SYMPOSIUM
ON THE
SETTLEMENT OF INDIAN RESERVED WATER RIGHTS CLAIMS

AUGUST 24, 2021

All Times Mountain Daylight Time

9:00 am  Introductory Remarks
John Echohawk, Executive Director, Native American Rights Fund
Tony Willardson, Executive Director, Western States Water Council

Invocation – by invitation

NEGOTIATION OF INDIAN WATER RIGHTS CLAIMS

9:30 am  Navajo Nation
MODERATOR – Michelle Bushman, Assistant Director and General Counsel, Western States Water Counsel
Stanley Pollack, Contract Attorney, Navajo Nation Department of Justice
Norman Johnson, Natural Resources Division Director, Utah Attorney General’s Office
Justin Record, Water Rights Coordinator, Bureau of Reclamation

10:30 am  Confederated Salish and Kootenai Tribes
Ryan Rusche, Attorney, Confederated Salish and Kootenai Tribes
Rhonda Swaney, Attorney, Confederated Salish and Kootenai Tribes
Jennifer Frozena, Attorney, Office of the Solicitor, Department of the Interior
Jay Weiner, Administrative Law Judge, Montana Department of Natural Resources and Conservation

11:30 am  Aamodt
MODERATOR - Joe Tenorio, Attorney, Native American Rights Fund
Arianne Singer, General Counsel, New Mexico Office of the State Engineer
Alice Walker, Pueblo of Nambe
Jennifer Walters, Civil Engineer, Bureau of Reclamation
Josh Mann, Policy Analyst, Secretary’s Indian Water Rights Office, Department of the Interior
Richard Hughes, Pueblo of Tesuque
Peter Chestnut, Pueblo of San Ildefonso

12:30 am  Kickapoo
MODERATOR – Steve Moore, Attorney, Native American Rights Fund
Burke Griggs, Associate Professor, Washburn University School of Law
Scott Bergstrom, Assistant Solicitor, U.S. Department of the Interior
Lester Randall, Kickapoo Chairman
David Barfield, Kansas Water Resources Consulting, LLC

1:30 pm  Adjourn
All Times Mountain Daylight Time

Invocation – by invitation

9:00 am  THE ADMINISTRATION’S SETTLEMENT POLICY
Tanya Trujillo, Principal Deputy Assistant Secretary for Water and Science, Department of the Interior
Elizabeth Klein, Senior Counselor to the Secretary of Interior, and Chair of the Working Group on Indian Water Settlements
Pamela Williams, Director, Secretary’s Indian Water Rights Office, Department of the Interior

11:30 am  SETTLEMENT LEGISLATION: GETTING BILLS THROUGH CONGRESS
Melanie Stansbury, U.S. Representative, New Mexico Congressional District 1
Matthew Muirragui, Staff Director, Sub. on Water, Oceans and Wildlife, House Natural Resources Committee
Kiel Weaver, Sr. Policy Advisor/Staff Director, Sub. on Water, Oceans and Wildlife, House Natural Resources Committee

1:00 pm  COLORADO RIVER WATER & TRIBES INITIATIVE
Bidtah Becker, Associate Attorney, Navajo Tribal Utility Authority
Heather Tanana, Assistant Research Professor of Law, University of Utah

2:00 pm  Adjourn
Seventeenth
Symposium
on the Settlement of
Indian Reserved Water Rights Claims

Held Virtually
August 24-25, 2021

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Ad Hoc Group on Indian Water Rights Settlements

Who We Are

Since 1981, the Western States Water Council (WSWC) and the Native American Rights Fund (NARF), working together with tribal representatives and other public and private experts, have participated in an Ad Hoc Group on Indian Water Rights Settlements.

What We Do

We work to support the negotiated settlement of Indian water rights disputes. We believe there is a need to quantify Indian water rights, and that negotiated settlements are preferable to litigation as a means of quantifying those rights. We also believe that such settlements should be encouraged and facilitated by the federal government, both in terms of assisting in the negotiations as well as in providing appropriate funding for the implementation of settlements.

Over the years, a process has evolved with the help of the Ad Hoc Group that has contributed to the approval of 34 Indian water rights settlements. The WSWC and NARF also hold a biennial Symposium on the Settlement of Indian Reserved Water Rights Claims for experts to exchange information and advice regarding Indian water right settlements. The last symposium took place in August 2019 in Funner, California. Presentations from the Symposium are available at: https://westernstateswater.org/events/2019-symposium-on-the-settlement-of-indian-reserved-water-rights-claims/

Federal Trust Obligation

The federal obligation to fund settlements is analogous to, and no less serious than, the United States’ obligation to pay judgments rendered against it. However, current budgetary pressures and legislative policies make it difficult for the Administration, the states, and the tribes to negotiate settlements knowing that they may not be funded.

