Indigenizing Water Federalism: Native Nations & Western Compacts

Source: Museum of the Rockies

Milk River, MT

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WYOMING'S *BIG HORN* GENERAL STREAM ADJUDICATION

*Jason A. Robison**

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I. INTRODUCTION

"The seat may be warm now, Mr. Master, but the chair in which you sit is truly the hot seat. . . . The stakes in this case are very, very high."[1] Special Master and former Wyoming Congressman Teno Roncalio was the recipient of this message. It came from Wyoming Attorney General John Troughton on January 26, 1981. The setting was Judge Ewing Kerr's courtroom in Cheyenne, Wyoming. It was the first day of a sixteen-month trial over a matter that, more than any other, would distinguish a general stream adjudication that had been initiated by the State of Wyoming four years prior and ultimately would span the next four decades—an adjudication of water rights in the Wind-Big Horn Basin (colloquially, the "*Big Horn* adjudication"). The issue at hand concerned the existence, nature, and scope of a water right held by the Eastern Shoshone and Northern Arapaho tribes on Wyoming's sole Indian reservation, the Wind River Reservation, under the Second Treaty of Fort Bridger (1868). Counsel for the United States, Regina Slater, could not have agreed more fully with the attorney general's assessment of the height of the stakes and the temperature of the special master's seat. "Your Honor, this morning begins what the United States regards as probably one of the most important cases that has ever occurred in the history of the United States in relation to the Shoshone and Arapahoe Tribes and the Wind River Indian Reservation," Ms. Slater explained. "This case . . . will resolve, hopefully, the rights of the Tribes to the water that is necessary for them to continue as a viable community of people in the area which has been their home since well before the history books record the Treaty of 1868."[2] Attorney General Troughton did not dispute this remark or dismiss it offhand. He acknowledged that the tribes had been "given hope by the federal government in 1868 . . . that under the Winters Doctrine sufficient water for the purposes of the reservation

[1] Trial Transcript 50 (January 26, 1981), *available at* http://bhrac.washakiecounty.net/DocumentCenter/BHCR/O5W4SS0000.pdf [hereinafter Trial Transcript].

[2] *Id.* at 37.

INDIGENOUS WATER JUSTICE

by

Jason Robison,[*] Barbara Cosens,[**] Sue Jackson,[***] Kelsey Leonard,[****] & Daniel McCool[*****]

[*] Associate Professor, University of Wyoming, College of Law. S.J.D., Harvard Law School (2013); LL.M., Harvard Law School (2009); J.D., University of Oregon School of Law (2006); B.S., Environmental Studies, University of Utah (2003). The authors dedicate this Article to our indigenous colleagues who participated in the Indigenous Water Justice Symposium: Judith Antell, Autumn Bernhardt, Daniel Gordalis, Forrest Cuch, Howard Dennis, Phil Duncan, John Echohawk, Torivio Fodder, Fred Hooper, Paul Lumley, Nora McDowell, D.R. Michel, John Sirois, Marilyn Tewa, James Trosper, Daryl Vigil, Jeanette Wolfley, and Rene Woods. We are inspired by and grateful to you. We also greatly appreciate feedback offered by numerous colleagues on drafts presented at the Rocky Mountain Mineral Law Foundation's Eighteenth Institute for Natural Resources Law Teachers, the Waterkeeper Alliance's 2017 Annual Conference, and the University of Wyoming College of Law's Junior Scholars Forum. Funding for the Article was graciously provided by the Carl M. Williams Faculty Research Fund. Any errors or omissions are our own.

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[***] Professor, Australian Rivers Institute, Griffith University; Honorary Fellow, School of Geography, University of Melbourne. Ph.D., Geography, Macquarie University (1998); B.Sc., Economic Geography, University of New South Wales (1988).

[****] Philomathia Trillium Scholar, Department of Political Science, McMaster University. J.D., Duquesne University School of Law (2015); M.Sc., Geography, University of Oxford (2012); A.B., Anthropology and Sociology, Harvard University (2010). Enrolled Citizen, Shinnecock Indian Nation.

[*****] Professor Emeritus, University of Utah, Department of Political Science. Ph.D., Political Science, University of Arizona (1983); M.A., Political Science, University of Arizona (1979); B.A., Sociology, Purdue University (1973).

Indigenous Peoples are struggling for water justice across the globe. These struggles stem from centuries-long, ongoing colonial legacies and hold profound significance for Indigenous Peoples' socioeconomic development, cultural identity, and political autonomy and external relations within nation-states. Ultimately, Indigenous Peoples' right to self-determination is implicated. Growing out of a symposium hosted by the University of Colorado Law School and the Native American Rights Fund in June 2016, this Article expounds the concept of "indigenous water justice" and advocates for its realization in three major trans-boundary river basins: the Colorado (U.S./Mexico), Columbia (Canada/U.S.), and Murray-Darling (Australia). The Article begins with a novel conceptualization of indigenous water justice rooted in the historic United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)—specifically, UNDRIP's foundational principle of self-determination. In turn, the Article offers overviews of the basins and narrative accounts of enduring water-justice struggles experienced by Indigenous Peoples therein. Finally, the Article synthesizes commonalities evident from the indigenous water-justice struggles by introducing and deconstructing the concept of "water colonialism." Against this backdrop, the Article revisits UNDRIP to articulate principles and prescriptions aimed at prospectively realizing indigenous water justice in the basins and around the world.

