

Fort Belknap Indian Community



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Fort Belknap Indian Community
(Tribal Govt.)
Fort Belknap Indian Community
(Elected to administer the affairs of the community and
to represent the Assiniboinne and the Gros Ventre
Tribes of the Fort Belknap Indian Reservation)

**TESTIMONY OF THE FORT BELKNAP INDIAN COMMUNITY
BEFORE THE HOUSE OF REPRESENTATIVES
COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON WATER, WILDLIFE AND FISHERIES**

**LEGISLATIVE HEARING ON H.R. 7240 AND H.R. 8791
FORT BELKNAP INDIAN COMMUNITY WATER RIGHTS SETTLEMENT ACT OF 2024**

JULY 23, 2024

Chairman Bentz, Vice Chair Kiggans, Ranking Member Huffman, and Honorable Members of the Subcommittee on Water, Wildlife and Fisheries, my name is Jeffrey Stiffarm and I serve as President of the Fort Belknap Indian Community (FBIC) Council of the Fort Belknap Reservation (Reservation). I appreciate the opportunity to testify in support of H.R. 7240, the “Fort Belknap Indian Community Water Rights Settlement Act of 2024” and H.R. 8791, which is also entitled the “Fort Belknap Indian Community Water Rights Settlement Act of 2024.” Both of these nearly identical bills would quantify our water rights and settle our damages claims against the United States.

The only difference between the bills is that H.R. 8791 includes funding for water distribution and waste water treatment facilities for the Blackfeet Tribe. We support the Blackfeet Tribe obtaining funding for water infrastructure on their reservation needed to serve their members. We also appreciate the Subcommittee’s consideration of their water infrastructure needs. While Congress sends billions in aid to other countries and people overseas, many Indian tribes and tribal members still live without basic water infrastructure. The United States’ fulfillment of its treaty and trust responsibilities is long overdue and we support Congressional investment in tribal water infrastructure needed to fulfill these obligations. However, to clarify for the Subcommittee, the funding and infrastructure for the Blackfeet Tribe included in H.R. 8791 is not a part of the FBIC’s water rights or damages claims that we negotiated with the United States and the State of Montana.

The version of our Water Rights Settlement Bill (Bill) included in H.R. 7240 has already passed the Senate twice. Our Bill first passed the Senate on July 27, 2023, as Division K of S. 2226, the National Defense Authorization Act (NDAA). The Senate then passed our Bill a second time as a standalone bill, S. 1987, on June 20, 2024. The Senate passed our Bill a second time because our Bill includes \$300 million for the federal Milk River Project to mitigate the impact of the development of our Indian reserved water rights on the non-Indian state water users on the Milk River. This includes funding for the restoration, rehabilitation, and repair of the St. Mary

Diversion Canal which provides water for communities and irrigation across northcentral Montana, including our Fort Belknap Reservation. The St. Mary Canal System recently suffered an emergency catastrophic blowout creating a water shortage on the Milk River for 2024 that will continue into 2025, and the Senate quickly passed our Bill to support repair and upgrades for this critical water infrastructure. Through the passage of either H.R. 7240 or H.R. 8791 all of these commitments will be fulfilled.

We are grateful for the strong support of the full Montana Congressional Delegation including Senator Tester, Senator Daines, Congressman Rosendale, and Congressman Zinke. We are also grateful for the support of Montana Governor Gianforte and the Biden Administration. Our Bill is also supported by local governments, irrigators, and conservation organizations. About 40 years ago, we began working to develop and negotiate a bipartisan bill that would settle our Indian water rights, improve our agricultural economy, provide for our homelands, and benefit surrounding communities and water users. We respectfully request that the Subcommittee take action to finally and swiftly approve our Water Rights Settlement Bill and support passage by the House of Representatives.

Brief History of the Gros Ventre and Assiniboine Tribes and the Reservation

The Gros Ventre and Assiniboine Tribes (Tribes) comprise the Fort Belknap Indian Community of the Fort Belknap Reservation in the State of Montana. Through a series of treaties and agreements with the United States, Congress established our current and final, permanent homeland in 1888, the Fort Belknap Reservation for the Gros Ventre and Assiniboine Tribes.¹ Since 1905, the United States Supreme Court recognized that a “treaty was not a grant of rights to the Indians, but a grant of right from them.”² The Assiniboine and Gros Ventre Tribes, as recognized governments, retained and reserved the sovereign rights not granted to the United States—including our water rights.

