



INTERIOR BOARD OF INDIAN APPEALS

Thomas E. Edwards v. Northwest Regional Director, Bureau of Indian Affairs

39 IBIA 18 (03/07/2003)

Related Board case:  
37 IBIA 227



# United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
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THOMAS E. EDWARDS,	:	Order Affirming Decision
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 03-50-A
NORTHWEST REGIONAL DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	March 7, 2003

On January 13, 2003, the Board of Indian Appeals (Board) received a notice of appeal from Thomas E. Edwards (Appellant), pro se. Appellant seeks review of a December 12, 2002, decision issued by the Northwest Regional Director, Bureau of Indian Affairs (Regional Director; BIA), that held that BIA did not have the “authority to sell water rights of unleased lands on the Yakama Reservation.” The Regional Director affirmed a June 27, 2002, decision of the Project Manager for the Wapato Irrigation Project (Project), which concluded that BIA did not have authority to quantify and sell the Project water that would otherwise be used on Yakama Allotment 2850, which is owned by Appellant and his family members.

This appeal is a continuation of a dispute that was previously addressed by the Board in Edwards v. Northwest Regional Director, 37 IBIA 227 (2002) (Edwards I). The Project Manager's June 27, 2002, decision was issued after the Board's decision in Edwards I.

On January 15, 2003, the Board issued a Pre-Docketing Notice and Order to Show Cause. The Board advised Appellant that BIA's lack of authority to grant the relief he requested was a question of law, and that he had the burden to show that BIA erred in its legal determination. On February 24, 2003, the Board received Appellant's response.

Appellant cites two authorities in his response: BIA's mission statement and the American Indian Trust Fund Management Reform Act of 1994 (Trust Reform Act), 25 U.S.C. SS 4001, et seq.

The Board finds that BIA's mission statement is not legal authority for the BIA to quantify and sell Appellant's share of Project water. Rather, BIA's mission statement is a management tool that establishes agency goals.

The Board finds the Trust Reform Act inapposite as legal authority to quantify and sell Project water. The Act has three purposes: (1) to establish the Secretary of the Interior's responsibility to account for the daily and annual balances of Indian trust funds, 25 U.S.C. §§ 4011-12; (2) to establish the Indian trust fund management program, 25 U.S.C. §§ 4021-29; and (3) to establish the Office of the Special Trustee for American Indians, 25 U.S.C. §§ 4041-46. None of these purposes relate to the management of irrigation projects or to the BIA's responsibilities for the operation and administration of those projects.

The Board finds that the two authorities cited by Appellant do not authorize BIA to do what he requests. Appellant has failed to carry his burden to prove that there was legal authority for BIA to quantify and sell his allocation of Project water.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Regional Director's December 12, 2002, decision is affirmed. 1/

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//original signed  
Kathleen R. Supernaw  
Acting Administrative Judge

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//original signed  
Kathryn A. Lynn  
Chief Administrative Judge

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1/ Any arguments not specifically addressed were considered and rejected.