

# Summary of the Symposium on the Settlement of Indian Reserved Water Rights

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Presented by the Native American Rights Fund and the Western States Water Council

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and  
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## INTRODUCTION

In September, 1995, 276 people from around the country convened in Portland, Oregon for the annual symposium on Indian Water Rights Settlements. Representatives from 43 Tribes and 17 States were welcomed by former Oregon governor **Victor Atiyeh** who noted in his introductory remarks that, "talking to one another has no equal in the world of conflict resolution." This underlying principle has brought people with diverse goals and viewpoints together for the past five years to share their experiences. **John Echohawk**, Executive Director of NARF, spoke about the necessity of respective the choice by parties to negotiate or litigate.

In his opening remarks, **Michael Brophy**, Chair of the Western States Water Council Legal Committee, defined the general theme that, although earlier conferences were marked by a sense of optimism and accomplishment, the atmosphere at the 1995 gathering could be depicted as one of caution, frustration and uncertainty. While the first three symposia were upbeat, optimistic and productive, he said, today participants find pessimism, budget difficulties, downsizing of federal and state agencies, little articulation of Congressional policies, and hopes for an administrative "dream team" that have not yet been met. These frustrations are causing people to question whether or not negotiation is best. Mr. Brophy said the answer resides in the hands of the people attending the symposium, and their clients. Whether to settle or litigate is a test of collective will, intelligence, imagination and whether people can live in harmony with one another.

A primary theme the conference raised was the actual adjudication of water rights pales in comparison to the complex issues that must be dealt with in order to tackle the settlement of western water rights. Watershed issues, environmental issues, and political and budgetary debates have gone beyond simple adjudication of water rights. There is an increasingly pressing need to solve these

complex concerns in a practical way, and the parties involved may need to consider changing the framework they work within in order to address these issues with fresh perspectives. Contributors and participants had varying views as to what this framework might be.

Three days of discussions highlighted a number of contrasts: local expectations versus federal lethargy, water marketing potential versus cultural fears, and the complexities of litigation versus creative watershed approaches among others.

## **Session I: Negotiation of Indian Water Rights Claims, Preparing to Negotiate**

### A. Gathering Background Information and Role of Technicians in Negotiations

Panelists for the morning sessions gave useful background information on the basics of negotiation, including the importance of gathering information, the need to focus on structure and preparation as key elements, the identification of parties and issues, and how negotiations can bind larger groups. This introductory session has always been worthwhile and the collected knowledge of participants is more sophisticated now than in earlier symposia. Speakers highlighted four elements of preparation necessary for negotiating sessions: structural, technical, legal, and political. **Faye Rergan**, Legal Counsel for the Montana Reserved Water Rights Compact Commission, emphasized structure and planning as a way to prevent pitfalls, as well as the use of guidelines established by the parties: open meetings, public participation and the sharing of information and involvement with other state agencies. These details can provide more consistency and certainty to the negotiations, Ms. Bergan stated. **Frank Jones**, Rights Protection Officer for the Bureau of Indian Affairs, and **Joe Ely**, Project Coordinator for Stetson Engineers, both impressed on attendees the importance of technical

preparation for negotiation and litigation. Mr. Ely cautioned against fighting underlying principles that have already been litigated. From a political aspect, he recommended preparing constituencies and the parties early, because the extent to which parties win or lose is based on preparation completed prior to getting to the table. There are often many people in trying to redo and revise settlements in Congress; therefore, the degree of initial preparation has a great deal to do with a settlements being a success or failure. Mr. Ely outlined several elements of successful settlements, including; clear allocation and division of water, implementable settlements; and settlements that include the flexibility to accommodate future changes.

### B. Identifying Parties and Issues and How Negotiations Bind Larger Groups

Delving into the political aspect of negotiations, **Paul Russette**, Chairman of the Water Rights Subcommittee of the Chippewa Cree Tribe in Montana, suggested identifying as many parties and issues as possible from the beginning, and identifying and analyzing those issues that can be agreed upon. He outlined the extensive public involvement committed to by the Tribe, State and water users in the Rocky Boy's negotiations in Montana, and pointed out that, as in the case of Rocky Boy's negotiations, diverse groups are usually involved in settlements yet negotiations allow the give and take necessary for agreements to be made.

