

Tribal Water Rights in California

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Introduction

- Native Californians are the state's original land and water managers
- Tribal nations inhabit nearly every watershed across the state
- There are 109 federally recognized Tribes and more than 55 Tribes that are not currently recognized



Why study Tribal water rights—and why now?

- Tribal water rights are an important—and often poorly understood—component of California’s water rights system
- These rights are essential to the economy and well-being of California’s Tribes
- Tribes are increasingly involved in regional management of water
- Water managers and regulators are referencing Tribes’ traditional ecological knowledge of California’s ecosystems

A brief history of Tribal water rights

- Prior to European settlement, California was home to diverse and abundant Native peoples
- As the non-Native population grew, Tribes were displaced
- Reservations were established, and Tribes were relegated to remnants of former lands
- The creation of reservations included Tribal water rights



Most Tribal water rights are “federal reserved rights”

- Federal reserved water rights are associated with the establishment of reservations
- Can be quantified or unquantified
- 16 of 109 federally recognized Tribes in CA have quantified rights
- Federal reserved water rights
 - Include both surface and groundwater
 - Priority date is the date of reservation establishment

Quantification is a critical aspect of Tribal water rights

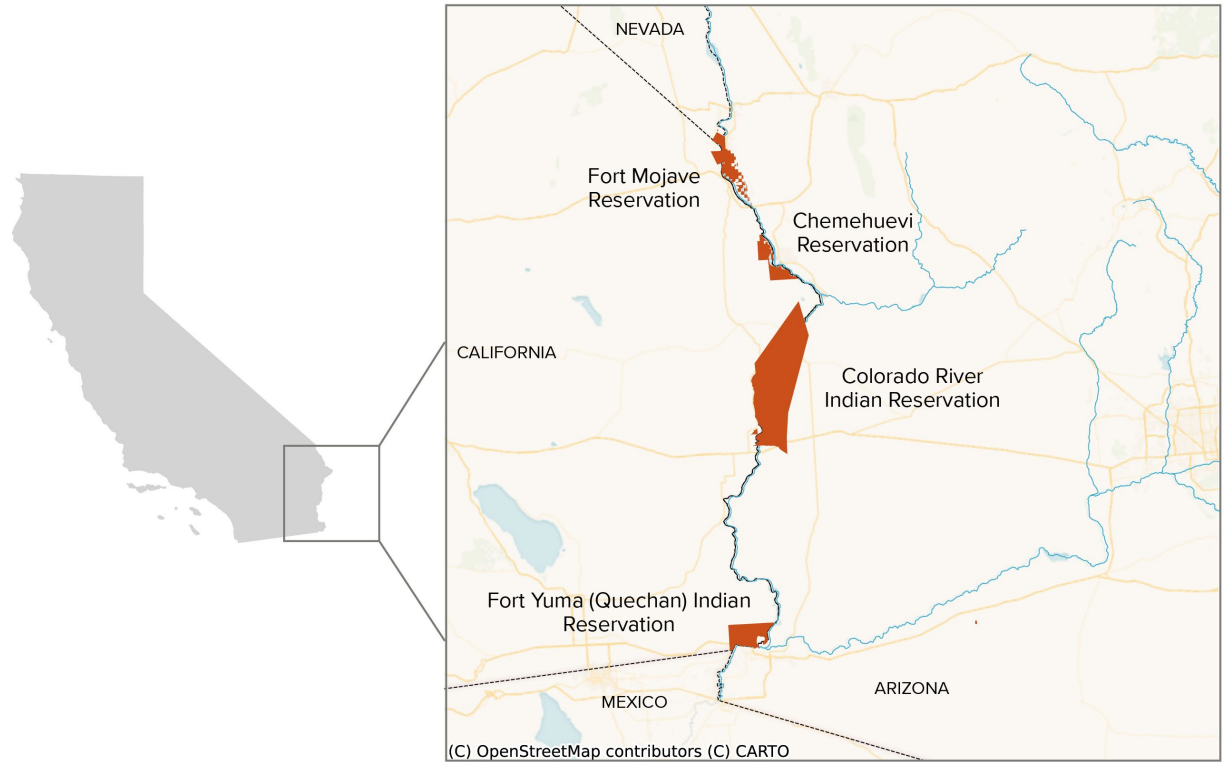
- Provides certainty about the amount of available water
- Offers opportunities to lease or trade water
- Quantification can be established by
 - Judicial decree
 - Congressional legislation
 - Settlement agreement



