



UTTON TRANSBOUNDARY
RESOURCES CENTER



The Native American Water Rights Settlement Project and mapping tool is a repository of documents relating to the settlement of Native American water rights in the United States.



To view the Native American Water Rights Settlement (NAWRS) Project, scan the QR code.

CONTACT THE UTTON TRANSBOUNDARY RESOURCES CENTER
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Native American Water Rights Settlements

Are legal agreements that resolve long-standing disputes related to Native American water rights among federally recognized Tribes, federal and state governments, and other water rights holders. Settlements can take many years.

Settlement Process Steps:

Prerenegotiation > Negotiation > Settlement > Funding & Implementation

Native American Water Rights

Native American water rights are vested property rights and resources that the United States must protect as part of its federal trust responsibility. Historically, the United States has upheld its federal trust responsibility by acting as trustee in managing reserved lands, waters, resources, and assets for Tribes and by providing legal counsel and representation to Tribes in the courts to protect such rights, resources, and assets.

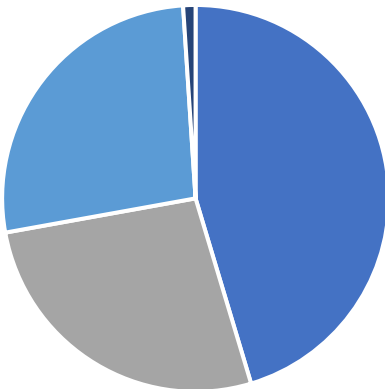
The specifics of Native American water rights claims vary; typically, these claims arise out of the right of many Tribes to water resources dating to the establishment of their reservations (reserved water rights). These reserved water rights were first recognized by the Supreme Court in *Winters v. United States* in 1908. Under the *Winters* doctrine, when Congress reserves land (i.e., creates a reservation), it implicitly reserves water sufficient to fulfill the purpose of the reservation. In addition to reserved water rights, courts have recognized aboriginal water rights. In this circumstance, a Tribe may have time immemorial rights to water resources based on tribal water uses that preceded the establishment of reservations. Native American water rights

settlements can provide for actual water delivery, offers more flexible and localized solutions in administering *Winters* rights, provides certainty and economic development potential, and fulfills the federal trust responsibility to promote Tribal self-determination and economic self-sufficiency. Settlement allows necessary parties to agree to specific terms in exchange for various promises, such as funding for infrastructure and the relinquishment of further litigation. A settlement agreement between states and Tribes requires an act of Congress, though, and settlements typically authorize funding, and in some cases provide direct/mandatory funding, for projects that allow Tribes to access and develop their water resources.

THE NAWRS PROJECT'S BEGINNINGS

In 2012, this repository was developed through a partnership of the University of Idaho College of Law's Waters of the West program, the Utton Transboundary Resources Center, University of New Mexico Centennial Library for Science and Engineering, The University of New Mexico Earth Data Analysis Center, and the American Indian Law Center, Inc. The Native American Rights Fund, the National Congress of American Indians and the Western States Water Council supported the project. The NAWRS mapping tool was revamped in 2025, and the project is being consistently updated.

NAWRS PROJECT FACTS



NAWRS PROJECT USAGE

- Tribal, Pueblo, & Governmental - 43%
- Educational - 27%
- Commerical - 26%
- Other Organizations - 1%

OTHER ORGANIZATIONS INCLUDE:

National Labratories
National Educator Associations

Information above current as of February 2025 and sourced from the UNM Digital Repository

A TOOL TO SERVE TRIBES NATIONWIDE
WITH GLOBAL RECOGNITION

791 ENTITIES ACROSS THE GLOBE HAVE ACCESSED NAWRS

INFORMATION SOURCED FROM THE NAWRS PROJECT DIGITAL REPOSITORY

INTERESTED IN BECOMING A PARTNER IN THIS PROJECT?

FOR MORE INFORMATION AND QUESTIONS

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<https://uttoncenter.unm.edu>

THE UTTON TRANSBOUNDARY RESOURCES CENTER

The Utton Transboundary Resources Center researches and provides information to the public about water, natural resources and environmental issues, with a particular focus on New Mexico and the Southwest. It supports collaborative natural resource management using multidisciplinary expertise and inclusive, diverse stakeholders.

NAWRS PROJECT ACKNOWLEDGEMENTS

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