

Settlement Agreement and provisions of title VI of Pub. L. 106-568 have been met, see section 611(b) of Pub. L. 106-568, set out as a note under section 1778 of this title.

§ 1778c. Settlement funds

(a) Establishment of tribal and allottees settlement trust funds accounts

(1) In general

There are established in the Treasury of the United States three settlement trust fund accounts to be known as the “Torres-Martinez Settlement Trust Funds Account”, the “Torres-Martinez Allottees Settlement Account I”, and the “Torres-Martinez Allottees Settlement Account II”, respectively.

(2) Availability

Amounts held in the Torres-Martinez Settlement Trust Funds Account, the Torres-Martinez Allottees Settlement Account I, and the Torres-Martinez Allottees Settlement Account II shall be available to the Secretary for distribution to the Tribe and affected allottees in accordance with subsection (c) of this section.

(b) Contributions to the settlement trust funds

(1) In general

Amounts paid to the Secretary for deposit into the trust fund accounts established by subsection (a) of this section shall be allocated among and deposited in the trust accounts in the amounts determined by the tribal-allottee allocation provisions of the Settlement Agreement.

(2) Cash payments by Coachella Valley Water District

Within the time, in the manner, and upon the conditions specified in the Settlement Agreement, the Coachella Valley Water District shall pay the sum of \$337,908.41 to the United States for the benefit of the Tribe and any affected allottees.

(3) Cash payments by Imperial Irrigation District

Within the time, in the manner, and upon the conditions specified in the Settlement Agreement, the Imperial Irrigation District shall pay the sum of \$3,670,694.33 to the United States for the benefit of the Tribe and any affected allottees.

(4) Cash payments by the United States

Within the time and upon the conditions specified in the Settlement Agreement, the United States shall pay into the three separate tribal and allottee trust fund accounts the total sum of \$10,200,000, of which sum—

(A) \$4,200,000 shall be provided from moneys appropriated by Congress under section 1304 of title 31, the conditions of which are deemed to have been met, including those of section 2414 of title 28; and

(B) \$6,000,000 shall be provided from moneys appropriated by Congress for this specific purpose to the Secretary.

(5) Additional payments

In the event that any of the sums described in paragraph (2) or (3) are not timely paid by

the Coachella Valley Water District or the Imperial Irrigation District, as the case may be, the delinquent payor shall pay an additional sum equal to 10 percent interest annually on the amount outstanding daily, compounded yearly on December 31 of each respective year, until all outstanding amounts due have been paid in full.

(6) Severally liable for payments

The Coachella Valley Water District, the Imperial Irrigation District, and the United States shall each be severally liable, but not jointly liable, for its respective obligation to make the payments specified by this subsection.

(c) Administration of settlement trust funds

The Secretary shall administer and distribute funds held in the Torres-Martinez Settlement Trust Funds Account, the Torres-Martinez Allottees Settlement Account I, and the Torres-Martinez Allottees Settlement Account II in accordance with the terms and conditions of the Settlement Agreement.

(Pub. L. 106-568, title VI, §605, Dec. 27, 2000, 114 Stat. 2908.)

EFFECTIVE DATE

Section effective on date on which the Secretary determines that certain conditions with respect to the Settlement Agreement and provisions of title VI of Pub. L. 106-568 have been met, see section 611(b) of Pub. L. 106-568, set out as a note under section 1778 of this title.

§ 1778d. Trust land acquisition and status

(a) Acquisition and placement of lands into trust

(1) In general

The Secretary shall convey into trust status lands purchased or otherwise acquired by the Tribe within the areas described in paragraphs (2) and (3) in an amount not to exceed 11,800 acres in accordance with the terms, conditions, criteria, and procedures set forth in the Settlement Agreement and this subchapter. Subject to such terms, conditions, criteria, and procedures, all lands purchased or otherwise acquired by the Tribe and conveyed into trust status for the benefit of the Tribe pursuant to the Settlement Agreement and this subchapter shall be considered as if such lands were so acquired in trust status in 1909 except as: (i) to water rights as provided in subsection (c) of this section; and (ii) to valid rights existing at the time of acquisition pursuant to this subchapter.

(2) Primary Acquisition Area

(A) In general

The primary area within which lands may be acquired pursuant to paragraph (1) consists of the lands located in the Primary Acquisition Area, as defined in the Settlement Agreement. The amount of acreage that may be acquired from such area is 11,800 acres less the number of acres acquired and conveyed into trust under paragraph (3).

