

POLICY STATEMENT BY MARY ANN ANDREAS, TRIBAL VICE-CHAIR,
MORONGO BAND OF MISSION INDIANS

1. I currently am the duly-elected Vice-Chair of the Morongo Band of Mission Indians (“Morongo Band” or “Tribe”), having served in that position since 2011. I served as Tribal Chair from December 1992 until July 1993, and during the period 1995-2001. I also served as Vice-Chair during the period 2005-2009, and as a member of the Morongo Tribal Council (the Tribe’s governing body) during 1980-1986, 1992-1994, 2002-2004, and 2010-2011.
2. As a result of serving as Tribal Chair, Vice-Chair and as a Tribal Council member, and also as an active member of the Tribe throughout the last 30 years, I am aware of the Tribe’s responsibilities, policies, initiatives, and plans.
3. Without a doubt, the Tribe’s highest priority is preserving and protecting its sovereignty. This includes the preservation and protection of the Tribe’s rights with respect to its land and the natural resources on the Tribe’s land. Water is one of those natural resources, and therefore protecting and preserving the Tribe’s water rights is one of the Tribe’s highest priorities. This includes the water rights at issue under License 659.
4. The Morongo Indian Reservation (“Reservation”) is located in Riverside County and consists of approximately 36,000 acres of land. The Reservation was initially

established by Executive Order in 1876. Additional lands were added to the Reservation by subsequent Executive Orders and Acts of Congress. Legal title to these lands and the appurtenant water rights, including License 659, are held in trust by the United States for the benefit of the Morongo Band and its members, and serve as a permanent homeland for the Tribe.

5. The Tribe, as the sovereign governmental entity exercising jurisdiction over the Reservation, has the sole responsibility to provide all municipal services for the Reservation lands and residents. Thus, it has built and operates water systems, wells, a waste water treatment plant, and roads. In addition, the Tribe provides other governmental services such as forestry services, land and title report services, social services, environmental quality services, educational programs, etc., to its members and to other residents on the Reservation.
6. The Reservation is located in the San Geronio Pass and is crisscrossed by gas and oil pipelines, power lines, canals, roads, and the I-10 interstate freeway. All of these transmission and transportation facilities across Reservation lands are there primarily to serve other residents of Southern California, not the Tribe, despite the fact that those facilities have made much of the developable Reservation land unusable by the Tribe.
7. In the 1990's the Tribe determined that it was not in its best interests to continue to have pipelines and other conveyance and transportation facilities impairing its

ability to utilize its lands. It determined that a better use of those lands was to devote them to economic and related development that would sustain the Tribe and its members.

8. In this context and at about the same time, the Tribe began to purchase fee lands and their related water rights within the exterior boundaries of the Reservation, which land was part of the original homeland of the Morongo Band. The lands which Morongo was finally in an economic position to purchase were then in non-Indian ownership as a result of historic issues and events that pre-dated the establishment of the Reservation.

9. As part of its land consolidation effort, the Morongo Band has purchased almost all of the property in Millard Canyon as it became available, and legal title to that land is now held in the name of the United States, in trust for the benefit of the Tribe. This land includes the land sometimes known as the “Ahadpour property” which the Tribe purchased in 2002, land and appurtenant water rights the Tribe purchased from the Cabazon Water District in 2001, Wildbear Ranch purchased in 2001, and a variety of other properties purchased from 1998 through 2010. These properties in Millard Canyon total 1,830.82 acres. Legal title to each of these properties and their appurtenant water rights, including License 659, has been transferred to and is held in the name of the United States in trust for the Morongo Band.

10. No one except the Morongo Band legally can gain physical access to the water in Millard Canyon, including the water subject to License 659, because there are no public roads providing access to Millard Canyon. The only way that it can be accessed is to cross the lands of the Morongo Indian Reservation, which lands cannot legally be crossed without a right-of-way or permit granted by the Tribe. The Tribe is not willing to grant anyone access to Millard Canyon, with the exception of the few remaining landowners who are allowed limited access to their property for their own personal use.

11. The Tribe is very concerned about land use, water use and water quality within its Reservation boundaries. As a result it petitioned the SWRCB for a change in licenses 174, 660, and 659 so that it could consolidate its water usage and places of use for those municipal and other needs that exist on the Reservation. When that change of use and place of use were recently granted for Licenses 174 and 660, based upon an earlier meeting held at the SWRCB offices attended by Tribal Chairman Robert Martin and the Chairman of the SWRCB, the Executive Officer of the SWRCB, and the head of the Division of Water Rights, the Tribe expected License 659 to be included with those approvals. However, it was not included.

12. Despite its sovereignty, the Tribe has gone to great efforts to cooperate with State authorities such as the SWRCB and to comply with California law with respect to all of its water issues, including License 659. The fact that the SWRCB changed title to those water rights to the Tribe without notification that there might be

anything wrong with those water rights has, of course, created considerable problems for the Tribe. The current allegations of non-use, as we understand them, involve actions allegedly taken or not taken by the Ahadpours and Southern Pacific Land Company, the original holder of the license. They have nothing to do, at all, with any action or inaction by the Tribe. The Tribe, relying in part on the SWRCB's failure to take any action prior to the Tribe's purchase of the Ahadpour property based on alleged non-use of water by any prior owner(s), assumed the water rights were valid and has expended significant amounts of tribal funds to attempt to consolidate and protect those rights.

13. In any event, and based upon all of the above, as the Vice-Chair of the Morongo Band, on behalf of the Morongo Band I urge you to exercise your power in a manner that is respectful and not hostile to the Morongo Band's efforts toward tribal self-determination and economic development. Indeed, I ask you to assist in those efforts by not revoking License 659 and by fully granting the Morongo Band's petition to consolidate that license with the other State-issued licenses that are held in trust for the benefit of the Morongo Band of Mission Indians.