

The Honorable Paul Gosar
Vice-Chair
House Water, Power and Oceans Subcommittee
Opening Statement
Legislative Hearing on
H.R. 4366, H.R. 5217 and the
Discussion Draft of “The Blackfeet Water Rights Settlement Act of 2016”
May 24, 2016

Thank you for holding this hearing,

Arizona is home to 22 federally recognized American Indian tribes, has the second largest American Indian population and reservation land covers over a quarter of the State, making Indian water rights settlements one of the most important issues facing Arizonans.

Tribal and non-tribal communities, water and power users, the State and the federal government have a long history of working together on complex Indian water rights settlements. Ten such settlements in Arizona – or portions of them – as listed here on the tv screen have been enacted by Congress and there are more on the horizon depending on negotiations.

These settlements can be a significant benefit to tribal communities who have decades of water claims; they can remove clouds of litigation uncertainty for water and power ratepayers and industries and they can reduce federal liability to benefit the American taxpayer. They can also protect and promote jobs – like the 4,000 mining jobs affiliated with the no-federal cost Bill Williams River Water Rights Settlement law that Senator Jeff Flake and I sponsored in the last Congress. When done properly, they can be a win-win for everyone involved.

Although recent ones have not cost taxpayers a dime, some like the Blackfeet legislation before us will cost federal money due, in part, to the federal tribal trust responsibility. Since there's a federal funding backlog on existing Indian water rights settlements, we have a growing national debt and many of our non-western colleagues are not familiar with the Winters Doctrine and tribal water, it's important that Congress is educated and making informed decisions on future settlements.

That's why Chairman Bishop's February 2015 letter and the Administration's complete answers to it can help pave the way for consideration of these important matters. It's my hope that the Administration, which has been acting in good faith so far, will provide all the answers

necessary to move forward on the Blackfeet, Pechanga (*Pa-changa*) and additional settlements. No one, except for a few so-called environmental groups, prefers endless litigation and these settlements, with more information, can help provide a blueprint for water certainty and taxpayer relief.

The San Luis Unit drainage bills before us today aim to achieve that as well. This Administration concluded that it's responsible under federal law for building a multi-billion dollar irrigation drain and instead negotiated with local irrigation districts to go another route that could potentially save billions of dollars. Meanwhile, the irrigation district that has helped pay for a drain that was never built will get some of its money back but it is also indemnifying the U.S. from liability for the damages associated with failing to provide drainage..

Nothing is ever perfect in a negotiated water-related settlement, but I want to applaud these parties here today who have worked together to achieve a better future for their communities. I also want to commend Mr. Zinke, Mr. Valadao and Mr. Costa for their leadership on these bills. I look forward to getting more answers today and into the future on these well-intentioned efforts.