

# **Hoopa Valley Tribal Council**

**Hoopa Valley Tribe**

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## **California Supreme Court Denies Westlands' Appeal**

With four words, the California Supreme Court thwarted agribusiness giant Westlands Water District's years-long scheme with the federal Bureau of Reclamation to rubber stamp a permanent water contract. The contract would have discounted Westlands' massive debt to the United States taxpayers and evaded Westlands' and Reclamation's responsibilities to restore California fisheries decimated by the sprawling Central Valley Project.

"Petition for review denied.' That is the Supreme Court's entire decision, and it is the right decision," said Hoopa Valley Tribal Chairman Joe Davis.

"From the Fresno County trial court's first decision in 2020 to the Supreme Court's final decision this week, every judge who reviewed the record saw what the Court of Appeals called 'strained arguments', 'materially incomplete' documents, references to documents that 'did not exist', and a contract 'not sufficiently definite to be binding and enforceable'," said Council Member Daniel Jordan.

"Westlands thrived in a culture of corruption during the Trump Administration, when the contract was written," said Hoopa Valley Tribal Fisheries Director Michael Orcutt. "Westlands and Reclamation have brought our fishery to the brink of destruction."

In the water contract, Reclamation states, falsely, that Westlands had "fulfilled all of its obligations" and had made "full repayment." Before federal accountants could confirm that, Reclamation signed Westlands' contract in February 2020, and later withdrew key financial documents from public scrutiny.

“They might have gotten away with it,” said Vice Chairman Everett Colegrove, “if it hadn’t been for the skill and dedication of the legal teams assembled by Trinity County, San Joaquin County, Central Delta Water Agency, South Delta Water Agency, North Coast Rivers Alliance, Pacific Coast Federation of Fishermen’s Associations, Planning and Conservation League, Center for Biological Diversity, and many other nongovernmental organizations.”

“Time’s up,” said Council Member Isaac Bussell. “Secretary Haaland needs to rip up that contract and write one that does what federal law requires: meet trust responsibilities for Hoopa’s fishery, collect hundreds of millions owed by Westlands and other CVP contractors for fishery restoration, collect future restoration payments, and end once and for all Westlands’ assault on our property rights and sovereignty over the Trinity River fishery.”

“Next week, President Biden will convene a Tribal Nations Summit,” said Chairman Davis. “I will be there to remind his Administration that its commitment to honor trust responsibilities to protect tribal sovereignty and resources means water contracts like the one the California Supreme Court struck down have no place in the Bureau of Reclamation.”

The case is: *Westlands Water District v. All Persons Interested in the Matter of the Contract Between the United States and Westlands Water District Providing for Project Water Service, San Luis Unit and Delta Division and Facilities Repayment*, Court of Appeal, Fifth Appellate District Case No. F083632 and consolidated with Case No. F084202 (September 1, 2023).

See Attached Map

