RECLAMATION
Managing Water in the West

U.S. Department of the Interior
Bureau of Reclamation

NOTICE OF INTENT TO AWARD

This Funding Announcement is not a request for applications. This announcement is to provide public notice of the Bureau of Reclamation's intention to fund the following project activities without full and open competition.

ABSTRACT	
Funding Announcement	R15AN20007
Project Title	Walker River Paiute Tribe - Water Rights Settlement
Recipient	Walker River Paiute Tribe
Principal Investigator / Program Manager	Jon McMasters
Anticipated Federal Amount	$1,000,000.00
Cost Share	NONE
Total Anticipated Award Amount	$1,000,000.00
New Award or Continuation?	NEW AWARD
Anticipated Period of Performance	Date of execution through April 30, 2018
Award Instrument	Grant
Statutory Authority	Public Law 107-171, *as amended*, Section 2507 DESERT TERMINAL LAKES.
CFDA # and Title	15.508 - Providing Water to At-Risk Natural Desert Terminal Lakes
Single Source Justification Criteria Cited	(2) Continuation and (4) Unique Qualifications
Reclamation Point of Contact	Vivian Davis

OVERVIEW

Background and Need for Project: The Walker River flows through the Walker River Paiute Reservation and ends in Walker Lake at the southern end of the Reservation. The Walker River is the primary source for irrigation water for a number of valleys above the Reservation, as well as farms on the Walker River Paiute Tribe (Tribe) Reservation. The United States District Court for the District of Nevada has recognized a federally reserved water right for the Walker River Paiute Tribe (Tribe) for 26.25 cubic feet per second ("cfs") of water to irrigate 2,100 acres. The Tribe and the United States filed in 1992 for additional claims in the federal district court to determine its water rights for other tribal resources. Also pending before the Court since 1994 is a claim filed by Mineral County, Nevada and 2013, the Court granted Mineral County's motion to intervene and will now address its claim for a water right for Walker Lake based on the Public Trust Doctrine. The various parties with interests in the Walker River Basin have been involved in various efforts to resolve these issues, including a three year long formal mediation process approved by the federal court. In 2009, the Tribe initiated a new round of meetings with the States of California and Nevada to attempt to develop a resolution to surface water issues. These discussions have continued over the past several.

Summary of Proposed Project: The proposed project is to provide funding to the Walker River Paiute Tribe and their consultants to continue work on the negotiated settlement with multiple parties for outstanding water rights issues in the Walker Basin. The proposed project is to also provide funding to tribal staff to implement conservation management activities on the Reservation for fish and wildlife habitat. The principal place of performance is the Walker River Paiute Tribe Reservation, Walker River and Walker Lake downstream of the Reservation. The Project Manager is Jon McMasters of the Walker River Paiute Tribe's Water Resources Department.

RECIPIENT INVOLVEMENT

Proposed activities to be funded by the award: This grant would provide funding to the Tribe to continue the negotiated settlement through funding of tribal staff, legal consultants, and a hydrology, civil/agriculture engineering, and water rights consultant. In addition, the grant would provide partial salary for tribal staff to implement ongoing natural resource and conservation activities on the Reservation related to for associated fish, wildlife, plant and habitat resources of the Walker River and Walker Lake.

RECLAMATION INVOLVEMENT

No substantial involvement on the part of Reclamation is anticipated for the successful completion of the objectives to be funded by this award. It is anticipated that Reclamation's involvement will consist of standard federal stewardship responsibilities such as monitoring project performance, technical assistance at the request of the recipient, etc.

SINGLE-SOURCE JUSTIFICATION

DEPARTMENT OF THE INTERIOR
SINGLE SOURCE POLICY REQUIREMENTS

Department of the Interior Policy (505 DM 2) requires a written justification which explains why competition is not practicable for each single-source award. The justification must address one or more of the following criteria as well as discussion of the program legislative history, unique capabilities of the proposed recipient, and cost-sharing contribution offered by the proposed recipient, as applicable.

In order for an assistance award to be made without competition, the award must satisfy one or more of the following criteria:

(1) Unsolicited Proposal – The proposed award is the result of an unsolicited assistance application which represents a unique or innovative idea, method, or approach which is not the subject of a current or planned contract or assistance award, but which is deemed advantageous to the program objectives;

(2) Continuation – The activity to be funded is necessary to the satisfactory completion of, or is a continuation of an activity presently being funded, and for which competition would have a significant adverse effect on the continuity or completion of the activity;

(3) Legislative intent – The language in the applicable authorizing legislation or legislative history clearly indicates Congress' intent to restrict the award to a particular recipient of purpose;

(4) Unique Qualifications – The applicant is uniquely qualified to perform the activity based upon a variety of demonstrable factors such as location, property ownership, voluntary support capacity, cost-sharing ability if applicable, technical expertise, or other such unique qualifications;

(5) Emergencies – Program/award where there is insufficient time available (due to a compelling and unusual urgency, or substantial danger to health or safety) for adequate competitive procedures to be followed.

Reclamation did not solicit full and open competition for this award based the following criteria:

(2) CONTINUATION

(4) UNIQUE QUALIFICATIONS

Single Source Justification Description:

(2) CONTINUATION

The activity to be funded is a continuation of an activity presently being funded, and for which competition would have a significant adverse effect on the continuity or completion of the activity. The Tribe has a current Desert Terminal Lakes (DTL) P.L. 638 grant agreement for similar work for legal and professional services representing the Tribe in the Walker Basin water rights settlement. The grant began in 2005 with a Congressional legislative allocation for funding of $500,000 for settlement purposes and another $1,000,000 was added in 2011. The Tribe, their attorney, their consultant attorney and engineering firm have made significant progress in the Basin-wide multi-party settlement and performed well on the grant. The water rights issues, litigation, and large number of involved parties represent a very complex and time consuming process for resolution of the settlement issues. The settlement was progressing well, but most involved parties, including the Tribe, have become short on funds resulting in a significant slowdown the settlement efforts in the last half of 2014. Providing the proposed additional funds under this new grant to the Tribe for the settlement negotiations would significantly assist with re-starting the ongoing efforts and pursuit of basin-wide water rights settlement among the multiple involved parties. Without additional funding the settlement negotiations are stalling and previous funds invested would be in jeopardy of not having been utilized for a successful resolution of the water rights settlement.

(4) UNIQUE QUALIFICATIONS

The applicant is uniquely qualified to perform the activity based upon a variety of demonstrable factors such as location, property ownership, and technical expertise. The Walker River Paiute Tribe and their existing consultants have been intricately involved in the settlement negotiations for more than a decade with associated high level of technical expertise. Some of the main water rights issues to be resolved in the Walker Basin settlement are the water rights of the Tribe on the Reservation, thus their property ownership in the applicable location in the Walker Basin. The Tribe and their existing legal and professional consultants have had a significant role in leading the settlement negotiations and are the appropriate uniquely qualified entity to receive the grant funding for the settlement negotiations.

STATUTORY AUTHORITY

Public Law 107-171 *as amended* Sec. 2507 DESERT TERMINAL LAKES.

Public Law 107-171, as amended by Public Law 110-246, Section 2807; Public Law 111-85, Section 207; and Public Law 112-74, Title II, Division B, Section 208(a) for the following authorized uses:

> (b) PERMITTED USES. For the benefit of at-risk natural desert terminal lakes and associated riparian and watershed resources, in any case in which there are willing sellers or willing participants, the fund described in subsection (a) may be used –

(1) to lease water;

(2) to purchase land, water appurtenant to the land, and related interests; and

(3) for efforts consistent with researching, supporting, and conserving fish, wildlife, plant, and habitat resources.