We support federal funding, including a permanent funding source, to help ensure that settlements authorized by the Congress and signed by the President will be implemented. We also believe that Congress should provide a budgetary mechanism to ensure that authorized settlements are funded without corresponding offsets to some other tribal or essential Interior Department program.
<table>
<thead>
<tr>
<th>Negotiation</th>
<th>State</th>
<th>Tribe</th>
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<tbody>
<tr>
<td>Abousleman</td>
<td>NM</td>
<td>Pueblos of Jemez, Pueblo of Santa Ana, Pueblo of Zia</td>
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<td>Agua Caliente</td>
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<td>Agua Caliente Band of Cahuilla Indians</td>
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<td>Coeur d'Alene</td>
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<td>Coeur d'Alene Tribe</td>
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<td>Fallbrook</td>
<td>CA</td>
<td>Cahuilla Band of Mission Indians and Ramona Band</td>
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<td>Fort Belknap</td>
<td>MT</td>
<td>Gros Ventre and Assiniboine Tribes</td>
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<td>Kerr McGee</td>
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<td>Pueblos of Acoma and Laguna and Navajo Nation</td>
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<td>Kickapoo</td>
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<td>Havasupai Tribe</td>
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<td>Lummi</td>
<td>WA</td>
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<td>Navajo-Little Colorado</td>
<td>AZ</td>
<td>Navajo Nation, Hopi Tribe, San Juan Southern Paiute Tribe</td>
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<td>Ohkay Owingeh</td>
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<td>Ohkay Owingeh</td>
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<td>Tohono O'odham</td>
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<td>Tohono O'odham Nation</td>
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<td>Tonto Apache</td>
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<td>Tule River</td>
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<td>San Carlos Apache Tribe and the Gila River Indian Community</td>
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<td>Umatilla</td>
<td>OR</td>
<td>Confederated Tribes of the Umatilla Indian Reservation</td>
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<td>Walker River</td>
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<td>Walker River Paiute Indian Tribe, Bridgeport Indian Colony, Yerington Paiute Tribe</td>
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<td>Yavapai Apache</td>
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<td>Yavapai Apache Nation</td>
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<td>Pueblo of Zuni, and Ramah Navajo Nation</td>
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<table>
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<tr>
<th>Implementation Teams</th>
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<tr>
<td>Aamodt</td>
<td>Nambe, Pojoaque, San Ildefonso, and Tesuque Pueblos</td>
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<td>Blackfeet</td>
<td>Blackfeet Tribe</td>
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<td>Chickasaw-Choctaw</td>
<td>Chickasaw Nation &amp; Choctaw Nation</td>
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<td>Crow</td>
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<td>CSKT</td>
<td>Confederated Salish &amp; Kootenai Tribes of the Flathead Reservation</td>
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<td>Duck Valley</td>
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<td>Nez Perce</td>
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<td>Pechanga</td>
<td>Pechanga Band of Luiseno Mission Indians</td>
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<td>San Carlos</td>
<td>San Carlos Apache Indian Tribe</td>
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<td>San Luis Ray</td>
<td>La Jolla, Ricon, San Pasquale, Pauma, Pala Bands of Mission Indians</td>
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<td>SAWRSA</td>
<td>San Xavier and Schuk Toak Districts, Tohono O’odham Nation</td>
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<td>Taos</td>
<td>Taos Pueblo</td>
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<td>Uintah &amp; Ouray Utes</td>
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<tr>
<th>Assessment Teams</th>
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<tr>
<td>Osage Nation</td>
<td>Osage Nation</td>
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## SETTLEMENTS APPROVED BY CONGRESS

Updated January 2021

<table>
<thead>
<tr>
<th>NAME / CITATION</th>
<th>TRIBE(s)/STATE(s)</th>
<th>SIGNIFICANT FEATURES OF SETTLEMENT/ QUANTITY (AC-FT/YR)</th>
<th>TOTAL EXPENDITURES</th>
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<tbody>
<tr>
<td>Ak-Chin Indian Water Rights Settlement Act</td>
<td>Ak-Chin Indian Community of Papago Indians of the Maricopa, Ak-Chin Reservation, ARIZONA</td>
<td>• 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; • $5,000 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.</td>
<td>• 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. • Federal: - $43M for Fallon Paiute Shoshone Tribal Development Fund (i.e., $3M in 1992, and $8M each year thereafter until 1997)</td>
</tr>
<tr>
<td>Fallon Paiute Shoshone Indian Tribes Water Rights Settlement Act of 1990</td>
<td>Paiute-Shoshone Tribe of the Fallon Reservation and Colony, NEVADA</td>
<td>• 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 interconnected 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 Pyramidal Lake Water Rights Settlement Act; • 10,588 afa</td>
<td>• Federal: - $7M to Tribes for development of a reservation water management system; - $8M to Tribal Development Fund; - $10M to Tribal Development Fund; - $50M appropriated to BIA for acquisition of lands and grazing rights adjacent to Grays Lake to enhance the operation and management of the FHBP 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)</td>
</tr>
<tr>
<td>Fort Hall Indian Water Rights Act of 1990</td>
<td>Shoshone-Bannock Tribes of the Fort Hall Indian Reservation, IDAHO</td>
<td>• 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</td>
<td>• Federal: - $10M to Tribal Development Fund; - $7M to Tribes for development of a reservation water management system; - $5M in 1992, and $8M each year thereafter until 1997</td>
</tr>
</tbody>
</table>
Fort McDowell Indian Community Water Rights Settlement Act of 1990