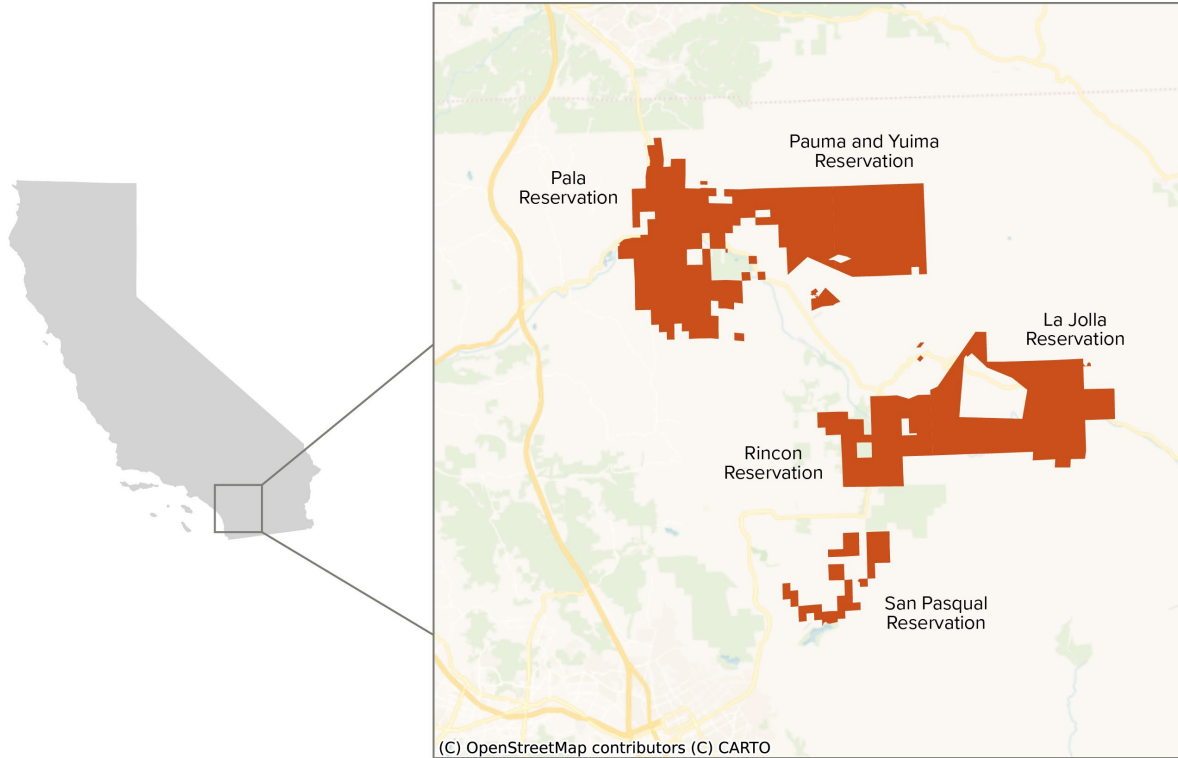
Negotiated settlements can be an effective way to quantify Tribal water rights

- Settlements can both quantify Tribal water rights and enable flexible water management, including transfers
- Settlements benefit from imported supplies
- Congressional approval provides certainty, as well as funds for water infrastructure and other development

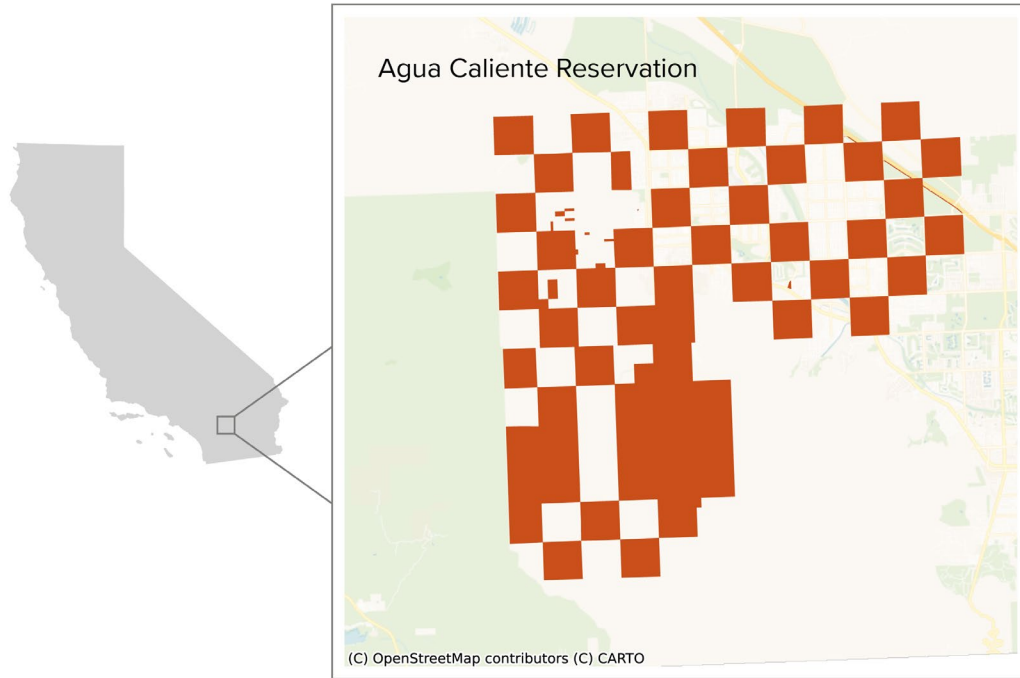
Colorado River Reservations



San Luis Rey Reservations



Agua Caliente Indian Reservation



Source: Agua Caliente Band of Cahuilla Indians

Notes on the use of these slides

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Thank you for your interest in this work.