

SJ-17



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FYI:

Please spread around to interested parties.

United States Senate

WASHINGTON, DC 20510

December 8, 2004

The Honorable Gale Norton
Secretary of the Interior
1849 C Street Northwest
Washington, DC 20240

Dear Secretary Norton:

Thank you again for your efforts to date on behalf of the settlement negotiations in the *Aamodt* case. The personal involvement of former Assistant Secretary Raley was very helpful in focusing the negotiations on several issues of concern to the Department of the Interior (DOI). There are still other issues still to be resolved, though, including what amount constitutes an acceptable federal contribution to the settlement. With Assistant Secretary Raley's recent announcement that he is leaving the Department, we write to request that you maintain the Department's high-level involvement in the negotiations to ensure that its policy views are raised in a timely manner and can therefore be addressed by the parties. The ultimate success of the *Aamodt* negotiation is contingent upon DOI's continued and active involvement in the discussions.

On a similar note, it has come to our attention that representatives from DOI have not substantively participated in negotiations surrounding the Navajo Nation's water rights claims in the San Juan River basin, or the proposed settlement of the *Abeya* adjudication involving Taos Pueblo. This causes us concern.

There is little question that the West's inability to adjudicate Indian water rights claims is one of the greatest impediments to effective management of its scarce water resources. Judicial proceedings to determine the literally thousands of competing interests in these cases have been largely ineffective. As you are aware, over the last eight years there has been strong bipartisan support for settling rather than litigating Indian water rights claims, an approach that is clearly beneficial to all parties involved. The most recent examples of this are the Snake River and Arizona water rights settlements. Legislation ratifying both of these settlements was just approved by Congress and sent to the President for his signature.

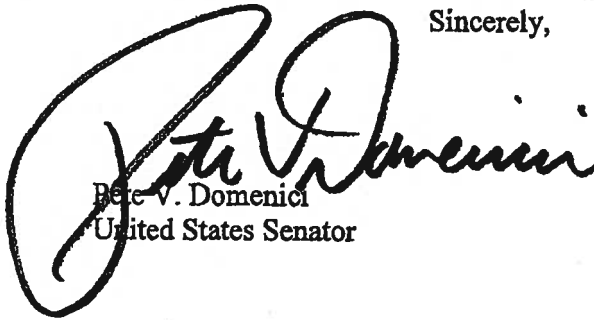
These settlements make clear that the ultimate success of any Indian water rights settlement is inextricably linked to DOI providing policy guidance during the course of the negotiations. Conversely, DOI's absence from negotiations results in unrealistic expectations by the parties, particularly with respect to a federal contribution to the settlement. Raising significant issues at the end of the negotiation process wastes time

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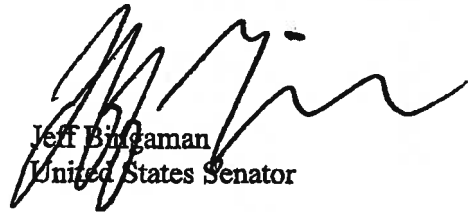
and money invested by the negotiating parties who typically spend years coming to an agreement. This approach also calls into question whether the federal government is fulfilling its trust responsibility to the Indians. In order to avoid these problems, we encourage you to ensure that DOI is significantly participating in the *Navajo-San Juan* and *Abeyta* negotiations so that the settlement parties are aware of DOI's issues throughout the negotiation process.

It is our sincere hope that you will bring the DOI's extensive expertise in Indian water rights settlements to bare in these matters. We look forward to working with you on these critically important settlements. Thank you in advance for your attention to this matter.

Sincerely,



Pete V. Domenici
United States Senator



Jeff Bingaman
United States Senator