**Phil Mutz**, Upper Colorado River Commissioner for the New Mexico Interstate Stream Commission, explained that the leader of a negotiating team should have experience as a chair or facilitator of meetings, that litigation experience is helpful, and that the leader needs to be fully cognizant of the parties represented. **David Yargas**, Water Resources Analyst for the Environmental Defense Fund, discussed the Pyramid Lake, Truckee-Carson settlement in terms of the identification of parties and the binding of larger groups. He suggested the necessary elements in successful negotiations include process, substance, and relationships, each of which is important, but the latter being the most critical to ongoing negotiations that require close teamwork.

### **Session II: The Administration's Settlement Policy and the Implementation of Settlements**

Panelists in the Wednesday afternoon session examined the settlement policy of the current administration and the various aspects of settlement implementation. They

stressed the necessity of not leaving problems until the implementation phase. Generally, it seemed panelists hoped for both financial and political assistance from the federal government, and expected the federal government to be partner in the negotiations.

The session began with remarks by **Pamela Williams**, Special Assistant to John Duffy, who, speaking for Mr. Duffy who could not attend presented a positive view of the federal role in settlement negotiations, listing reasons for lack of settlement progress including insufficient litigation pressure in certain states, and the unwillingness of some parties to engaged in settlement processes. Surprisingly to some symposium participants, she tended to view the settlement process as between neighbors, with the federal government acting primarily as facilitator. Ms. Williams focused on the implementation process and advised parties to do things right the first time, stating, as Mr. Ely had explained earlier, that if key players are not at the table they may be able to block a settlement later in the process. She also advised that details should be decided during the negotiations or legislative phases; if they are not, they will be unlikely to be met in the implementation phase, that can be a time-consuming process taking, on the average, about five years to complete.

Ms. Williams acknowledged the frustrations parties are encountering with budget limitations, that mean fewer resources for settlements. In order to face some of these challenges, the Department of the Interior has established a Water Office in the Office of the Secretary, consisting of three negotiators who are attorneys in federal Indian law. The function of the Office is to facilitate communication between the Washington, D.C. office, the assistant secretaries, and the federal teams in the field. The office is charged with focusing on teams in advanced stages of negotiation. To help make progress with settlements, Ms. Williams said that Department is working on giving new direction to its federal team chairs, encouraging them to take a more pro-active role in the settlement process, and is attempting to establish time frames in order to make progress in negotiations.

Again touching on the importance of relationships **Steve Sanders**, WSWC member and Oregon Assistant Attorney General, pointed out the state's evolving role during settlement negotiations. He noted the historic hostility between the state, federal government and the tribes and pointed out that in settlement negotiations, parties often begin with skepticism regarding each participant's goals and eventually discover they can focus

on more realistic issues and similar goals. There continues to be concern about maintaining consistency between the Department of the Interior and the Department of Justice, and there is always concern about the possible precedents set by settlements, that he does not believe should be a problem due to the uniqueness of each settlement. He indicated that all parties share many of the same goals and values, including water management, economic values, and the desire for certainty as to who is entitled to what water. In negotiation, parties are more likely to see the common goal that all are heading for and how much water there is available to reach that goal.

**Della Wheeler**, member of the Nez Perce Tribal Council and Executive Committee, and a member of the Tribal Adjudication Team for the Snake River negotiations, spoke about the role the federal government has in the settlement of reserved water rights, noting that the Nez Perce case in the Snake River and Clearwater River basins is the largest general stream adjudication ever undertaken, including four tribes and involving endangered fisheries. Because of shared goals, Indian and non-Indian parties have committed to seek the certainty resulting from a negotiated settlement, yet, from the tribal point of view, she said the administration and Congress must realize that the settlement process is not easy or inexpensive. The federal role is critical and the federal team must have policy and financial support. Congress and the administration must realize the value of reaching these settlements and must pay for them.

**Clive Strong**, Idaho Assistant Attorney General, expressed concern with that the federal government will establish time frames and objectives that are too strict, not leaving negotiating parties time to develop the relationships necessary to come to an agreement. As many other participants noted, he emphasized high expectations for funding juxtaposed its uncertainty. As Mr. Sanders did, he mentioned common goals of negotiators. His comments were made in the context of the 1990 Idaho F. Hall Water Rights agreement that will soon be implemented. As Ms. Williams stressed earlier, he recommended not leaving issues to the implementation phase, and in addition, stressed the importance of parties having the authority to bind their principals which, in the case of F. Hall almost broke the agreement because the Justice Department did not have that necessary authority. In the Ft. Hall settlement, the continuity of players in the negotiation process was important in terms of finalizing an agreement. He indicated appreciation of the adoption of federal settlement teams; however, he did express some concern that it might lead to too much centralized control

in Washington, D.C. His thoughts are that local people often have good solutions to avoid policy problems.

