

Text 1: Excerpts from the Water Rights Act

(Original Draft May 18, 2017; Reintroduced January 25, 2023)

Inquiry Compelling Question: Who has the right to own land and water?

Note: Following each bolded term, a definition has been provided in brackets to assist with comprehension. The bracketed words do not appear in the original primary source document.

Any understanding of the settlement of the western United States would be incomplete without a discussion involving the role of water. Settlers of the West were fueled by the pursuit of **economic advancement** [improving well-being through jobs or education] and stability, generally electing to settle along the rivers of the West in order to access trade and water supplies for farming, ranching, and use within the home. The federal government encouraged **western expansion** [period of significant growth in the U.S. from 1800-1890] throughout the early 19th century through various laws and policies.

Federal policy [actions taken by the national government] encouraging the settlement of the West, however, came at a price. Our Nation still **grapples** [struggles] with the harm caused to our Nation's Native American population. The impact of many of these policies on Native Americans was profound and permanent. In terms of the conflict surrounding the **allocation** [designated share of total amount] of water resources in the West, many of the seeds of this conflict, to both Indians and non-Indians, were planted during the rapid western expansion of the 19th century.

As our Nation struggled with the appropriate role of the federal government in western expansion, either by law or through investment in **water infrastructure** [system to manage, store, and distribute water], western settlers could not depend upon the federal government to provide a system for water allocation. Rather, settlers developed their own customs, laws, and **judicial interpretations** [judge's ruling] to administer the allocation of water supplies. Settlers acquired water rights through the simple system of



“first in time, first in right,” whereby the individual who first **appropriates** [takes] water and puts it to beneficial use acquires a **vested** [guaranteed privilege] right to continue to **divert** [change course] and use that quantity. Traditional beneficial uses included **irrigated** [provided water] agriculture, mining, stock watering, domestic uses, and power production.

Water supply is essential to supporting our Nation’s public lands, which provide Americans with the opportunity to hike, fish, camp, and enjoy the great outdoors. These same lands serve as a lifeblood to many communities, which rely on them to graze, harvest timber, mine, and provide our nation with critical energy.