and sewage services and to develop or maintain on-reservation water facilities; • Tribe to develop a groundwater management plan in consultation with the State; • Allows marketing of effluent generated on-reservation; • 1,550 afa	• Federal - $200,000 to Water Fund for use by the Tribe to defray its costs associated with Judicial confirmation of the settlement; - Such sums as may be necessary to establish, maintain and operate a gauging station on Granite Creek (amount unknown) • State - $200,000 to Water Fund for use by the Tribe to defray its costs associated with the water service agreement

Chippewa Cree Tribe of the Rocky Boy's Reservation Indian Reserved Water Rights Settlement Act of 1999 Pub.L. No. 106-163, 113 Stat. 1778 (1999).	Chippewa Cree Indian Tribe MONTANA	• Approves and ratifies the Water Rights Compact entered into on April 14, 1997, by the Tribe and the State of Montana. Directs the Secretary of the Interior to execute and implement the Compact; • Satisfies any entitlement to Federal Indian reserved water of any tribal member solely from the water secured to the Tribe by the Compact; • Authorizes the Tribe, subject to the approval of the Secretary and the State, to transfer any portion of the Tribal water right for use off the Reservation by service contract, lease, exchange, or other agreement; • Directs the Secretary: to plan, design, and construct specified water development projects on the Reservation; and at the request of the Tribe, to enter into an agreement with the Tribe to carry out such activity through the Tribe's annual funding agreement entered into under the self-governance program under the Indian Self-Determination and Education Assistance Act; • Establishes a trust fund to fulfill the purposes of the Act; • Directs the Secretary to perform a feasibility study of Tiber Reservoir water and related resources in North Central Montana to evaluate alternatives for a municipal, rural, and industrial water supply for the Reservation	• Federal - FY 1999 feasibility study appropriations = $1M, FY 2000 = $3M; - $21 M for the Chippewa Cree Fund; - $13M for on-reservation development; - $1M for administration costs • State - Contribution of $150,000 to be used for water quality discharge monitoring wells and monitoring program, diversion structure on Big Sandy Creek, a conveyance structure on Box Elder Creek, and the purchase of contract water from Lower Beaver Creek Reservoir - Subject to the availability of funds, the State shall provide services valued at $400,000 for administration required by the Compact and for water quality sampling required by the Compact
Shivwits Band of the Paiute Indian Tribe of Utah Water Rights Settlement Act Pub.L. No. 106-263, 114 Stat. 737 (2000).	Shivwits Band of Paiute Indians UTAH	• Grants the Band the right in perpetuity to divert, pump, impound, use, and reuse a total of 4,000 afy from the Virgin River and Santa Clara River systems to be taken as follows: 1,900 acre-feet from the Santa Clara Project and 2,000 acre-feet from the St. George Water Reuse Project - with first priority to the reuse water provided from the St. George Project; and 100 acre-feet from groundwater on the Shivwits Reservation; • Permits the Band to use water from the springs and runoff on the Reservation. Declares that the amount used from such sources will be reported annually to the Utah State Engineer by the Band and requires the amount to be counted against the annual Water Right; • Provides that the Shivwits Water Right shall not be subject to loss by abandonment, forfeiture, or nonuse. Authorizes the Band to use or lease the Water Right for: (1) any purpose permitted by tribal or Federal law anywhere on the Reservation; and (2) any beneficial use off the Reservation	• Federal - $20 M for establishment of Shivwits Band Trust Fund - to be used for infrastructure costs of obligations imposed on the Santa Clara Project, and the St. George Reuse Project to deliver required water to the Band.

