

accomplish this objective.¹⁵ In the arid West, water rights are based upon first use. For tribes, water rights go to the date their reservation was created, and this antedates the claims of the vast majority of non-Indian water users.¹⁶

Winters grants tribes water rights to sufficiently fulfill the purpose of
Arizona v.
California irrigate all the
 practicably irrigable acreage on the r ¹⁷ The exact amount of

to litigation over the quantity of land that is practicably irrigable. Nonetheless, black letter law recognizes tribes have strong legal claims to vast amounts of water.¹⁸

the US Bureau of Reclamation have largely ignored Indian water rights, preferring to facilitate non- ¹⁹ Rosser notes major cities like Las Vegas, Phoenix, and Los Angeles depend on the Colorado River for water as well as power.²⁰ However, the Navajo Nation has

see its full water rights recognized. Quite simply, Rosser states

non-²⁵ The legal mechanism designed to vindicate water rights forces tribes into state courts.²⁶ Federal courts exist, in large part, to provide a neutral forum. For example, federal judges are appointed and hold their positions for life whereas state judges are usually elected.²⁷ Consequently, it is difficult to imagine an elected state court judge upsetting the water rights of millions of non-Indians in favor of Indians.²⁸ Regardless of what the law may say, real-world developments have largely doomed

Curley believes Navajo opponents challenge the legitimacy of the United

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Isleta Pueblo does not. Fair or not, this will probably make a difference if the Navajo Nation seeks to enforce its water quality standards outside of its reservation. Likewise, Albuquerque has a population of roughly 900,000.⁷⁵ This is a sizeable number, but the Phoenix metro area, which would be

nearly five million.⁷⁶ If the Navajo Nation were to implement stringent water quality standards, the effects could extend across the entirety of Arizona, Colorado, Utah, New Mexico, and California. Odds are the federal government will not permit the Navajo Nation to control the economies of five states. However, it would be interesting to learn how far Rosser thinks the Navajo Nation can get with water quality standards.

A Nation Within is a significant contribution to the Indian law canon. Combined with his connection to the Navajo Nation, the book's analysis of how non-Indian interests combine to make the book a must-read for anyone interested in learning about the Navajo Nation. Though the book provides a useful discussion of several areas of the law, its examination of how non-Indian interests prevent tribes from actualizing their water rights is illuminating.

power-covid/ [https://perma.cc/9UNN-Z4KV] (And yet the reservation is an energy-exporting hotspot, having until recently been home to the Navajo Generating Station, the largest coal-fired power plant in the western U.S, as well as many coal, uranium, oil, and fracking operations).

75. See *Albuquerque, NM Metro Area*, CENSUS REP., <https://censusreporter.org/profiles/31000US10740-albuquerque-nm-metro-area/> [https://perma.cc/AY5G-D27F].

76. See *Phoenix-Mesa-Chandler, AZ Metro Area*, CENSUS REP., <https://censusreporter.org/profiles/31000US38060->