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


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

Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1992

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;
  - $3.5M for fish and wildlife enhancement on the TRDP;
  - State
    - Repayment of the $11.5M loan to the Tribe;
  - Tribe
    - OM&R costs and capital costs associated with water used or sold for M&I purposes from Big Horn Reservoir (amt. unknown)
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<td><strong>Salt River Pima-Maricopa Indian Community of the Salt River Reservation</strong>, <strong>ARIZONA</strong></td>
<td><strong>San Carlos Apache Indian Tribe</strong>, <strong>ARIZONA</strong></td>
</tr>
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</table>
| • 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 | • 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 afa of Central Arizona Project water |
| • 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 | • 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 | 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;  
• 2016 amendment ratifies and incorporates two additional settlements resolving disputes between the Bands, the San Luis Rey River Indian Water Authority, City of Escondido, Vista Irrigation District, and California, consistent with and conforming to the requirements of the Act. | • Federal  
- $30M for Development Fund, up to $3.7M allocated per year;  
- 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 | 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 | San Xavier and Schuk Toak Districts, Tohono O’Odham Nation (formerly Papago) | • 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 |
| --- | --- | --- |
| **ARIZONA** |  | **Federal**  
• Estimated $1M to establish water management plan and conduct certain studies;  
• $5.25M to “Cooperative Fund”;  
• 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;  
• $15M to Nation’s Trust Fund;  
• Up to $3.5M 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** | Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation | • 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 interconnected settlements with two tribes – See also, Fallon Paiute-Shoshone Settlement Act;  
• 520,000 afa |
| **NEVADA (CALIFORNIA)** |  | **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)  
• $3M in FY2010 for Reclamation implementation of P.L. 101-618 (equal grants to NV, CA, Truckee Meadows Water Authority, Pyramid Lake Paiute Tribe, and Federal Watermaster of the Truckee River)  
• State/Local  
• Local conservation acquisitions (contribution unknown) |


<table>
<thead>
<tr>
<th><strong>Ute Indian Rights Settlement Act of 1992</strong></th>
<th><strong>Northern Ute Indian Tribe of the Uintah &amp; Ouray Reservation</strong></th>
<th><strong>Yavapai-Prescott Indian Tribe Water Rights Settlement Act of 1994</strong></th>
<th><strong>Yavapai-Prescott Indian Tribe</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Pub.L. 102-575, 106 Stat. 4650 (1992).</td>
<td>• 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;</td>
<td>• Federal - Total appropriations: $198,500,000 (represents damages for breach of Deferral Agreement);</td>
<td>• Federal - $200,000 to Water Fund for use by the Tribe to defray its costs associated with Judicial confirmation of the settlement;</td>
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<td><em>Utah and the Tribe are working on an implementation plan/compact</em></td>
<td>• One of two settlements fully Federally funded (See also, Ak-Chin Settlement);</td>
<td>- $45M for Tribal farming operation;</td>
<td>- Such sums as may be necessary to establish, maintain and operate a gaging station on Granite Creek (amount unknown)</td>
</tr>
<tr>
<td>UTAH</td>
<td>• Limited local cost share provisions commencing in the year 2042 for use or purchase of 35,500 afa of tribal water;</td>
<td>- $5M for Cedarview Reservoir repair;</td>
<td>• State - $200,000 to Water Fund for use by the Tribe to defray its costs associated with the water service agreement</td>
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<td>• Monies appropriated to enhance Tribal fish, wildlife and environment in lieu of constructing promised ultimate phase water projects;</td>
<td>- $10M for stream improvements;</td>
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<td>• Off-reservation leasing provision strips tribes' water of its reserved character and exposes tribal water to State law;</td>
<td>- $500,000 for Bottle Hollow Reservoir clean up;</td>
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<td>• &quot;Neutral&quot; marketing provisions may allow tribe to sell water in the future depending on &quot;Law of the River&quot;;</td>
<td>- $10M for recreational enhancement;</td>
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<td>• Largest Development Fund established to enhance economic development and compensate for breach of Federal agreement;</td>
<td>- $3M for municipal water system;</td>
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<td></td>
<td>• Use Water Compact has not yet been approved by either the Tribe or State;</td>
<td>- $125M for Tribal Development Fund;</td>
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<td>• 351,000 afa</td>
<td>- estimated $2M per year for 50 years ($100M) in Bonneville revenues (represents future damages for use of 35,500 afa of tribal water)</td>
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<td>• Federal</td>
<td>• State/Local</td>
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<td>• Limited local cost share provisions commencing in the year 2042 for use or purchase of 35,500 afa of tribal water;</td>
<td>- 7 percent of the then fair market value of 35,500 afa of Bonneville agricultural water which has been converted to M&amp;I water beginning in the year 2042 (amount unknown)</td>
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**Northern Ute Indian Tribe of the Uintah & Ouray Reservation**