Colorado Ute Settlement Act Amendments of 2000 Pub.L. No. 106-554, 114 Stat. 2763 (2000).	Southern Ute and Ute Mountain Ute Tribes, and Navajo Nation COLORADO	• Amends the Colorado Ute Indian Water Rights Settlement Act of 1988 to authorize the Secretary of the Interior to complete construction of, and utilize a reservoir and infrastructure to operate facilities to divert and store water from the Animas River to provide a municipal and industrial water supply to the San Juan Water Commission, Animas-La Plata Conservancy District, State of Colorado, La Plata Conservancy District of New Mexico, Southern Ute and Ute Mountain Ute tribes, and Navajo Nation; • Construction costs required to deliver each tribe's water allocation shall be nonreimbursable; • Authorizes the Secretary to construct a water line to augment the existing system that conveys municipal water supplies to the Navajo Indian Reservation at or near Shiprock, New Mexico. Makes construction costs for the water line nonreimbursable; • Authorizes appropriations to the Southern Ute and Ute Mountain Ute Tribal Resource Funds; • Establishes the Colorado Ute Settlement Fund in the Treasury and authorizes appropriations to the Fund to complete the construction of Project facilities and the Navajo Nation water line; • Requires the construction of facilities, and allocation of water supply to the Indian tribes, provision of funds	• Federal - $8 M annually from 2002 to 2006 to establish the Southern Ute Tribal Resource Fund, and the Ute Mountain Ute Tribal Resource Fund
Zuni Indian Tribe Water Rights Settlement Act of 2003 Pub.L. No. 108-34 (2003).	Zuni Indian Tribe ARIZONA	• Provides the resources to acquire water from willing sellers for the tribe in Arizona in the Little Colorado River Basin; • Grandfathers existing water uses and waives claims against many future water uses; • Provides funding necessary to enable the Zuni Tribe to acquire water rights from willing sellers in lieu of having a Federal reserved rights to surface water or groundwater; • The Tribe is required to make payments in lieu of all current State, county, and local ad valorem taxes that would otherwise apply if those lands were not held in trust; • Funding to restore, rehabilitate, and maintain the Zuni Heaven Reservation, including the Sacred Lake, wetlands, and riparian areas; • Requires the Secretary of the Interior to take legal title of specified lands in the Gila and Salt River Base and Meridian into trust for the benefit of the Zuni tribe. Those lands have no Federally reserved water right; • The U.S. holds all Zuni owned state water rights in trust for the Tribe; • Prohibits the United States, except in certain instances, from removing jurisdiction to Federal courts for disputes over intergovernmental agreements entered into under these trust land agreements	• Federal government is to appropriate $19.25 M to the Zuni Indian Tribe Water Rights Development Fund; • The Secretary is to allocate $3.5 M for fiscal year 2004, to be used for the acquisition of water rights and associated lands, and other activities carried out, by the Zuni Tribe to facilitate the enforceability of the Settlement Agreement, including the acquisition of at least 2,350 afy of water rights; • The Zuni Heaven Reservation restoration is to be accomplished by using $5.25 M in 2004, 2005, and 2006, for a total of $15.75 M
Arizona Water Settlements Act of 2004 Pub.L. No. 108-451; 118 Stat. 3478 (2004)	Gila River Indian Community, Tohono Oodham Nation ARIZONA	▪ Finalizes settlement reached in 1982; ▪ Resolves a long-standing dispute between Arizona and the Federal government over nearly $2 B in repayments for CAP construction; ▪ Reallocates 102,000 afa of CAP water to Gila River Indian Community (consisting of the Pima Tribe and the Maricopa Tribe); ▪ Reallocates 28,200 afa of CAP water to Tohono O'odham Nation; ▪ Reallocates 67,300 afa of CAP water to "Arizona Indian Tribes;" ▪ Includes a groundwater component whereby the Tohono O'odham Nation can pump up to 13,200 afa	▪ Budgets $250 M to the Future Indian Water Settlement Subaccount of the Lower Colorado Basin Development fund, to be used for Indian water rights settlements in Arizona approved by Congress after the date of enactment of the Arizona Water Settlements Act; ▪ Federal government will deposit $53 M in the Gila River Indian Community Water OM&R Trust Fund; ▪ Federal government to pay $52.3 M for the rehabilitation of the San Carlos Irrigation Project; ▪ Federal Government to pay $66 M to the New Mexico Unit Fund

