

American Indian Tribes and the Development of Water Resources

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Abstract

Water rights are possibly the most important right many Indian tribes have yet to exercise. When reservations were established, water rights ("Winters Rights") were also reserved by Indian tribes. These water rights were intended to ensure that tribes would have a sufficient supply of water to meet the agricultural, domestic, industrial, and municipal water needs of the reservations. Ironically, despite its legal obligation to protect these rights as trustee, the United States Government developed water policy and related infrastructure benefiting non-Indian communities without consideration of tribal interests. As a result, many tribal communities now suffer from inadequate, often compromised water supplies that hamper reservation economic and community development and prohibit effective fire protection. Furthermore, water resources and aquatic ecosystems crucial to tribal communities for cultural survival are often impaired by over-appropriation by non-Indian interests.

Water concerns facing Indian tribes look very similar to the issues facing non-Indians, except tribes have fewer monetary and political resources to approach their concerns, while typically starting a few steps behind. However, there is opportunity in where we stand today. Despite constant uncertainty as to whether the Federal Government will uphold its trust duties, Indian tribes are moving forward and trying to exercise their water rights in the most beneficial capacity possible. Most often this means attempting to work to secure water resources for their communities, many of which still have no running water. In the 21st century this requires more than a pick and a shovel; it requires coordination, cooperation, and collaboration. Tribes are bringing together water users to forge workable agreements that can sustain each other's needs and also promote ecosystem health. These water settlements allow Indian tribes to fulfill their water rights and simultaneously build modern infrastructure using local values and knowledge. Significant obstacles exist across tribal communities, but access to a clean reliable water supply should not be one of them.

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