

Timeline of the Tule River Reservation

Treaty of Paint Creek, June 3, 1851 designates a reservation extending from the Tule River south to Paint Creek (the treaty was authorized by Congress but never ratified)

Tule River Reservation (Tule River Farm) is established as part of the Tejon Reservation

Two Executive Orders in 1873 (Jan. 9, 1873 & Oct. 3, 1873) established a new reservation upstream from the original "Madden Farm" location and included the drainage of the Middle Fork of the Tule River, increasing the remote land base to 91,637 acres.

Tule River Indian Reservation adopts the Indian Reorganization Act and incorporates themselves as the Tule River Indian Tribe.

1851

1853

1856

1860

1873

1878

1935

1971

Congress establishes the Superintendency of Indian Affairs in California and authorizes five military reservations in the state. The Tejon Reservation, the first, is established at the southern end of the San Joaquin Valley.

The Tule River Farm became known as the "Madden Farm" based on the investigated but ignored fraudulent acquisition of land by Tejon Reservation employee Thomas P. Madden.

A third Executive Order (Aug. 2, 1878) withdrew the additional lands covering the Middle Fork, leaving the Tribe with its current 55,396 - acre Reservation.

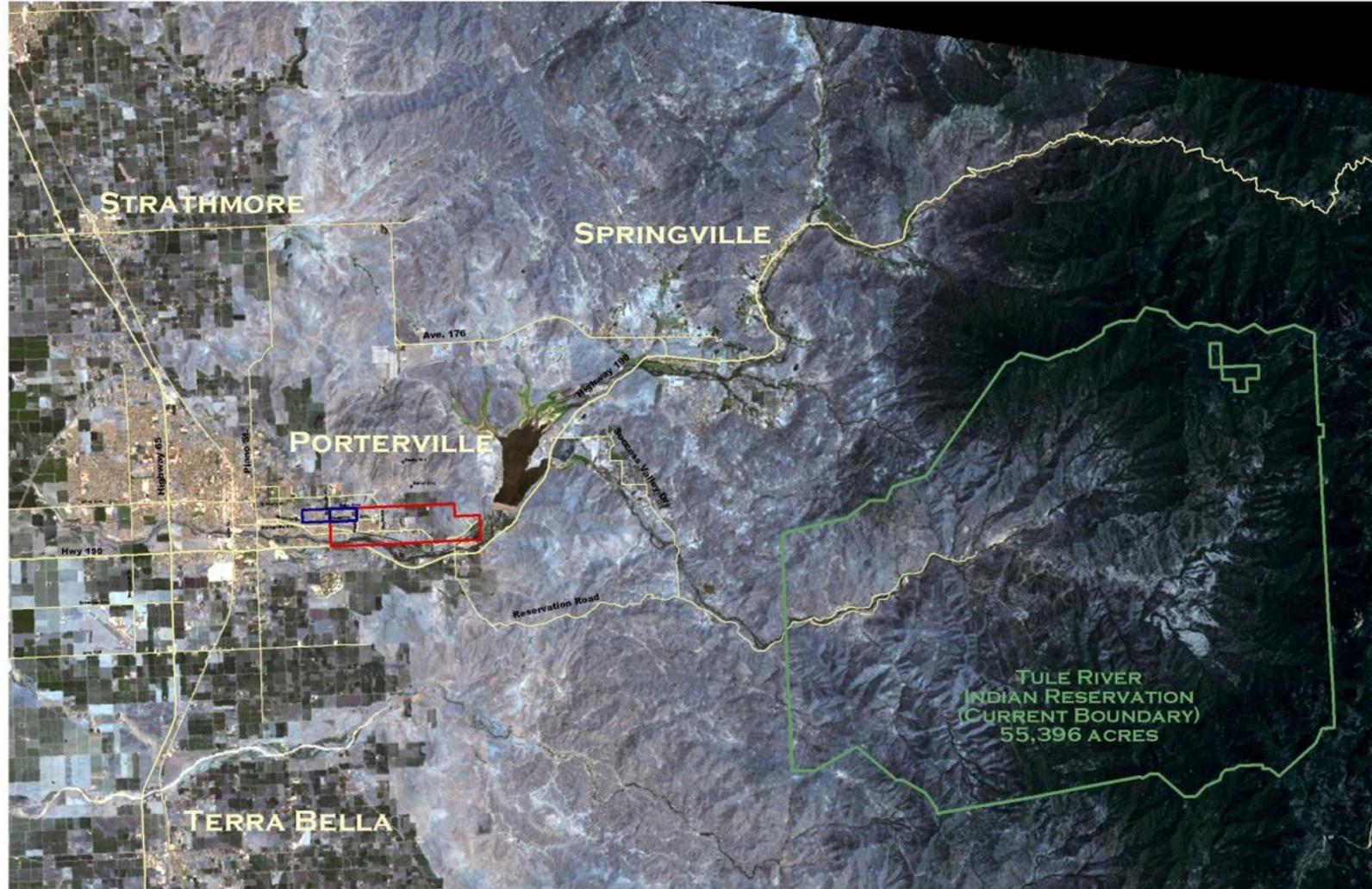
The Tule River Tribe begins its efforts to secure its federally reserved water rights through the construction of a water storage project.



