



# **Gathering Background Information and the Role of Technicians in Negotiations**

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**DOWL HKM**

**Welcome**

# The Basics

- Objective
  - “Intellectually Honest”
  - “The Golden Rule”
- Context
  - Setting (geography, tribal objectives, parties, personalities)
- Responsive
  - “Live moves pretty fast....”
- Competent

# Background Information

- Litigation, Settlement or “Pure” Negotiation
  - Level of Detail
  - Sometimes Parallel Paths
- Litigation Settlements
  - Lengthy Process
    - Aamodt – 1960s
    - Arizona and Montana – HKM started gathering information in the 1980s
    - I drilled a dam site on Rio Pueblo de Taos in 1991

# Background Information

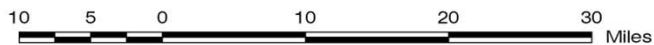
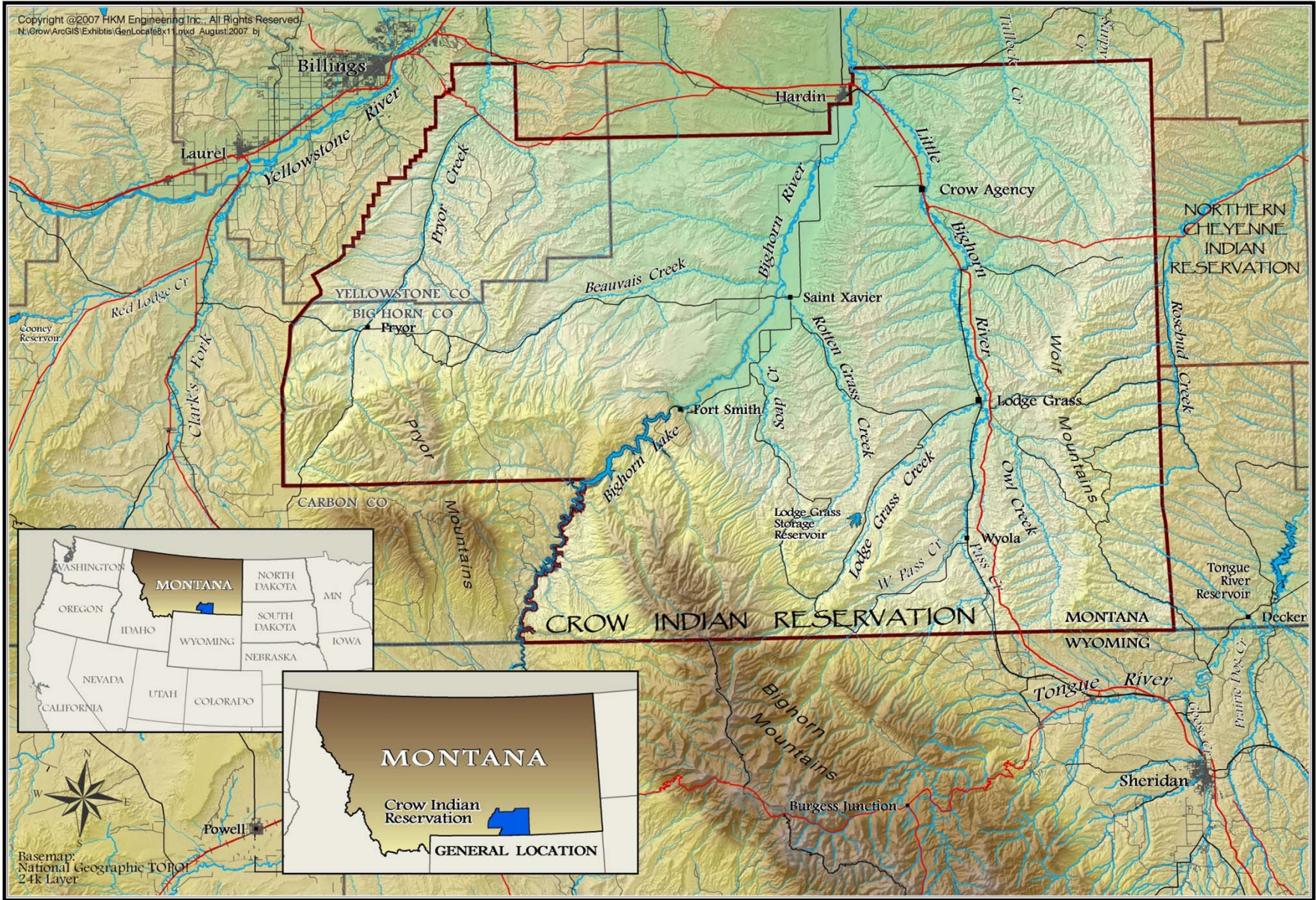
- By Who for Whom
  - Federal, Tribal, State and sometimes others
  - Consultants and “In House”
- What Information?
  - Hydrographic Surveys
    - Historically Irrigated Lands
    - Water Availability
    - Aamodt – State Engineers Office
    - Little Colorado River – Arizona Department of Water Resources
  - Present and Future Conditions
    - Population, Economics, PIA, DCMI, Tribal Homeland

