



PRESS RELEASE

CONFEDERATED TRIBES OF THE COLVILLE RESERVATION

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Presentations on the Colville Tribes' Water Rights Petition Scheduled for Omak, Keller, Nespelem and Inchelium District Meetings

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NESEPLEM, WA—The Chairman of the Confederated Tribes of the Colville Reservation said today that informational presentations on the Tribes' petition to quantify and protect its water rights will be given at membership district meetings in the near future.

“The Colville Business Council has requested these presentations so all tribal members' questions about the Tribes' water rights petition can be asked and answered,” CBC Chairman Rodney Cawston said today. “We want the membership to be fully informed about the purpose, timelines, and potential results of our submittal with the Washington Department of Ecology.”

The petition, filed in August, was a topic of discussion at the Tribes' General Membership meeting in Inchelium on Friday, October 4. Cawston said it's important to provide additional information at district meetings for all interested Colville members.

“We will have our water rights experts on hand, and answer questions during the district meetings,” he said. “These will be scheduled as soon as possible.”

Cawston said that the petition was submitted to the Washington Department of Ecology by the Tribes' water rights attorneys, Alice Walker and Del Laverdure. Both are experts in Tribal water law and water rights litigation. Walker is a partner in the firm of Meyer, Walker, Condon & Walker, P.C. in Boulder, Colorado and Laverdure's firm, Arrow Creek Law, is based in Billings, Montana. Walker and Laverdure were retained by the Tribes after an extensive search for the most experienced and successful lawyers in this field. Since then Walker and Laverdure have led a Tribal Water Rights Team including staff from the Tribes' Natural Resources Department, the Environmental Trust Program, and the Office of the Reservation Attorney.

He said the CBC approved this petition to protect the Tribes' rights to the waters of the Columbia and Okanogan Rivers, as well as all waters on the Reservation, and off-Reservation waters to which the Tribes' have rights.

“Indian tribes have unique rights to water that are reserved by the tribe when the tribe’s reservation is established,” he said. “The amount of water reserved is the amount needed to fulfill the purposes of the reservation for both the present and the future. The water right is reserved as of the date of the creation of the reservation, and since time immemorial for the Tribes’ traditional water uses, and cannot be lost.”

Cawston said that Colville’s water rights were reserved in 1872 when its Reservation was established, making them senior to many other rights in the same waters. These rights are intended to fulfill the “homeland purpose” of the Colville Reservation, including irrigation, stock water, domestic, commercial, industrial and municipal uses, fish and wildlife, cultural uses and other uses necessary to provide a permanent homeland for the Colville People.

“Despite the fact that the Colville Tribes undoubtedly has significant water rights with senior priority (both an early date of 1872 and the traditional uses that are time immemorial), the amount or quantity have never been determined,” he said. “The petition submitted to the Department of Ecology is a request to begin what is called a ‘general stream adjudication’ to permanently affirm our water rights.”

He said submitting the petition to the Department of Ecology was necessary to protect the Tribes’ senior rights and to prevent the existing water resources from being over allocated to other water users. These water rights include those for individual Indian lands held in trust and for individual Indian fee lands.

“We know that it will literally take decades to sort out the rights to the waters of the Columbia and Okanogan,” Cawston said. “But we cannot wait any longer to assure that the Colville Tribes has a reliable, long-term water supply that can be used for our people, for our domestic, commercial, industrial and municipal needs, for farming and stock, to maintain minimum instream flows for fish and wildlife habitat, for cultural uses, and any other uses determined by the Tribes as necessary to serve our permanent homeland.”

Cawston said a relevant example of a general stream adjudication in this region is known as the “Acquavella litigation,” started in 1977 and was intended to quantify the Yakama Tribes’ reserved water rights. In May 2019 a unifying decree was entered in the Acquavella litigation to settle all water claims to waters of the Yakima River.

“This is a long and complex process and we want to be sure our membership is provided with accurate information about it,” Cawston said. “District meeting presentations about this important matter will be held in the near future.”

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About the Colville Tribes:

Today, more than 9,531 descendants of 12 aboriginal tribes of Indians are enrolled in the Confederated Tribes of the Colville. The tribes, commonly known by English and French names, are: the Colville, the Nespelem, the San Poil, the Lake, the Palus, the Wenatchi (Wenatchee), the Chelan, the Entiat, the Methow, the southern Okanogan, the Moses Columbia and the Nez Perce of Chief Joseph's Bands.