TULE RIVER TRIBAL COUNCIL

MADDEN FARM

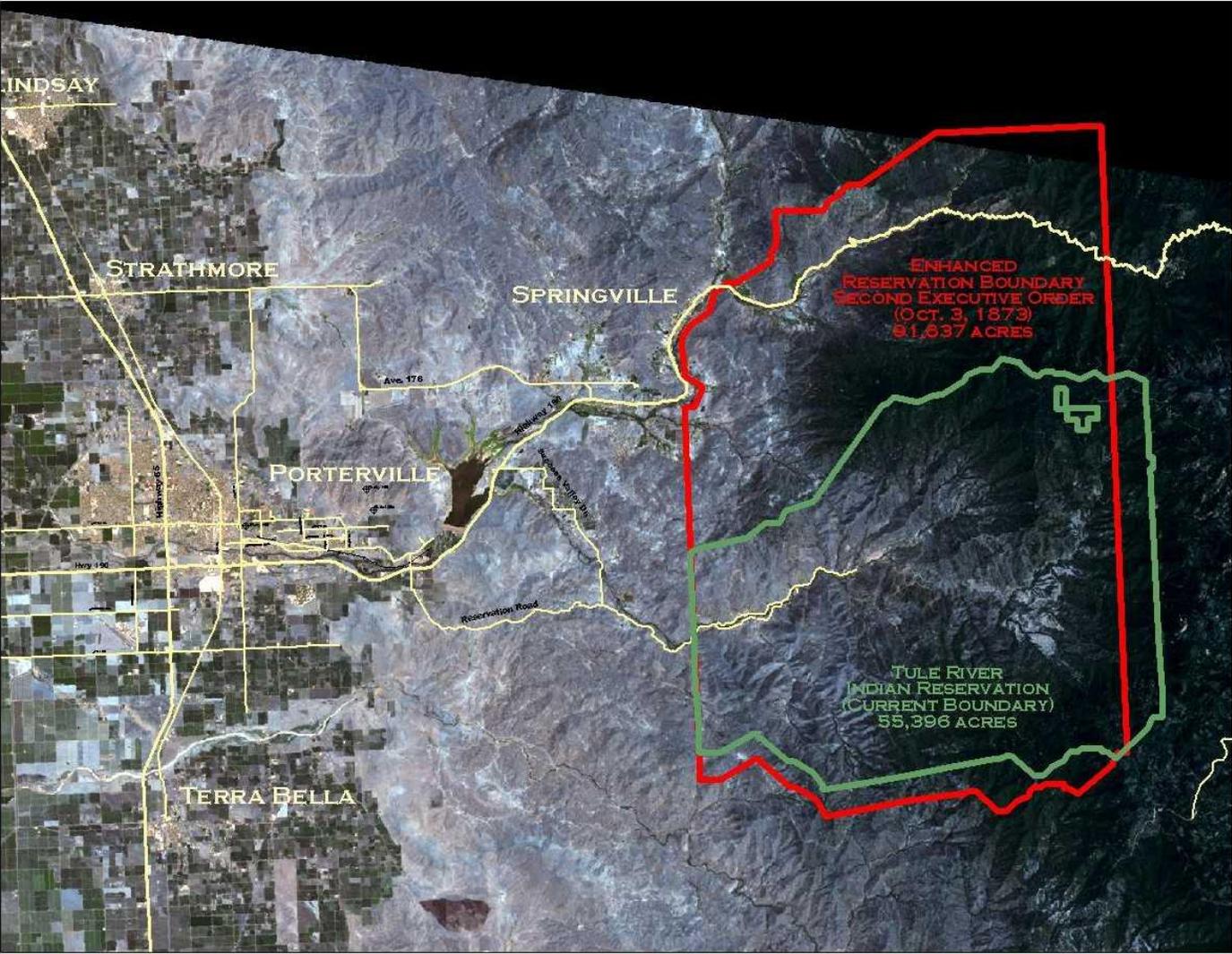
 Tyler Farm
 Madden Farm



TULE RIVER
INDIAN RESERVATION
(CURRENT BOUNDARY)
55,396 ACRES



ENHANCED RESERVATION BOUNDARY



TULE RIVER TRIBAL COUNCIL

Legend

- Reservation Boundary
- Historical Boundaries per NRCE
- October 3, 1873 Boundary



Water Scarcity



Water Scarcity



Federal Reserved Water Rights

- In 1971, over 51 years ago, the Tribe commenced its efforts to secure its federally reserved water rights and be able to store water on their reservation.
- Since then the Tribe has spent over \$1 million in studies, estimates, and evaluations to determine how and where to locate a water storage facility.



1995 Practicably Irrigation Acre ("PIA") Study
1997 Tule River Tribe Overall Economic Development Program
1998 Active negotiations commence between the Tribe, South Tule Independent Ditch Company (STIDC) and the Tule River Association (TRA).
1998 BOR Preliminary Assessment of three dam sites
1998 Water Needs Assessment (\$50,000)
1999 Natural Resources Consulting Engineers, Inc. ("NRCE"), Potential for Groundwater Development on the Tule River Indian Reservation Reconnaissance Level Investigation (\$30,000)
1999 Dam Cost Estimate (\$34,600)
1999 Water Allocation Model, First Development (\$15,000)
1999 Water Quality Impacts of a Proposed Dam (\$15,000)
2000 WAM Refined and Model Runs (\$7,300)
2002 WAM Refined and Model Runs (\$6,000)
2002 Physical Model of Reservation (\$5,000)
2002 Crop Water Req's (\$5,000)
2003 Hydrologic Study and Record Extension (\$13,900)
2003 WAM Refined and Model Runs (\$13,000)
2004 Update Hydrologic Record Extension, Crop Water Req's, and WAM Runs (\$20,000)
2004 Indian Health Services study on Tule River Water Improvements
2004 Biological Evaluation of Reservoir Project (\$20,000)
2005 Phase I Water Project Cost Estimates (\$20,800)

