

I. INTRODUCTION

Pursuant to an act of Congress in 1864 authorizing the creation of Indian reservations in California, the current Tule River Reservation was established. By a series of three Executive Orders – January 9, 1873, October 3, 1873, and August 3, 1878 – the United States set aside and defined the boundaries of the original Reservation for the purpose of providing a permanent and sustainable homeland for the Tule River Tribe of California ("Tribe").

According to the doctrine of federal Indian reserved water rights, called the *Winters* doctrine, the Tribe has a right to water sufficient to ensure that the Reservation provides a permanent and sustainable homeland for the Tribe and its members. Unfortunately, to this day the Tribe is still unable to provide sufficient water for its members. The Tribe often goes into emergency conservation regulations to be able to provide as much water to the homes and businesses on the reservation as possible. These actions still fail to provide adequate water, and therefore adequate life, to many on the reservation.

Since 1971, the Tribe has diligently worked to establish its reserved water rights. The Tribe has always believed that its right to water can best be resolved by a single, comprehensive settlement agreement entered into with the down-river water users on the South Fork Tule River. For nine years these parties have negotiated the terms of an agreement. In November of 2007, a final settlement agreement was reached, entitled the "Tule River Tribe Reserved Water Rights Settlement Agreement" ("Agreement"). The Agreement is between the Tribe and the other major downstream water users – the Tule River Association ("TRA") and the South Tule Independent Ditch Company ("STIDC").

It is the intent of the parties to the Agreement to reach an amicable settlement to forever resolve the rights of the Tribe to water on, under, adjacent to, or otherwise appurtenant to its Reservation, from the South Fork of the Tule River and its tributaries. The Agreement also seeks to settle the substantial claims the Tribe has against the United States. Finally, the Agreement seeks to provide the Tribe what it was originally promised – enough reliable water and land for a permanent and sustainable homeland for the Tribe and its members.

For the past 15 years the Tribe has been analyzing the various technical aspects of constructing a water supply project on its Reservation. Much of that work supported the settlement negotiations, but has also proven very useful in assessing the feasibility of the project. In the past year, the Tribe secured a contract from the Bureau of Reclamation to complete its technical analysis. The Tribe is in the very final stages of work under that contract, making changes to the report to reflect technical input and feedback from BOR.

The parties are now seeking federal legislation to ratify the Agreement, and thus confirm the rights and obligations set forth therein. The enclosed briefing materials provide the background information on the need for federal legislation.