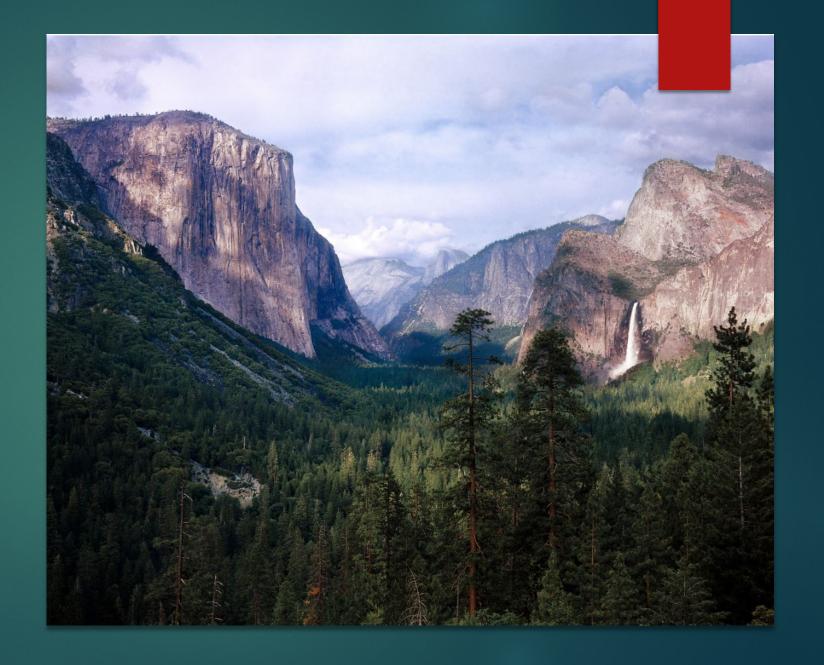
# Restoring Access to Water: The long road



Commission for Environmental Cooperation Joint Public Advisory Committee Oaxaca, Mexico November 29, 2023 Felicia Marcus, Moderator

#### Overview

- ▶ Introduction
  - ▶ Felicia Marcus
- Panel presentations
  - ► Kathy Hodgson Smith
  - Rodrigo Gutierrez Rivas
  - ▶ James Hopkins
- Discussion
- ▶ Q&A



### Our panelists





Felicia Marcus







Kathy Hodgson Smith

Rodrigo Gutierrez Rivas

James Hopkins

### United States—<u>brief</u> overview

- Federally recognized tribes: Western United States Water Rights built on "seniority system" also referred to as "first in time, first in right"
  - ▶ Winters decision: Seniority set by date of treaty signing
    - ▶ But:
      - Not all all federally recognized tribes have signed treaty
        - ► E.g., California/Nevada post gold and silver rushes
      - ▶ Even with signed treaty and priority date, tribes still need to "settle" with states they are colocated in.
      - ▶ Takes decades; often resolved with trading water amounts for dollars to build the infrastructure to take advantage of the water.
- Not all tribes are federally recognized (some have "state" issued water rights; many or most do not.





### Colorado River example

- 30 Federally recognized tribes on mainstem and tributaries
  - 22 have settled rights but not all can access those rights
  - Of those, some tribal nations are able to use their allocations, and others are selling water to urban areas to support communities and gain ability to build necessary infrastructure.
- Tribal allocations come out of the state in which they are co-located, leading to intense political pressure
  - E.g., opposition to Navajo Nation v. United States
  - ► E.g., 22 of thirty tribes located in Arizona

## Thank you!

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