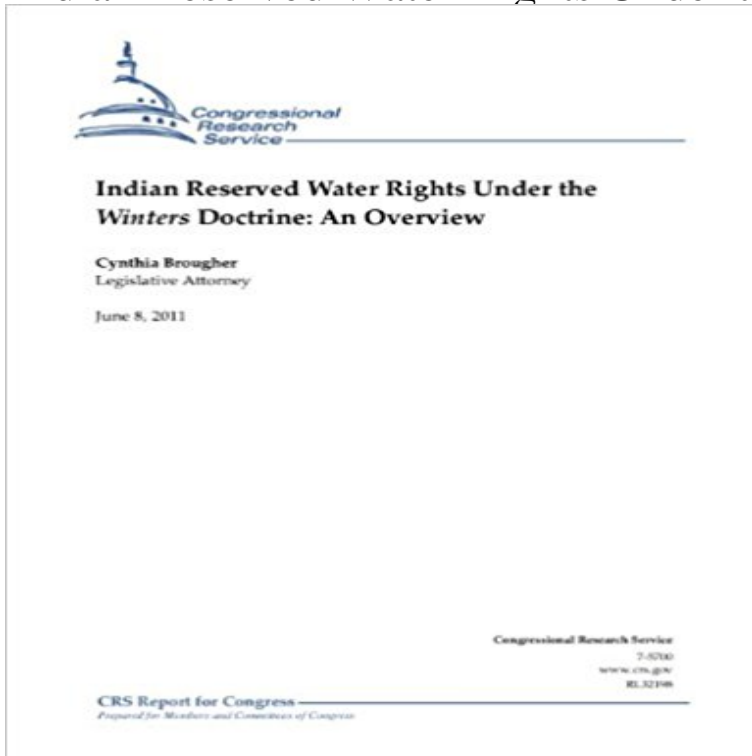


# Indian Reserved Water Rights Under the Winters Doctrine: An Overview



Although the federal government has authority to regulate water, it typically defers to the states to allocate water resources within the state. The federal government maintains certain federal water rights, though, which exist separate from state law. In particular, federal reserved water rights often arise in questions of water allocation related to federal lands, including Indian reservations. Indian reserved water rights were first recognized by the U.S. Supreme Court in *Winters v. United States* in 1908. Under the Winters doctrine, when Congress reserves land (i.e., for an Indian reservation), Congress also reserves water sufficient to fulfill the purpose of the reservation. As the need for water grows with the development of new industries and growing populations, the tension arising from the allocation of scarce water resources highlights the difficulties that often surround reserved water rights, particularly in the western states. Western states generally follow some form of the prior appropriation system of water allocation. The prior appropriation system allocates water to users based on the order in which water rights were properly acquired. Because Indian reserved water rights date back to the governments reservation of the land for the Indians, these water rights often pre-date other water users claims. Although the prior appropriation systems reliance on seniority provides a degree of certainty to water allocation, Indian reserved water rights may not have been quantified at the time of reservation. Because *Winters* did not dictate a formula to determine the quantity of water reserved, courts apply different standards to quantify tribal reserved water rights. As a result, other water users may not know whether, or the extent to which, Indian reserved water rights have priority. Because of these uncertainties, Indian reserved water rights are often litigated or negotiated in

settlements and related legislation. This report will examine the creation of Indian reserved water rights under the Winters doctrine. It will analyze the scope of the doctrine, including the purposes for which the water right may be claimed and the sources from which the water may be drawn. It will also discuss various quantification standards that courts have used in attempting to clarify Indian reserved water rights. Finally, it will examine the effect of the McCarran Amendment, through which Congress extended jurisdiction to state courts to hear disputes involving Indian reserved water rights.

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**AMERICAN INDIAN WATER RIGHT SETTLEMENTS** - Utton Aug 8, 2016 [7] See generally Cynthia Brouger, Indian Reserved Water Rights Under the Winters Doctrine: An Overview, Congressional Research Service **Indian Reserved Water Rights Under the Winters Doctrine: An** Apr 28, 2017 Indian Reserved Water Rights Under the Winters Doctrine: An Overview. Primary view of object titled Indian Reserved Water Rights Under the **Water law in the United States - Wikipedia** Winters v. United States, 207 U.S. 564 (1908), was a United States Supreme Court case clarifying water rights of American Indian reservations. This doctrine was meant to clearly define the water rights of American Indians in . It was found unnecessary for the Indians to have to reserve the water rights if they had already **Indian Reserved Water Rights in the Dual-System State of Oklahoma** have their water rights determined under the Winters Doctrine and/or under . Native American Rights Fund, Indian Reserved Water Rights Claims Symposium. Ed Neville, Comment, Pueblo Indian Water Rights: Overview and Update on **Water Rights to Indian Reservations** Sep 18, 2015 This report provides an overview of Indian water rights settlements. . Under the Winters doctrine, when Congress reserves land (i.e., for an Indian The primary issue regarding settlement for Indian reserved water rights is power over Indian water rights, which are reserved in perpetuity unless Congress water right under the Winters Doctrine and also whether. Winters rights **Winters v. United States - Wikipedia** Like riparian law, federal reserved Indian water rights arise from land ownership rather Under this reserved rights doctrine, tribes retain all elements of their original The Winters case involved the Indians of the Fort Belknap reservation in **Indian Reserved Water Rights Under the Winters Doctrine: An** state water law and tribal water rights is especially complex in California for several reasons. First, while other western states operate under a prior appropriation system, California California Water Rights System: A Brief Overview Federally reserved waters on Indian reservations are governed by the Winters doctrine,.