The 1888 Agreement, which passed by Congress, required the relinquishment of most of our Tribes’ ancestral territory and resulted in a significant reduction in the lands that the Tribes could occupy and use. The federal purpose of the 1888 Agreement continued the policy of establishing an agricultural economy for the Tribes. The Agreement expressly stated that the Tribes would “obtain the means to enable them to become self-supporting, as a pastoral and agricultural people[,]”—creating an agricultural Reservation economy. Funds were provided for the purchase of cows, bulls, and other stock, and agricultural implements, among other purchases, and for “undertak[ing] the cultivation of the soil.”³

In these negotiations, our ancestors were forced to cede millions of acres of their ancestral lands and resources. In return, through the Treaty of 1855, the 1888 Agreement, and other agreements, the United States promised to provide and support an agricultural economy that would sustain our Tribes on our reserved homelands. Irrigation began on our Reservation in 1889. By 1898, the Tribal members were irrigating about 30,000 acres on the Milk River, which forms the

¹ Agreement of May 1, 1888, 25 Stat. 113 [hereinafter “1888 Agreement”].

² *United States v. Winans*, 198 U.S. 371, 381 (1905).

³ 1888 Agreement at Articles III, V.

northern boundary of our Reservation, for grain, grass, and vegetables. Congress authorized the construction of irrigation systems on the Reservation, now known as the Fort Belknap Indian Irrigation Project.

However, non-Indian, upstream irrigators were soon depleting our main water supply, the Milk River. The United States, our trustee, protected a portion of our Indian water supplies and went to court to defend our right to water for our Reservation. In 1908, the U.S. Supreme Court concluded that the lands of the Fort Belknap Reservation were “practically valueless without irrigation—a barren waste[,]” *Winters v. United States*,⁴ and established the “*Winters Doctrine*.” The Indian reserved water rights began with our Reservation, and we are the “*Winters Tribes*.” Under the *Winters Doctrine*, the “the Federal Government’s reservation of land for an Indian tribe also implicitly reserves the right to use water . . . to accomplish the purpose of the reservation.” *Arizona v. Navajo Nation* case (U.S. Supreme Court, June 22, 2023).⁵

Despite actions in *Winters v. United States*, over the next 100 plus years, the United States failed to fulfill many of its promises and commitments, including protecting and preserving our waters. Because of a failure by the Federal Government to maintain and complete construction of our federal Indian Irrigation Project, we are currently irrigating only about 10,000 acres of our irrigable lands. It is time for Congress to ratify our historic Indian water rights and approve our Water Rights Settlement Bill, which will provide us the ability to develop and use our Indian water rights for our agricultural lands and to provide clean and safe drinking water for our people.

Montana Water Court Adjudication

In the 1970s, the Montana started a general stream adjudication of all water rights through the Montana Water Court.⁶ The Montana State Legislature also set up a process that would allow tribes to negotiate their water rights with the State instead of litigating them through the State Water Court. The negotiations process was carried out through the Montana Reserved Water Rights Compact Commission (Commission). In 1981, the FBIC Council chose to negotiate and settle its Indian water rights with the State and United States. In 1990, the FBIC stipulated to stay proceedings in pending lawsuits in the federal court of Montana and the pending adjudication in the Montana Water Courts.

However, the State Legislature ended the activities of the Commission in 2013 and set a deadline for all remaining Indian reserved water rights claims to be filed with the Water Court by June 30, 2015. The United States, as our trustee, filed the FBIC water claims on behalf of the FBIC. Our water rights claims, therefore, are before the Montana Water Court, and it is currently uncertain when the Court will initiate the adjudication of our claims. However, an adjudication of these claims after decades of negotiations, an agreed-upon Water Compact, and a proposed Water Rights Settlement Bill before Congress would be tragic for all Parties now—resulting only in a

⁴ *Winters v. United States*, 207 U.S. 564, 576 (1908).

⁵ *Arizona v. Navajo Nation*, Case No. 21-1484, 2023 WL 4110231, at *3 (S.Ct. June 22, 2023) (internal citation omitted).

⁶ The following historical information is taken from a Briefing Paper (June 2000) in the Montana Reserved Water Rights Commission archives (author unknown).

“paper water right” for the FBIC, with no ability to develop and benefit from our Indian water. Therefore, time for Congressional approval of our Water Rights Settlement is of the essence.