**Judy Knight-Frank**, Chair of the Ut Mountain Ute Tribe, also discussed the frustrations regarding implementing settlements, based on her extensive experience negotiating for the Colorado Ute Mountain Ute Tribe settlement that involves seven basin states. She questioned if federal policy still favors settlement, but when there is no funding available, what can negotiators do? When there is a change in administration, where do the tribes go with their settlements? Do they go back to litigation? It was suggested by one participant that new polices being adopted at the federal level should be shared with tribes and states.

### **Session III: Issues in Settlement Negotiations: Marketing of Indian Water Rights**

#### **A. Marketing**

During the second day of the Symposium, participants discussed the controversial issue of tribal water marketing, and presented overviews of marketing mechanisms, as well as economic, legal and institutional issues from tribal, state and federal perspectives.

**Mark Tilden**, NARF Staff Attorney, reviewed that WSWC/NARF staff report on water marketing. He began by giving an historical background of Indian reserved water rights, noting that with the increases in population and water use over the years, tribes must compete in an increasingly contentious arena. An important question is whether tribes should pursue litigation or settlement of their water rights. Mr. Tilden said there are some disadvantages to looking at litigation, including the expense. Through settlements, many concerns regarding marketing can be mitigated, and settlements offer the potential for achieving mutual agreement and consensus regarding marketing.

He noted that states are recognizing the increasing importance of including provisions for marketing and some states have passed legislation to allow transfers of water. Due to declining federal funds, water marketing provisions are sometimes mechanisms to fund settlement agreements, so they may be considered as more of an option as funds are cut.

Mr. Tilden gave some examples of how various states have handled marketing through water right settlements. He stated that 12 of the 18 completed settlements contain

some sort of marketing agreement, including those in Arizona, Idaho, Colorado, Montana, Utah and New Mexico. None of the agreements grant unlimited marketing authority to tribes, and each is unique and tailored to accommodate the interests of competing parties. Generally, settlements that include marketing may contain the following: tribes have had to confine marketing activity within certain geographic areas, tribes cannot permanently alienate their water rights, marketing requires approval from the Department of the Interior, and off-reservation water use may have to follow state laws.

**Ed Whitelaw**, President of ECONorthwest, an economic consulting firm, focused on explaining water marketing from an economic viewpoint. The price of water is increasing due to many things, including the growth of population centers. The economic integration of metropolitan and non-metropolitan areas and declines in traditional industries may mean future water purchasers will pay more for water.

Mr. Whitelaw stated that from an economic point of view, negotiations are simply transaction costs with the end goal to make the transaction. Prior to engaging in marketing, parties need to know what the market is and to identify the sellers, buyers and their goals. Prices negotiated today should reflect increases and decreases of values down the road as the landscape for marketing changes, and the future price of water increases. He cited the increasing value placed by society on instream flows as an example of how changing values affect markets.

During this session, while some speakers emphasized the technical and legal aspects of marketing, audience remarks emphasized a concern with cultural aspects of water marketing. Questions for Mr. Whitelaw included how economists can address the issue of a commodity versus a cultural resource. It was noted that selling water is often against the beliefs of Native Americans.

**Tod Smith**, Legal Counsel from Whiteing and Thompson, talked about the details of the difficult negotiations of water marketing on the Colorado River, where a ten tribe partnership has entered into discussion with the seven basin states. Mr. Smith said the biggest issue is whether or not tribes can market their unused water, which the states oppose because they depend on using that water. The parties face difficulties, including the need for the tribes to figure out how to gain some economic return from water that has been decreed to them but which they cannot use due to various reasons, and whether or not tribes are limited to water historically used on the reservations.

Mr. Smith noted that through the negotiating process, the tribes have gained a better understanding of institutional issues on the Colorado River. He suggested that there should be a broader definition of beneficial use for marketing and that the Secretary of the Department of the Interior to do this; otherwise, water will continue to be used by non-Indian users, leaving the tribes in the same situation they are in now. He said that, at this point, the tribes will probably wait to see what the states will do regarding negotiations.

Giving an overview from the perspectives of the Secretary of the Department of the Interior's office, **Les Ramirez**, Special Assistant to the Secretary, said that there are two basic assumptions negotiators face in approaching the concept of water marketing: tribal self-governance and public benefits, and he suggested that parties should build on the commonalities between these two. He said tribes should have the ability to determine if they can market water. Future Indian water settlements must incorporate aggressive approaches to resource use. It should be noted that the parties involved in water marketing do not operate in an unregulated system, as water is regulated and allocated for public benefit. Western water law recognizes no absolute individual property right in water, but a privilege, allocated by a sovereign government.