**Yavapai-Prescott Indian Tribe Water Rights Settlement Act of 1994**

**Yavapai-Prescott Indian Tribe**
<table>
<thead>
<tr>
<th>Tribe and Reservation</th>
<th>Federal Appropriations</th>
<th>State Contributions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chippewa Cree Tribe of the Rocky Boy’s Reservation</td>
<td>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.</td>
<td>- 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</td>
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<td>Chippewa Cree Indian Tribe</td>
<td>Federal</td>
<td>State</td>
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<td>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.</td>
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<td>Shivwits Band of the Paiute Indian Tribe of Utah Water Rights Settlement Act</td>
<td>Federal</td>
<td>State</td>
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<tr>
<td>Shivwits Band of Paiute Indians</td>
<td>$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.</td>
<td>- 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</td>
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<td><strong>Colorado Ute Settlement Act Amendments of 2000</strong></td>
<td><strong>Southern Ute and Ute Mountain Ute Tribes, and Navajo Nation</strong></td>
<td><strong>Zuni Indian Tribe Water Rights Settlement Act of 2003</strong></td>
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<td><strong>•</strong> 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.</td>
<td><strong>•</strong> Construction costs required to deliver each tribe's water allocation shall be nonreimbursable; <strong>•</strong> 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; <strong>•</strong> Authorizes appropriations to the Southern Ute and Ute Mountain Ute Tribal Resource Funds; <strong>•</strong> 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; <strong>•</strong> Requires the construction of facilities, and allocation of water supply to the Indian tribes, provision of funds; <strong>•</strong> Includes a groundwater component whereby the Tohono O'odham Nation reallocates 67,300 water uses; <strong>•</strong> Reallocates 28,200 water uses; <strong>•</strong> Reallocates 102,000 water uses; <strong>•</strong> Resolves a longstanding dispute between Arizona and the Federal government over nearly $2 billion in repayments for CAP construction; <strong>•</strong> Authorizes the Secretary to leases 102,000 acres of CAP water to Gila River Indian Community (consisting of the Pima Tribe and the Maricopa Tribe); <strong>•</strong> Authorizes the Secretary to leases 28,200 acres of CAP water to Tohono Oodham Nation; <strong>•</strong> Authorizes the Secretary to leases 67,300 acres of CAP water to the Arizona Indian Tribes; <strong>•</strong> Includes a groundwater component whereby the Tohono Oodham Nation can pump up to 1,320,000 afd.</td>
<td><strong>•</strong> Federal government is to appropriate $19.25 million to the Zuni Indian Tribe Water Rights Development Fund; <strong>•</strong> The U.S. holds all Zuni owned state water rights in trust; <strong>•</strong> Grandfathers existing water uses and waives claims against many future water uses; <strong>•</strong> 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; <strong>•</strong> 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; <strong>•</strong> Funding to restore, rehabilitate, and maintain the Zuni Heaven Reservation, including the Sacred Lake, wetlands, and riparian areas; <strong>•</strong> 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 Federal reserved water right; <strong>•</strong> The United States holds all Zuni owned state water rights in trust for the Tribe; <strong>•</strong> 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; <strong>•</strong> Requires the construction of facilities, and allocation of water supply to the Indian tribes, provision of funds; <strong>•</strong> Federal government will deposit $53 million in the Gila River Indian Community Water OM&amp;R Trust Fund; <strong>•</strong> Federal government to pay $52.3 million for the rehabilitation of the San Carlos Irrigation Project; <strong>•</strong> Federal Government to pay $66 million to the New Mexico Unit Fund;</td>
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<tr>
<td>Act Name</td>
<td>Tribe/Indian Name</td>
<td>Purpose</td>
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<td>--------------------------------------------</td>
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</tbody>
</table>
| Snake River Water Rights Act of 2004       | Nez Perce Tribe           | • 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 | Soboba Band of Luiseño Indians | • 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 afaka from the Basin;  
  • Provides that the Tribe will limit the exercise of its Tribal Water Right to 4,100 afaka 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)** | **Navajo Nation**
NEW MEXICO |
|---|---|
| **Pub.L. No.** 111-11; 123 Stat 1367 (2009) | • Establishes the Reclamation Water Settlements Fund: $120M 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 acf) 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 606,600,325,676 acf as follows: (1) Navajo Indian Irrigation Project - 308,000/270,000 acf; (2) Hogback Irrigation Project - 48,350/21,280 acf; (3) Frulant Water Settl. - 18,180/7,970 acf; (4) Navajo-Gallup - 22,450/20,780 acf; (5) Animas-LaPlata Project - 4,660/2,340 acf; (6) Misc. municipal uses -2,600/1,300 acf; (7) Tributary groundwater -2,000/2,000 acf; and (8) additional historic and existing rights to be determined by survey;
• 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 |

| **Shoshone-Paiute Tribes of Duck Valley Water Rights Settlement Act** | **Shoshone Tribe**
PAIUTE TRIBE |
|---|---|
| **Pub.L. No.** 111-11; 123 Stat 1405 (2009) | • 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 acf 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 acf 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 |

| **Shoshone-Paiute Tribes of Duck Valley Water Rights Settlement Act** | **Paiute Tribe**
NEVADA |
|---|---|