Snake River Water Rights Act of 2004 Pub.L. No. 108-447; 118 Stat 2809, 3432-41 (2004)	Nez Perce Tribe IDAHO	▪ Purpose of the Act is "to achieve a fair, equitable, and final settlement of all claims of the Nez Perce Tribe . . . to the water of the Snake River Basin within Idaho;" ▪ Provides a consumptive use water right of 50,000 afy with a priority date of 1855; ▪ The consumptive use water right is not subject to loss by abandonment, forfeiture, or nonuse; ▪ The Secretary of the Interior is to transfer land to the Bureau of Indian Affairs in trust for the Tribe with a value not to exceed $7 M; ▪ Includes significant appropriations and other measures for salmon and steelhead restoration efforts	▪ Federal government is to appropriate $60.1 M to the Nez Perce Water and Fisheries Fund over the span of fiscal years 2007 to 2013; ▪ Federal government is to appropriate $23 M to the Nez Perce Tribe Domestic Water Supply Fund between fiscal years 2007 and 2011; ▪ Federal government is to appropriate $38 M to the Salmon and Clearwater River Basins Habitat Fund between fiscal years 2007 and 2011. It is worth noting that this fund is separate and distinct from the Nez Perce Water and Fisheries fund
Soboba Band of Luiseño Indians Settlement Act Pub.L. No. 110-297; 122 Stat. 2975 (2008)	Soboba Band of Luiseño Indians CALIFORNIA	▪ Finalizes settlement reached in 2006 between the Soboba Band of Luiseño Indians and three California water districts; ▪ Creates a 50 year plan in which the Tribe and the water districts agree to certain concessions to create a safe yield for the San Jacinto River Basin; ▪ Gives the Tribe the "prior and paramount right, superior to all others" to pump 9,000 afa from the Basin; ▪ Provides that the Tribe will limit the exercise of its Tribal Water Right to 4,100 afa for 50 years; ▪ Awards the Tribe 127.7 acres of land owned by the water districts; ▪ Requires the water districts to construct, operate, and maintain a project that will recharge the Basin with 7,500 afy of imported water through 2035; ▪ Requires water districts and other ground water producers to implement a Water Management Plan (WMP) to "address the current Basin overdraft, and recognize and take into account the Tribal Water Right;" ▪ Permits the Tribe to lease water to other users in the WMP area	▪ Federal - $5.5M to the Soboba Band of Luiseño Indians Water Development Fund for each of FY 2010 and 2011 to pay or reimburse costs associated with constructing, operating, and maintaining water and sewage infrastructure, and other water-related projects; - $5M to the San Jacinto Basin Restoration Fund for each of FY 2010 and 2011 to reimburse the costs associated with constructing, operating, and maintaining the Federal portion of the basin recharge project. ▪ Local - Water districts to provide the Tribe with $17M in funds that the Tribe will manage in its sole discretion; - $1M credit deducted from water and sewage financial participation fees charged to the Tribe by one of the water districts

Northwestern New Mexico Rural Water Projects Act (Navajo-Gallup Water Supply Project/Navajo Nation Water Rights) Pub.L. No. 111-11; 123 Stat 1367 (2009)	Navajo Nation NEW MEXICO	▪ Establishes the Reclamation Water Settlements Fund: $1.2 B ($120 M to be deposited annually from FY 2020 through 2029) for use by the Secretary of the Interior to fund Indian water rights settlements with priority for Navajo-Gallup ($500 M); Aamodt & Taos (NM) ($250M); Blackfeet, Crow, Fort Belknap (MT) ($350 M); Navajo Colorado River (AZ) ($100M); ▪ Authorizes the construction and operation of the Navajo-Gallup Water Supply Project (37,764 afy) for municipal, industrial, commercial, and