# Role of the Technician

- Advisor not Decision Maker
  - Same as Attorney
- Inform and “Educate” Decision Makers
  - “Translate” Technical to Lay Terms
  - Comprehension and Understanding – Why
  - “Build” Tribal Technical Team
- Listen and Learn

# Specifics

- Crow
- Aamodt
- Taos
- Little Colorado



**CROW INDIAN RESERVATION  
 MR&I WATER SYSTEM  
 LOCATION FIGURE**

# Crow

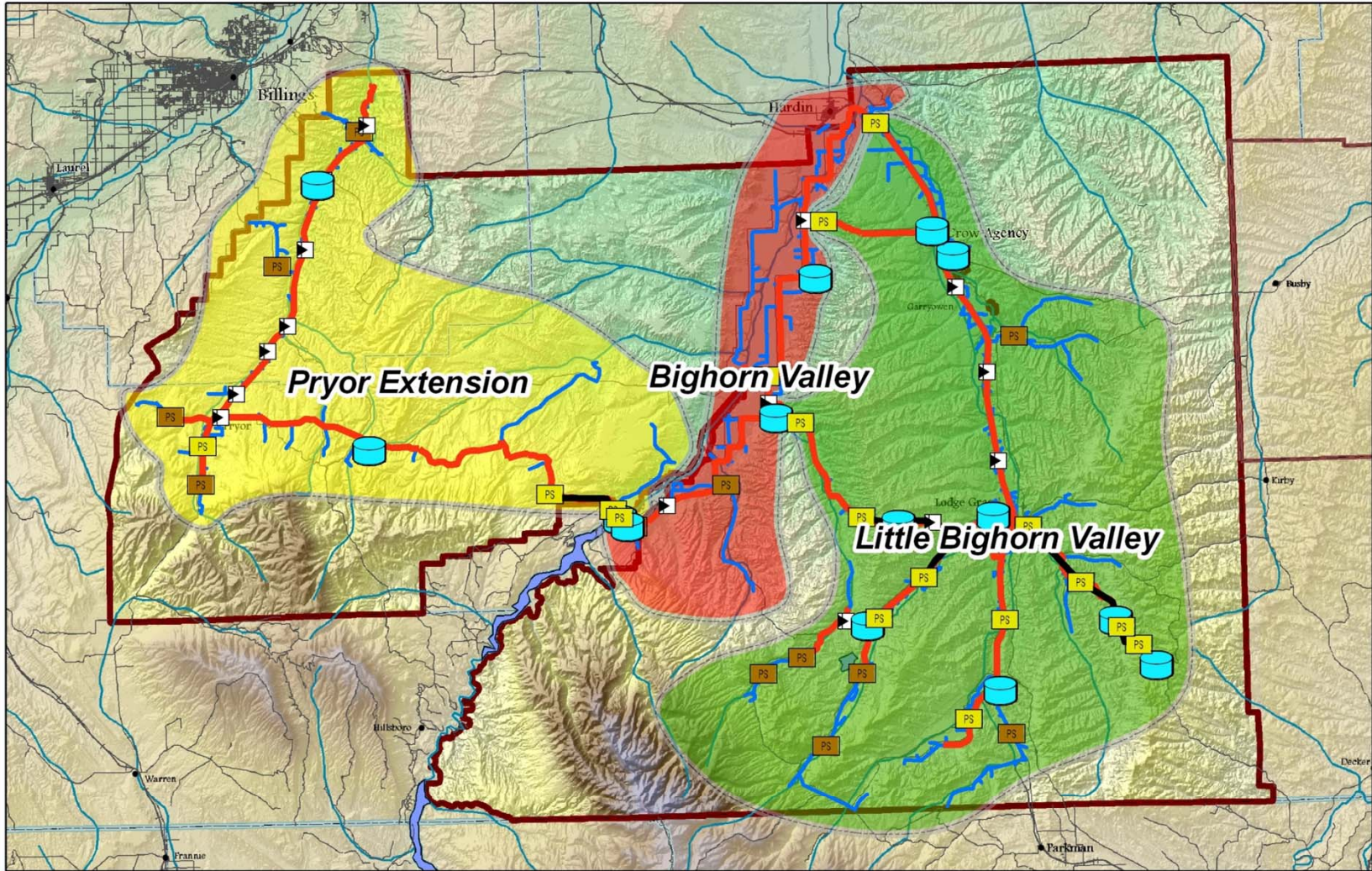
- Compact Ratified by Montana in June 1999
  - 1980s and 1990s Data and Context
  - Negotiated between Tribe, Reserved Water Rights Compact Commission and Federal Government
- Crow Water Rights Settlement Act passed in December 2010
  - Irrigation Aspects
  - Municipal, Rural and Industrial (MR&I) or Domestic, Commercial, Municipal and Industrial (DCMI) Aspects
  - Other Components

