

Free case study on native american water rights and arizona government

[Law](#), [Criminal Justice](#)



Since early 1990s, there have been issues relating to water problems, conflicts, and compromises over water. Projects have been established to make appropriate documents relating the issues, problems and solutions to the west conflicts and settlements over water. This research currently will offer on various ways the government handling the problem of water rights of Native Americans tribes in Arizona. These tribes include the Hopi, Navajo, and the Pima tribes in Arizona. The group participates on Federal Negotiation team as activities intensify and more progress made for these teams. Thus, it is the drive of this project to digitize and identify all relevant government documents, dated from late 1700 through 1990, which, discusses the water rights of the Arizona tribes. These documents are after a research, digitally arranged for other scholars in their research.

Direction and participation of Reclamation on federal Indian water rights negotiation team are included for the primary activities. While achieving settling a final settlement, phases of settling implementation begins. A period is set, for which the federal implementation team participates in implementing a settlement. During implementation, a variety of activities performed which range from coordination to construction authorized, coordination to performing studies and funded by the settlements.

Native Americans enjoy special rights of access to water where the issue of water rights in the western parts of United States has been most applicable. Majority of Indian reservations are located in this area and water is the scarcest. Appropriative systems in the west determine the rights to water in the west, which grips that water rights are not directly connected to the land. Rather, the first user who appropriates it for a beneficial use gains the right

to water. A guarantee is given to the Appropriator where he/she gets the right to continue enjoying water from that source where there lack disturbance from other appropriators as long as water continues to flow and benefits. When the appropriator stops using the water, the individual loses the right to it.

Water is plentiful in Eastern parts of Arizona thus they use the Riparian system instead of appropriative system where the right to the reasonable use of that water is given to the owner of the land bordering a body of water. A continued flow of water guaranteed to all Riparian, whether or not they use the water continuously. Both features of these systems are combined where the legal foundation for Indian water rights is the 1908 U. S Supreme Court case *Winters versus the United States*. There have been various cases of water systems in Arizona known was of that involving a Montana Indian reservation where river was its border. Non-Indian settlers divided the river's water after the reservation was established, claiming that before the Indian begun to use the waster themselves, they had appropriated the water after the reservation was created. Settlers received a blow from the Supreme Court as it ruled against them after the court realized that reserved water rights for the Indians were necessarily implied, when the reservation was created. The basic for the rule favoring Indians by the court was in that the Indians were in no way accepts land for grazing and farming purposes without reserving the water also that would help them in their activities. The Supreme Court would also imply that the establishment of the reservation necessarily viewed the rights to water necessary to make the land productive and habitable. However, Arizona went beyond *Winters*, in the

ruling of the right the reservation had on the quantity of water . the court ruled that for the purpose of irrigating all the practicably irrigable of the Reservation acreage even after the argument that the amount of water reserved to the reservation should be partial to the amount likely to be needed by the fairly small Indian population.

In recent days in Arizona, Native American rights are determined by a set of principles called Winters Rights. Federal lands should be reserved water by the congress, which is a right including Indian reservation. It is implied that the reservation has the right to water sources bordering or within the reservation where the congress establishes a reservation. The date of the reservation creation helps to reserve the reservation of water rights. Those with later dates are subordinate but competing users with earlier appropriation dates takes precedence. The amount of water necessary to irrigate all the practically on the reservation irrigable land is the enough water reserved. Winters rights ensure that through non-use of water, water are not lost

These rights does not fully provide solutions to water use in the West as water continues to be highly contested, as the competing demands of non-Indian users and states government does not deter the reservation to continue fight.

In Native lands, there is no legislation, which provides in detail exactly how much water is allowed. This is resulted by the fact that there is no universally accepted way of how specific amount of water a reservation needs is calculated. Whether water should be allocated based on potentially irrigated land or on population results to conflicts. It is easy for the Native Americans

to be undersupplied as a result making it hard for them to argue for their right to more water. The extent of control the Native Americans have over the water they are allocated is also a problem as there lacks certainty, as questions arises on whether they sell, trade or they treat it as they wish. Another challenge facing Arizona and water rights is the contamination issues on reservation. These are some of the problems that for long has been experienced by the Native Americans and the Arizona tribes and all these problems has to be taken into account for coming up with a solution in the west to the water crisis. Water rights and availability of water is essential and the government should be aware that it is necessary that there is no group which should be underprivileged of clean water in the process of imposing more harsh control to people of West in the supply of water.

