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Continuing a program he initiated in July to speed the settlement of Indian water claims through negotiation rather than litigation, Interior Secretary James Watt will meet today with a delegation of Indian leaders, western industry spokesmen and Governors.

"This is part of our cooperative, Good Neighbor Policy of discussing and negotiating problems facing the Indian tribes, the State and the Federal Governments," Watt said.

"This meeting was requested by the Western Regional Council in an effort to help achieve the goals I announced five months ago when I established the machinery to negotiate Indian water rights claims as expeditiously as possible both for the benefit of the Indian and non-Indian communities," Watt said. "Although the program is only five months old it already has made substantial progress, negotiating a settlement to the Papago water claim in Arizona and identifying other claims where negotiations may be fruitful.

"The concept was endorsed in a letter to me signed by spokesmen for the Western Regional Council, the Western Governors' Policy Office, the Council of Energy Resources Tribes, the Native American Rights Fund, and the National Congress of American Indians. In that letter they asked for this opportunity to discuss additional steps they believe would speed the process we had already begun.

"There are more than 50 claims," Watt noted, "and each one is unique. We are approaching this on a case-by-case basis, and we are not forcing negotiation on any of the parties. We are giving the highest priority to providing the support of this Department where it is requested and where there is a fair chance that our efforts will help bring about settlement."

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(Attached is a background paper outlining the meeting and the July 14, 1982, press release which announced the program.)

Western Indian Water Rights Negotiations

BACKGROUND

On July 14, 1982, Secretary Watt established an Interior Pol icy Advisory Group and set up the machinery to help resolve outstanding Indian water claims through negotiation. The first major action under this process was the successful negotiation of an agreement to settle the Papago claims in Arizona. The Department is identifying other claims where this program could help speed settlement and is involved in other negotiations. There presently are pending over 50 court cases involving Indian claims to Western water. Additionally, many tribes have formally asserted other water claims as a prelude to bringing suit, and other tribes have claims still in a nascent stage. Many of the cases have been pending for over 10 years, and the oldest was filed in 1915. Thus, litigation clearly does not afford a prompt resolution of tribal claims to water.

REAGAN ADMINISTRATION POLICY

On June 1, 1982, President Reagan strongly endorsed negotiated settlement as "The most appropriate means of resolving Indian water rights disputes". The President set two basic rules for this process. First, the United States must be a major party in the negotiations if its interests will be affected and second, local water users and other defendants in pending litigation must make a fair contribution to any settlement.

INTERIOR PROGRAM TO IMPLEMENT THE POLICY

A. Institutional Mechanism

Earlier this year, Secretary Watt responded to the President's direction by creating the Interior Policy Advisory Group on Indian water claims. He designated Solicitor William H. Coldiron to chair the Group, which includes all assistant secretaries and bureau directors whose programs might be affected by Indian water rights litigation. Deputy Under Secretary William P. Horn was named coordinator-of negotiations, and works with a team which includes Lawrence J. Jensen, Associate Solicitor for Indian Affairs and David G. Houston, Deputy Assistant Secretary for Land and Water Resources. Subsequent to the successful Papago negotiations, former Deputy Solicitor David E. Lindgren was brought back to the Department to act as deputy coordinator and special counsel for negotiations.

Assistant Secretary for Indian Affairs, Kenneth L. Smith; Assistant Secretary for Land and Water Resources, Garrey E. Carruthers; Assistant Secretary for Fish and Wild life and Parks G. Ray Arnett Bureau of Reclamation Commissioner, Robert N Broadbent, Fish and Wildlife Service Director, Robert Jansen; and National Park Service Director, Russell Dickenson.

Department staff has begun a systematic review of all pending litigation and known claims which have not yet been filed in court to assess their susceptibility to a negotiated settlement. In this process, the Department has sought and will continue to seek the advice of the governor of each affected state, the chair of each affected tribe, and leaders of Indian and water user organizations.

B. Departmental Program for Negotiations

Each Indian water rights case is unique. Each case varies from the others as to the development potential of the reservation involved, the abundance or scarcity of water, the type and extent of non-Indian development which uses water, the equities attendant to the non-Indian development, and the willingness of the affected parties to enter negotiations.

The elements of the Department's settlement program take all these factors into account. First, future negotiations will occur only when the Tribe whose claim is involved and the affected non-Indians (State, municipalities, and private water users, as the case may be) evidence some interest in beginning the settlement process. Second, because each negotiating situation is unique, the Department recognizes that the appropriate accommodation among the parties will be unique. Thus, an approach followed in one situation cannot serve as a precedent for the settlement of another. Third, in a given case, where the tribe and State or other non-Indian parties agree on a particular resolution to the dispute, the Department will acquiesce-in that agreement (and not seek to impose on those parties its idea of a better settlement) if such restraint will not prejudice the legitimate interests of the United States or of the tribe. Fourth, the basic guidelines set by President Reagan will be followed: non-Indians whose

water uses are protected by any settlement must make a substantial contribution to it, and the Federal government must be a major participant when Federal interests are affected.

In sum, the Department's program is a process which allows all the parties to a particular. Indian water rights controversy, including the United States, to devise substantive terms for settlement which accommodate the unique facts of that case.

C. Specific Cases In Process

Since the Interior Policy Advisory Group was created five months ago, the Department has successfully concluded formal negotiations in one case and discussions are proceeding in four others.

1. Papago Indian Reservation/City of Tucson (groundwater) Negotiations for agreement in principle successfully concluded, implementing legislation enacted, detailed follow-on contract being negotiated.
2. Fort Peck Indian Reservation/Montana Reserved Water Rights Compact Commission (Missouri River). - Agreement in principle between tribal and State officials is close, draft compact being negotiated.
3. Mission Bands of Indians/City of Escondido and Vista Irrigation District, California (San Luis Rey River) - Formal negotiations in process, economic analysis being prepared by Interior funded consultants.
4. Yakima Indian Nation/State of Washington (Yakima River) - Preliminary informational meetings held with tribal council members, State officials and representatives of local irrigation districts. ·The first phase of a Department and State sponsored study has been concluded, and the second phase has begun.
5. Pyramid Lake Paiute Tribe/Truckee-Carson Irrigation District (Pyramid Lake) - Negotiations in process.

D. Specific Cases under Consideration

Parties to the following disputes have indicated an interest in concerning negotiations:

Nisqually Tribe/Cities of Centralia and Tacoma, Washington.

Fort Berthold Tribe/State of North Dakota.