| **Federal** | **Navajo Nation**
Navajo Nation Water Resources Development Trust Fund |
|---|---|
| **- $6M to the Navajo Nation Water Resources Development Trust Fund for each of fiscal years 2010-2014;** | **- $870M for the Navajo-Gallup Water Supply Project for the period of fiscal years 2009 through 2019;**
• More than $7.7M for the rehabilitation of the United States up to 35% of allocated share of capital costs for Navajo-Gallup Water Supply Project |
| **- $3M for the rehabilitation of the Hogback-Cade Irrigation Project for fiscal years 2009 through 2019;** | **- $6M for the rehabilitation of the United States up to 35% of allocated share of capital costs for Navajo-Gallup Water Supply Project**
• Not more than $15.4M for the rehabilitation of the Hogback-Cade Irrigation Project for fiscal years 2009 through 2019; |
| **- $11M for non-Indian irrigation projects for the period of fiscal years 2009 through 2019** | **- Federal**
| **- $34M to the Navajo Nation Water Resources Development Trust Fund for each of fiscal years 2010-2014;** | **- $3M to the Shoshone-Paiute Tribes Water Rights Development Fund for each of fiscal years 2010-2014;**
• Funding and maintenance for streamgages and a stage recording station |
| **- $870M for the Navajo-Gallup Water Supply Project for the period of fiscal years 2009 through 2019;** | **- State**
| **- Not more than $7.7M for the rehabilitation of the United States;** | **- $3M to the Shoshone-Paiute Tribes Operation and Maintenance Fund for each of fiscal years 2010-2014;**
• States up to 35% of allocated share of capital costs for Navajo-Gallup Water Supply Project |
| **- Not more than $15.4M for the rehabilitation of the United States;** | **- State**
| **- $3M to the Shoshone-Paiute Tribes Water Rights Development Fund for each of fiscal years 2010-2014;** | **- State**
<p>| <strong>- $6M to the Shoshone-Paiute Tribes Water Rights Development Fund for each of fiscal years 2010-2014;</strong> | <strong>- Funding and maintenance for streamgages and a stage recording station</strong> |</p>
<table>
<thead>
<tr>
<th>Crow Tribe Water Rights Settlement Act of 2010</th>
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<tr>
<th>Crow Tribe MONTANA</th>
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<tbody>
<tr>
<td>▪ Provides funding to improve irrigation projects, industrial and municipal water system upgrades, and ensure safe drinking water for the Tribe;</td>
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<tr>
<td>▪ Establishes a base for the Tribe to build energy development projects;</td>
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<tr>
<td>▪ Creates a Crow Tribal Water Right with the following components:</td>
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<tr>
<td>- 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;</td>
</tr>
<tr>
<td>- 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;</td>
</tr>
<tr>
<td>▪ 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;</td>
</tr>
<tr>
<td>▪ Other: Water rights the Tribe acquires as appurtenances to land become part of the Tribal Water Right</td>
</tr>
<tr>
<td>▪ 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;</td>
</tr>
<tr>
<td>▪ Tribe will administer Tribal Water Right and State will administer water rights recognized under state law;</td>
</tr>
<tr>
<td>▪ Tribe and Montana Department of Natural Resources and Conservation will review all Tribal development to determine if it will impact current water users;</td>
</tr>
<tr>
<td>▪ Any unresolved disputes will be referred to the Crow-Montana Compact Board</td>
</tr>
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</table>

<p>| Federal: |
| - $461M overall; |
| - $131.8M for Crow Irrigation Project; |
| - $246.4M for MR&amp;I System; |
| - $4.8M for Tribal Compact Administration; |
| - $20M for Energy Development Projects; |
| - $47M for MR&amp;I System OM&amp;R; |</p>
<table>
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<tr>
<th>- $20M for Crow Irrigation Project OM&amp;R;</th>
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<tr>
<td>State:</td>
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<tr>
<td>- $15M for use and benefit of the Tribe;</td>
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<td>- The state will also pass through all state production taxes on Crow coal development</td>
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### White Mountain Apache Tribe Water Rights Quantification Act of 2010


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<th>Item</th>
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<tr>
<td>➤ Confirms 2009 White Mountain Apache Tribe (WMAT) Water Rights Quantification Agreement;</td>
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<tr>
<td>➤ Confirms Tribe’s 1871 priority right to divert 74,000 afa from Salt River;</td>
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<tr>
<td>➤ Confirms Tribe’s right to additionally divert at least 25,000 afa from Salt River through exchange of CAP water for total of 90,000+ afa;</td>
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<tr>
<td>➤ Authorizes leasing of up to 25,000 afa CAP Water annually for 100 years;</td>
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<tr>
<td>➤ Requires Secretary to construct reservation wide drinking water project;</td>
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<tr>
<td>➤ Confirms Tribe’s right to build two reservoirs totaling 18,000 acre-feet storage;</td>
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<tr>
<td>➤ Restores Secretarial Power Site Reserves to Tribe;</td>
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<tr>
<td>➤ Establishes 12 mile groundwater protection buffer zone along Tribe’s northern boundary with National Forest;</td>
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<tr>
<td>➤ Confirms Tribe’s administrative authority over water use within Reservation;</td>
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<tr>
<td>➤ Requires transfer of title to drinking water system to Tribe after three years of operation;</td>
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<tr>
<td>➤ 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&amp;I priority water for 100 years;</td>
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<tr>
<td>➤ Allocates 25,000 afa CAP Water to Tribe in perpetuity</td>
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### Aamodt Litigation Settlement Act


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<tr>
<td>➤ One of the longest running Federal cases in the U.S.;</td>
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<tr>
<td>➤ 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;</td>
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<tr>
<td>➤ If non-Pueblo groundwater use exceeds specified levels, they must reduce use to stay free from priority administration;</td>
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<tr>
<td>➤ Provides protection for existing non-Pueblo surface users against future water development by the Pueblos;</td>
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<tr>
<td>➤ Codifies water-sharing arrangements between Indian and neighboring communities;</td>
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<tr>
<td>➤ 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;</td>
<td></td>
</tr>
<tr>
<td>➤ Total allotment of 6,096 aly 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</td>
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</tr>
<tr>
<td>➤ Amendment ratified the 611(g) Agreement, increased construction funds &amp; extended deadlines</td>
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### 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