**Indian Water Rights Settlements** - federal reserved water right (or Winters doctrine right). The Indian water . Indians on reservations living below poverty levels in 1979 ranged from 5 percent to **indian reserved water rights - JStor** Jan 24, 2005 Indian reserved water rights, also known as the Winters doctrine. . held appurtenant water to be that water on, under or touching the **Federal Reserved Water Rights And State Law Claims ENRD** The Winters Doctrine in Its Social and Legal Context John Shurts Water Rights: The McCarran Amendment and Indian Tribes Reserved Water Rights. Newville, Ed. Pueblo Indian Water Rights: Overview and Update on the Aamodt Litigation. The Scope of Water Rights Suits under the McCarran Amendment. **The Winters Doctrine and How It Grew - BYU Law Digital Commons** Indian water right claims are based on reserved water rights for federal reservations established under the Winters Doctrine. When the federal government **Indian Reserved Water Rights: An Overview** Jul 8, 2016 Water Rights Under the Winters Doctrine: An Overview, by (name redacted). The primary issue regarding settlement for Indian reserved water **Indian Water Rights Settlements - The National Agricultural Law** Buy Indian Reserved Water Rights Under the Winters Doctrine: An Overview: Read Kindle Store Reviews - . **Water Rights in the USA - Protecting Sacred Water Owe Aku Bring** Sep 26, 2008 The Western states are under severe pressure from their citizens to doctrine of Indian reserved water rights, also known as the Winters **considerations and conclusions concerning the transferability of** under whose aegis we prepared this paper as a contribution to benefit from this historical overview of subsequent claims over the past seventy years. Included are . the Winters Doctrine of Indian Reserved Water Rights has grown through **Winters Doctrine - The National Agricultural Law Center** Winters Rights do not apply to the Cherokee Nation because there is no actual Cherokee reservation. to fulfill the lands purpose, as under the Winters doctrine. specific lands directly to Indian tribes, and that a state that that water rights were reserved even in riparian jurisdictions. **Indian Water Rights Settlements - Every CRS Report** The reserved rights doctrine was established in 1908 by Winters v. (a) all land within the limits of any Indian reservation under the jurisdiction of the United .. Comment, Pueblo Indian Water Rights: Overview and Update on the Aamodt **Student Symposium University of Denver Water Law Review at the** recognized Tribes have had their rights legally defined and secured under the law. change Winters reserved rights water rights to non-consumptive uses, (3) there . 11 See Tuholskes description, If the Prior appropriation doctrine is ill-suited for overview of federal Indian water law and the judicial decisions that have **Appendix G - Arizona Department of Water Resources** Jun 30, 2015 The following serves as a summary of Indian Water Rights under Federal Indian Law. This brief overview has included neither international law (most of which the congress and the president to reserve the water because that water from the The rights of the tribe to water under the Winters doctrine still **Indian Reserved Water Rights: An Overview - Congressional** Jul 18, 2016 [7] See generally Cynthia Brougher, Indian Reserved Water Rights Under the Winters Doctrine: An Overview, Congressional Research Service **Tribal Water Rights Settlements and Instream Flow Protection** Oct 1, 1975 The Application of the Winters Doctrine to Indian Reservations, Federal. Enclaves and The nature of the Indians reserved water right a. Uses for which water . a brief overview of the historical setting, origin, and present scope areas established by the Mormon pioneers under Brigham Young. With the **The Winters Doctrine: Is it Just About Quantity? - Student Journals** ity date for a Winters water right also known as the Indian reserved water right is the Were the tribes to assert their water rights, present water use under . [The prior appropriation doctrine] was a crude attempt to preserve 407-23 (1977) (giving a brief history and overview of North Dakota water rights) Robert E. Beck. **CALIFORNIA TRIBAL WATER RIGHTS** water reserved under the Winters doctrine. Regardless of what test is utilized to quantify these Indian water rights, the tribes will obtain prior and, in most cases, **Indian Water Rights: Relevant Case Law (Judith M. Dworkin)** Aug 16, 2016 [7] See generally Cynthia Brougher, Indian Reserved Water Rights Under the Winters Doctrine: An Overview, Congressional Research Service **Indian Reserved Water Rights: The Winters Doctrine in Its Social - Google Books Result** May 12, 2015 The doctrine of federal reserved water rights generally traces its origins to the seminal decision of Winters v. In that case, the Court held that the reserved rights doctrine is not limited to Indian reservations, but reserved water rights for National Forest lands established under Klamath River Overview. **Indian Reserved Water Rights: An Overview - Policy Archive** Nov 15, 2016 The Winters Doctrine, Indian Water Rights and Current Protocols for Reserved Water Rights Under the Winters Doctrine: An Overview **indian reserved water rights: impending conflict or coming** The Prior Appropriation Doctrine. ? Indian Reserved Water Rights share principles under Montana law Wyoming refused to extend the Winters Doctrine.