



Ad Hoc Group on Indian Water Rights Settlements

Who We Are

Since 1981, the Western States Water Council (WSWC) and the Native American Rights Fund (NARF), working together with tribal representatives and other public and private experts, have participated in an Ad Hoc Group on Indian Water Rights Settlements.

What We Do

We work to support the negotiated settlement of Indian water rights disputes. We believe there is a need to quantify Indian water rights, and that negotiated settlements are preferable to litigation as a means of quantifying those rights. We also believe that such settlements should be encouraged and facilitated by the federal government, both in terms of assisting in the negotiations as well as in providing appropriate funding for the implementation of settlements.

Over the years, a process has evolved with the help of the Ad Hoc Group that has contributed to the approval of 34 Indian water rights settlements. The WSWC and NARF also hold a biennial Symposium on the Settlement of Indian Reserved Water Rights Claims for experts to exchange information and advice regarding Indian water right settlements. The last virtual symposium took place in August 2021. Presentations from the Symposium are available at: <https://westernstateswater.org/events/2021-symposium-on-the-settlement-of-indian-reserved-water-rights-claims/>

Federal Trust Obligation

The federal obligation to fund settlements is analogous to, and no less serious than, the United States' obligation to pay judgments rendered against it. However, current budgetary pressures and legislative policies make it difficult for the Administration, the states, and the tribes to negotiate settlements knowing that they may not be funded.

We support federal funding, including a permanent funding source, to help ensure that settlements authorized by the Congress and signed by the President will be implemented. We also believe that Congress should provide a budgetary mechanism to ensure that authorized settlements are funded without corresponding offsets to some other tribal or essential Interior Department program.