### Nambé, Pojoaque, San Ildefonso, and Tesuque Pueblos

**NEW MEXICO**

<table>
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<th>Item</th>
<th>Provision</th>
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<tr>
<td>➤ Federal:</td>
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<tr>
<td>➤ 309.14-309.14,$243.4M construction of the Regional Water System and environmental compliance activities (this amount increased under the 611(g) Agreement);</td>
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<tr>
<td>➤ 37.5M to help pay Pueblos’ share of the cost to operating, maintaining, and replacing Pueblo Water Facilities and the Regional Water System $15Mior Aamodt Settlement Fund;</td>
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<tr>
<td>➤ $5.4M for acquisition of water rights for the benefit of the Pueblos;</td>
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<tr>
<td>➤ $5.4M to pay for the acquisition of Nambe’s reserved right for the use of all four Pueblos;</td>
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<tr>
<td>➤ $5M to pay for the pre-completion operation, maintenance and replacement costs associated with Pueblo Water Facilities of the Regional Water System</td>
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<tr>
<td>➤ State/Local:</td>
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<tr>
<td>➤ $144.6M total (this amount increased under the 611(g) Agreement)</td>
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</table>
| Taos Pueblo Indian Water Rights Settlement Act | Taos Pueblo | 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; | 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 |
| Pub.L. 111-291, 124 Stat. 3064 (2010) | NEW MEXICO | Authorize the Pueblo to market 2,215 acre-feet of San Juan-Chama Project water rights upon the Secretary of Interior’s approval; | 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 |
|  |  | 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:  
- No federal dollars |  |
|  |  | Local water importation project involved construction of water pipeline across BLM right-of-way to transfer groundwater pumped at the Fish Springs Ranch and delivered to northern Reno valleys, as well as related well construction and wastewater treatment; |  |
| Pyramid Lake Paiute Tribe-Fish Springs Ranch Settlement Act | Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation | Groundwater pumping and inter-basin transfer raised concerns of impairment of the Tribe’s water rights in Honey Lake Valley Basin, Smoke Creek Desert Basin, Pyramid Lake, and the Pyramid Lake Valley Basin; |  |
| Pub. L. 113-169, 128 Stat. 1887 (2014) | NEVADA | 2007 settlement and 2013 supplement resolved Tribe’s objections to and lawsuit against the local water importation project and related permitting; |  |
|  |  | Fish Springs Ranch able to pump and transfer 8,000 afy, with up to an additional 5,000 afy (total pumping-transfer allowed 13,000 afy); |  |
|  |  | Fish Spring Ranch payments $7.2M plus Aquatrac Land (6,214.32 acres) and 12% gross sales of any water rights from the additional 5,000 afy; |  |
|  |  | Tribe waived its claims to existing and future water rights (including lowered groundwater table, Pyramid Lake level, and Truckee River flow) relative to Fish Springs Ranch |  |
|  |  | Tribe and Interior retained right to pursue any federal reserved water rights in Honey Lake Valley Basin, Smoke Creek Desert Basin, and the Pyramid Lake Valley Basin not in conflict with the Agreement |  |
| Bill Williams River Water Rights Settlement Act | Hualapai Tribe | • Ratified the July 2014 water rights agreements between the Tribe, Department of Interior, Freeport Mining Corporation, and Arizona agencies;  
• Resolved objections to Freeport severance and transfer of water rights from ranches to Big Sandy River wells located upstream for use in copper mine operations;  
• Waiver of Tribal/Federal claims for Freeport diversions;  
• Caps Freeport groundwater diversions to historic 10,055 afy;  
• Acknowledges Tribe’s reserved water right to 694 afy on small (60-acre) Executive Order reservation parcels and other trust land for allottees (560 acres) in the Bill Williams River Basin;  
• Long-term lease and transfer of Freeport farmland (3,413 acres) and water (5,549.2 afy) for migratory wildlife habitat and conservation;  
• Does not resolve water rights claims for Tribe’s main reservation;  
• Limited waiver of sovereign immunity for interpretation and enforcement of settlement agreements and Act;  
• Freeport responsible for implementing protections for Tribe’s water uses on culturally significant fee owned lands;  
• Freeport financial contribution to Tribe’s Economic Development Fund for the acquisition of Colorado River water rights, plus $1M toward study of water project alternatives for Tribe’s main reservation. | • Federal  
- No federal dollars  
• Local (Freeport):  
  - $1M for water project alternatives study for Tribe’s main reservation  
  - Unspecified contribution to Tribe’s Economic Development Fund for water rights acquisition  
  - Transfer of land and water for wildlife conservation |
| Water Infrastructure Improvements for the Nation Act | Blackfeet Nation | • Approves and ratifies the 2007 Water Rights Compact, entered into by the Blackfeet Nation and the State of Montana, and resolves the claims in the United States v. Aagensen, (filed April 5, 1979). Directs the Secretary of the Interior to execute and implement the Compact.  
• Confirms priority for Tribal water rights as 1855.  
• Quantifies irrigation, in-stream flow, and groundwater rights, with additional flow that may be diverted once state water rights are satisfied. Includes the following drainage basins: Birch Creek, Badger Creek, Two Medicine River, Cut Bank Creek, Milk River, St. Mary River, Lee Creek and Willow Creek. For some rivers, the quantification is all of the natural flow that exists absent human intervention. Also provides an allocation of stored water in Lake Elwell (Tiber Dam), water appurtenant to tribally acquired state lands, and all naturally-occurring lakes, ponds, wetlands within the Reservation on trust lands and fee lands owned by the Tribe, its members, or allottees.  
• Protects certain tribal or state rights in various basins from priority calls from senior water users.  
• Closes certain basins and rivers to new applications for state appropriations, but allows for change in use and transfers under state law.  
• Provides for the administration of tribal water rights, including off-reservation leases that are limited to the Missouri River Basin; leases that permanently alienate water rights are prohibited.  
• Requires the tribe and state to report on existing water rights and all permitted and exempted water uses, with annual updates for new developments or changes in use of water rights, or changed owners.  
• Establishes the three-member Blackfeet-Montana Compact Board to resolve Compact controversies and appoint Water Commissioners as appropriate for day-to-day administration, including opening headgates. | • Federal  
- Total federal contribution $420M  
- $3.3M for studies on management and development of water supplies in the St. Mary and Milk River Basins, including dams and reservoirs  
- $20.7M for the Swiftcurrent Creek bank stabilization project  
- $3.1M for determinations of federal easements and rights-of-way necessary for the Milk River Project  
- $500,000 for technical analysis, legal, and other related efforts to reach an agreement on the exercise of respective water rights between the Blackfeet Nation and the Fort Belknap Indian Community  
- $40.9M for deferred maintenance and Four Horns Dam safety improvements, and $14M for rehabilitation and construction of water delivery infrastructure, part of the Blackfeet Irrigation Project  
- $76.2M for design and construction of an MR&I System  
- $87.3M for design and construction of water storage and irrigation facilities  
- In the Blackfeet Settlement Trust Fund, $28.9M in the Administrative and Energy Account, $27.8M in the OM&R Account, $27.8M for the St. Mary Account, and $91M for the Blackfeet Water, Storage, and Development Projects Account  
• State  
- Total state contribution $49M, including $20M for rehabilitation and construction of water delivery infrastructure |
### Water Infrastructure Improvements for the Nation Act