In short, litigation of Indian water rights is a lengthy and costly process, with an uncertain outcome—for everyone. In recent years, Montana Lt. Governor Juras also joined in support of settlement over litigation and has testified before Congress in support of our water rights settlement. We are seeking a settlement that provides us with “wet water,” with sufficient funding to settle our claims and allow for the development and use of our Indian water rights. That is the promise of settlement over litigation.

History of Settlement Negotiations

We came to the bargaining table in good faith that our Federal Negotiations Team was fully participating as the trustee over what is our most valuable natural resource—water. In the 1980s, we chose settlement over litigation with the State and Federal governments when we initiated negotiations with the Commission and our assigned Department of the Interior, Federal Negotiations Team, and the Secretary’s Indian Water Rights Office (SIWRO). Negotiations among FBIC, the State, and the United States were conducted in earnest from the 1990s until 2023.

The Commission conducted no fewer than 20 meetings between 1997-2000 throughout our region, known as the Hi-Line area of north central Montana, for public information and input on the proposed Water Compact. The Commission documented over 18 negotiating sessions with the FBIC and Federal government between 1990-2000. In addition, substantial public information and drafts of the Water Compact were distributed through numerous public and FBIC outlets.⁷ This extensive public and tribal information effort led to the overwhelming bipartisan approval of our 2001 Fort Belknap-Montana Compact (Water Compact) by the Montana State Legislature (over 90% approval).⁸ The FBIC Council also approved the Water Compact.

Our Water Rights Settlement Bill is based on long-standing, historical principles of federal policy for the reserved water rights of Indian people that ensure we will receive the full benefit of the water rights promised to us in treaties and agreements with the United States. These principles include (1) recognition of a reservation of water for reservation homelands and the promise of assistance in establishing an agricultural economy when valuable tribal lands were ceded to the United States; (2) a method of quantifying our Indian water rights based on the practicably irrigable acreage (PIA) of the reservation; and (3) the importance and obligation of the United States to honor its treaty promises and keep its word to assist us with the establishment of a viable agricultural economy in order to create a permanent homeland. As noted here, this includes the court-approved principles of practicably irrigable acreage (PIA) to quantify the volume of our Indian reserved water rights.⁹

⁷ This information is taken from the Montana Water Rights Commission archives, provided by the State.

⁸ Mont. Code Ann. §§ 85-20-1001 through 85-20-1008 (ratified on Apr. 16, 2001).

⁹ *Arizona v. California*, 373 U.S. 546 (1963), *decree entered*, 376 U.S. 340 (1964) (quantifying the tribes’ *Winters* water rights on the basis of practicably irrigable acreage (PIA), holding that PIA is the only fair and feasible way to determine the measure of an Indian reservation water right.); *See also*, e.g., 2006 Anderson Paper at 429 (“Most

Overall, our Indian Water Rights Settlement Bill is structured to promote economic development and efficiency on our Reservation and our Tribal self-sufficiency.¹⁰ It is an agricultural infrastructure development plan and includes infrastructure to develop and ensure clean and safe drinking water to end water insecurity on our Reservation. It provides for the FBIC to develop, administer, use, manage, and enforce our reserved water rights and improve the poor economic condition of our members on the Reservation. This is an Indian water settlement—where 97% of our Reservation lands are trust lands, held by the United States for the benefit of the FBIC and our allottees.¹¹ Our Fort Belknap Indian Irrigation Project and other Reservation irrigated lands serve primarily the trust lands of Indian people.

FBIC Water Rights Settlement is an Infrastructure Bill

Funding in our Water Rights Settlement Bill will go toward supporting and developing long overdue traditional infrastructure investments, including the development of both agricultural and domestic water supplies, that the United States promised to the Gros Ventre and Assiniboine Tribes. The Aaniiih Nakoda Settlement Trust Fund in our Water Rights Settlement Bill, named for the Gros Ventre and Assiniboine Tribes in our respective Native languages, includes three accounts and their uses, described below.

FBIC Tribal Irrigation and Other Water Resources Development Account #1 (\$119,524,134)

- Restore the Southern Tributary Irrigation Project (STIP) and Peoples Creek Irrigation Project, including construction of the Upper Peoples Creek Dam and Reservoir, on the southern portion of the Reservation.
- Develop infrastructure for stock-watering across the Reservation.
- Provide on-farm development support.
- Repair, restore, and develop wetlands across the Reservation.
- Conduct all environmental compliance activities.
- Conduct planning, studies, and design work for all activities.

