

## Senator Allard's Testimony

### Ute Indian Water Rights Settlement Act

June 24, 1998

Mr. Chairman, I want to add my support to the Colorado Ute Indian Water Rights Settlement Act of 1998.

The Animas La Plata project that is before us now represents a scaled down version of what was originally promised. It has been altered to address concerns raised about the first settlement. This new plan should be inexpensive enough to allow it to pass through Congress and finally fulfill the obligations of the United States to the Tribes and their members.

The Ute Tribes have accepted this proposal even though it is significantly less than what they were first offered. They are not ready to accept a smaller offer because it meets all their needs, they are doing so because they are realistic enough to understand that the project that was originally agreed to is not going to happen, and they are looking for the best possible solution to a contrary political problem.

The Utes are willing to accept this deal for a very simple reason: They need water.

Anybody here can go to a water cooler and get a glass of water. But if you want to water your garden, you need a bigger source--a garden hose and a faucet. And if you need to water your farm, or supply industry, you need a bigger source yet.

The Ute Indians are hoping they can rely on the Animas La Plata for their water needs, and they are hoping they can rely on the Government that promised them that water to follow through on delivering the water.

The Act before us focuses on the three main items needed to fulfill our obligation. It calls for a storage reservoir to be built to hold the promised water, the conveyance needed to transport water to the reservoir, and the guarantee to the Ute tribes of the water in that reservoir. These three things are the minimum needed to fulfil the obligation the United States has with the Ute Indian Tribe.

This agreement was signed back in the 60's - the 1860's. The treaty of 1868 promised the Ute Indian Tribes a permanent, reliable source of water. In 1988, another agreement, the Colorado Ute Indian Water Rights Settlement Act, reaffirmed these rights.

It called for a much larger project than is before us now. The project agreed to at that time had a price tag of about \$681 million. The project we are looking at now is \$257 million. I can't quite bring myself to say it is "only" \$257 million, but it is certainly much less than what was originally decided on.

Opponents of this project have said they cannot agree with a project that does not have to complete the usual environmental studies and requirements. I agree with them. An undertaking of this magnitude will make a big impact, and the environmental aspects of it should be studied. It is good, then, that so much work has been done on the environmental situation.

The Bureau of Reclamation has itself spent about \$20 million on environmental studies. The Fish and Wildlife Service has determined that the depletion amount of 57,100 acre feet will not endanger native fish.

This bill does not say that no environmental work needs to be done. It says no more needs to be done.

Any further demands for environmental work at this point is merely a stall tactic. I do not like it when frivolous and procrustean environmental issues are raised, not for defense of the environment, but merely to delay.

The Ute Indian Tribe would, of course, probably still prefer the full Animas La Plata Project. Those who favor upholding the word of the United States government to the Ute Indian Tribe would probably prefer the full project. However, there are those who don't seem to care about these matters and who have blocked a larger project. What we are considering now is smaller, cheaper, and less extensive, but the beneficiaries of it are willing to compromise. They need something, anything, more than they need the ideal.

There are many reasons to vote for this project. I think the best reason is not because it is authorized by Congress, not because it is ten years overdue, and not even because it will save the country over \$400 million from the originally agreed to project. The best reason is simply that this project should be voted for because it is the duty and treaty obligation of the United States to the Ute Indian Tribes.