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<th>OKLAHOMA</th>
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| **Choctaw Nation of Oklahoma and Chickasaw Nation** | • The Act confirms the water rights settlement between the Choctaw and Chickasaw Nations, Oklahoma, and Oklahoma City.  
• The settlement resolves long-standing questions and multiple court actions over water rights ownership and regulatory authority over the Choctaw and Chickasaw Nations’ historic treaty territories, particularly water use conflicts over Sardis Lake and the Kiamichi Basin. It also preserves and confirms existing water rights uses.  
• Allottees are authorized to divert 6 afy of surface water per 160 acres and 5 afy of groundwater, without state permits and for domestic use only.  
• Each Nation has the right to appropriate 500 afy per hydrologic basin on Trust Lands for future development. The Choctaw Nation may develop an impoundment up to 150 acres that can impound up to 1,500 acre-feet, with the right to offset evaporative losses up to 500 afy.  
• The Act authorizes Interior to approve conveyance of an easement from the Chickasaw Nation to Oklahoma City; the City will pay the Nation for the value of past unauthorized use and consideration for future use of the land burdened by the easement, to construct and maintain water conveyance infrastructure for municipal use.  
• Oklahoma remains the exclusive regulator and administrator of water resources, and the Nations and Allottees may apply for additional water rights through the Oklahoma Water Resources Board. The settlement provides a framework to foster intergovernmental cooperation, ensuring that the Nations have a voice with regard to transfers of water within their historic treaty territories.  
• Lake release restrictions allow measured municipal supply while managing Lake levels to support critical recreation, fish and wildlife uses. |

### Water Infrastructure Improvements for the Nation Act

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<th>Nation</th>
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| **Pechanga Band of Luiseno Mission Indians** | • The Act confirms the water rights settlement between the Pechanga Band, the Rancho California Water District (RCWD), and the United States, and resolves certain claims in United States v. Fallbrook Public Utility District et al., 0:91-cv-1247, 8-DOC, EDD CLJ.  
• The Agreement quantifies the Pechanga water right from the 1966 Fallbrook Decree to be 4,994 afy. This amount includes allocations of water to tribal allottees.  
• The agreement includes joint management of groundwater pumping in the Wolf Valley Basin, with RCWD entitled to 25% of safe yield, and Pechanga entitled to 75%. The safe yield is initially determined to be 2,100 afy from an 8,000 afy aquifer capacity. They are authorized to cooperatively develop groundwater desalination activities.  
• The Act also authorizes efforts to enhance the capacity for water delivery from the Metropolitan and Eastern Municipal Water Districts, expanding their service areas to include parts of the Pechanga Reservation and constructing water delivery infrastructure. |

### Consolidated Appropriations Act (Navajo-Utah Water Rights Settlement)

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<th>Nation</th>
<th>UTAH</th>
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| **Navajo Nation** | • The Act ratifies the settlement agreement between the Navajo Nation and the State of Utah  
• Includes 81,500 afy from water sources located within Utah and adjacent to or within the boundaries of the Navajo Nation  
• The allocation of water comes out of Utah’s portion of the Colorado River Compact  
• Deadline to fulfill obligations and submit findings: October 31, 2030 |

| **Federal** | • Annual payments waived for Sardis Lake future use storage operation, maintenance and replacement costs, capital costs, or interest, unless and until the future use storage is activated.  
• State, City, Nations  
  - Total contributions to the Atoka and Sardis Conservation Projects Fund $10M  
  - Oklahoma City $5M contribution, of which $2.5M would have been monies otherwise due to the State under the Storage Contract Transfer Agreement  
  - Nations $5M contribution, with the Choctaw Nation paying 75% and the Chickasaw Nation paying 25%  

| **Federal** | • Total federal contribution $28.5M  
• $2.7M for Pechanga’s share of design and construction costs of a storage pond that enables the delivery of recycled water  
• $17.9M for the ESAA Delivery Capacity Account for design and construction costs of infrastructure required for water delivery  
• $5.5M for the Pechanga Water Fund Account to pay for connection fees and delivery of water from the Metropolitan and Eastern Municipal Water Districts  
• $2.5M for Wolf Valley Basin groundwater desalination activities  

