

106TH CONGRESS
2D SESSION

H. R. 2820

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-
16 clusively 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

1 (6) in light of the foregoing and in order to—

2 (A) promote Indian self-determination, eco-
3 nomic self-sufficiency, and self-governance;

4 (B) enable the Community in its develop-
5 ment of a diverse, efficient reservation economy;
6 and

7 (C) enable the Community to better serve
8 the water needs of the water users within the
9 Community,

10 it is appropriate in this instance that the United
11 States convey to the Community the ownership of
12 the irrigation works.

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-

ulations, during the period between the date of the enactment of this Act and the conveyance of the irrigation works by the United States to the Community, the Community shall operate the irrigation works under the provisions set forth in this Act and in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), including retaining and expending operations and maintenance collections for irrigation works purposes. Effective upon the date of conveyance of the irrigation works, the Community shall have the full ownership of and operating authority over the irrigation works in accordance with the provisions of this Act.

(b) FULFILLMENT OF FEDERAL TRUST RESPONSIBILITIES.—To assure compliance with the Federal trust responsibilities of the United States to Indian tribes, individual Indians and Indians with trust allotments, including such trust responsibilities contained in Salt River Pima-Maricopa Indian Community Water Rights Settlement Act of 1988 (Public Law 100–512), the Community shall operate the irrigation works consistent with this Act and under uniform laws and regulations adopted by the Community for the management, regulation, and control of water resources on the reservation so as to assure fairness in the delivery of water to water users. Such Community 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.