# Crow Irrigation Aspects

- BIA Crow Irrigation Project (CIP) Condition Assessment - 2006
- Crow Tribe Update of BIA CIP Condition Assessment – 2007
- Betterment Study – 2007
- Update 2009





# Crow MR&I Aspects

- MR&I Needs Assessment - 1999
  - Focused on Existing Systems
- Engineering Report – 2008
  - Focused on Future Needs
  - Six Alternatives Analyzed
- Updated – 2009
  - Refined Alternatives
  - Updated Costs

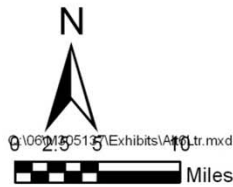


**Legend**

- Transmission Pipeline
- Distribution Pipeline
- Electrical Transmission Lines









-  Tank
-  Pump Station
-  Distribution Pump Station
-  PRV

- Subsystem**
-  Bighorn Valley
  -  Little Bighorn Valley
  -  Pryor Extension










**Crow Indian Reservation MR&I Water System  
Showing Bighorn Valley, Little Bighorn Valley  
and  
Pryor Extension Subsystems**

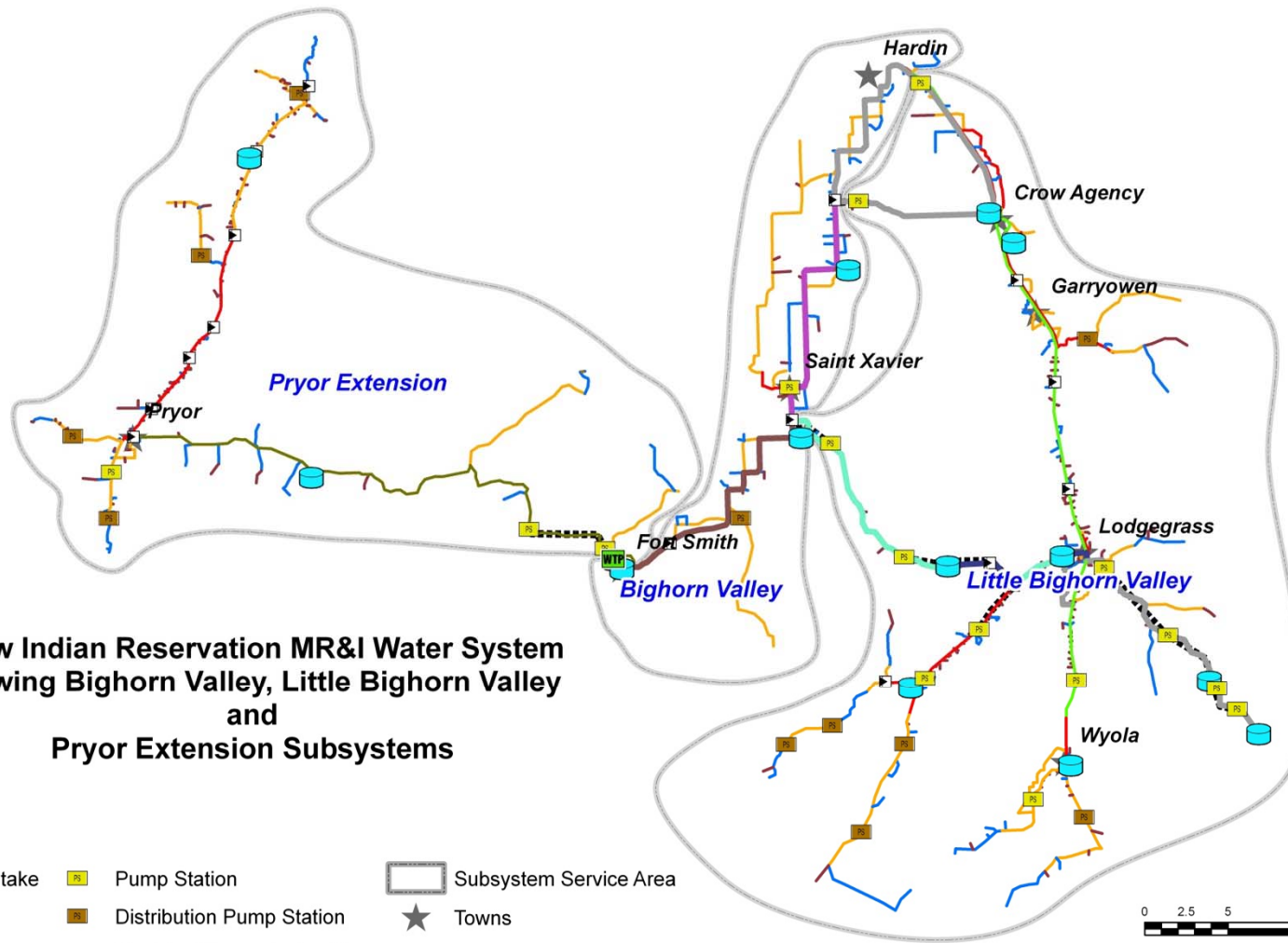
**Legend**

- |  |   |  |
|--|---|--|
|  WTP and Intake |  Pump Station                  |  Subsystem Service Area |
|  Tank           |  Distribution Pump Station     |  Towns                  |
|  PRV            |  Electrical Transmission Lines |  |

**Pipelines**

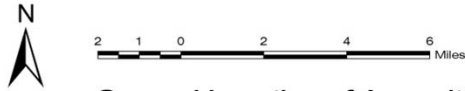
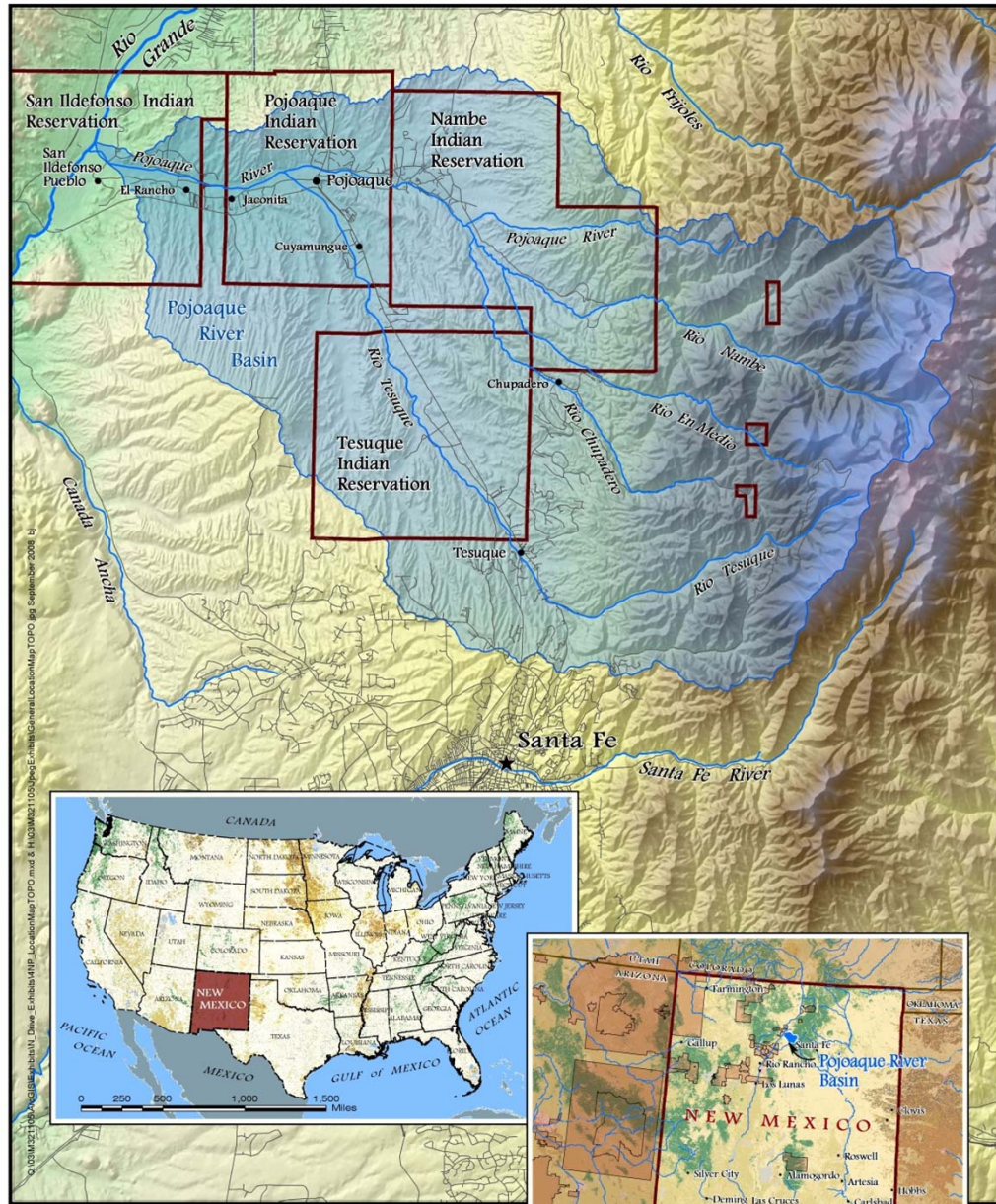
**Diameter (in.)**