INTRODUCTION

"The world is watching what is happening[.]"[1] "If the [U.S.] chooses not to act in response to the alarming actions being manifested in North Dakota, their rhetoric within the halls of the [U.N. is] nothing more than empty, meaningless promises."[2] Members of the U.N. Permanent Forum on Indigenous Issues expressed these sentiments late 2016. The alarming, closely watched actions concerned the controversial Dakota Access Pipeline (DAPL).[3] As for the empty, meaningless promises, they implicated a host of domestic and international human rights instruments,[4] but in no small measure the historic United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).[5] As articulated by the Permanent Forum, the United States and its political subdivisions had transgressed UNDRIP repeatedly in their dealings with the people of the Great Sioux Nation over DAPL.[6] The *Mni Sose* (Missouri) River's sacred, sustaining waters—stored in Lake Oahe—were a central (albeit not ex-

[1] Press Release, Mr. Alvaro Pop Ac, Chair of the U.N. Permanent Forum on Indigenous Issues, Indigenous Issues on the Protests of the Dakota Access Pipeline, United Nations Permanent Forum on Indigenous Issues (Aug. 25, 2016).

[2] Report and Statement from Chief Edward John, Expert Member of the U.N. Permanent Forum on Indigenous Issues, Firsthand Observations of Conditions Surrounding the Dakota Access Pipeline 6 (Nov. 1, 2016).

[3] *See generally* Standing Rock Sioux Tribe v. U.S. Army Corps of Engineers, 255 F. Supp. 3d 101, 114 (D.D.C. 2017) (discussing federal litigation and associated controversies).

[4] *See, e.g.*, Report and Statement from Chief Edward John, *supra* note 2, at 6 (referencing U.S. Bill of Rights and International Covenant on Civil and Political Rights).

[5] Declaration on the Rights of Indigenous Peoples, G.A. Res. 61/295, U.N. Doc A/RES/61/295 (Sept. 13, 2007) [hereinafter UNDRIP].

[6] Press Release, Mr. Alvaro Pop Ac, *supra* note 1; Report and Statement from Chief Edward John, *supra* note 2, at 7.

VISION & PLACE

JOHN WESLEY POWELL & REIMAGINING THE COLORADO RIVER BASIN

EDITED BY

JASON ROBISON | DANIEL McCOOL | THOMAS MINCKLEY

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https://www.ucpress.edu/books/vision-and-place/paper

Cornerstone at the Confluence

Navigating the Colorado River Compact's Next Century

Edited by

Jason Anthony Robison

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https://uapress.arizona.edu/book/cornerstone-at-the-confluence

RELATIONAL RIVER:
ARIZONA V. NAVAJO NATION & THE COLORADO

Jason Anthony Robison[1]

It is not every day the U.S. Supreme Court adjudicates a case about the water needs and rights of one of the Colorado River Basin's thirty tribal sovereigns and the trust relationship shared by that sovereign with the United States. Yet just that happened in Arizona v. Navajo Nation *in June 2023. As explored in this Article, the Colorado is a relational river relied upon by roughly forty-million people, reeling from climate change for nearly a quarter century, and subject to management rules expiring and requiring extensive, politically charged renegotiation by 2027. Along this relational river,* Arizona v. Navajo Nation *was a milestone, illuminating water colonialism and environmental injustice on the country's largest Indian reservation, and posing pressing questions about what exactly the trust relationship entails vis-à-vis the essence of life. Placing* Arizona v. Navajo Nation *in historical context, the Article synthesizes the case with an eye towards the future. Moving forward along the relational river, the trust relationship should be understood and honored for what it is, a sovereign trust, and fulfilled within the policy sphere through a host of measures tied, directly and indirectly, to the post-2026 management rules. Further, if judicial enforcement of the trust relationship is necessary, tribal sovereigns in the basin (and elsewhere) should not view the Court's 5-4 decision as the death knell for water-related breach of trust claims, but rather as a guide for bringing cognizable future claims and reorienting breach of trust analysis.*

[1] Carl M. Williams Professor of Law and Social Responsibility, University of Wyoming College of Law; Adjunct Professor, University of Wyoming Haub School of Environment and Natural Resources; Leadership Team, Water & Tribes Initiative in the Colorado River Basin; Member, Colorado River Research Group. S.J.D., Harvard Law School, 2013; LL.M., Harvard Law School, 2009; J.D., University of Oregon School of Law, 2006; B.S., Environmental Studies, University of Utah, 2003. As elaborated in the Conclusion, this Article is dedicated to Charles Wilkinson, someone who changed hearts and minds across western North America and beyond, and who passed on roughly two weeks before the U.S. Supreme Court decided *Arizona v. Navajo Nation*. I have incurred many debts while preparing the Article. It originated from an invitation from Dylan Hedden-Nicely to submit an *Arizona v. Navajo Nation* amicus brief drafted by Larry MacDonnell (lead author), Robert Adler, Burke Griggs, Dan Luecke, and myself. Following the brief's submission, several colleagues kindly provided input on and opportunities to present earlier versions of the Article, including Brenda Bowen, Affie Ellis, John Fleck, Kristi Hansen, Ginger Paige, Sharon Wilkinson, and Jennifer Watt. Many thanks to all. Any errors are mine alone.

