



# THE TRIBAL WATER INSTITUTE at the Native American Rights Fund

The Native American Rights Fund (NARF) is a long-time defender of tribal water rights and has stood at the center of seminal water victories such as the *Boldt* Decision (stemming from the *US v Washington* litigation) and representing tribes in 9 of the 35 tribal water rights settlements approved by Congress since 1978. As a dogged defender of tribal water interests, NARF stands strong on behalf of Tribes in legal fights that can last decades. However, with the impacts of climate change stressing water supplies—and the legal frameworks used to manage them—tribal needs are growing and require the commitment of more and diverse resources.

That challenging reality is coupled with ongoing policy concerns. Tribal Nations are under-represented in management discussions, and federal and state policy proposals consistently ignore tribal needs and limitations. However, many Tribal Nations do not have the capacity to develop and bring forward water proposals. Instead, they are placed in a reactionary position, which is to the disadvantage of their sovereign interests.

To meet this moment, NARF is excited to announce that it is creating the Tribal Water Institute (TWI). The Tribal Water Institute will be a first-of-its kind project that builds on NARF's expertise, expansive network of allies, and emphasis on coalition building. With strategic actions based on years of experience, it will help address the shortage of Water Law expertise across Indian Country, bolster educational efforts, and provide thoughtful leadership in advocating for tribal water rights.

## **Program Specifics:**

Led by NARF attorneys, starting in late 2023, the Institute will undertake several high-impact programs to support Tribal Nations seeking to assert and protect their right to water. Including:

### **1. A Legal Fellow Program to Build Water Law Capacity for Indian Country**

Training young attorneys to represent and advocate for Tribal Water Law solutions is critical to developing Tribal Nations' legal capacity. The Institute, through partnerships with other water-oriented programs and law schools, will hire water-specific legal fellows. They will support water initiatives while gaining the unique skills needed to serve Indian Country in the future. Developing these fellowships will counter multiple issues—it will immediately provide additional capacity and seed the next generation of tribal Water Law attorneys.

## **2. Advocacy to Promote Federal and State Water Policy and Litigation**

Tribal Nations need forward-thinking, proactive policy proposals developed through well-supported research and legal argument to effectively advocate for their water rights. Yet, to our knowledge, there is no national tribal organization or academic institution that focuses on tribal water rights or policy development. The Institute will help fill this gap and provide much-needed recommendations and other legal resources to guide tribal water policy.

## **3. Tribal Water Report**

TWI will publish a semi-annual publication detailing water-related legal information and opportunities to better inform tribal water managers and tribal leadership. It will include water rights information like case summaries, pending legislation, rule makings, public comment opportunities, successful settlements, and related commentary.

## **4. Ad Hoc Water Group Participation**

Since 1981, the Western States Water Council (WSWC) and NARF, working with tribal representatives and other public and private experts, have participated in an “Ad Hoc Group on Indian Water Rights Settlements.” The group supports the negotiated settlement of Indian water rights disputes, including Congressional education and advocacy for funding mechanisms. The Institute would participate in these Ad Hoc efforts, provide technical expertise, help organize and consolidate interest, and tackle needed research to advance policy objectives.

## **5. Indian Water Settlement Symposium**

Since 1991, NARF and WSWC have sponsored a biennial symposium to discuss the settlement of Indian water rights claims. The symposium is held for experts and tribal advocates—both public and private—to exchange information and advice regarding the creation and implementation of Indian water rights settlements. Going forward, the symposium will be housed in the Tribal Water Institute.

The impact of the water symposium is immeasurable. It is the only current effort to consolidate and share information on federal reserved Indian water rights issues and ongoing cases. By disseminating information on past and current settlements, NARF provides practitioners the best and most recent information necessary for successful water rights settlements in Indian Country. As the body of Water Law grows, so too does the need for the ongoing growth and evolution of our ability to advocate for tribal rights and water sovereignty.

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If you are interested in supporting the Tribal Water Institute and its work, please contact  
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