2006 Update Hydrologic Record Extension, Crop Water Req's, and WAM Runs (\$20,000)
2006 Evaporation Station (\$15,400)
2007 Settlement Agreement reached with STIDC and TRA concerning the Tribe's storage project and water rights.
2007 NRCE Updated Phase I Water Project Cost Estimate (\$40,600)
2008 Update Hydrologic Record Extension, Crop Water Req's, and WAM Runs (\$40,000)
2008 NRCE Updated South Fork Tule River Flow Extension Analysis
2008 Dam cost comparison (\$3,000)
2009 BOR Tule River Proposed Storage Project Review
2008-10 Tribe unsuccessfully attempts, working with the California Congressional delegation, to enact a Feasibility Study Bill to authorize the appropriation of \$3 million to enable the Tribe to conduct necessary studies for the planning of a water storage project on its Reservation.
2010 BOR Proposed Water Storage Project DEC Review
2010 Develop Dam Consultant RFQ, Interview, and Evaluate Consultants (\$10,000)
2010 BOR Engineering Geologic Inspection of Potential Dam Sites on South Fork Tule River
2010 BOR Tule River Indian Reservation Proposed Water Storage Project Dam Site Selection Criteria
2011 Reservoir Appraisal-Level Cost Opinion (\$30,000)
2011 BOR Engineering Geologic Inspection of Potential Dam Sites
2012 Unable to enact a feasibility study bill, the Tribe enters a 638 contract with BOR to conduct the water settlement technical study for \$168,000

