



# NEWS

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## *Nez Perce Water Rights Settlement Benefits Tribe, Idaho, Pacific Northwest*

***Pact Secures Water Rights for Nez Perce; Provides Long-term  
Water Policy Assurance for Idaho Water Users;  
Offers Regional Help for Endangered Salmon and Steelhead***

**(WASHINGTON)** –Interior Secretary Gale A. Norton, Idaho Governor Dirk Kempthorne and Nez Perce Tribal Executive Committee Chairman Anthony Johnson today announced an agreement to settle the Nez Perce water rights claims in the Snake River Basin.

“This framework agreement clears the way for a long-term public water policy for Idaho and enables the United States to fulfill trust responsibilities for the Tribe,” Secretary Norton said in unveiling the terms of the settlement on the Boise River at the Idaho Shakespeare Festival grounds in Boise, Idaho.

Idaho Governor Dirk Kempthorne thanked the parties to the agreement for working out the framework solution for a difficult water rights issue through a court-ordered mediation. “State, private, tribal and U.S. representatives worked in good faith over several years to develop options that provide mutual benefits,” Kempthorne said. “The agreement will enable the State of Idaho to more effectively address its responsibilities for water resource management and the needs of protected fish. It also provides Idaho’s water users the assurance, security and flexibility they need to address the water challenges facing their businesses and communities.”

Nez Perce Tribal Council Chairman Anthony Johnson also commended the hard work of the mediating parties. “We are pleased at the progress that has been made in resolving these difficult issues. The process can now move forward to closure with new momentum, for the benefit of all concerned.”

The Nez Perce claim to instream flow rights in the Snake River to protect its treaty-based fishery was the largest remaining issue in the state’s adjudication of

water rights in the Basin. This legal inventory, which affects 38 of Idaho's 44 counties, has been sorting out more than 150,000 claims over nearly 20 years, including those of the Nez Perce Tribe, the State of Idaho, farmers and other agricultural users, towns, cities, industrial users, hydropower producers and various federal agencies.

Among the major initiatives, the three sovereign parties will agree to use 200,000 acre-feet of water in Dworshak Reservoir for a flow augmentation plan benefiting listed species in the Snake River. The United States also will agree to tribal management of Kooskia National Fish Hatchery and tribal comanagement of Dworshak National Fish Hatchery and establish a \$50 million fund for the Tribe to restore and improve fish habitat, develop water resources and other agricultural projects.

Biological Opinions under the ESA will address continued operation of U.S. Bureau of Reclamation projects and flows in the Snake River Basin, as well as the use of water for flow augmentation for salmon. Reclamation would continue to lease water from willing lessors and acquire consumptive natural flow water in the Snake River to augment flows.

The agreement will launch a habitat restoration and management initiative in the Salmon and Clearwater River Basins to improve instream flows and fish habitat and passage to benefit ESA-listed fish. The parties will agree on minimum flows pursuant to a state law process for 174 rivers and streams that are important for anadromous fish. These flows will be established in a manner that protects all existing uses of water and provides for future water development. A Habitat Fund will support improvements under this program and the state will administer innovative cooperative agreements under the ESA to enhance riparian habitat.

The settlement also will include the transfer of mostly small, scattered parcels of federal land within the present Nez Perce reservation to the Tribe. The transferred units will be subject to all valid existing mineral claims, grazing leases, rights of way and other rights and permitted uses. The parcels, valued at \$7 million, will assist overall management and provide valuable compensation and benefit to the Tribe without incurring additional appropriations or costs.

The federal share of the settlement is about \$193 million over 30 years. This agreement is the first major step in the settlement process. State and federal legislation, tribal approval, a court consent decree, and the drafting of ESA documents also are needed.

To reach this agreement, state, private, tribal and U.S. representatives worked through a court-ordered mediation over several years under a confidentiality order of the Snake River Basin Adjudication court. These parties will remain actively engaged and work closely throughout the remainder of the settlement process.

*More information on the terms and background of the Nez Perce water rights settlement are online at [www.doi.gov](http://www.doi.gov)*

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