EQUITY ALONG THE YELLOWSTONE

Jason Anthony Robison[1]

As one of three major rivers with headwaters in the sublime Greater Yellowstone Ecosystem, the Yellowstone and its tributaries are subject to an interstate compact (aka "domestic water treaty") litigated from 2007 to 2018 in the U.S. Supreme Court in Montana v. Wyoming. *While four tribal nations exist within the 71,000 square-mile Yellowstone River Basin—the Eastern Shoshone and Northern Arapaho in Wyoming and the Crow and Northern Cheyenne in Montana—the Yellowstone River Compact ratified in 1951, approximately a decade before the self-determination era of federal Indian policy had begun, neither affords these tribal sovereigns representation on the Yellowstone River Compact Commission nor clearly addresses the status of their water rights within (or outside) the compact's apportionment. Such marginalization is systemic across Western water compacts. Devised as alternatives to original actions for equitable apportionment before the U.S. Supreme Court, this Article focuses on the Yellowstone River Compact and its stated purpose of "equitable division and apportionment," reconsidering the meaning of "equity," procedurally and substantively, from a present-day perspective more than a half century into the self-determination era. "Equity" is a pervasive, venerable norm for transboundary water law and policy (interstate compacts and otherwise) contends the Article, and "equity" indeed should be realized along the Yellowstone in coming years, both by including the basin tribes alongside their federal and state co-sovereigns on the Yellowstone River Compact Commission, as well as by clarifying the status of and protecting the basin tribes' water rights under the compact's apportionment.*

[1] Carl M. Williams Professor of Law and Social Responsibility, University of Wyoming College of Law; Adjunct Professor, University of Wyoming Haub School of Environment and Natural Resources; Leadership Team, Water & Tribes Initiative; Member, Colorado River Research Group. S.J.D., Harvard Law School, 2013; LL.M., Harvard Law School, 2009; J.D., University of Oregon School of Law, 2006; B.S., Environmental Studies, University of Utah, 2003. My work on this Article began as *Montana v. Wyoming* was drawing to a close in the U.S. Supreme Court in 2018, and the piece has evolved continuously since then, stemming largely from invitations to present drafts at Columbia Law School's Sabin Colloquium on Innovative Environmental Law Scholarship in 2018, as the University of Utah S.J. Quinney College of Law's Stegner Young Scholar in 2019, and at the 2021 conference of the *Public Land & Resources Law Review* at the University of Montana's Alexander Blewett III School of Law. I wish to express my heartfelt gratitude for each opportunity. In particular, at the Sabin Colloquium, I had the incredibly good fortune of having the former Special Master in *Montana v. Wyoming*, Professor Barton (Buzz) Thompson from Stanford Law School, as my reviewer, for which I am deeply grateful. In addition, I have benefitted from input and encouragement from Katie Fischer Kuh, Michael Gerrard, Yael Lifshitz, Larry MacDonnell, Anthony Moffa, Sharmila Murthy, Kate Owens, Gabe Pacyniak, Robert Percival, Bryan Shuman, William Scott, John Thorson, James Trosper, Shelly Welton, and Alyson White Eagle. Many thanks to each of you. All advocacy in this Article should be attributed solely to me as an individual, not to the Yellowstone River Basin's tribal nations: Crow, Eastern Shoshone, Northern Arapaho, and Northern Cheyenne. Any errors are also mine alone.

Overview

- Compact Clause ala Frankfurter & Landis
- Water Compacts Across Space & Time
- Toward Water Co-Sovereignty

Compact Clause ala Frankfurter & Landis

THE

CONSTITUTION

of the United States

Article. I.