Mr. Ramirez said tribal governments are often caught in the middle between federal and state governments, and they should have access to options allowing them to respond to their changing needs. He believes tribal water marketing may benefit the states as well. Tribes can lead the way in a series of water marketing demonstration projects, and states will be able to learn from tribal experiences without putting state water at risk. In this era of budget restrictions, the ability to do this is important. The marketing solution maximizes the benefits to the tribes and the public.

**Peter White**, Legal Counsel from the New Mexico State Engineer's office, discussed looking at private property rights versus public resource values and examined marketing from a state perspective, using New Mexico as an example. He gave a general description of how the New Mexico system of transfer of water works and discussed the Jicarilla-Apache settlement and marketing.

He noted this is an era of reallocation, including the marketing of water and management of public water resources. Parties must look at the public interest involved in use of water, conflicting uses of water, and

what he referred to as the new “federal riparianism,” for example, the Endangered Species Act. There is the issue of balancing conflicts between private property rights and public resources. He pointed out legal restraints impacting water marketing such as the Endangered Species Act and the Clean Water Act, as well as interstate compacts.

Comments from the audience following this session included an expression of the necessity for tribes to tell the federal government that tribes need assistance and funding to move forward. Some audience members were concerned that water was spoken of as a renewable resource, and if water is sold, no one knows where it will go and in what condition or quality it will be returned to its source.

A suggestion was made that the acknowledgment of competing uses for water, including environmental uses, is increasingly common, and that this is an opportunity to view the convergence of environmental and tribal interests to see if something positive can be made out of it; for example, water marketing could be a way to join tribal development and environmental needs.

The water marketing section of the conference presented views of federal, tribal and state representatives, as well as specific comments on the economics of marketing. From the presentations made, it is clear that the competition for water among the various parties involved in settlements is becoming stiffer as populations grow and as rural and urban centers co-mingle. The concern tribes have with cultural issues is very real. Federal, state and tribal negotiators and the new management systems they arrive at will need to be flexible in order to handle complicating factors such as the Endangered Species Act and the Clean Water Act. Considering the economic factors involved in water marketing and learning from complicated negotiations such as those on the Colorado River can assist all negotiators in working on future settlements.

#### **PRESENTATION ON ADMINISTRATION POLICY**

The luncheon speaker was **Dr. Catherine Vandemoer**, Special Assistant to Assistant Interior Secretary Ada Deer, and Chair of the Taos Pueblo Water Rights Negotiation Team. She emphasized the administration’s support of tribal sovereignty, but she noted this policy is jeopardized by the current budget cuts that could impact tribal progress in many areas. She suggested emphasis on funding may have to shift to the states if settlements are to be completed successfully. Dr. Vandemoer spoke of watershed management, conservation incentives, water marketing and institutional frameworks as ways to assist

in integrating state and tribal water management. She requested support from the states in creating a permanent fund to prioritize Indian water rights settlements.

#### **Session IV: Issues in Settlement Negotiations: Management of Water Rights in Indian Country**

##### A. Relationship between Tribes and States managing waters in Indian Country

The afternoon session began with the contrast between the land ownership of the heavily checkerboarded Wind River Reservation in Wyoming and the Warm Springs Reservations in Oregon which is 100 percent tribally owned. **Craig Cooper**, Division Supervisor of the Wyoming State Board of Control, gave a perspective from the State of Wyoming on the administrative background and current status of Wind River water administration after 18 years of litigation, pointing out that the tribal engineer’s office, the state engineer’s office and the BIA are now collaborating to settle disputes. The Wind River Reservation is a complex combination of Indian and non-Indian lands, and the state maintains and active dialogues with non-Indian owners in those areas. He noted that the current administrative arrangement has not yet been written into a Memorandum of Understanding, and there has also been discussion of forming a joint board to deal with disputes.

**John Schumacher**, Legal Counsel for the Shoshone Tribe of the Wind River Reservation, followed by noting that there is dissension regarding who uses water and how it will be used. From the tribal perspective, tribal administration of water includes two concepts: ownership of water by the Tribe and inherent tribal sovereignty. The tribal perspective is that there are clear grounds for tribal authority to regulate their water as well as some authority for them to regulate non-tribal water on the Wind River Reservation. Mr. Schumacher’s suggestions for how to make the system work for both the Tribe and the State included: gathering the facts; keeping communication between agencies open; having clear standards regarding who is entitled to what; maintaining respect for each other in spite of disagreements; and looking at the problems from a number of perspectives.

