



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Washington, DC 20240

June 16, 2022

## Memorandum

To: All Regional Directors

From: Director, Bureau of Indian Affairs *Darryl LaCount*

Subject: Fiscal Year (FY) 2023 Funding Requests for the Water Management, Planning, and Pre-Development Program (N34) and Water Rights Litigation/Negotiation Program (R31)

This memorandum provides general direction for the regions and tribes requesting FY 2023 funding for water related activities from two programs managed by the Bureau of Indian Affairs (BIA), Office of Trust Services (OTS). The two programs are as follows:

1. Water Management, Planning, and Pre-Development: The BIA manages this program for the purpose of managing, conserving and utilizing reservation water resources. The primary priority of these program funds is to provide the necessary technical research, studies and other information for Indian tribes to serve as informed and prudent managers of adjudicated, decreed or water otherwise appurtenant to tribal and/or Indian trust lands including public domain allotments. This may occur through partnerships and coordination and cooperation with other governmental entities by obtaining information describing the quantity and quality of water through surface and groundwater assessments, inventories, monitoring modeling and gauging. Additionally, the funds are used for the preparation of comprehensive Reservation water management plans.
2. Water Rights Negotiation/Litigation: The BIA manages this program for the purpose of establishing and defining Indian water rights and settling claims through negotiations if possible, or alternatively, through litigation. The primary priority of program funds is to provide all necessary documentation and other material as may be deemed necessary by a Court to further the United States water rights claims on behalf of an Indian tribe. This may include preparing hydrographic survey reports, including the determination of surface and groundwater supplies, identification of arable lands, including, and especially, a practicably irrigable acreage (PIA) assessment, determining the exact owner and priority of the water right, source of water, whether surface or underground, determining point and means of diversion, purpose of use, amount of water diverted or depleted, determining the place of use, studies conducted to determine the water needs of fish and wildlife, and the engineering and economic requirements for water delivery. Funds can also be used to provide the similar documentation and other materials as necessary to facilitate State and Federal Indian water rights adjudications and other active Indian water rights negotiations undertaken by the Secretary of the Interior.

Program funds are available to support regional water rights activities and water projects managed by Indian Tribes and Alaskan Native governments. Each project should be categorized

as either a water rights project or a water management project according to the definitions as outlined in the attached “*Notice of Revised Instructions for Preparing and Prioritizing Water Program Funding Requests, Federal Register (FR), Vol. 70, No. 201, October 19, 2005.*” Proposals for a specific project should not request funding from both programs. Water rights proposals shall be separate from water management proposals.

The instructions for preparing a proposal are contained in the attached FR Notice. The format outlined in the attached funding request checklist should be used for each proposal requesting funding in FY 2023. Regional Water Coordinators are to review each request to ensure the proposal type is identified correctly pursuant to the criteria set forth in the referenced FR Notice. Proposal type and any other comments shall be provided by a summary sheet submitted for each proposal to assist the review team.

All funding requests must be submitted on or before **September 15, 2022**, with a cover memorandum signed by the appropriate regional director and presented in a three-ring binder following the numbered order of the Excel spreadsheet entries. Late submissions will not be accepted after September 15, 2022. Please submit the cover memorandum signed by the appropriate regional director to:

Deputy Bureau Director, Trust Services  
Bureau of Indian Affairs  
1849 C St., NW, Mail Stop 4620 MIB  
Washington, DC 20240

Please submit the funding requests along with a copy of the cover memorandum to:

Chief, Branch of Water Resources  
Division of Water & Power  
13922 Denver West Parkway, Building 54, Suite 300  
Lakewood, CO 80401

Funding requests will be evaluated by a six-person Water Funding Prioritization Team, which is comprised of three representatives from the BIA Regional Offices, one representative from the Office of the Solicitor-Division of Indian Affairs, one representative from the Secretary of the Interior’s Indian Water Rights Office, and one representative from the BIA Central Office, OTS. The Water Funding Prioritization Team Members are selected at random from the BIA Regional Offices. The rotation of participation by the Regional Offices ensures that all regional offices will participate fully in the review process.

Should there be any questions or clarification needed regarding this memorandum, please contact Ms. Brenda Hatathlie, Civil Engineer by phone at (202) 815-6534 or Ms. Christina Mokhtarzadeh, Chief, Branch of Water Resources by phone at (202) 374-5532.

Attachments