The FBIC Tribal Irrigation and Other Water Resources Development account will provide funding to restore the Southern Tributary Irrigation Project, which was abandoned by the Bureau of Indian Affairs (BIA) in the 1960-70s in disrepair, preventing tribal members from an irrigation resource, and the Peoples Creek Irrigation Project. This funding includes construction of the Upper Peoples Creek Dam and Reservoir on the southern portion of the Reservation, which will provide mitigation for the FBIC due to its agreement to subordinate its priority Indian water rights

important is the fact that in the era of negotiated Indian water settlements, PIA is the one component that can be objectively evaluated and thus serves as a cornerstone for the settlement framework.”; *Greely v. Confederated Salish & Kootenai Tribes*, 219 Mont. 76, 712 P.2d 754 (1985); and *In re General Adjudication of All Rights to Use Water in Big Horn River System*, 753 P.2d 76 (Wyo. 1988); *aff’d by equally divided court per curiam, Wyoming v. United States*, 492 U.S. 406 (1989), *cert. denied, Shoshone Tribe v. Wyoming*, 109 S.C. 3265 (1989).

¹⁰ See 1990 Criteria and Procedures for Participation of Federal Government in Negotiating for Settlement of Indian Water Rights Claims, 55 Fed. Reg. 9223-9225 (Mar. 12, 1990) [hereinafter “1990 Criteria”].

¹¹ Montana Budget & Policy Center, Policy Basics: Taxes in Indian Country Part 2: Tribal Governments (Nov. 2017), (citing *Tribal Nations in Montana: A Handbook for Legislators*, 2016).

on the Upper Peoples Creek to upstream state irrigators on family farms. Funding would also be provided to develop infrastructure for stock-watering across the Reservation, provide on-farm development support, and restore and develop wetlands across the Reservation.

**FBIC Water Resources and Water Rights Administration, Operation, and Maintenance
Account #2 (\$66,630,752)**

- Establish, operate, and provide capital expenditures to establish a Tribal water resources and water rights department for administration, management, and regulation of the Tribal water rights, including development of a Tribal Water Code.
- Create a Tribal trust fund to provide investment earnings for the long-term support of the Tribal water resources and water rights department to administer and manage the FBIC's water rights.
- Create a Tribal trust fund to provide investment earnings to pay a portion of the annual operation and maintenance assessment costs for Tribal irrigators to ensure long-term repair and upkeep of the irrigation projects.

FBIC Water Resources and Water Rights Administration, Operations and Maintenance account supports the traditional Indian water settlement activities crucial to the establishment of a Tribal water resources and water rights department. A Tribal trust fund will be established that will allow the Tribal department to operate on the annual interest earned on the Tribal trust fund and support the costs of the regulation, administration, and enforcement of the FBIC water rights with the development of a Tribal water code, as well as support the cost of capital projects that will provide the necessary infrastructure, equipment, and data to support the Tribal department activities. Finally, this account provides funds necessary to establish an Operation and Maintenance Fund for the Tribal agricultural irrigation projects on the Reservation, using annual earned interest to support a portion of the annual operation and maintenance costs of Tribal irrigators—proven to be important for sustaining the agricultural economy on the Reservation.

**FBIC Clean and Safe Domestic Water and Sewer Systems, and Lake Elwell Project
Account #3 (\$442,513,627)**

- Construct and improve access to and the safety of a clean, domestic water supply and wastewater removal systems on the Reservation.
- Develop two new wells at 300-ft deep, and one new well at 480-ft deep to provide water for the communities of the Fort Belknap Agency, Hays, and Lodgepole.
- Develop Homesite wells.
- Construct new water treatment facilities in the Lodge Pole and Hays communities.
- Expand existing tribal domestic water delivery lines.
- Construct a Project to deliver clean and reliable water from Lake Elwell for the southern portion of the Reservation.
- Construct a Tribal wellness center to improve and ensure a healthy workforce that will assume responsibilities related to the Project activities funded under this bill.

The FBIC Clean and Safe Domestic Water Supply and Wastewater Systems, and Lake Elwell Project account supports bringing and storing clean drinking water for the Reservation. FBIC has both drinking water supply issues and water quality concerns. The cost estimates are intended to cover needed improvements to the water facilities at each of the Reservation communities, as well as at individual homes within the rural areas of the Reservation. Renovation of the existing Fort Belknap Agency domestic water system will support the anticipated future growth in domestic water demands on the Reservation.