domestic uses on the Navajo Nation in northwestern New Mexico and northwestern Arizona, the City of Gallup, New Mexico, and the Jicarilla Apache Nation; ▪ Authorizes the Secretary of the Interior to execute Settlement Agreement, which confirms Navajo water rights to divert/deplete 606,660/325,670 afy as follows: (1) Navajo Indian Irrigation Project - 508,000/270,000 afy; (2) Hogback Irrigation Project - 48,550/21,280 afy; (3) Fruitland Irrigation Project - 18,180/7,970 afy; (4) Navajo-Gallup - 22,650/20,780 afy; (5) Animas-LaPlata Project - 4,680/2,340 afy; (6) Misc. municipal uses-2,600/1,300 afy; (7) Tributary groundwater -2,000/2,000 afy; and (8) additional historic and existing rights to be determined by hydrosurvey; ▪ Recognizes rights of the Navajo Nation to: (1) divert supplemental carriage water; (2) develop additional ground water on Navajo lands; (3) retain water rights acquired under state law; (4) maintain additional rights to *de minimus* residential domestic stock uses not served by public supply systems; (5) have a contractual right to storage to supply Navajo uses under the Animas-La Plata Project; and (6) re-use tail water or waste water under certain conditions; ▪ Individual Nation members that have been allotted land by the United States are not bound by the Settlement and may have additional claims; ▪ Secretary of the Interior has not signed the Settlement Agreement executed by the Navajo Nation and the State of New Mexico in 2005	▪ Federal - $6M to the Navajo Nation Water Resources Development Trust Fund for each of fiscal years 2010-2014; - $4M to the Navajo Nation Water Resources Development Trust Fund for each of fiscal years 2015 through 2019; - $870M for the Navajo-Gallup Water Supply Project for the period of fiscal years 2009 through 2024; - $30M for conjunctive use ground water wells for the period of fiscal years 2009 through 2019; - Not more than $7.7M for the rehabilitation of the Fruitland Indian Irrigation Project for fiscal years 2009 through 2016; - Not more than $15.4M for the rehabilitation of the Hogback-Cudei Irrigation Project for fiscal years 2009 through 2019; - $ 11M for non-Indian irrigation projects for the period of fiscal years 2009 through 2019 ▪ State - Contribute a share of the construction costs of the Navajo-Gallup Water Supply Project of not less than $50M, except that the state shall receive credit for funds contributed to construct water conveyance facilities; - 50% cost share of rehabilitation of non-Indian ditches ▪ Local - City of Gallup and Jicarilla Apache Nation to reimburse United States up to 35% of allocated share of capital costs for Navajo-Gallup Water Supply Project
Shoshone-Paiute Tribes of Duck Valley Water Rights Settlement Act Pub.L. No. 111-11; 123 Stat 1405 (2009)	Shoshone Tribe Paiute Tribe NEVADA	▪ Finalizes settlement between the Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada, and upstream water users; ▪ Provides the Tribes with a water right that includes a Federal reserved right to: (1) 111,476 afy of surface water from the East Fork Owyhee River Basin; and (2) the entire flow of all springs and creeks originating within the Reservation; ▪ Recognizes and protects the Tribes' claim to 2,606 acre-feet of ground water per year "as part of its water right;" ▪ Entitles Tribes to all water in the Wild Horse Reservoir subject to certain exceptions, and provides that the Tribes shall operate the Reservoir in accordance with a plan of operations develop and agreed upon with the United States; ▪ Creates conditions under which upstream users can: (1) divert sufficient surface water to irrigate 5,039 acres; and (2) require the Tribes to release up to 265 afy from the Wild Horse Reservoir; ▪ Tribes may use and store all surface water not used by upstream users; ▪ Surface water right that upstream users abandon or forfeit shall become part of the Tribes' water right; ▪ Tribes shall enact a water code to administer tribal water rights; ▪ Department of Interior has not signed the Settlement	▪ Federal - $9M to the Shoshone-Paiute Tribes Water Rights Development Fund for each of fiscal years 2010-2014; - $3M to the Shoshone-Paiute Tribes Operation and Maintenance Fund for each of fiscal years 2010-2014 ▪ State - Services for the "implementation and administration" of the settlement, including the services of a water commissioner; - Funding and maintenance for streamgages and a stage recording station

