



H.R. 5293 – Shoshone-Paiute Tribes of the Duck Valley Reservation Water Rights Settlement Act

FLOOR SITUATION

H.R. 5293 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Dean Heller (R-NV) on February 7, 2008. The Committee on Natural Resources ordered the bill to be reported, as amended, by unanimous consent on July 16, 2008.

H.R. 5293 is expected to be considered on the floor of the House on September 15, 2008.

SUMMARY

H.R. 5293 ratifies the 'Agreement to Establish the Relative Water Rights of the Shoshone-Paiute Tribes of the Duck Valley Reservation and the Upstream Water Users, East Fork Owyhee River.' The Secretary of Interior is authorized to execute such agreement as approved by Congress, including all required environmental compliance.

The bill requires that tribal water rights be held in trust by the United States for the benefit of the Shoshone-Paiute Tribes. The Tribes must enact a water code to administer the water rights within three years, and the Secretary will administer the water rights until the code is enacted.

H.R. 5293 creates the Shoshone-Paiute Tribes Water Rights Development Fund. Tribes must utilize monies from the Development Fund for water resource planning and development, cultural preservation, habitat restoration, and construction of water supply and sewer systems. The Development Fund is authorized at \$9 million for each of the years 2008-2012. This bill also creates the Shoshone-Paiute Tribes Operation and Maintenance Fund, which is to be used to maintain the Duck Valley Indian Irrigation Project and other authorized water projects. The Operation and Maintenance Fund is authorized at \$3 million for each of the years 2008-2012. The Shoshone-Paiute Tribes may access these funds by submitting a tribal management plan or expenditure plan to the Secretary of Interior.

This legislation additionally waives tribal claims against the United States involving the East Fork of the Owyhee River.

BACKGROUND

The Duck Valley Reservation lies along the Idaho-Nevada border near the East Fork of the Owyhee River, a tributary to the Snake River. The Reservation is home to the Shoshone-Paiute Tribes. The Reservation was established in 1877 and covers 290,000 acres in Nevada and Idaho. The Tribes rely on the Duck Valley Indian Irrigation Project for agricultural purposes. The Project is owned by the Bureau of Indian Affairs and operated by the Tribes. Currently, the infrastructure of the Duck Valley Indian Irrigation Project is unstable, leading to an increased Federal liability.

The Tribes have asserted claims to federal reserved water rights in Nevada and Idaho state courts. The claim in Idaho was resolved by consent decree in 2006. An agreement was reached between the tribe and the State of Nevada during a stay of the state's adjudicative process and requires Congressional approval. This legislation would ratify that agreement.

COST

The Congressional Budget Office (CBO) estimates that implementing H.R. 5293 "would cost \$48 million in 2012." [Full CBO Cost Estimate](#)



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