Tule River Tribe Water Settlement

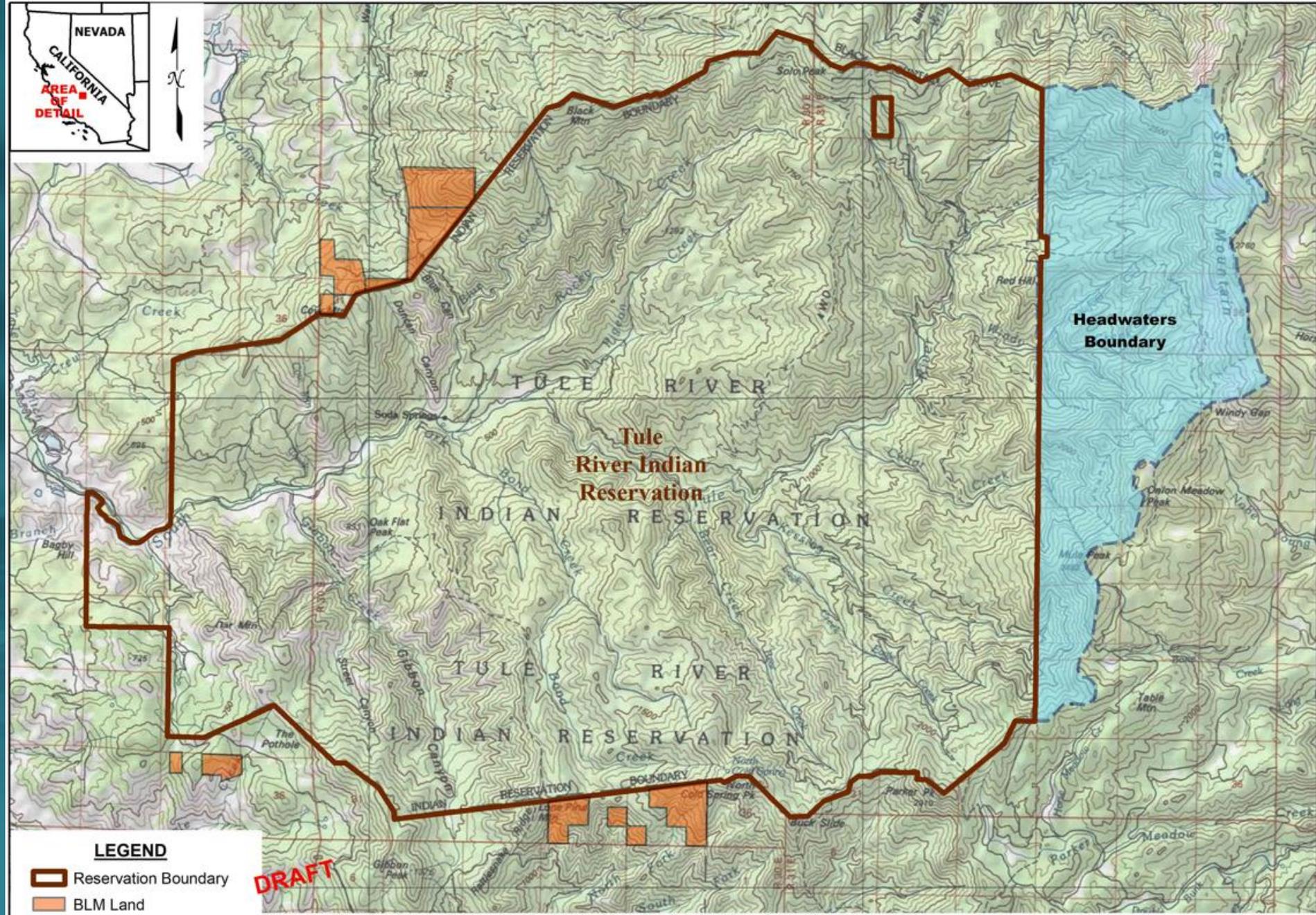
- United States created uncertainty when it failed to consider or evaluate the pre-1873 priority claims of all water users on the South Fork of the Tule River and therefore failed to establish that the Tribes likely have the most senior water right in the Tule River Basin.
- In 1922 the United States perpetuated this error and, in violation of their trust duties to the Tribe, entered a contract with downstream state-based water users, the South Tule Independent Ditch Company (STIDC), to subordinate the Tribe's water rights in order to ensure water deliveries at STIDC's diversion without the Tribe's consent.
- In 2007, after ten years of negotiation facilitated by the United States, the Tule River Tribe, STIDC, and another consortium of downstream state-based irrigators, the Tule River Association (TRA), reached consensus on how to avoid adverse impact from a tribal water storage project.
- From 2007-2019 the Tribe, at the behest of the United States, extensively studied all possible storage project locations and options.
- In 2020, an agreed upon location and dollar amount from the BOR for construction allowed legislation to be drafted to ratify the agreement.
- The Tribe never litigated its water rights to date.