(B) Effect of objection

Lands referred to in subparagraph (A) may not be acquired pursuant to paragraph (1) if

by majority vote the governing body of the city within whose incorporated boundaries (as such boundaries exist on the date of the Settlement Agreement) the subject lands are situated within formally objects to the Tribe's request to convey the subject lands into trust and notifies the Secretary of such objection in writing within 60 days of receiving a copy of the Tribe's request in accordance with the Settlement Agreement. Upon receipt of such a notification, the Secretary shall deny the acquisition request.

(3) Secondary Acquisition Area

(A) In general

Not more than 640 acres of land may be acquired pursuant to paragraph (1) from those certain lands located in the Secondary Acquisition Area, as defined in the Settlement Agreement.

(B) Effect of objection

Lands referred to in subparagraph (A) may not be acquired pursuant to paragraph (1) if by majority vote—

- (i) the governing body of the city within whose incorporated boundaries (as such boundaries exist on the date of the Settlement Agreement) the subject lands are situated within; or
- (ii) the governing body of Riverside County, California, in the event that such lands are located within an unincorporated area,

formally objects to the Tribe's request to convey the subject lands into trust and notifies the Secretary of such objection in writing within 60 days of receiving a copy of the Tribe's request in accordance with the Settlement Agreement. Upon receipt of such a notification, the Secretary shall deny the acquisition request.

(4) Contiguous lands

The Secretary shall not take any lands into trust for the Tribe under generally applicable Federal statutes or regulations where such lands are both—

- (A) contiguous to any lands within the Secondary Acquisition Area that are taken into trust pursuant to the terms of the Settlement Agreement and this subchapter; and
- (B) situated outside the Secondary Acquisition Area.

(b) Restrictions on gaming

The Tribe may conduct gaming on only one site within the lands acquired pursuant to subsection 6(a)(1)¹ as more particularly provided in the Settlement Agreement.

(c) Water rights

All lands acquired by the Tribe under subsection (a) of this section shall—

- (1) be subject to all valid water rights existing at the time of tribal acquisition, including (but not limited to) all rights under any permit or license issued under the laws of the State of California to commence an appropriation of water, to appropriate water, or to increase the amount of water appropriated;

(2) be subject to the paramount rights of any person who at any time recharges or stores water in a ground water basin to recapture or recover the recharged or stored water or to authorize others to recapture or recover the recharged or stored water; and

(3) continue to enjoy all valid water rights appurtenant to the land existing immediately prior to the time of tribal acquisition.

(Pub. L. 106-568, title VI, § 606, Dec. 27, 2000, 114 Stat. 2909.)

EFFECTIVE DATE

Section effective on date on which the Secretary determines that certain conditions with respect to the Settlement Agreement and provisions of title VI of Pub. L. 106-568 have been met, see section 611(b) of Pub. L. 106-568, set out as a note under section 1778 of this title.

§ 1778e. Permanent flowage easements

(a) Conveyance of easement to Coachella Valley Water District

(1) Tribal interest

The United States, in its capacity as trustee for the Tribe, as well as for any affected Indian allotment owners, and their successors and assigns, and the Tribe in its own right and that of its successors and assigns, shall convey to the Coachella Valley Water District a permanent flowage easement as to all Indian trust lands (approximately 11,800 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

(2) United States interest

The United States, in its own right shall, notwithstanding any prior or present reservation or withdrawal of land of any kind, convey to the Coachella Valley Water District a permanent flowage easement as to all Federal lands (approximately 110,000 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

(b) Conveyance of easement to Imperial Irrigation District

(1) Tribal interest

The United States, in its capacity as trustee for the Tribe, as well as for any affected Indian allotment owners, and their successors and assigns, and the Tribe in its own right and that of its successors and assigns, shall grant and convey to the Imperial Irrigation District a permanent flowage easement as to all Indian trust lands (approximately 11,800 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

(2) United States

The United States, in its own right shall, notwithstanding any prior or present reservation or withdrawal of land of any kind, grant and convey to the Imperial Irrigation District a permanent flowage easement as to all Federal lands (approximately 110,000 acres) lo-

¹ So in original. Probably should be subsection "(a)(1)".