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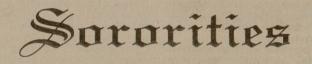
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April 8, 1987

Time:

7:30 p.m.

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College Station Community Center Page 4/The Battalion/Wednesday, April 8, 1987

American Indians file suit over water on federal lands

By Melisa Hohlt

Reporter

More than 50 lawsuits involving every major water source in the Western United States have been filed in federal courts from Arizona to Montana, where American Indians are demanding and fighting for water that is rightfully theirs, says a Texas A&M political science profes-

All Western states apply the Prior Appropriation Doctrine to water right disputes, Dan McCool says. The doctrine states that anyone who uses the water has a right to do so but that right is relinquished if the water is not used.

Established in 1908, the Winters Doctrine states that when the federal government sets aside land for an Indian reservation, it also sets aside the water on that land, he says. "So, what that means is that the

Indians have access to the water whether they use it or not," McCool says, "because it's part of their reser-

vation, just like the land." Creating a whole land for an In-dian tribe and assuming they didn't have access to water either bordering or running through the land would be foolish, he says. The Winters Doctrine refutes the

Prior Appropriation Doctrine, he says, and since the two doctrines were completely incompatible, the Winters Doctrine was ignored until the 1960s, when the Supreme Court applied it to all federal reservations. These federal reservations, which

include parks, wildlife refuges, national forests and military reservations, make up about one-third of the land mass of the United States, McCool says. And about 60 percent of the water in the West rises on those federal lands.

When the government encour-aged western settlement through the Bureau of Reclamation and other land settlement policies, the settlers were given land, McCool says. Also, irrigation projects were built to en-courage the divertion of water and the creation of irrigated farms, he

says. Then the government actually gave water away twice, McCool says. "On one hand, it says that states have the right to allocate water according to Prior Appropriation," he says, "and on the other hand, it created all these federal reservations, which are useless without water.

Although the Bureau of Reclamation has irrigated 11 million acres for the Anglo-Americans and is working on 9 million more, McCool says, it is building the Navajo Indian Irrigation Project to divert water to



"If they claim that, we're either going to have to pay them for it (water), or they're going to divert it and start using it for irrigation," McCool says. "And if that happens, these cit-ies are not going to have sufficient water.



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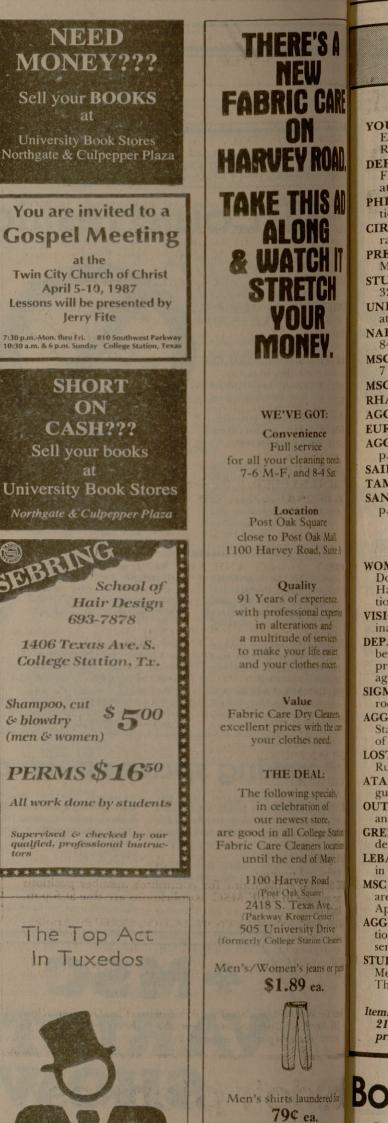
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active tornado season

Texans can anticipate

Weather officials say

saw the tornado that lifted his trailer home into the air last April and ripped it to pieces, hurling him and other family members onto a nearby house.

Shumaker, who was asleep in the trailer, was awakened by Albert West, a brother-in-law, who heard the twister's roar as it tore through the West Texas town of Sweetwater. Then, Shumaker heard the storm,

"It was a roar — a loud one maybe like if a jet was flying 50 feet over your house, one of those big, old jets," said Shumaker, who landed on the roof of his next-door neighbor's house.

After the twister struck, he didn't remember much. He was knocked unconscious by a window pane and cut in the head and back.

West is now a quadriplegic. The April 19 storm, near the beginning of the traditional Texas tornado season, killed an 87-year-old man, injured about 100 people and caused \$20 million in damage.

Killer tornadoes like the one in Nolan County strike with little or no warning, and authorities say there's little residents can do but be prepared.

The National Weather Service said 132 twisters raced through Texas last year, above the state's average of 115. For the past 30 years, during which extensive records have been kept, Texas has led the nation annually in the number of twisters.

So far this year, 12 tornadoes have dipped from Texas skies: one in January, four in February and seven in March. A woman was killed in one of the March twisters, which struck Anderson County, south of Palestine.

Ed Ferguson, deputy director of the National Severe Storms Forecast Center in Kansas City, said, "A slow start does not mean that we will have a quiet year. "We should not interpret that to

mean the tornado problems are over in Texas. We will be faced with strong storms the next three to four not killed.

(AP) — David Shumaker never months; there will be a potential for strong weather systems to move through Texas.

> "I don't see anything that would point to a less-than-normal season."

Buddy McIntyre, a meteorologist in the NWS forecast office in Fort Worth, said nationwide, nine tornadoes struck in January, 23 in February and at least 31 in March. At least eight people died in those twisters.

Ferguson said the twister death toll in Texas last year was three, including the Sweetwater tornado. Two other people died when a tor-nado struck Tomball on Feb. 5, 1986.

"On the long-term average, 12 people's lives are claimed by tornadoes in the state each year," he said. Ferguson said 120 Texans were injured by twisters last year. The av-

erage for the state is 182. Nationwide, 762 confirmed twisters were reported last year, not far off the average of 774. McIntyre said the weather pat-

terns across Texas in the beginning of this year have provided the ingredients for tornado development.

"The upper-level patterns determine how much severe weather we will have," he said. "We have been in a situation in the last several months that normally only develops to produce severe weather in the springtime. Even throughout the winter, we had that situation.

Tornado season normally spans the months of April to June, although Ferguson stresses that twisters can strike at any time.

The Sweetwater twister, which struck at 7:30 a.m., packed winds es-timated at 158-206 mph — strong enough to pick up a 3,000-pound automobile, Ferguson said.

Sweetwater Mayor Rick Rhodes said, "That is still the staggering thing to me — how twisters can do so much damage so quickly. It's amazing and fortunate more people were



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