SECTION. 10

No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

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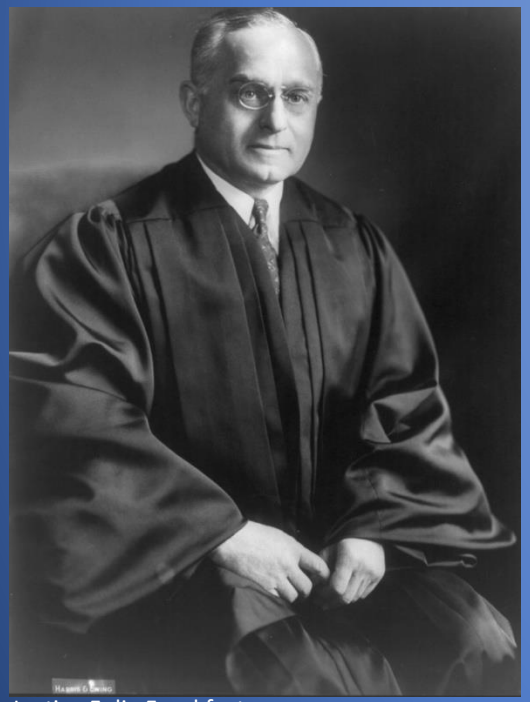
THE COMPACT CLAUSE OF THE CONSTITUTION— A STUDY IN INTERSTATE ADJUSTMENTS

FELIX FRANKFURTER and JAMES M. LANDIS



Justice Felix Frankfurter
Source: Association for Jewish Studies

"We are dealing with regions, like the Southwest clustering about the Colorado River, . . . which are organic units in the light of a common human need like water-supply. The regions are less than the nation and are greater than any one State. The mechanism of legislation must therefore be greater than that at the disposal of a single State. National action is the ready alternative. But national action is either unavailable or excessive. . . . Collective legislative action through the instrumentality of compact by States constituting a region furnishes the answer."

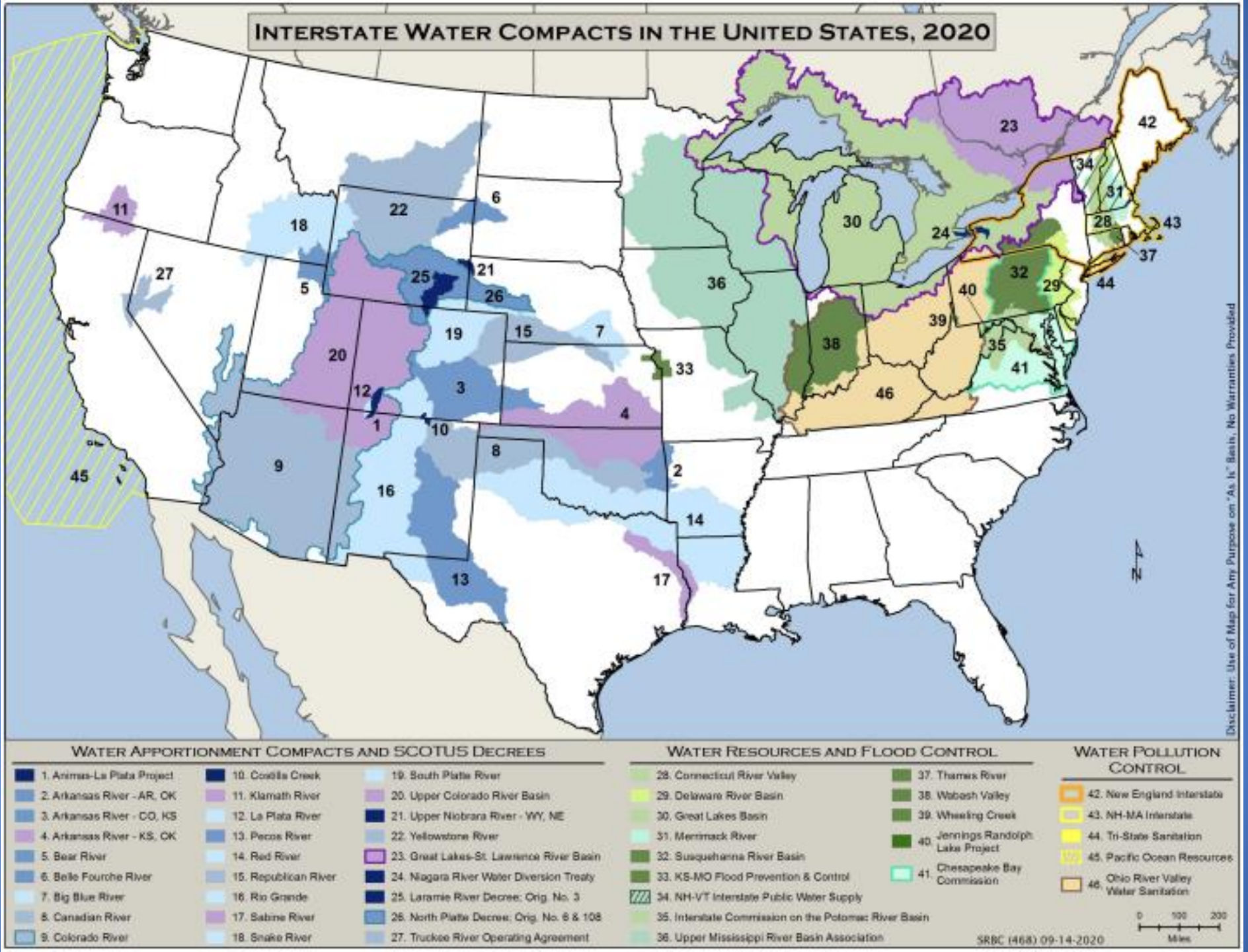
Dean James M. Landis
Source: Harvard Law School

Source: CSU Colorado Commissioner Delph Carpenter

"If the separate sovereignties (the States) in Union only for Federal purposes have and do possess and exercise the powers to formulate and conclude binding conventions between each other and between one or more thereof and the Federal Government respecting boundaries, fisheries, harbor control and pollution, interstate easements and servitudes, and like subjects, there can be no logical objection to the application of like methods of solution to all problems growing out of the use and distribution of the waters of interstate streams."