Crow Tribe Water Rights Settlement Act of 2010 Pub.L. 111-291, 124 Stat. 3064 (2010)	Crow Tribe MONTANA	▪ Provides funding to improve irrigation projects, industrial and municipal water system upgrades, and ensure safe drinking water for the Tribe; ▪ Establishes a base for the Tribe to build energy development projects; ▪ Creates a Crow Tribal Water Right with the following components: - Bighorn River: 650,000 afy consisting of: (1) 500,000 afy of natural flow from the river including ground water for existing and future Tribal uses; and (2) 150,000 afy of storage from Bighorn Lake for new Tribal development, of which only 50,000 afy can be used off-Reservation. Another 150,000 afy is allocated to supplement the natural flow right but is not available for other uses; - Drainages other than the Bighorn River: Provides that the Tribe may use all available surface water, ground water, and storage water on the Reservation not needed to satisfy current water uses; - Ceded Strip: 47,000 afy from any water source on lands or interests on the ceded strip which Congress restored to the Tribe, or on any lands acquired and held in trust for the Tribe. If the water source is the Bighorn River, the amount developed will be deducted from the on-Reservation water allocated to the Tribe from the river; - Other: Water rights the Tribe acquires as appurtenances to land become part of the Tribal Water Right ▪ Closes certain basins and sub-basins to new water appropriations under State law; generally allows small domestic and stock uses, as well as changes and water rights transfers to continue; ▪ Tribe will administer Tribal Water Right and State will administer water rights recognized under state law; ▪ Tribe and Montana Department of Natural Resources and Conservation will review all Tribal development to determine if it will impact current water users; ▪ Any unresolved disputes will be referred to the Crow-Montana Compact Board	▪ Federal: - $461M overall; - $131.8M for Crow Irrigation Project; - $246.4M for MR&I System; - $4.8M for Tribal Compact Administration; - $20M for Energy Development Projects; - $47M for MR&I System OM&R; - $10M for Crow Irrigation Project OM&R ▪ State: - $15M for use and benefit of the Tribe; - The state will also pass through all state production taxes on Crow coal development

White Mountain Apache Tribe Water Rights Quantification Act of 2010 Pub.L. 111-291, 124 Stat. 3064 (2010)	White Mountain Apache Tribe ARIZONA	▪ Confirms 2009 White Mountain Apache Tribe (WMAT) Water Rights Quantification Agreement; ▪ Confirms Tribe's 1871 priority right to divert 74,000 afa from Salt River; ▪ Confirms Tribe's right to additionally divert at least 25,000 afa from Salt River through exchange of CAP water for total of 99,000+ afa; ▪ Authorizes leasing of up to 25,000 afa CAP Water annually for 100 years; ▪ Requires Secretary to construct reservation wide drinking water project; ▪ Confirms Tribe's right to build two reservoirs totaling 18,000 acre-feet storage; ▪ Restores Secretarial Power Site Reserves to Tribe; ▪ Establishes 12 mile groundwater protection buffer zone along Tribe's northern boundary with National Forest; ▪ Confirms Tribe's administrative authority over water use within Reservation; ▪ Requires transfer of title to drinking water system to Tribe after three years of operation; ▪ Requires United States and State of Arizona to annually firm for Tribe 7,500 acre-feet of WMAT CAP water (3,750 afa each) to M&I priority water for 100 years; ▪ Allocates 25,000 afa CAP Water to Tribe in perpetuity	▪ Federal: - $126.2 M mandatory appropriation for dam, treatment plant, pumping stations, 60 mile pipeline for reservation wide drinking water system; - $24 M mandatory appropriation for Cost Overrun