2007 Agreement / 2009 Amendment

- Allows the Tribe the ability to store up to 5,828 acre-feet/year in a reservoir to be constructed at a location yet to be determined.
- Requires the release of certain amounts of water to meet downstream state-based water demands.
- Operating criteria to be finalized at the time of reservoir construction.
- Likely to cost to build - \$568 million.
- 2009 Amendment was a non-controversial and administrative update to address maintenance on the "Ag-line."
- Tribe is not allowed to lease water off the reservation and is limited to 2,000 af/year of off-reservation use on Tribal fee lands.

2022 Tule River Water Settlement Act

- Ratifies the 2007 Settlement Agreement and binds the US.
- Settles all water claims of the Tule River Tribe against the US per the terms of the 2007 Settlement Agreement.
- Confirms the use of 5,828 acre-feet per year as the Tule River Tribal Water Right in accordance with the terms of the 2007 Agreement.
- Authorizes the payment of \$568 million into trust accounts for the Tule River Tribe's use to build a water storage project.
- Transfers ~9,863 acres of Federal land and ~1,837 acres of fee lands owned by the Tribes into trust. The land transfer will include ~9,000 acres of land currently in the Sequoia National Forest.

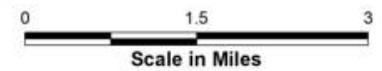


LEGEND

-  Reservation Boundary
-  BLM Land
-  Headwaters Boundary

DRAFT

Reservation Boundary Source: Department of Environmental Protection, Tule River Tribe, Porterville, CA, June 4, 2021
Background Source: ESRI



June 2021



Current Status

- The Tule River Water Settlement Act is a priority for the Biden Administration.
- Sept. 8, 2022 – The Tribe met with Office of Management and Budget (OMB) and obtained their unprecedented support prior to introduction in Congress.
- Sept. 15, 2022 - Introduced by Senator Padilla, co-sponsored by Sen. Feinstein.
- Feb. 2, 2023 – Re-Introduced by Senator Padilla, co-sponsored by Sen. Feinstein. Read twice and referred to Senate Committee on Indian Affairs (S. 306).
- March 29, 2023 – Senate Committee on Indian Affairs ordered the bill be reported favorably without amendment.
- Currently waiting for a vote on the bill in the Senate.