Delph Carpenter, *Application of the Reserve Treaty Power of the States to Interstate Water Controversies* (1921)

Water Compacts Across Space & Time


INTERSTATE WATER COMPACTS IN THE UNITED STATES, 2020
WATER APPORTIONMENT COMPACTS AND SCOTUS DECREES
1. Animas-La Plata Project
2. Arkansas River - AR, OK
3. Arkansas River - CO, KS
4. Arkansas River - KS, OK
5. Bear River
6. Belle Fourche River
7. Big Blue River
8. Canadian River
9. Colorado River
10. Costilla Creek
11. Klamath River
12. La Plata River
13. Pecos River
14. Red River
15. Republican River
16. Rio Grande
17. Sabine River
18. Snake River
19. South Platte River
20. Upper Colorado River Basin
21. Upper Niobrara River - WY, NE
22. Yellowstone River
23. Great Lakes-St. Lawrence River Basin
24. Niagara River Water Diversion Treaty
25. Laramie River Decree: Orig. No. 3
26. North Platte Decree: Orig. No. 6 & 108
27. Truckee River Operating Agreement
WATER RESOURCES AND FLOOD CONTROL
28. Connecticut River Valley
29. Delaware River Basin
30. Great Lakes Basin
31. Merrimack River
32. Susquehanna River Basin
33. KS-MO Flood Prevention & Control
34. NH-VT Interstate Public Water Supply
35. Interstate Commission on the Potomac River Basin
36. Upper Mississippi River Basin Association
37. Thames River
38. Wabash Valley
39. Wheeling Creek
40. Jennings Randolph Lake Project
41. Chesapeake Bay Commission
WATER POLLUTION CONTROL
42. New England Interstate
43. NH-MA Interstate
44. Tri-State Sanitation
45. Pacific Ocean Resources
46. Ohio River Valley Water Sanitation
SRBC (468) 09-14-2020
0 100 200
Miles
Disclaimer: Use of Map for Any Purpose on "As Is" Basis, No Warranties Provided