The Lake Elwell Project will bring clean water to the southern portion of the Reservation to ensure an adequate water supply to the Tribal communities and members in this area of the Reservation, which is in need of safe and reliable drinking water. The southern portion of the Reservation continues to experience boil orders due to an unreliable water system and low water levels. There is also the threat to our groundwater from acid mine drainage due to terrible practices of a cyanide heap leach gold mine located on the southern border of the Reservation. Without the funding provided in this account, the FBIC Tribal members will continue to experience water insecurity on the Reservation.

**Fort Belknap Indian Irrigation Project System Implementation Non-trust Federal
Account (\$415,832,153)**

In addition to the Aaniiih Nakoda Settlement Trust Fund and its three accounts, our Bill includes funding for the rehabilitation, modernization, and expansion of the BIA Fort Belknap Indian Irrigation Project (FBIIP or Project) on the Milk River within the Reservation. The Bill includes an expansion of the BIA's Milk River unit that will consist of an additional 16,465 acres of new irrigable lands, for a total of 26,890 acres under irrigation in the FBIIP Milk River Unit. The Tribe's Indian water rights from the Milk River is secured under the Compact for the new future irrigated lands. This will also include construction of a new off-stream water storage reservoir, the Fort Belknap Reservoir, on Three Mile Creek with a capacity of about 60,000 acre-feet, and construction of levees for flood protection of the Milk River Unit lands.

The Project was originally authorized for construction in 1895, but construction of the full project was never completed. There are 358 allottee users under the FBIIP and the Tribe's original *Winters* water rights for 10,425 acres of historically irrigated lands will be used by the Project. The Project was constructed over 100 years ago and is in desperate need of rehabilitation and modernization. The construction of the Project is also long past due for being completed. Our Bill establishes the BIA's role as the Lead Agency for the FBIIP activities and requires the BIA to coordinate with the Bureau of Reclamation (BOR). Our Bill would also allow FBIC to enter into self-determination contracts to conduct all or a portion of the activities identified for the FBIIP with either BIA or BOR.

Our Water Rights Settlement Bill would require the Secretary of the Interior (Secretary) to facilitate the formation of a project management committee made up of representatives of the BIA, BOR, and the FBIC. The committee would review and make recommendations relating to cost factors, budgets, and implementing activities related to the FBIIP. The committee is also responsible for improving management of inherently governmental activities.

Mitigation for State Water Users

After our long-time cooperation and compromises with our non-Indian neighbors, Congressional support of the agreed-upon mitigation activities consistent with our negotiated FBIC-State-Federal Water Compact will create harmony at a time when water wars between water users are increasing. In fact, Montana has had a severe drought in recent years. Mitigation activities will stabilize the water supply, conserve water, and improve water use efficiency. Continued cooperation among the interested parties through the mitigation activities will also respect the sovereignty of the State and FBIC in our respective jurisdictions.¹²

As described in the Water Compact, the Parties plan improvements in the operating capabilities of the Milk River Project, where the Milk River is the FBIC's largest source of our Indian water rights and forms the northern boundary of our Reservation. These improvements will mitigate the impact of the FBIC's future water development on the Milk River Project users and tributary water users. The Water Compact also provides that the FBIC will subordinate its senior water rights in the Upper Peoples Creek to upstream non-Indian irrigation water users so that they will be able to continue their historical irrigation water use and family farms.

Milk River Project Mitigation (\$300,000,000)

Improvements in the water supply of the Milk River for the Milk River Project, which includes the St. Mary Diversion and Canal, will mitigate the impact of the development and future use of our Tribal Water Rights in the Milk River and provide protection of water use on upstream tributaries. This is important because in our approved Water Compact, the State reserved the right to withdraw as a party if "Congress does not authorize and appropriate the federal share of funding for the modification to the Milk River Project or other alternatives necessary to mitigate the impact of development on the Tribal Water Right."¹³

Extensive studies have been conducted to analyze the impact of FBIC's water development and use on the Milk River. Projects were identified that would provide the required mitigation for the Milk River Project users and tributary water users. The Secretary is required to restore, rehabilitate, and repair the St. Mary Canal and associated facilities in cooperation with the State and the Blackfoot Tribe. The Secretary is also required to rehabilitate and enlarge the Dodson South Canal and associated facilities in cooperation with the State and the FBIC.

Just a few weeks ago we were alerted again to the critical need for this funding and water infrastructure repairs and upgrades. On June 17, 2024, the St. Mary Canal system suffered catastrophic failure of its siphons that transport water to the Milk River across a broad valley. Communities across the Montana Hi-Line, including FBIC, depend on the Milk River Project and its St. Mary Diversion and Canal for drinking water, municipal water, and the significant agricultural economy.

