

Indian Water Rights and Water Law • February 25-26, 2010 – Albuquerque, NM

CLASS ID: NR002ALBUQ

HOW TO REGISTER

Phone: Call 1-800-992-4489, Monday-Friday, 9:00 a.m.-5:30 p.m. EST.

Fax: Complete the registration form and fax to 703-352-2323 anytime. Payment must be received at our office prior to the start of the session.

Mail: Return registration form and payment to:

Falmouth Institute
3702 Pender Dr., Suite 300
Fairfax, VA 22030.

Online: At www.falmouthinstitute.com

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Are you surrounded by unprecedented growth? Find out how increased development affects water use regulation and how to protect your tribe's precious water resources.

Indian Water Rights and Water Law

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Prepare to develop an effective strategy for your tribe as you learn about:

- › On- and off-reservation water issues
- › Federal and state laws, rights and jurisdiction
- › Transfer and leasing of water rights to water-hungry states
- › Water diversion and its effects on tribal hunting and fishing rights
- › Federal Energy Regulatory Commission (FERC) licensing issues
- › Litigation, funding and innovative approaches

Discuss pending legislation and recent court decisions.

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This class is perfect for natural resources directors, housing development managers, tribal leaders, business development directors, tribal planners, attorneys and environmental managers.

Even though federal laws and policies assure Indian tribes significant water rights, the outcomes of tribal water claims are far from certain. Tribes must compete with powerful political and economic forces for their share of this precious — and often scarce — natural resource.



This two-day class will cover the history of U.S. water policy, from state and federal regulations that impact your water resources. the European settlement of the West to the Winters Doctrine to current “water wars.” More importantly, it provides practical strategies tribe faces in guaranteeing its water rights.

for protecting tribal rights, implementing on-reservation regulation of water use and identifying off-reservation factors that affect your tribe’s water supply and future growth.

Our experienced instructor will guide you through the maze of legal requirements, case law and tribal, state and federal regulations that impact your water resources. You’ll have the opportunity to discuss unique challenges that your tribe faces in guaranteeing its water rights.

TOPICS INCLUDE

Overview of Water Law

- › History of federal policy and deference to state law
- › Federal reserved water rights (Winters Doctrine)
- › Relationship between federal and state water rights law

Indian Water Rights

- › Tribal rights under the Winters Doctrine
- › Allottee water rights
- › Non-Indian Walton rights derived from allottee

law

- › State adjudication under the McCarran Amendment
- › Role of the federal courts

Off-Reservation Activities Affecting Tribal Water Rights

- › Federal and other water projects
- › FERC proceedings

Federal Trust Responsibility

- › Role of the Department of the Interior
- › Role of Congress
- › Other federal agencies

Tribal, Federal and State Regulation of On-Reservation Water Use

- › Tribal authority under the Walton decision
- › Non-Indians and fee lands
- › Regulating water and environmental quality

- › Quantification of water rights:
 - » Appropriative rights (practicable irrigable acreage)
 - » Rights and ground water
 - » In-stream flow rights
 - » Fish flows, water quality and trust responsibility
- › Transfer or leasing of water rights
- › Off-reservation water rights
- › Indian water rights under state riparian

- › Fact development and alliance-building funding
- › Addressing current issues

Developing Tribal Regulatory and Administrative Systems — Practical Issues

- › Pending legislation
- › Court decisions
- › Administrative action
- › Tribal water codes and related laws
- › Leasing settlement water
- › Field investigation and enforcement
- › Administrative hearings and appeals
- › Role of the tribal court and tribal council

Topics subject to change.

A thorough understanding of water law is the first step in safeguarding your tribe’s water rights.

ON-SITE TRAINING ON YOUR TERMS

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