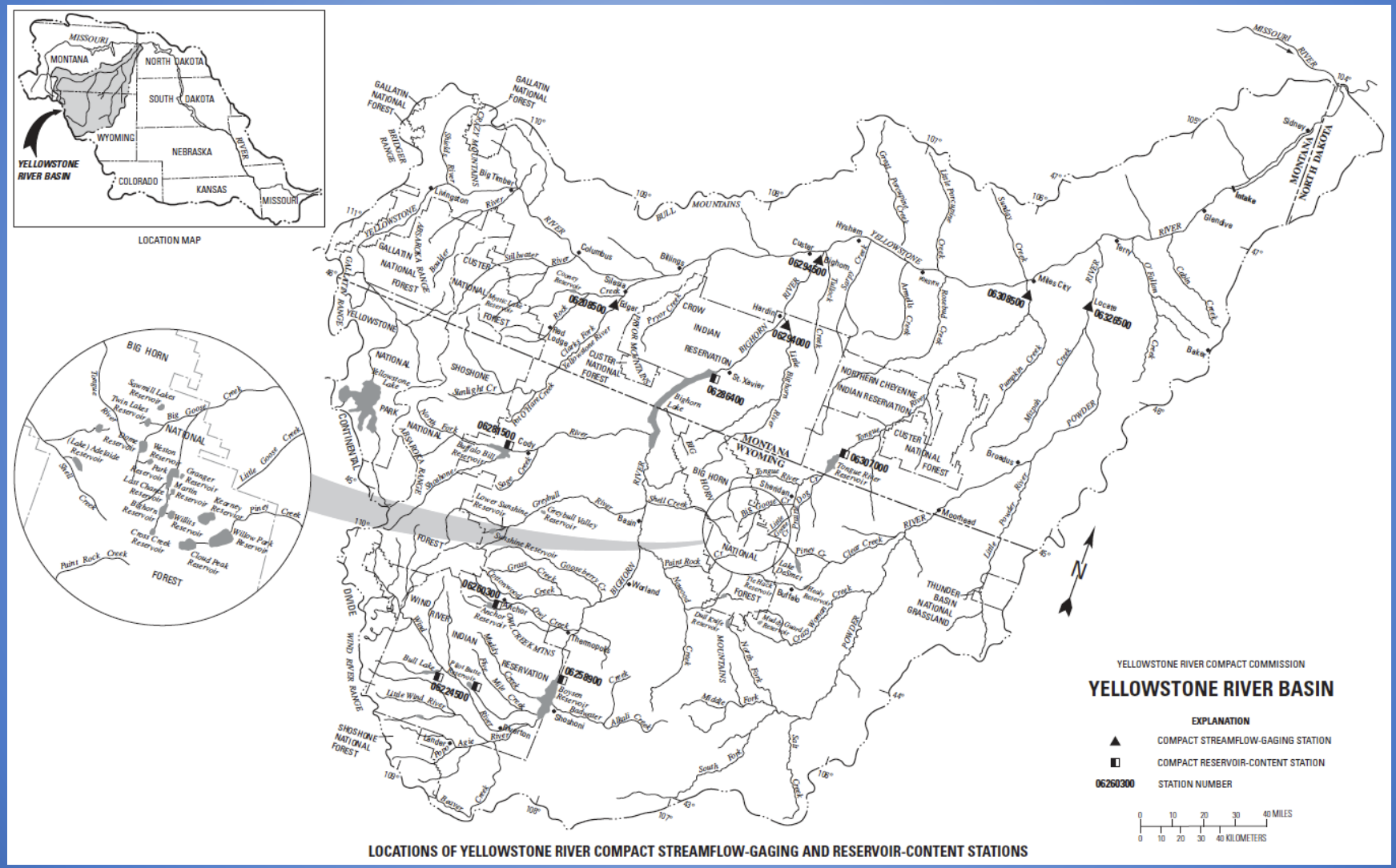
Source: ICWP


Northwest Region
Rocky Mountain Region
Great Plains Region
Midwest Region
Western Region
Southwest Region
Navajo Region
Pacific Region
Eastern Region
Eastern Oklahoma Region
Southern Plains Region
Alaska Region
CANADA
MEXICO
PACIFIC OCEAN
ATLANTIC OCEAN
GULF OF MEXICO
Native Entities in Alaska
Scale 1:9,750,000
Indian Lands of Federally Recognized Tribes of the United States
Scale 1:4,250,000
BUREAU OF INDIAN AFFAIRS
DEPARTMENT OF THE INTERIOR
OFFICE OF TRUST SERVICES
JUNE 2016
Legend
Federally Recognized Tribal Entity*
Alaska Native Villages
Public Domain Allotment
City
American Indian Reservation
Oklahoma Tribal Statistical Area
Trust or Restricted Fee
Lake
Swamp
River
Interstate
* Does not have land held in trust or restricted fee status.
PROJECTION INFORMATION:
All data except the (Alaska Inset) are projected to:
Lambert Azimuthal Equal Area
Longitude of projection center: 100° West (150° West)
Latitude of projection center: 45° North
False easting and northing: 0.0
DATA SOURCES:
1:10M Satellite-derived land cover data and shaded relief with ocean bottom data from NaturalEarthData.com 2015;
American Indian Reservation data last updated in 2005 from US Census data and USGS 1:24,000 topographic maps;
"ESRI Data and Maps" 2008;
Oklahoma Tribal Statistical Area: Census Bureau (TIGER) data, Eastern Regional Office Natural Resources Department.
Scale of 1:4,250,000 valid only when the map page is 32" X 47"
USE CONSTRAINTS AND REFERENCES:
Updates to Federally Recognized Tribal Land Boundary Data are subject to update by the BIA on a continuous basis, the data presented is the most current available as of the date of this map. This map and related information are prepared strictly for illustrative and reference purposes only and should not be used, and is not intended for survey, engineering or navigation purposes. Any use of trade or product names is for descriptive or required credit acknowledgement only and does not imply endorsement by the United States Government.
ACKNOWLEDGEMENTS:
Trust Services:
Division of Water and Power,
Division of Land Titles and Records
Branch of Geospatial Support
BIA Regional and Land Titles and Records Offices

Source: BIA

Federal Indian Policy Era	Compact
Allotment and Assimilation (1871-1928)	• La Plata River Compact (1925)
Indian Reorganization (1928-1942)	• Colorado River Compact (1928) • Rio Grande Compact (1939)
Termination (1943-1961)	• Pecos River Compact (1949) • Upper Colorado River Basin Compact (1949) • Snake River Compact (1950) • Yellowstone River Compact (1951) • Canadian River Compact (1952) • Sabine River Compact (1954/1962) • Klamath River Basin Compact (1957) • Bear River Compact (1958/1980)
Self-Determination (1961-Present)	• Arkansas River Basin Compact, Kansas and Oklahoma, (1966) • Animas-La Plata Project (1968) • Arkansas River Basin Compact, Arkansas and Oklahoma, (1973) • Red River Compact (1980) • Goose Lake Basin Compact (1984)

YELLOWSTONE RIVER COMPACT, 1950



LOCATIONS OF YELLOWSTONE RIVER COMPACT STREAMFLOW-GAGING AND RESERVOIR-CONTENT STATIONS

Source: Yellowstone River Compact Commission

YELLOWSTONE RIVER COMPACT, 1950

ARTICLE III

A. It is considered that no Commission or administrative body is necessary to administer this Compact or divide the waters of the Yellowstone River Basin as between the States of Montana and North Dakota. The provisions of this Compact, as between the States of Wyoming and Montana, shall be administered by a Commission composed of one representative from the State of Wyoming and one representative from the State of Montana, to be selected by the Governors of said States as such States may choose, and one representative selected by the Director of the United States Geological Survey or whatever Federal agency may succeed to the functions and duties of that agency, to be appointed by him at the request of the States to sit with the Commission and who shall, when present, act as Chairman of the Commission without vote, except as herein provided.