¹² 1990 Criteria.

¹³ Fort Belknap-Montana Compact, Mont. Code Ann. § 85-20-1001, Article VII.A.4.c.

Our lives and agricultural economy are literally dependent on water infrastructure that is more than 100 years old. Even with quick action, the catastrophic failure of the St. Mary siphons at the beginning of the growing season will threaten crops and our livestock for at least the next two years. We could not withstand much more. We need quick action to restore and improve this critical water infrastructure and secure our communities for the next 100 years.

Upper Peoples Creek
(included in Trust Fund, Account #1 funding)

The second mitigation-related agreement of the Parties to our Water Compact is provided at Art. VI.C.:

The Parties agree, that, as a result of the protections provided to the Upper Peoples Creek [non-Indian] water users in the Compact and the variable natural water supply in the Peoples Creek Basin, the water supply available for development of the Tribal Water Right in the Peoples Creek may be limited. The Parties agree that such impacts can and shall be mitigated. . . through the construction of a dam and reservoir . . . and to seek appropriations . . . for the benefit of the Tribes.

During the Water Compact negotiations, non-Indian, state irrigators who have historically farmed on Upper Peoples Creek, upstream of the western boundary of the Reservation, sought protection from the FBIC's agreed-to Indian water rights quantification, development, and use in the Upper Peoples Creek. Additionally, the Peoples Creek Basin has a highly variable natural water supply, resulting in limitations in the development and use of the Tribal Water Rights in Peoples Creek on the Reservation.

Therefore, the FBIC agreed to allow the current irrigation of lands in Upper Peoples Creek by the non-Indian irrigators, subordinating the FBIC's senior reserved water rights. In exchange for the FBIC agreement with these state water users, the State and Federal governments agreed to mitigate the impact on the FBIC water use by constructing a dam and reservoir for the benefit of the FBIC in the Upper Peoples Creek. The dam and reservoir will significantly improve the reliability, availability, and use of the FBIC water rights from Peoples Creek on the Reservation.

**State and Federal Land Transfers
(38,462 total acres)**

The Bill authorizes the transfer of approximately 16,117 acres of federal land from the Bureau of Land Management, BIA, including former allotments, and Bureau of Reclamation. The Bill also authorizes the Secretary of Interior and Secretary of Agriculture, Forest Service, to enter negotiations with the State to exchange approximately 22,345 acres of State trust lands for Federal lands to be transferred and held in trust for the FBIC. The total acreage to be transferred to the Tribe is approximately 38,462 acres.

No private lands are included in the Federal land transfer and customary access to private lands will be retained. The federal lands to be transferred will be subject to valid existing rights and requirements and be held in trust for the Tribe. The land transfers provide for consolidation of Tribal lands both on and off the Reservation (including the submarginal land area adjacent to the western boundary of the current Reservation) for improved Tribal administration, better management of forested lands by our experienced land management department and fire response team, and the restoration and protection of the FBIC's cultural resources.

A significant distinction between the Bill version we initially introduced in the Senate in June 2023, S. 1987, and the version that has now passed the Senate twice is that a provision in the Federal lands transfer section was removed. The removed provision included the transfer of future allotments foreclosed by the United States Department of Agriculture (USDA). This provision would have allowed future USDA foreclosed land to be transferred to the BIA and put into trust for the Fort Belknap Indian Community. H.R. 7240 and H.R. 8791 both reflect this revision.

Conclusion

Congress has an opportunity to address more than 100 years of neglect and failure of the United States to fulfill its commitments made in treaties and agreements with the Gros Ventre and Assiniboine Tribes by passing our Indian Water Settlement Bill. Water is life. Indian water rights are one “of the four critical elements necessary for tribal sovereignty.”¹⁴ Our Water Rights Settlement Bill will provide recognition and enforceability of our reserved water rights, self-sufficiency, and economic success—and supports the permanent, livable homeland for our people that was promised to us by the United States. Our Water Rights Settlement Bill will ratify our negotiated Indian water rights and provide much-needed economic benefits for the FBIC and surrounding communities.

Approval of our Water Rights Settlement is an historic event—we are the *Winters* Tribes with United States Supreme Court adjudicated and decreed Indian reserved water rights since 1908, and we are the last Tribes in Montana to achieve our water settlement with the United States. We respectfully request that Congress work to swiftly pass our Water Rights Settlement Bill. It is long overdue.

¹⁴ *City of Albuquerque v. Browner*, 97 F. 3d 415, 418 (10th Cir. 1996).