MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

Thank you for this opportunity to appear before you to discuss activities of the Bureau of Reclamation that affect Indian reservations.

In planning and developing water and land resources relative to Bureau of Reclamation projects in the 17 contiguous Western States the rights of Indians have been consistently recognized. Benefits from these projects to lands and waters owned and utilized by Indians have been substantial.

It is not the purpose of this statement to explain all of the arguments for and against each of the operational and planned projects of Reclamation. Rather, the purpose is limited to providing a summary of the context in which Reclamation has accepted its changing mission through the years, its accomplishments and its planned activities with regard to Indian tribes and their water needs.

Reclamation has been responsible for a significant portion of the Federal works that make a dependable water supply available for Indian land irrigation, water-oriented outdoor recreation, development of Indian coal reserves, domestic water, and other Indian uses. For example, there is currently in excess of 500,000 acres of irrigated land in the 17 Western States being supplied water as a result of the construction of storage, conveyance, and other facilities by Reclamation. Along the Colorado River alone, the availability of a dependable year-round water supply for some 13,000 acres of irrigable Indian land is possible only because Reclamation's stabilization of the channel of the Colorado River has made it possible for...
the tribes to plan river-oriented recreational facilities in the Parker Division. The great recreation potential of Indian lands on the shores of Lake Powell and Bighorn Lake are possible only because of Reclamation's construction of Glen Canyon and Yellowtail Dam. Much of the potential for development of Indian coal from the Navajo Reservation in Arizona and the Crow Indian Reservation in Montana is dependent on Reclamation's developed water supplies.

In other instances Reclamation has constructed, as part of its project's distribution systems, facilities to serve Indian lands. Examples of this type of Indian irrigation works are the Pine River Project, Utah (Southern Ute Indian Tribe); the Salt River Project, Arizona (Salt River Indian Tribe); and, the Yuma Project, Reservation Division, Arizona and California (Quechan Tribe).

In still other instances Reclamation has made its technical expertise available to the Bureau of Indian Affairs and the tribes to construct specific works for the benefit of the Indian tribes and to train their operating personnel. Typical examples would be the replacement of Two Medicine Dam in Montana after the floods of 1964; construction of Bottle Hollow Dam and Reservoir in Utah to provide a great new recreational area for Indian management; and the current construction of the 111,000-acre Navajo Indian Irrigation Project in New Mexico. Each year Reclamation makes training available to Indian project irrigation personnel who participate on a cost-free basis in its annual Water Systems Management Workshop.

Persons knowledgeable of the Reclamation Act of 1902, as amended and supplemented through the years, and the growth of Reclamation activities, realize that the Bureau in itself cannot provide public support, initiate legislation, design, construct, and culminate all agreements and contracts
relative to building facilities for delivering water to potential users. Literally years of continuous local support backed by the intensive desires of many individuals working in concert with Reclamation, other local, State, and Federal entities, and the Congress have produced water-resource development projects in the West.

Reclamation has tried to keep abreast of National goals and is justly proud of achievements in this regard. Reclamation has fostered many administrative and procedural changes through the years and wishes to accept today's challenges, more formidable than in the past due to increasing competition for rapidly declining available water supplies, with a sense of mission and determination.

In the past, Reclamation has never been called upon to quantitatively analyze the amount of total natural water supply in Western United States that either rises within, flows through, or flows adjacent to Indian reservation lands. There has been no systematic and complete analysis of the amount of water needed to irrigate Indian lands or necessary to meet other implied potential uses of water within Indian reservations. This should be done to determine the water deficiency or the surplus of water leaving Indian lands that might be used for other purposes.

To assure continuity in the plans for use of the Western States developable water resources, Reclamation is conducting an 8-year study, referred to as the "Western United States Water Plan," which requires input from local, State, and Federal entities. The study will recognize all water rights within the affected Western States in determining each State's long-range water requirement. These efforts plus those of the Indian Water Rights Office recently established by the Secretary of the Interior within the Bureau of Indian Affairs,
demonstrate the recent acceleration of emphasis being placed upon the
determination of Indian and other water rights.