ARTICLE VI

Nothing contained in this Compact shall be so construed or interpreted as to affect adversely any rights to the use of the waters of Yellowstone River and its tributaries owned by or for Indians, Indian tribes, and their reservations.

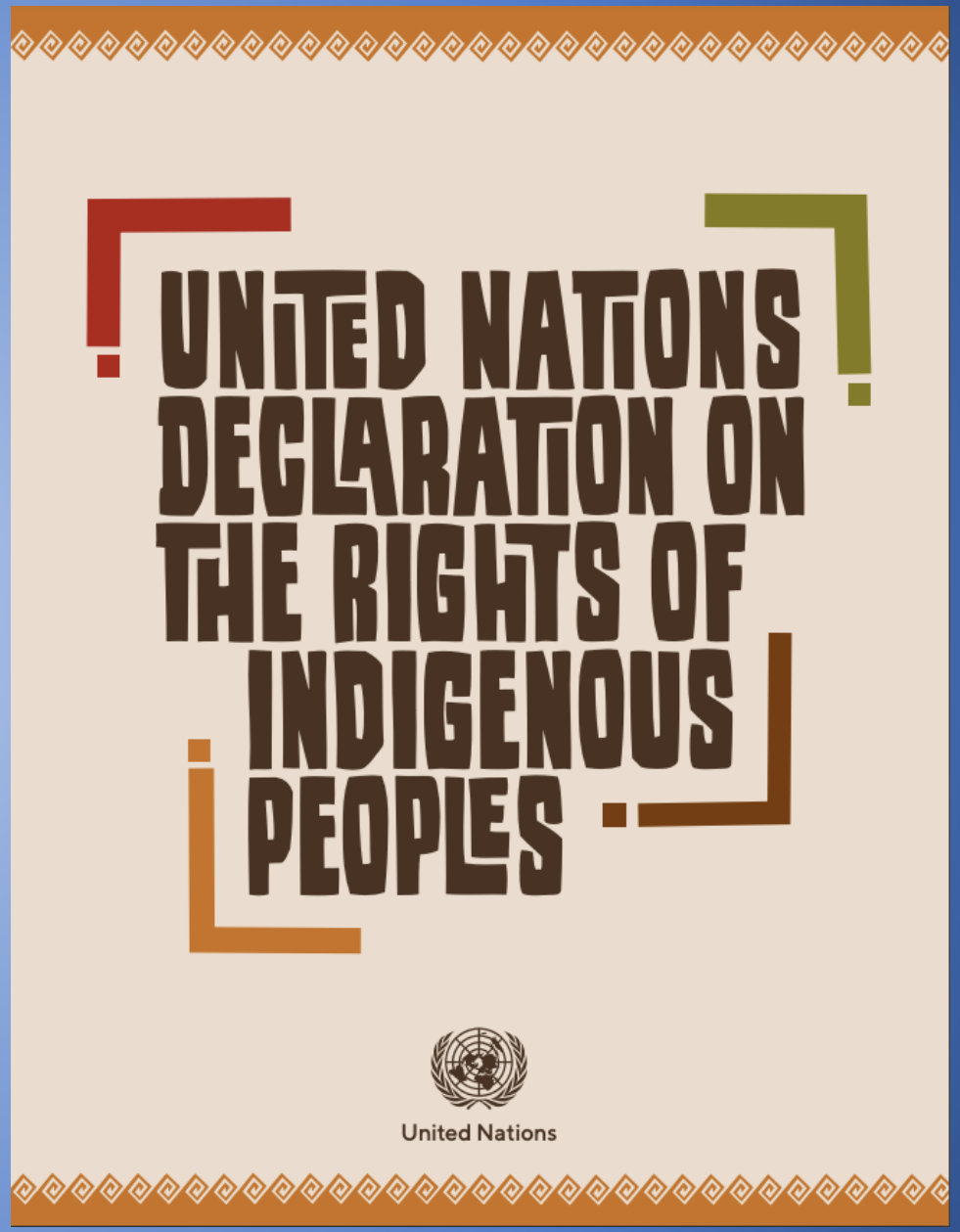
Toward Water Co-Sovereignty

INDIGENOUS WATER JUSTICE

by
Jason Robison,[*] Barbara Cosens,[**] Sue Jackson,[***]
Kelsey Leonard,[****] & Daniel McCool[*****]

