



**Testimony by Karen Tachiki
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**Before the Committee on Natural Resources
Subcommittee on Water and Power
U.S. House of Representatives**

On

The Soboba Band of Luiseno Indians Settlement Act

March 13, 2008

Thank you Chairwoman Napolitano, Ranking Member McMorris-Rogers, distinguished Members of the Subcommittee, I am Karen Tachiki, General Counsel of the Metropolitan Water District of Southern California. It is a pleasure to convey my agency's support for The Soboba Band of Luiseno Indians Settlement Act.

For Metropolitan, this important settlement represents the conclusion of a 75 year-long community effort of region-wide and historic significance.

In 1933, Metropolitan began construction of a tunnel through the San Jacinto Mountains, as part of the Colorado River Aqueduct. The tunnel is thirteen miles long and sixteen feet in diameter and is a major component in the delivery system to supply water to Southern California.

Due to the tunnel's location, large amounts of water were discharged into the tunnel during the course of construction. Construction of the tunnel impacted the area's groundwater and, despite attempts at grouting and other measures to seal the tunnel, seepage may have in part caused perennial springs on the Soboba Reservation to dry up.

At or near the time of construction, Metropolitan successfully addressed the water claims of the neighboring landowners, except the Sobobas. And to one extent or another, Metropolitan has been working in good faith to settle the Sobobas' claim ever since.

Settlement attempts date back to 1948, when the first negotiating team from the United States and the Sobobas was established. In 1952, this team informed Metropolitan that it had completed its prefatory work, which included an engineering report, and the appointment of new negotiators.

From 1953 through 1961, settlement offers were made and rejected by each side. Finally, in 1962, there appeared to be a meeting of the minds and in 1966, Congressman John Tunney (D-CA) introduced legislation to authorize that settlement. Although that bill was not enacted, similar legislation was enacted in the late 1970's authorizing the Secretary to negotiate a settlement. The statute authorized various settlement provisions contemplated by the parties, but despite vigorous efforts between 1970 through 1975, the settlement ultimately failed

Metropolitan became aware of renewed settlement efforts in the mid 1990's, when Eastern Municipal Water District, a Metropolitan member agency, and Lake Hemet Municipal Water District were given a settlement proposal by the Band. Eastern and Lake Hemet made Metropolitan aware of the settlement proposal, and the talks they were having with the Band; at that time, Metropolitan followed this process, in an observational capacity, with interest.

In 1998, Metropolitan was invited by the Band to participate directly in the ongoing settlement discussions. And on April 20, 2000, the Band filed the lawsuit in federal court that will be settled as part of the legislation which is before you. While experts differed over the impact of the San Jacinto Tunnel seepage on the Band's water resources, and while disputes among the Band and others were complex, Metropolitan believed very strongly that if an appropriate settlement could be developed among the stakeholders, then it was in everyone's best interests to bring that to conclusion. And with this focus, and the hard work of many people, that is exactly what happened.

We owe a debt of gratitude to many people for making this possible. We especially recognize the efforts the Band's leaders, and the Band's members themselves, for being willing to compromise. We also appreciate the dedication of our colleagues at Eastern Municipal and Lake Hemet Municipal Water Districts for their important role in the negotiations. And, finally, we appreciate your leadership, Chairwoman Napolitano in scheduling this Hearing, as well as the direct involvement and interest of Representative Mary Bono Mack, in whose congressional district this historic settlement can now be implemented.

On behalf of Metropolitan, which supplies water to more than 18 million Californians, we want to clearly express our support for this settlement.