| **Federal** | • $108.3M to the Navajo Water Development Projects Account (NWDPA) for construction of domestic water supply infrastructure (requires an approved expenditure plan)  
• $11.1M for OM&R  
• State  
• $8M to the NWDPA (installments for 3 years) |
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<th>Consolidated Appropriations Act (Montana Water Rights Protection Act)</th>
<th>Confederated Salish and Kootenai Tribes MONTANA</th>
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</table>
• Includes 90,000 afy of storage water in Hungry Horse Reservoir.  
• Provisions for the implementation of the Flathead Indian Irrigation Project (conservation, habitat, instream flow, fish movement through facilities, historic farm deliveries, safe and efficient storage and delivery, dedicating saved water to the water rights of the tribes for instream flows and minimum reservoir pool elevations)  
• Authorizes rehabilitation and modernization of existing water infrastructure (canals, dams, reservation irrigation facilities); mitigation, reclamation, and restoration of streams and wetlands | • Federal  
• $1B authorized for settlement trust fund to carry out the purposes of the Act  
• State  
• $55M for water measurement, efficiency, stockwater loss mitigation, offset for pumping costs, and habitat enhancement |

**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
Seventeenth
WSWC/NARF Symposium
on the
Settlement of Indian Reserved Water Rights Claims
Virtually Held On
August 24-25, 2021

Evaluation Form
(please complete this form and return it to jgroat@wswc.utah.gov)

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Symposium Format
Quality of Panel Presentations

**TUESDAY, AUGUST 24, 2021**

Negotiation of Indian Water Rights Claims
Navajo Nation
Confederated Salish and Kootenai Tribes
Aamodt
Kickapoo

**WEDNESDAY, AUGUST 25, 2021**

The Administration’s Settlement Policy
Settlement Legislation: Getting Bills Through Congress
Colorado River Water and Tribes Initiative

**OVERALL:**

Opportunity for Audience Participation During Program
Opportunity for Informal Interchange During Symposium
Symposium Experience
CONTINUING LEGAL EDUCATION (CLE)

Attorneys admitted to the State Bars of Colorado and Utah who attend all segments of the Symposium may count up to 10 hours of Continuing Legal Education credits (no ethics hours). Those who attend only a portion of the Symposium may claim a lesser amount. For credit, please sign in each day at the Symposium, and keep the attached Certificate of Attendance for your records. Colorado attorneys have a separate Certificate of Attendance that follows.

Attorneys admitted in other states generally must submit the Symposium agenda, written materials, certificate of attendance, and a completed application form to their respective State Bar Associations for accreditation. The total number of hours awarded by the respective states may differ. An application fee may also be required.

Please contact Michelle Bushman, Assistant Director and General Counsel, Western States Water Council, mbushman@wswc.utah.gov, if you need a copy of the sign in sheets with your signatures for credit in your state.
CERTIFICATE OF ATTENDANCE

Sponsors: Western States Water Council/Native American Rights Fund

Course Title: Symposium on the Settlement of Indian Reserved Water Rights Claims

Date: August 24-25, 2021
Location: Held Virtually due to COVID 19 Concerns

In its entirety, this program has been accredited by the Colorado and Utah State Bars for 10 CLE credit hours based on 60 minutes of instruction per hour. Of this total, 0 hours are devoted to instruction in ethics.

Name of Attendee: ______________________   State: _____________________
Bar #:_______________________

Sessions attended:

Negotiation of Indian Water Rights Claims: The Basics

☐ Navajo Nation
☐ Confederated Salish and Kootenai Tribes
☐ Aamodt
☐ Kickapoo

☐ The Administration’s Settlement Policy

☐ Settlement Legislation: Getting Bills Through Congress

☐ Colorado River Water and Tribes Initiative

☐ I attended the entire course as set forth above.
☐ I did not attend the entire course. Sessions attended are indicated above.

__________________________________________   ________________
Signature                                        Date
NOTICE OF ACCREDITATION

The Office of CLJE has accredited the following continuing legal education seminar under Rule 250:

<table>
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<tr>
<th>NAME OF SEMINAR</th>
<th>LOCATION</th>
<th>DATE</th>
<th>SPONSOR</th>
<th>GENERAL CREDITS</th>
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Colorado attorneys and judges who attend the entire seminar may claim the credits indicated. If any Ethics Credits are indicated, they may be claimed by attending those parts of the seminar indicated below the seminar’s name. Ethics credits are NOT IN ADDITION TO General Credits. General and Ethics Credits are NOT added to or subtracted from each other. This accreditation is awarded provided the sponsor permits the Office of CLJE’s staff to attend the seminar; gives every Colorado attorney and judge attending a copy of this combined notice/affidavit form; accepts at the seminar, this form after it is executed by attending Colorado attorneys and judges; and delivers the executed forms to the Office of CLJE within 10 days after the seminar.

Date Reviewed: 8/18/2021

AFFIDAVIT

INSTRUCTIONS: Colorado attorneys and judges may report CLE Credits earned at this seminar by logging into the Online CLE Transcript. You can access the online entry of Affidavits by visiting http://www.cletrack.com Click on CLE Transcripts, login and select Enter Online Affidavits. You can enter your affidavit using the Course ID located at the bottom of this page.

DO NOT CLAIM THESE CREDITS ON ANY OTHER AFFIDAVIT

CERTIFICATION OF ATTENDANCE: By signing below I certify that I am entitled to claim:

_____ General Credits  _____ Ethics Credits

ATTY NUMBER ___________________ LAST NAME (print) ______________________________________

SIGNATURE __________________________________ DATE __________________________

COURSE ID: 803150