



DEPARTMENT of the INTERIOR

news release

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HODEL ANNOUNCES MAJOR DECISION ON WATER RIGHTS FOR WILDERNESS PURPOSES

Describing it as "a major victory for the Western States, water users and the principles of federalism," Secretary of the Interior Don Hodel today announced that the Justice Department has concurred in an opinion by Interior Solicitor Ralph W. Tarr which determined that Congress did not intend to reserve federal water rights for wilderness purposes when it created the National Wilderness Preservation System in 1964. Rather, the legislation established a major new management plan for certain federal lands without reserving more water than that already committed to existing parks, refuge and forests containing the wilderness acreage.

While Congress did not create an additional reservation of water for wilderness purposes, the opinion indicates that Congress can expressly reserve water rights for wilderness purposes at any time. Also, the United States may seek water for wilderness purposes under state law.

Hodel emphasized that "existing national parks, forest, and refuges water rights are protected."

(over)

The opinion is now the position of the United States as to the reservation of implied water rights for wilderness purposes. "This opinion means that without an express statement by Congress, new water rights are not created for wilderness purposes," Hodel said.

"This is a major decision for this Administration. This opinion will help provide a sound basis for the ongoing creation of new wilderness areas while preserving state-law water rights which, in the West, are the lifeblood of most state economies," he said. "Much of the land now being considered for wilderness is downstream land and many states are understandably apprehensive that a wilderness designation would threaten existing and future water rights."

Tarr noted that the Interior Department Solicitor's office spent more than a year researching the issue and conducted an exhaustive review of the relevant statutes and their legislative history. During this period, the Solicitor's office consulted with the Departments of Justice and Agriculture.

"With this final resolution of the issue of wilderness water rights, I believe we will be better able to work with the Congress and move expeditiously to make final determinations on whether or not these lands are suitable for permanent wilderness," Hodel said.

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