

**INDIGENOUS RIGHTS TO WATER**  
**TWS: APRIL 24, 1:30 PM – 3:30 PM**

Meeting Concept:

This topic is intended to set the context, focusing on broader issues of the relationships between Tribes and water. This discussion frames issues of:

- protecting all waters that support physical and cultural continuation;
- recognizing aboriginal rights to water;
- sustaining traditional practices, resources and access;
- and supporting habitat and ecological health

Meeting Goals:

- Provide Holistic Education on all aspects of Tribal Rights associated with Water including supporting physical and cultural continuation.
- Recognizing concepts of aboriginal rights to water, human rights to water versus the law in California
- The need for water to sustain traditional practices, resources and access.

ITEM #	TIME	CONTENT	PRESENTER	Design Team Notes	Additional Comments
1	5 min.	WELCOME, INTRODUCTIONS, AGENDA REVIEW	Moderator (possible proposal Doug Garcia or Chuck Jachens)		Moderator to discuss:  What do we mean by “We all drink from the same water” <ul style="list-style-type: none"> <li>■ Bridge the difficulty for people understanding water as sacred—water as essential to life.</li> </ul>
2	15 min.	De-Commodification of Water --	Possible: Jan Stevens Bill Steele Bob Laidlaw or Roberta Cadero (Chumash attorney)—Atta will contact	This panelist may discuss the existing trains of thought that call for water to be evaluated as a resource and not as a commodity.  Moderator Note: There may be	This was previously identified as a public trust doctrine speaker to correlate with a paper written by Jan Stevens associated with that doctrine. However we are revising this “title” based on concerns expressed with some of the negative connotations associated with the Public Trust Doctrine

**DRAFT – For Discussion Purposes Only**

			<p>John Corbett (attorney for Yurok)</p>	<p>a tie in here for a discussion on subsistence fishing</p>	<p>Perception of Water – water as commodity versus water sacred or spiritual entity (commodity versus valued in a non-commodity manner) Reiterate our waters out of the forest either in homelands or adjacent to current locations (Rancheria, communities, reservations, etc) many of the waters that are good are called non-potable and pipes are being removed from streams, access to water is not available to us from water that is directly from our lands. However we are fined to use the water, yet water companies lay claim to the water either from streams, creeks, pumping from underground, Pauma, pumping from water from local company. Tribes are not receiving compensation, water, or other resources. Additionally Tribes have never relinquished rights to water that is being removed, or being fined to use the water of aboriginal lands.</p> <p>Water is not owned by anyone and should not be owned.</p> <p>Against privatization of water, water priced and water districts.</p> <p>Example is southern California Another example greed for water, private for-profit companies</p> <p>Water is like air it should not be bought and sold everyone needs water an should not be required to pay for it.</p>
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					<p>Tribes cannot develop their own infrastructure.</p> <p>Case studies of water being purchase, Tribes As DAC for purposes of developing infrastructure</p> <p>There needs to be examples of existing California structure run counter this ideology , theory, perception.</p>
3	15 min.	Spiritual Component of Water	<p>Possible: Mervin George, Sr, Chris Peters, Susan Mastsen, Caleen Sisk, Owens Valley representative (Paula to send names) Shanti Warlick (she will send me what would be needed)</p>	<p>Discussions involving spiritual relationships with water. Some examples provided were that Life begins with water, tribal stories (historical) have always been connected to water, Life is water, Cultural and religious connection to water, ways in which water plays into spiritual life, cleansing, healing, etc. Would need to stress that lifeways differ, but many concepts are universal. There is the same or similar but conducted in different ways.</p> <p>Additional comments/discussion would relate to how quality affects spiritual practices and how it is used.</p>	<p>Bring in the diagram and show how quality and water diversions, affect spiritual relationship with water. An access case story similar to the Winnemum Wintu would be good. It was point out that since Winnemum Wintu, Northfork Mono, and Hoopa played a large role in the 2009 Tribal Water Summit examples we should look to other Tribes or regions for examples.</p> <p>Possible Case Study:</p> <p>May need to look at North and South Universal perspective of state-wide, traditional recapture due to contaminated, prevented access, or displaced.</p> <p>Tribal perspective and practice currently.</p>
4	15 min.	Cultural Uses of Water	<p>Possible: Donna from Bishop and/or Grace Dick, Jennifer Bates, Susan Mastsen Don Hankins Aaron Dixon</p>	<p>Discussion of resources that are cultivated for basket weaving and other cultural lifeways, issues of access to resources for care, protection and stewardship. CIBA based Discussion on type of water that basket weavers encounter, the quality of water and what it</p>	<p>Possible Case Studies: Access and water flow issues (North Lahontan sweats.)</p> <p>In California Water plan, state water control board, we don't have any beneficial uses for cultural and subsistence issues.</p>

				<p>does to the roots. Turns the water different colors which can't be adjusted back. Good sources of materials but they have been contaminated from waters and floods and those roots cannot be cleaned to the point that they are useable. Materials are often put into weavers mouth, so there is an issue of pollution and health (silvacultural/pesticides use).</p> <p>Subsistence cultural uses of water</p>	
5	15 min.	Legal Aspects of Water	<p>Possible: Curtis Berkey/Roviann e Leigh Stuart Somach, Steve Qesenberry Doug Garcia,</p>	<p>Analysis of how the laws play into what is being discussed. How does the law apply to cultural uses, spiritual uses, doctrine of water as a human right versus commodity. Everyone is looking at settlement of water rights, why is there a push for settlement. Commonality of all peoples, water rights, spiritual water. Native American Attorney versus non-Indian.</p> <p>May want to also look at the Hidalgo Treaties and address the issues of use, subsistence, and original use and needs from the land. How does law apply to native people today? How does that relate to the history of California and tribal Indigenous rights (potentially bring in the UN</p>	<p>Possible Case Study: Soboba water settlement (groundwater). White Paper possibility?</p> <p>Discuss the concept of paper water versus wet water.</p> <p>What can tribal people do for water that is already contracted out?</p> <p>Beneficial Uses In California Water plan, state water control board, we don't have any beneficial uses for cultural and subsistence issues.</p>

				Perspective)	
6	20 min	Question & Answer		Moderator based Questions:	<p>International/national component          Holistic component of Water rights and use          Legal water rights          Jurisdictional water rights (Hidalgo treaties, non-ratification)          Beneficial uses          Enforcement          Allocation</p> <p>Deliverables (we want the discussions today to lead to answers to these questions):          Who is responsible for California native Americans (definition of state)?          What is being done for water resources and water rights?</p>
7	30 min	Question & Answer		Questions from the Audience	<p>Ask participants what types of questions they would ask          Board with questions they want from the group.          Put questions on paper and who you are in a bucket and moderator pull out at random.          Blind email for possible questions and collecting questions. Send questions to panelists and have those compiling those questions.</p> <p>Generic email</p>
8	5 min.	NEXT STEPS AND CLOSING REMARKS	Moderator		