Fund for drinking water system; - $50 M mandatory appropriation for WMAT Operation, Maintenance and Repair Trust Fund for the drinking water system; - $2.5 M mandatory appropriation to operate and maintain drinking water system until title to system is transferred by Secretary to WMAT; - $113.5M authorized for WMAT Settlement Fund, includes $35M [$24M Mandatory Appropriation and $11M authorized] for Cost Overrun Fund; - Unknown cost for United States to annually firm 3,750 afa of WMAT CAP Water to M&I priority water for 100 years; - Funding is indexed in accordance with engineering indices for construction costs ▪ State/Local: - $2M from State for reservation drinking water system; - $20.7M to annually firm 3,750 afa of WMAT CAP Water to M&I priority water for 100 years
Aamodt Litigation Settlement Act Pub.L. 111-291, 124 Stat. 3064 (2010)	Nambé, Pojoaque, San Ildefonso, and Tesuque Pueblos NEW MEXICO	▪ One of the longest running Federal cases in the U.S.; ▪ Pueblos will not make priority calls against non-Pueblo groundwater users so long as non-Pueblo users agree to eventually obtain water from a non-Pueblo water utility system when available; ▪ If non-Pueblo groundwater use exceeds specified levels, they must reduce use to stay free from priority administration; ▪ Provides protection for existing non-Pueblo surface users against future water development by the Pueblos; ▪ Codifies water-sharing arrangements between Indian and neighboring communities; ▪ To alleviate pressure on the underlying aquifer, the settlement requires the design and construction of a Regional Water System which will import acquired and San Juan Chama Project water from the Rio Grande for use by both Pueblo and non-Pueblo parties; ▪ Total allotment of 6,096 afa to the Pueblos (this includes water for existing and future basin use, as well as supplemental, acquired, and reserved Water) from a combination of the Pojoaque Basin and Regional Water System	▪ Federal: - $174.3M total; - $106.4M construction of the Regional Water System and environmental compliance activities; - 37.5M to help pay Pueblos' share of the cost to operating, maintaining, and replacing Pueblo Water Facilities and the Regional Water System $15Mfor Aamodt Settlement Fund; - $5.4M for acquisition of water rights for the benefit of the Pueblos; - $5M to pay for the acquisition of Nambe's reserved right for the use of all four Pueblos; - $5M to pay for the pre-completion operation, maintenance and replacement costs associated with Pueblo Water Facilities of the Regional Water System ▪ State/Local: $116.9M total

Taos Pueblo Indian Water Rights Settlement Act Pub.L. 111-291, 124 Stat. 3064 (2010)	Taos Pueblo NEW MEXICO	▪ Funds to be used to: (1) acquire additional water rights; (2) plan, develop, and improve water production, farmlands, and water infrastructure; (3) restore and preserve the Buffalo Pasture, a natural wetland which has cultural and religious significance to the Pueblo; ▪ Authorize the Pueblo to market 2,215 acre-feet from the San Juan-Chama Project water rights upon the Secretary of Interior's approval; ▪ Authorizes right to divert and consume surface waters from the Taos Valley Stream System to irrigate 5,712.78 acres with an aboriginal priority date; ▪ Pueblo agrees to limit irrigation to the 2,322 acres currently irrigated, and to extend irrigation only after acquiring and retiring offsetting water right; ▪ Gives Pueblo a right to divert and consume 1,600 acre-feet of groundwater for municipal, domestic and industrial uses	▪ Federal: - $124M total, consisting of: (1) $88M to construct and maintain water infrastructure; and (2) $36M towards non-Pueblo projects benefited by the agreement, with Federal government providing 75% cost-sharing ▪ State/Local: - $20M contributed overall, including: (1) $12M for planning, design and construction; and (2) $8M for long term costs related to non-Pueblo projects benefited by the agreement

Abbreviations:

-afa: acre-feet per annum
-afy: acre-feet per year
-CAP: Central Arizona Project
-M&I: Municipal and Industrial
-OM&R: Ongoing Maintenance and Repair