

Cultural Value of Water

Native American Values and Uses

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History and Culture

- Sustenance
- Sacred Water & Springs
- Ceremonies
- Treaty Rights
- Subsistence Use



"To us it flows through the people that live here. These waters are what we were created from. Every drip, every seep, every spring that we have here, this little drip created the Havasupai. This water, we are this water." Tribal Chairman, Rex Tolousi.

Sacred & Subsistence Waters

Montezuma Well



Verde River



Little Colorado River



The Legal Landscape

- The Winters Doctrine (1908)
- Arizona v. California (1963)
- Cappaert v. United States of America (1976)
- United States v. New Mexico (1978)
- Arizona v. California (1983)
- Big Horn Adjudication (1988)
- Gila River Stream Adjudication

Arizona Water Settlements

- White Mountain Apache Settlement (2013)
- San Carlos Apache MOU (2013)
- Navajo Nation Settlement (2014)
- Gila River Settlement (2015)

United Nations Declaration on the Rights of Indigenous Peoples

Article 25

- Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 26

- 1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
- 2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
- 3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Issues Today

- Dams
- Quantification & Scarcity
- Climate Change
- Pollution & Governance Authority



Articles

- Joyce Tekahnawiiaks King, The Value of Water and the Meaning of Water Law for the Native Americans Known as the Haudenosaunee, 16 Cornell J. L. & Pub. Pol'y 449 (2007).
- D. Kapua'ala Sproat, Wai Through Kanawai: Water for Hawaii's Streams and Justice for Hawaiian Communities, 95 Marquette L. Rev. 127 (2011).
- Katosha Belvin Nakai, Water: It Always Has been; It Is; It Will Be—A Cultural Perspective on the Valuation of Water, 38 Tex. Tech. L. Rev. 1027 (2006).