In the real world, almost everywhere cases of water become a critical issue to be discussed. The view of this project is to provide solutions and to view a new sustainable world. The solution attempts to reduce the shortages of water where rivers slowly flow to nothing and aquifers running dry. Ideas are for thoughtful consideration present ideas to a honest world.

Rights of Arizona tribes and the Native Americans should be highly considered as they affect their whole lives. The focus of solutions lies on Economics and Agriculture as they play a major part in the growth of our economy. A solution involving water pricing scheme, cap and trade system that aims to increase the price of water to reflect the continued scarcity of water. As water in these regions is scarce, these approaches will work by showing the individual of the amount of water they unnecessarily consume causing wastage, which lead to them going against water rights. Irrigation

among mostly the Indians leads to conflicts thus agricultural sectors will also be required to change those practices unsustainable. Farmers will be given enticements to adjust to more efficient, water saving irrigation systems which include showering crops from high above in the blazing sunlight. Switch crops will with other less water draining crops especially those crops that are water incentive.

There are various proposals of measures, which help to reduce water consumption in agriculture for this to happen, centralized federal control of the water resources is needed. Since they can direct the areas, the government should be responsible in providing various ways of sharing the water. Irrigation districts should be put into place as this will help mostly the Indians as they are the most vulnerable to dangers of their agricultural products getting affected leading to slow growth in the economy.

The government and the various congresses responsible for giving rights to the usage of water must provide harsh rules against violation of these laws. Many are the times that the Arizona government and the Native Americans violate rights to water and break the rules governing the various water sources. These violations lead to scarcity of water to some tribes while the other tribes enjoy plenty of water.

Crops rotation is another factor that will lead to minimizing the usage of water in agricultural sectors. There are crops that use little or minimum consumption of water while other crops consume more water for growth. Farmers should use rotation methods in agricultural sectors to make their lands fertile and also control the usage of water which in the real sense is scarce. Government should control those crops with low-income value but

consume more water. Research showed that the United States government regulated the growth of low economic gain to farmers and recorded a rise in productivity and control of usage of water

Rules are set to try to control the little water that this region have. Various projects that the government and the people of this region can start to reduce the water shortages. Planting of more trees will help to change the climate and this region will be frequented with rains thus people will not solely depend on irrigation on their farms. Climate change has been known in much regions to result to water scarcity. People should be educated on various ways to keep the climate clean, which will lead to availability of water and growth of the economy.

The cost will relatively be less in the long-term compared with what these regions go through because of shortages of water and improper management of the rights that govern water. The benefits will both benefit the people of these regions and the government.

Work Cited

Agthe, Donald E, R B. Billings, and Nathan Buras. Managing Urban Water Supply. Dordrecht: Kluwer, 2003. Print.

Climate Change Impacts on the United States: Foundation Report.

Cambridge: Cambridge University Press, 2001. Print.

Colby, Bonnie G, John E. Thorson, and Sarah Britton. Negotiating Tribal Water Rights: Fulfilling Promises in the Arid West. Tucson: University of Arizona Press, 2005. Print.

Colby, Bonnie G, John E. Thorson, and Sarah Britton. Negotiating Tribal Water Rights: Fulfilling Promises in the Arid West. Tucson: University of Arizona

<https://assignbuster.com/free-case-study-on-native-american-water-rights-and-arizona-government/>

Press, 2005. Print.

Cosens, Barbara, and Judith V. Royster. *The Future of Indian and Federal Reserved Water Rights: The Winters Centennial*. Albuquerque: University of New Mexico Press, 2012. Print.

Frantz, Klaus. *Indian Reservations in the United States: Territory, Sovereignty, and Socioeconomic Change*. Chicago: University of Chicago Press, 1999. Print.

Johansen, Bruce E. *The Encyclopedia of Native American Legal Tradition*. Westport, Conn: Greenwood Press, 1998. Print.

Parker, Linda S. *Native American Estate: The Struggle Over Indian and Hawaiian Lands*. Honolulu: University of Hawaii Press, 1996. Print.

Shurts, John. *Indian Reserved Water Rights: The Winters Doctrine in Its Social and Legal Context, 1880s-1930s*. Norman: University of Oklahoma Press, 2003. Print.

Thorson, John E, Sarah Britton, and Bonnie G. Colby. *Tribal Water Rights: Essays in Contemporary Law, Policy, and Economics*. Tucson: University of Arizona Press, 2006. Print.