-  2
-  3
-  4
-  6
-  8
-  10
-  12
-  14
-  16
-  18
-  20



# Aamodt

- “Four Northern Pueblos”
  - San Ildefonso
  - Pojoaque
  - Nambe
  - Tesuque
- State of New Mexico, Santa Fe County and Others
- Settlement Agreement 2006



General Location of Aamodt Litigation Settlement Area

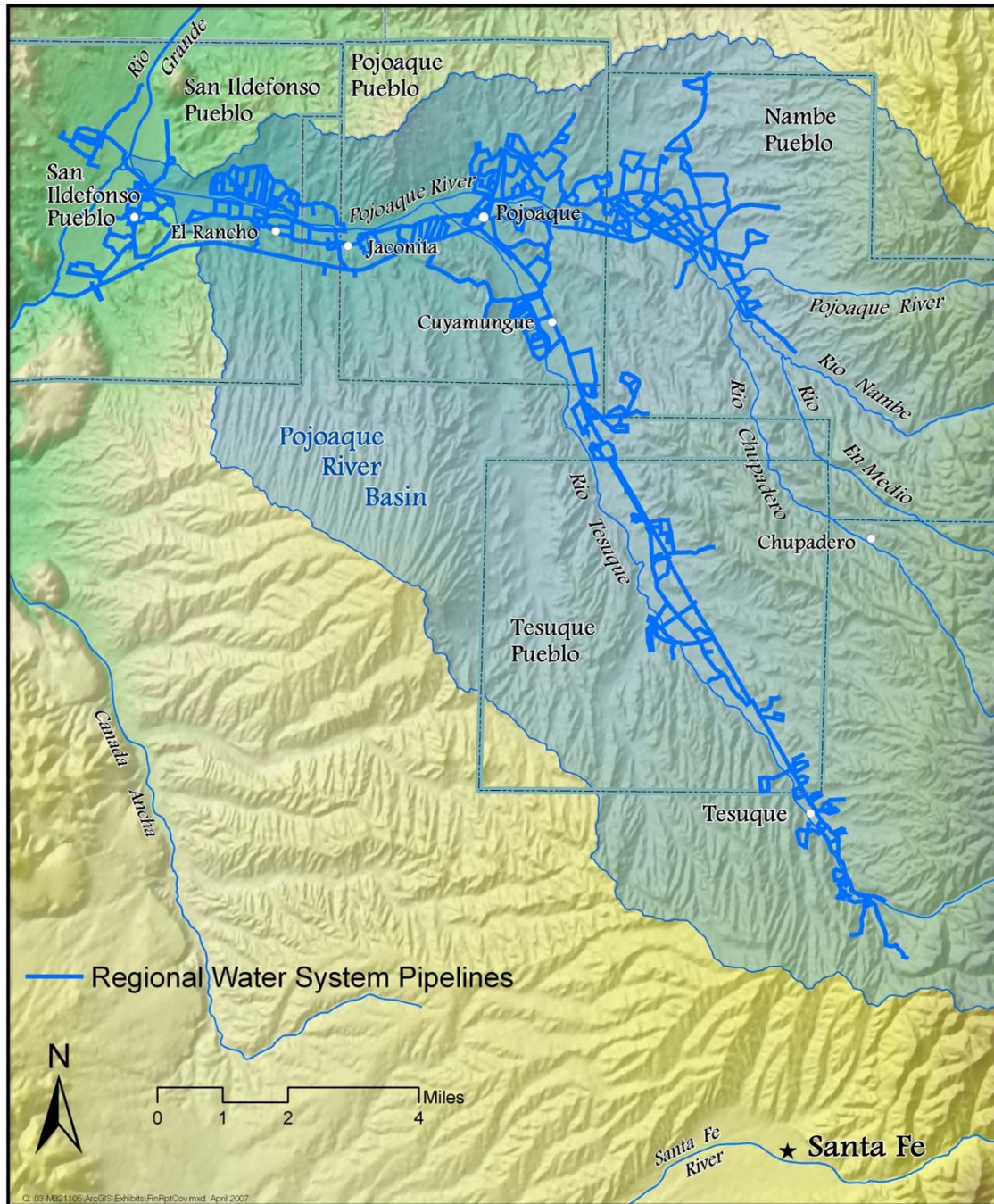


# Aamodt MR&I Component

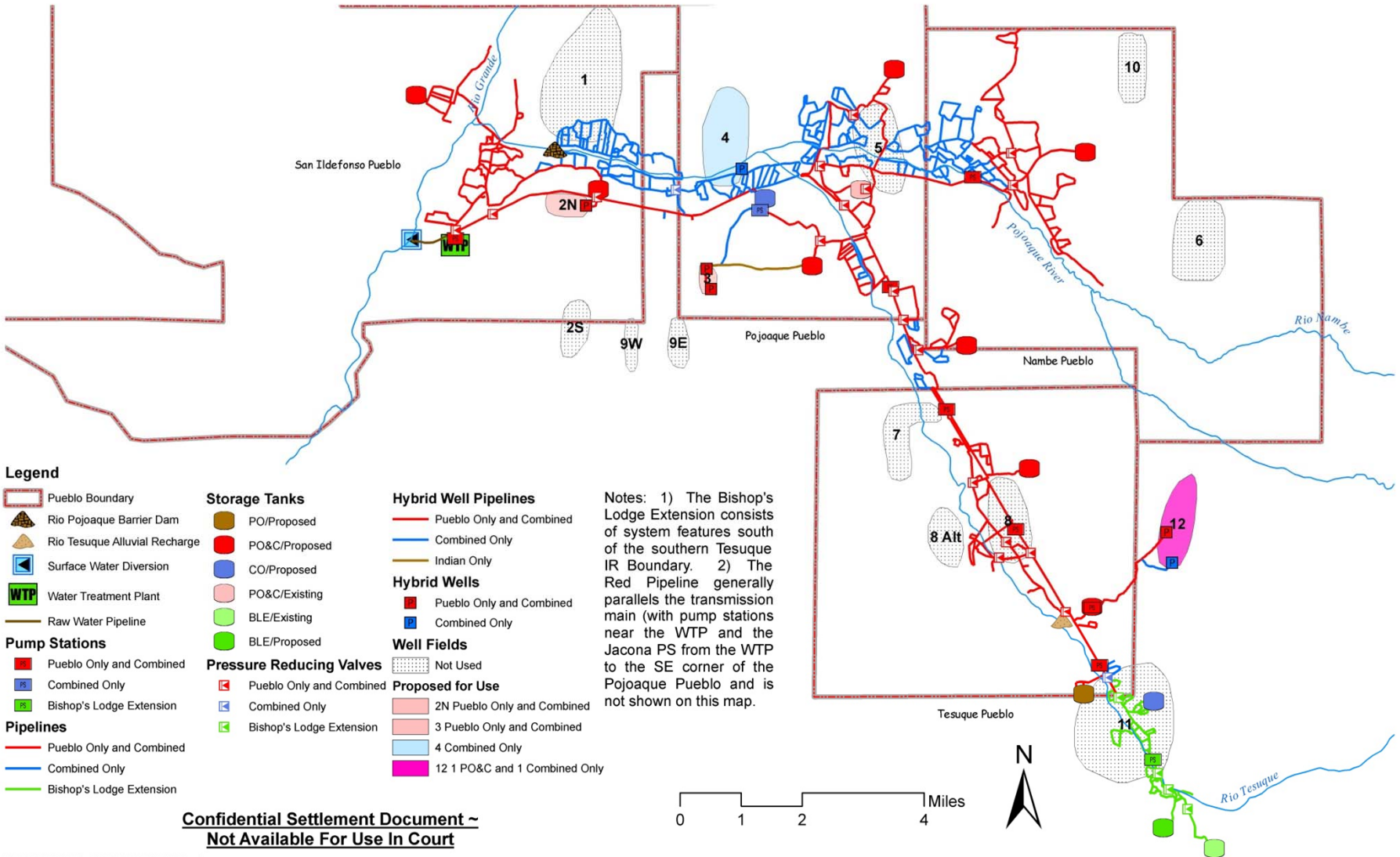
- Settlement Agreement Allocated 4000 AFY to Pueblos and Santa Fe County
  - 2500 AFY to Pueblos
  - 1500 AFY to Santa Fe County
- Two Systems Analyzed
  - Pueblo Only (2500 AFY)
  - Combined System (4000 AFY)