In conducting its studies, the Indian Water Rights Office will use the
technical capabilities of other Department of the Interior agencies to
develop standards for quantifying Indian water rights. It is possible
that during this process a host of new technical and legal questions will
be encountered and resolved.

Reclamation's water-resource projects have included allowances for
all applicable water rights as determined by studies at the outset of a
specific project's development. In these cases the "implied reservation"
doctrine as set out in Winters v. United States, 207 U.S. 565 (1903) is a
guide used in establishing present and potential Indian water rights based
upon suggested potential agricultural water requirements. Reclamation's
project-planning reports have, for many years, been subject to review by
other interested local, State, and Federal agencies including the Bureau
of Indian Affairs.

Quantitative analysis of water requirements on Indian lands during the
planning phases of a specific project's development or for allocating
water in selected operating projects has always followed standard Reclama-
tion estimating procedures. Water-requirement determinations applied to
Indian and non-Indian lands by Reclamation include: land classification
studies incorporating both physical and economic criteria to determine
suitability for irrigation; hydrologic studies comparing alternative
uses of water to ensure that no elements of our optimum resource develop-
ment plan are overlooked, based upon assumptions which allow some degree
of water shortages during critical years but provide minimal crop or other
dollar losses over the economic evaluation period; formulation analyses
to ensure each project increment of size, scale, purpose, or facility added to the project provides benefits at least equal to its costs; repayment analyses to ensure the payment of reimbursable construction, operation, maintenance, and replacement costs within a reasonable period of time; and specific safeguards provided in the project plan, design, construction to avert excessive adverse effects upon the environment and ecology during operation of the project. Further, new multiobjective planning criteria are being incorporated in our analyses which will lend emphasis upon national and regional goals in future project development.

There have always been conflicts in the development of water resources in Western United States. These conflicts have not been limited to Federal Government or others v. Indians but encompass conflicts between any combination of special interest groups one wishes to envision including private persons, agencies at all levels of Government as well as between peoples of various political and geographical subdivisions. There are also conflicts of purpose between available alternative uses wherein water might be employed to irrigate land, supply industries and municipalities, supply requirements for recreation and fish and wildlife developments. Conflicts also entail differences within Indian tribes of Western United States. Such conflicts occur naturally in Arizona where the multipurpose Central Arizona Project promises a dependable and firm water supply to Indian reservations that are landlocked in the midState area while the tribes of reservations located adjacent to the Colorado River appear more cautious in allowing further depletion of flows in the lower Colorado River System. Similar differences exist concerning the multipurpose San Juan-Chama Project where transmountain diversion facilities take water from the upper Colorado River Basin to provide water supplies for Tributary Indian
Irrigation Units and other uses in the Rio Grande River Basin. Pueblos of the planned Rio Grande tributary units are hopefully expectant of benefits from San Juan-Chama facilities, while the Jicarilla and Hickory Tribes located below upstream diversion points fear erosion of available waters in the upper Colorado River Basin.

\[ \text{does it?} \]
Reclamation projects are operated in compliance with State and Federal water-right laws governing the use of water in the 17 contiguous Western States. This involves established rights of private water users and Indians as well as water users served by Reclamation-constructed facilities.

In some areas the combination of State water laws, Federal legislation, court decrees, interstate compacts, and international treaties results in very complex operational considerations. Legal constraints associated with such operations require much more than a mere stroke of the Secretary's pen to modify them—as sometimes it may appear desirable for him to do.