2. Political Partnership

With respect to procedural and participatory principles of indigenous water justice, a basic statement rooted in UNDRIP summarizes: Indigenous Peoples should be capacitated and possess a seat at the table in regard to water governance. As detailed earlier, UNDRIP recognizes Indigenous Peoples' right to autonomy over water-related internal matters—"as well as ways and means for financing their autonomous functions"—and likewise obligates nation-states to establish and implement assistance programs for Indigenous Peoples for water-related conservation and environmental protection.[477] UNDRIP also articulates Indigenous Peoples' broad participatory rights and nation-states' obligations pertaining to consultation, cooperation, and free, prior, and informed consent.[478] These obligations adhere to water projects and water-related "legislative or administrative measures" that may affect Indigenous Peoples.[479] Political partnership is a foundational concept reflected in these provisions. Indigenous Peoples should be regarded as partners within the broader political systems of nation-states like Australia, Canada, and the United States. Our non-exhaustive prescriptions below reflect this relationship.



EQUITY ALONG THE YELLOWSTONE

Jason Anthony Robison[1]

"[E]quity is a synonym for fairness. When thinking about the fairness of transboundary water institutions such as interstate compacts, one logical focus is the substance of an apportionment. For example, which types of parties are allocated water, what is the order of priority during shortages, how secure are different types of water rights, and so forth? These questions capture what is referred to as 'substantive equity.' . . . In addition, a complementary angle for evaluating the fairness of transboundary water institutions is to consider the composition and processes of their governance structures. For example, which parties have a voice in decision-making and which do not, how transparent are decision-making processes, how effective is the particular structure in actually enabling governance, and so on? These related questions reflect the essence of what has been called 'procedural equity.'"

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4902021

EQUITY ALONG THE YELLOWSTONE

Jason Anthony Robison[1]

"Looking more closely at procedural equity, if the Yellowstone River Compact truly aims to bring about 'equitable division and apportionment' along the river system here in the self-determination era, the current treatment of basin tribes under the compact's governance structure needs to be reconsidered. More specifically, the Yellowstone River Compact Commission's composition and processes should be updated to acknowledge the Crow, Eastern Shoshone, Northern Arapaho, and Northern Cheyenne for what they are—tribal *sovereigns*—and to include them in governance alongside their co-sovereigns, the basin states and the United States, if that is something each respective tribe would be interested in."

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4902021

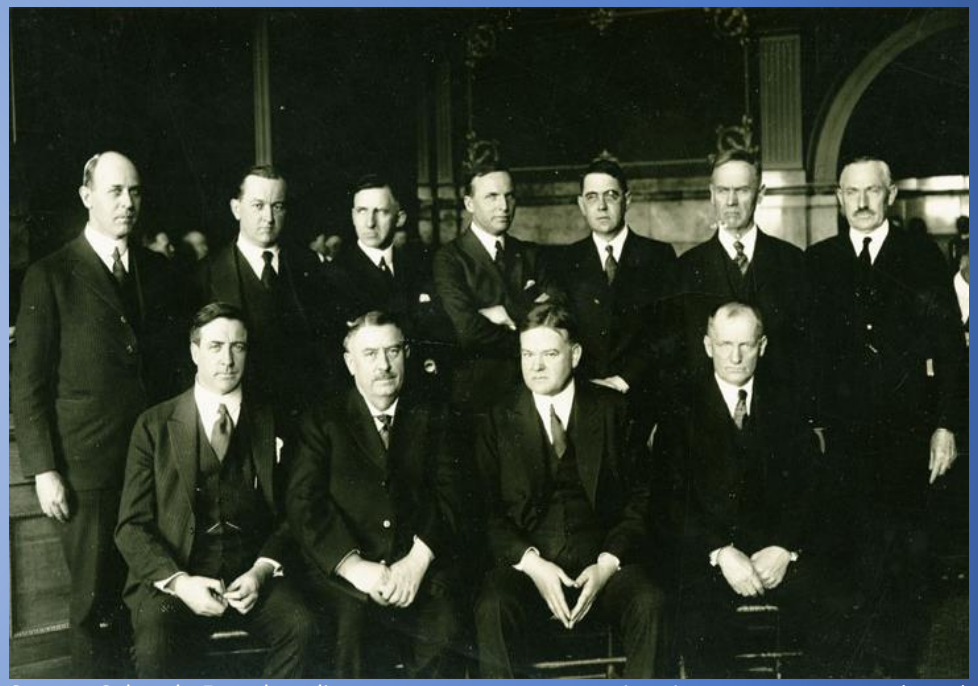
Indigenizing Water Governance

Composition Issues

- Indirect Federal Representation
- Tribal Eligibility for Representation
- Scope of Tribal Representation

Procedural Issues

- Compact Amendment vs. Renegotiation
- Superseding Statutory Law
- Substatutory Options: MOUs, Rules, etc.



Source: Colorado Encyclopedia

Colorado River Commission (1922)

Thank You!