# Aamodt MR&I Background Information

- Settlement Study – 2004
- Bureau of Reclamation
  - ASCG (now WHPacific)
  - Boyle Engineering
  - JSA
- Not Well Integrated into a Functioning System
- Background Data Invaluable for Engineering Report - 2008







**Legend**

- Pueblo Boundary
- Rio Pojoaque Barrier Dam
- Rio Tesuque Alluvial Recharge
- Surface Water Diversion
- Water Treatment Plant
- Raw Water Pipeline
- Pump Stations**
- Pueblo Only and Combined
- Combined Only
- Bishop's Lodge Extension
- Pipelines**
- Pueblo Only and Combined
- Combined Only
- Bishop's Lodge Extension
- Storage Tanks**
- PO/Proposed
- PO&C/Proposed
- CO/Proposed
- PO&C/Existing
- BLE/Existing
- BLE/Proposed
- Pressure Reducing Valves**
- Pueblo Only and Combined
- Combined Only
- Bishop's Lodge Extension
- Hybrid Well Pipelines**
- Pueblo Only and Combined
- Combined Only
- Indian Only
- Hybrid Wells**
- Pueblo Only and Combined
- Combined Only
- Well Fields**
- Not Used
- Proposed for Use**
- 2N Pueblo Only and Combined
- 3 Pueblo Only and Combined
- 4 Combined Only
- 12 1 PO&C and 1 Combined Only

Notes: 1) The Bishop's Lodge Extension consists of system features south of the southern Tesuque IR Boundary. 2) The Red Pipeline generally parallels the transmission main (with pump stations near the WTP and the Jacona PS from the WTP to the SE corner of the Pojoaque Pueblo and is not shown on this map.

**Confidential Settlement Document ~  
Not Available For Use In Court**

# Taos

- Refer To Gil Suazo For “Big Picture”
- MR&I Component
- Initial Work – 2004
  - Taos Pueblos Utility
  - Indian Health Service

# Observations

- **If Not Currently Water Short it may only be a Matter of Time**
  - **Climate Change (Whether Anthropogenic or Natural) is Constant**
- **Tribal Technical Base**
  - **Navajo Nation, Rosebud Sioux Tribe, Confederated Salish And Kootenai**

# Observations

- **DEC Review**
  - Context and Timing
- **Negotiation Outside of Litigation**
  - Possibly Less Adversarial -Win/Win?
  - There May not be a Compelling Reason
- **Don't Take Yourself too Seriously**
  - It has to be “Fun” and/or Intellectually Stimulating



A scenic landscape featuring a calm, blue lake in the foreground, reflecting the surrounding environment. The lake is bordered by dark, shadowed rocks on the left and right. In the background, there are light-colored, rocky cliffs and a dense forest of green trees under a clear blue sky. The overall scene is peaceful and natural.

# **The End**

**Thank You for Your Time and Patience**

**Questions and Hopefully Answers**