

106TH CONGRESS  
2D SESSION

**H. R. 2820**

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**AN ACT**

To provide for the ownership and operation of the irrigation works on the Salt River Pima-Maricopa Indian Community's reservation in Maricopa County, Arizona, by the Salt River Pima-Maricopa Indian Community.



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To provide for the ownership and operation of the irrigation works on the Salt River Pima-Maricopa Indian Community's reservation in Maricopa County, Arizona, by the Salt River Pima-Maricopa Indian Community.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. FINDINGS.**

2 The Congress finds and declares that—

3 (1) it is the policy of the United States, in ful-  
4 fillment of its trust responsibility to Indian tribes, to  
5 promote Indian self-determination and economic  
6 self-sufficiency;

7 (2) the Salt River Pima-Maricopa Indian Com-  
8 munity (hereinafter referred to as the “Commu-  
9 nity”) has operated the irrigation works within the  
10 Community’s reservation since November 1997 and  
11 is capable of fully managing the operation of these  
12 irrigation works;

13 (3) considering that the irrigation works, which  
14 are comprised primarily of canals, ditches, irrigation  
15 wells, storage reservoirs, and sump ponds located ex-  
16clusively on lands held in trust for the Community  
17 and allottees, have been operated generally the same  
18 for over 100 years, the irrigation works will continue  
19 to be used for the distribution and delivery of water;

20 (4) considering that the operational manage-  
21 ment of the irrigation works has been carried out by  
22 the Community as indicated in paragraph (2), the  
23 conveyance of ownership of such works to the Com-  
24 munity is viewed as an administrative action;

25 (5) the Community’s laws and regulations are  
26 in compliance with section 2(b); and

## 13 SEC. 2. CONVEYANCE AND OPERATION OF IRRIGATION 14 WORKS

15 (a) CONVEYANCE.—The Secretary of the Interior, as  
16 soon as is practicable after the date of the enactment of  
17 this Act, and in accordance with the provisions of this Act  
18 and all other applicable law, shall convey to the Commu-  
19 nity any or all rights and interests of the United States  
20 in and to the irrigation works on the Community's res-  
21 ervation which were formerly operated by the Bureau of  
22 Indian Affairs. Notwithstanding the provisions of sections  
23 1 and 3 of the Act of April 4, 1910 (25 U.S.C. 385) and  
24 sections 1, 2, and 3 of the Act of August 7, 1946 (25  
25 U.S.C. 385a, 385b, and 385c) and any implementing reg-

1 ulations, during the period between the date of the enact-  
2 ment of this Act and the conveyance of the irrigation  
3 works by the United States to the Community, the Com-  
4 munity shall operate the irrigation works under the provi-  
5 sions set forth in this Act and in accordance with the In-  
6 dian Self-Determination and Education Assistance Act  
7 (25 U.S.C. 450 et seq.), including retaining and expending  
8 operations and maintenance collections for irrigation  
9 works purposes. Effective upon the date of conveyance of  
10 the irrigation works, the Community shall have the full  
11 ownership of and operating authority over the irrigation  
12 works in accordance with the provisions of this Act.

13 (b) FULFILLMENT OF FEDERAL TRUST RESPON-  
14 SIBILITIES.—To assure compliance with the Federal trust  
15 responsibilities of the United States to Indian tribes, indi-  
16 vidual Indians and Indians with trust allotments, includ-  
17 ing such trust responsibilities contained in Salt River  
18 Pima-Maricopa Indian Community Water Rights Settle-  
19 ment Act of 1988 (Public Law 100–512), the Community  
20 shall operate the irrigation works consistent with this Act  
21 and under uniform laws and regulations adopted by the  
22 Community for the management, regulation, and control  
23 of water resources on the reservation so as to assure fair-  
24 ness in the delivery of water to water users. Such Commu-  
25 nity laws and regulations include currently and shall con-

1 tinue to include provisions to maintain the following re-  
2 quirements and standards which shall be published and  
3 made available to the Secretary and the Community at  
4 large:

5 (1) PROCESS.—A process by which members of  
6 the Community, including Indian allottees, shall be  
7 provided a system of distribution, allocation, control,  
8 pricing and regulation of water that will provide a  
9 just and equitable distribution of water so as to  
10 achieve the maximum beneficial use and conserva-  
11 tion of water in recognition of the demand on the  
12 water resource, the changing uses of land and water  
13 and the varying annual quantity of available Com-  
14 munity water.

15 (2) DUE PROCESS.—A due process system for  
16 the consideration and determination of any request  
17 by an Indian or Indian allottee for distribution of  
18 water for use on his or her land, including a process  
19 for appeal and adjudication of denied or disputed  
20 distributions and for resolution of contested adminis-  
21 trative decisions.

22 (c) SUBSEQUENT MODIFICATION OF LAWS AND REG-  
23 ULATIONS.—If the provisions of the Community's laws  
24 and regulations implementing subsection (b) only are to  
25 be modified subsequent to the date of the enactment of

1 this Act by the Community, such proposed modifications  
2 shall be published and made available to the Secretary at  
3 least 120 days prior to their effective date and any modi-  
4 fication that could significantly adversely affect the rights  
5 of allottees shall only become effective upon the concur-  
6 rence of both the Community and the Secretary.

7 (d) LIMITATIONS OF LIABILITY.—Effective upon the  
8 date of the enactment of this Act, the United States shall  
9 not be liable for damages of any kind arising out of any  
10 act, omission, or occurrence based on the Community's  
11 ownership or operation of the irrigation works, except for  
12 damages caused by acts of negligence committed by the  
13 United States prior to the date of the enactment of this  
14 Act. Nothing in this section shall be deemed to increase  
15 the liability of the United States beyond that currently  
16 provided in the Federal Tort Claims Act (28 U.S.C. 2671  
17 et seq.).

18 (e) CANCELLATION OF CHARGES.—Effective upon  
19 the date of conveyance of the irrigation works under this  
20 section, any charges for construction of the irrigation  
21 works on the reservation of the Community that have been  
22 deferred pursuant to the Act of July 1, 1932 (25 U.S.C.  
23 386a) are hereby canceled.

24 (f) PROJECT NO LONGER A BIA PROJECT.—Effec-  
25 tive upon the date of conveyance of the irrigation works

1 under this section, the irrigation works shall no longer be  
2 considered a Bureau of Indian Affairs irrigation project  
3 and the facilities will not be eligible for Federal benefits  
4 based solely on the fact that the irrigation works were for-  
5 merly a Bureau of Indian Affairs irrigation project. Noth-  
6 ing in this Act shall be construed to limit or reduce in  
7 any way the service, contracts, or funds the Community  
8 may be eligible to receive under other applicable Federal  
9 law.

10 **SEC. 3. RELATIONSHIP TO OTHER LAWS.**

11 Nothing in this Act shall be construed to diminish  
12 the trust responsibility of the United States under applica-  
13 ble law to the Salt River Pima-Maricopa Indian Commu-  
14 nity, to individual Indians, or to Indians with trust allot-  
15 ments within the Community's reservation.

Passed the House of Representatives October 3,  
2000.

Attest:

*Clerk.*