



October 14, 2019

The Honorable Mitch McConnell
Senate Majority Leader

The Honorable Charles Schumer
Senate Minority Leader

The Honorable John Thune
Senate Majority Whip

The Honorable Nancy Pelosi
Speaker of the House

The Honorable Steny Hoyer
House Majority Leader

The Honorable Kevin McCarthy
House Minority Leader

Dear Senate and House Leadership:

On behalf of the Conference of Western Attorneys General, we write to express our support for securing settlement funds to implement tribal water right settlements through extension of the Reclamation Water Settlements Fund. S. 886 and H.R. 1904 would amend Section 10501 of the Omnibus Public Land Management Act of 2009 (43 U.S.C. 407) to extend funding for tribal water right settlements.

The Conference of Western Attorneys General, composed of state attorneys general from fifteen western states and three territories, has a long history of encouraging tribal water right settlements dating back to its *Reserved Water Rights Settlement Manual* published in 1988. As then Idaho Attorney General Jim Jones noted in the introduction to the *Manual*, “[l]itigation is a poor tool to fashion practical solutions for the conflicting demands for the limited water supply in the west.” Litigation creates winners and losers, whereas negotiation allows affected interests to fashion solutions that ensure a reliable water supply for both tribal and non-tribal communities and foster shared economic development. Moreover, water settlements help to overcome historic distrust between the parties and lead to long-lasting relationships that provide a foundation for resolving other problems.

Essential to most tribal water settlements is federal funding to provide resources to tribes to develop their water rights and to compensate them for neglected federal trust obligations. Prior to the Omnibus Public Land Management Act of 2009, many tribal water settlements languished in Congress awaiting federal funding authorization. While creation of the Reclamation Water Settlements Fund has provided a stable source of funding for tribal water settlements, the monies

directed to the fund by the 2009 Act are insufficient to cover the authorized settlements, and the Fund is scheduled to sunset on September 20, 2034.

We encourage Congress to extend the Reclamation Water Settlements Fund. Negotiated resolution of tribal claims avoids expensive and divisive litigation and allows affected interests to fashion solutions that lead to win-win outcomes.

Sincerely,

A handwritten signature in black ink, appearing to read "K White".

Karen White
Executive Director
Conference of Western Attorneys General
and CWAG Alliance Partnership
(916)833-2603
Karen.White@cwagweb.org

1300 I Street
Sacramento, California 95814
<https://www.cwagweb.org/>