##### B. Federal Involvement in Water Management Issues

**Herb Becker**, Director of the new Office of Tribal Justice, U.S. Department of Justice, explained the

background of the formation of the office, which will take the lead on policy matters and will represent Ada Deer at the White House Domestic Policy Council regarding Indian affairs. He reiterated the federal government's unique trust responsibility with the tribes, including the commitment to make sure tribal resources are protected and, said that laws such as the Clean Water Act and large federal irrigation projects require U.S. involvement. The states and tribes want the federal government involved from a financial standpoint as well, even in light of the anti-government movement in the country. He said in coming months with budget changes, people will see if the federal government will become less involved in water issues, and predicted that there will not be a great deal of change along those lines. He suggested on-the-ground solutions regarding administration as the way to do, but noted the federal government does play a significant role in these solutions and should assist tribes until they are ready to handle things on their own.

### C. Potential for Coordinating Intergovernmental Management and Other Approaches.

**Jody Calica**, General manager for Natural Resources of the Warm Springs Tribe in Oregon, discussed the unique situation on the Warm Spring Reservation. In direct contrast to the checkerboarding on the Wind River Reservation, Warm Springs is a closed reservation with 97-98 percent of the land owner individually or by the tribes. He explained that there is no state jurisdiction except that allowed by the three distinct tribal groups on the reservation. In trying to influence issues such as water quality, the tribes are putting together an environmental law project creating an interlocking fabric of jurisdiction among the state, federal government and tribes. They have joint forces with the Environmental Defense Fund to attempt to come up with solutions to solve fisheries and water supply problems in the Deschutes River basin. The tribes are trying to use a constructive, ecosystem based approach, utilizing market-based incentives to encourage people to change ways to doing business.

**Martha Pagel**, Director of Oregon Water Resources Department, agreed that the Warm Springs Tribes have a tribal council committed to negotiation and consensus building, and that the tribes and the state have a mutual process of recognition of authority off and on the reservation. She said marketing and administration require local political decision. Tribes have to decide if they want to lease water and local water users have to define their own comfort levels. If negotiators avoid big agendas and precedents in other states, and look at local

needs and solutions that will work on a day to day basis, they will be more successful. Oregon has a statute prioritizing the negotiating of settlements and an ability to enter into cooperative agreements for carrying out government functions that has helped them work through settlement negotiations.

Audience interest following Thursday's session concentrated on the federal role: for example, whether or not the federal government should force a time line for water rights settlements; whether the federal government is sending mixed messages to the states by asking the states to be more self-governing, that will complicate things for the tribes regarding who is to take the lead in water settlements, and whether the states will provide funds for water settlements if the federal government does not.

### **Session VI: Settlement Legislation: Getting Bills Through Congress**

#### **Congressional Outlook for Indian Water Rights Settlements**

Friday, the last day of the Symposium, Congressional staff **Mike Jackson** and **Tim Glidden** gave their views on recent policy developments in Washington, D.C. Mr. Jackson spoke of the loss of continuity and momentum for enacting settlements, as well as the growing concern about the federal budget. He predicted that basic policies will remain, with case-by-case approaches to settlements also continuing. There will be less money and more procedural hoops to jump through as federal costs are increasingly scrutinized. It will be necessary for negotiating parties to think of creative ways of funding projects. Settlements are less likely to include major irrigation projects or rehabilitation of existing projects. Mr. Jackson suggested that most settlements will include some provisions for water marketing in-state, but that interstate marketing is still too controversial to pass through Congress. These concerns mean that some tribes may reconsider their present strategies and go to litigation or put off negotiating their settlements until the budget crunch has passed. Mr. Glidden explained the basic process of how settlements move through Congress and recommended that parties move ahead in spite of budget problems.

**Jo Clark**, Director of Programs for Western Governors' Association, gave an overview of how the Western Governors' Association interest in water issues

developed, and what negotiators have learned over the years, including finding workable solutions, forming alliances, working with government agencies and Congress, and understand the complexities of funding. She shared the concerns expressed by others regarding the slowdown of momentum carrying settlements forward.

