

**Oral Remarks of Alec Garfield on behalf of the Tule River Tribe of California
In Support of H. R. 2535, the Tule River Tribe Water Development Act**

Good morning Chairwoman Na-Paul-Lit-Ano and Ranking Member McMorris-Rodgers, and fellow members of the committee. My name is Alec Garfield. I am member of the Tule River Tribe of Tulare County, California. I served on the Tribal Council for 25 years; 13 as its Chairman. I have been working on the Tribe's water rights since 1971. Currently, I serve as the Director of the Water Resources Department of the Tule River Tribe, as well as the Chairman of the Tule River Water Rights Negotiation Team. With me today is Ryan Garfield, Vice Chairman of the Tule River Tribal Council. I also bring greetings and best wishes from Chairman Neil Peyron and the members of our Tribal Council. We are very grateful for the timely scheduling of this hearing on H.R. 2535, the Tule River Tribe Water Development Act. We appreciate the opportunity to appear before the Water and Power Subcommittee supporting H.R. 2535.

The Tule River people are descendants of the Yokuts Indians, a large group of Native Americans who occupied the San Joaquin Valley in California for thousands of years prior to contact with settlers. Following the discovery of gold, and California becoming a state in 1850, Congress refused to ratify 18

treaties negotiated with California tribes, including our Treaty, the Treaty of Paint Creek of June 3, 1851.

In 1856, a small Reservation was established on prime San Joaquin Valley farmland in Tulare County. The location of this original Reservation was purposefully selected by the federal government to provide our Tribe with the good farm land and water resources necessary to establish a self-sufficient homeland for our people. Within a few years, however, this Reservation was stolen from us under fraudulent circumstances by two federal Indian agents.

In January 1873, President Grant issued an Executive Order creating a new Reservation for the Tule River Tribe. For over 125 years, we have lived on this Reservation, which now includes 58,000 acres of land. The Reservation is located on the western slope of the Sierra Nevada Mountains, east of Porterville, and lies almost entirely within the South Fork Tule River drainage basin. Because of the failure of the United States to provide adequate water storage and irrigation facilities, we have been unable to reap the benefits of the agricultural homeland promised to us through the original 1856 Reservation.

H.R. 2535 authorizes funding necessary for the Secretary of Interior to study the feasibility and suitability of constructing a storage reservoir, outlet

works and a water delivery system on the Tribe's Reservation. H.R. 2535 is consistent with and carries out a critical part of the United State's trust responsibility to Indian tribes, to protect and advance their reserved water rights under the *Winters* doctrine.

For several years the Tribe has negotiated with our Federal Negotiation Team and local water interests represented by the Tule River Association and the South Tule Independent Ditch Company. Very recently the Tribe and the local water users reached a settlement which has as its cornerstone, the water storage project and delivery system which will be investigated by HR 2535. This settlement is unique – its one of the very few Indian water settlements ever achieved without a Tribe or the United States first filing litigation to secure water rights.

Our current water supplies consist of limited groundwater and springs. These sources have managed barely to serve the current needs of the Tribal community on the Reservation. There are growing concerns about the long-term reliability of our water supply. The South Fork Tule River has the potential to provide the Tribe with a long-term water supply, but the River is unreliable in its natural state. The hydrology of the South Fork is similar to most western rivers in that the flows are generally much higher in the spring

months than the rest of the year. Over time, too, the hydrology of the South Fork is marked by periods of drought, sometimes spanning several years.

To address these issues, we have spent several years assessing our future water needs. We concluded the Tribe could not meet its current or long term water needs without the construction of at least one reservoir on the Reservation. Given that our Reservation sits at the headwaters of the South Fork Tule River, it made perfect sense to us to build a water storage project to capture part of the high flows of the river when downstream users were not diverting those flows.

We approached the solutions to our problems with the attitude that we wanted to work with, and not at odds with, our downstream non-Indian neighbors. After nine years of negotiations, we are very proud the settlement agreement we have reached avoids the costs, delays and disruptions of water rights litigation.

The eventual construction of a water storage project will enable us to meet our domestic, commercial, municipal, industrial and agricultural needs without disrupting the current water uses of the South Fork Tule River.

We are pleased to report to the Subcommittee that we have gained the endorsement of the National Congress of American Indians, and the Southern California Tribal Chairman's Association.

We are disappointed that our federal trustee is not joining us in securing a brighter future for the Tule River Tribe and its people by supporting H.R. 2535. This bill is the first step in enabling the Tribe to bring water to our lands in sufficient quantities to make our Reservation a viable homeland now and forever. I thank the Subcommittee for the opportunity to express the Tule River Tribe's support of H.R. 2535.

In closing, I would ask that my testimony and supporting materials be made a part of the record of this hearing.

I, or my associates would be happy to respond to any questions which the members of the Subcommittee might have.