Reservoirs formed by Reclamation dams provide hundreds of miles of shoreline adjacent to Indian reservations which may be used for recreational purposes by Indians who, in many cases, sell fishing or other recreational permits or services to non-Indians. The American Falls Reservoir adjacent to 35 miles of the Fort Hall Indian Reservation in Idaho, Franklin D. Roosevelt Lake adjacent to 130 miles of the Colville and to 40 miles of the Spokane Indian Reservations in Washington, Bighorn Reservoir with a 71-mile arm in the Crow Indian Reservation in Montana, and Lake Powell adjacent to over 60 miles of the Navajo Indian Reservation in Utah and Arizona are examples of this.

Indian tribes have negotiated contracts with industrial concerns and with Reclamation to use stored water from project facilities in utilizing mineral resources on Indian reservations. Water totaling 110,000 acre-feet per year from Bighorn Lake is earmarked for coal-mining developments on the Crow Indian Reservation. A unique feature of these contracts is that after the coal resource is depleted the water allocated for coal field development reverts back to the Indians with the understanding that it can be used for irrigation or other beneficial purposes for the reservation. Similarly
coal developments on the Navajo Reservation are being utilized by use of water from Lake Powell and Navajo Reservoir.

We fully recognize that there are instances where Indian tribes object to the development of Reclamation projects because they fear those projects will utilize water supplies that at some future date may be needed for a reservation. Differing interpretations of Indian water rights under the Winters Doctrine is the main cause of these difficulties. We believe that those rights should be clearly defined in order that both Indian and non-Indian water-resource developments can be utilized to provide the most efficient, maximum benefits to all people in the West.

The Reclamation Act of 1902 was authorized at a time when most peoples in the West were more interested in surviving in face of the adversities of nature than they were in preserving the status quo of drought conditions. The drive to change conditions for the benefit of man was paramount, and today the industries, farms, and cities of the West testify to the success of that effort.

In many instances Indian lands were included in the development of the early Reclamation projects. This was true in the case of the Newlands Project which was planned to irrigate approximately 73,000 acres including 4,900 acres of Indian lands. At this time about 2,200 acres of these Indian lands are irrigated and 63,000 acres in the Truckee-Carson Irrigation District are irrigated.

The Newlands Project has increased the rate of the falling trend of water levels of Pyramid Lake. We find no records expressing concern about this condition in the early days of the project, but as the general awareness of some of the detrimental effects of man's development became evident the need to preserve Pyramid Lake was also recognized.
The uses of water from the Truckee River, the receding water level of Pyramid Lake, and the safety of wildlife on Anaho Island have been of concern to the Department of the Interior for a number of years. In April 1964 the Department set up a task force to study the uses of the water of the Truckee River, as well as those of the Carson River. New regulations were issued in February 1967 for the purpose of increasing flows to Pyramid Lake to aid in the potential for recreation. Pursuant to agreements reached among the Secretary and the Governors of California and Nevada in July 1969 a special task force was set up. This task force included representatives of the Department and the States of California and Nevada who made a further study of water allocations in the Truckee-Carson River Basins. Also plans are now underway to develop measures to reduce the decline of the water level in Pyramid Lake.

At the end of 1966 the elevation of Pyramid Lake was approximately 3,785 feet. By the end of 1971 it was about 3,794 feet. We believe that some of the improved conditions in the lake resulted from the operating regulations issued by the Secretary.

Water users diverting from the Truckee and Carson Rivers and tributaries have water rights filed under the laws of the States of California and Nevada which are recognized by court decrees. The Pyramid Lake Paiute Tribe of Indians also has water rights assigned to their lands. Court recognition makes it impossible for a Government agency to take arbitrary action to cut off diversions, even though it recognizes the benefits and biological interests associated with Pyramid Lake. We believe that the steps being taken to encourage the efficient use of water to prevent waste, and to operate by planned regulations will make more water available for Pyramid Lake.
Marble Bluff Dam and the Pyramid Lake Fishway are improvements planned on the lower Truckee River. The facilities will be on the Pyramid Lake Indian Reservation and will control erosion detrimental to fishery conditions and will provide a heading for fish to pass between the Truckee River and the Lake. Funds for preconstruction work in Fiscal Year 1973.