**Clyde Romney**, Special Mediator for the San Luis Rey negotiations, discussed the obstacles faced getting the settlement through Congress, and explained his role as mediator working on the even more difficult problems of implementing the settlement. He identified what he felt were the elements of successful mediation, including consent between the parties, shared common purposes, inclusion of all actual and potential participants, personal involvement of representatives of each of the parties, key technical support by engineers and others, and a process driven by the parties rather than by a facilitator or mediator. Intangibles included in the negotiations include the regional-state political climate, the personal chemistry of people involved, and the relationship with key staff at the federal level, particularly elected officials.

Comments following the last speaker were varied. There was the suggestion from the audience that tribes must have the authority to handle issues themselves as they will be living on their land long after everyone else is gone, and that Native American people know that their population must be balanced in regards to their resources. There was the advice that Native Americans must work together on these problems as non-Indians have done. Fundamentally, a deep concern with federal budgets cuts was expressed, including whether or not there will be continuing funds to keep the settlement process going; and the awareness of the need for establishing relationships with local congressman in order to get settlements through Congress.

## **WRAP-UP SUMMARY**

**Susan Cottingham**, Program Director for the Montana Reserved Water Rights Compact Commission, presented her summary of the Symposium and asked for people to think about where the group is going, collectively, in this fifth year of gathering. As the many speakers and members of the audience pointed out, there have been extreme changes in Congress and there have been administrative slowdowns, yet states and tribes are continuing to move forward and to come up with creative strategies. She said many issues were raised during the Symposium, and the contrasts involved are notable, such

as those between marketing and cultural concerns and the complexities of litigation versus negotiations. In the 1990s, the concept of “simple” water adjudication pales in comparison to the complexity of water needs in the West, with issues including water quality, endangered species and inter-basin allocation. As negotiating parties sit down together, they are finding they must address this broad range of issues, and that perhaps they need to ask whether or not they need to redefine the process because of the increasing complexity of issues involved.

She recalled, as Ms. Wheeler had suggested earlier, that negotiating parties do not just want the federal government involved for financial gain, but want and need them in the discussion as an active partner contributing authority and creative ideas. If in frustration negotiating parties move back to litigation, they will lose momentum; therefore, it is important to think about how much has been accomplished on settlements during the last decade.

Recognizing the importance of a collective approach, groups can continue to look for more innovative approaches, even though the infrastructure funding is poor. The Yakama River Basin Water Enhancement Project shows an imaginative way to look at water problems in that basin. In Montana, the State and Chippewa Cree tribes are looking at innovative ways to bring more water into Rocky Boy’s Reservation. For example, the Safe Drinking Water Act may assist in providing more funding for a solution.

Ms. Cottingham suggested that, to help identify issues and to reach future goals, participants in the Symposium could form interim working groups out of this conference. Those parties negotiating agreements should be able to use their collective knowledge in a more active way, such as in strategy and work sessions. One suggestion might be to hold the conference at the same time and place as congressional field hearings are held on water settlements.

In addition, there have not been many non-Indian water users represented at the Symposium, and it would be valuable for those groups to hear the tribal, state and federal perspectives on water settlements. Symposium participants could be a powerful advocacy group for what negotiating parties have learned and participants should use their knowledge to take action. As Mr. Yargas pointed out early in the first session, relationships stand out as a crucial ingredient to a successful negotiation, because in each negotiation, often almost imperceptibly,

there comes a time when such associations change from an adversarial to a more unified team approach, helping significantly in moving negotiations forward to a settlement that complements all parties involved.

Ms. Cottingham noted in closing that many tribal participants at the Symposium spoke eloquently of the cultural as well as practical importance of water. She stated that it is important for all to recognize that there are also many non-Indians who share this same respect for water in the West. This diverse group of people from the substance of the Symposium each year, and it will take their combined knowledge, skills and experiences to reach successful settlements during this difficult time.

**Susan Cottingham**, Program Director for the Montana Reserved Water Rights Compact Commission has been an active participant in the negotiations, settlement and implementation of the Northern Cheyenne and National Park Service water rights compacts in Montana, and is involved on a daily basis with ongoing negotiations with the Chippewa Cree of Rocky Boy's Reservation, the

Assiniboine-Gros Ventre of the Fort Belknap Reservation, the Crow Tribe, and federal agencies such as the U.S. Fish and Wildlife Service, the Bureau of Land Management and the U.S. Forest Service in Montana. Her views are based on a thorough knowledge of, and respect for, state, tribal and federal positions in water negotiations.

**Joan Specking** is the Historical Researcher and a Technical Team Leader for the Montana Reserved Water Rights Compact Commission.