



The *Winters* Centennial: Will Its Commitment to Justice Endure?

June 9-12, 2008

Presented by

The University of New Mexico School of Law
Utton Transboundary Resources Center

and

The American Indian Law Center, Inc.

at

Hyatt Regency Tamaya Resort
Santa Ana Pueblo, on the Rio Grande north of Albuquerque

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Greeting and Notes of Thanks

On behalf of the conference co-hosts, the Utton Transboundary Resources Center and the American Indian Law Center, Inc., both based at the University of New Mexico School of Law, it is our great pleasure and honor to welcome each of you at the *Winters* Centennial to the State of New Mexico, to the Pueblo of Santa Ana, and to the beautiful Hyatt Regency Tamaya.

Like you, we are looking forward to three days of informative and challenging discussion. In addition to the essential support of our sponsors listed on the opposite page and our contributors whose announcements you will find in this program booklet, we would be remiss if we did not acknowledge the contribution of many others to the *Winters* Centennial. First and foremost, a program of this caliber and this scope would not be possible without the expertise and intellect and time given to this conference by each and every one of our presenters, panelists, and moderators. We are truly indebted to them for their commitment and contribution. The Utton Center board of advisors conceived the idea of a conference to mark this centennial occasion. We were then guided in the selection of our eminent presenters and panelists by a distinguished and very hard-working planning committee, whose names are listed below.

A successful conference requires more than inspiring presentations and discussion. It also requires financial backing and sound organization. We were greatly assisted on the financial side by many on the planning committee, augmented by the advice and effort of several key individuals who volunteered their time: Bill Uher, the former development director of the School of Law; Cate Stetson of Stetson Law Offices, P.C., and Myron Armijo, Native American Water Liaison for the New Mexico Office of the State Engineer. Organizational and administrative support came from our dedicated staff people: Torild Kristiansen and Pamela Phelan of the Utton Center and Melissa Candelaria of the American Indian Law Center, Inc.

A final and special word of thanks is owed to three people who were directly involved in the original planning for this conference, and who have volunteered their time in recent months in many invaluable ways to bring this conference to you: Marilyn O'Leary, the director of the Utton Center from its inception through June 30, 2007, Ruth Singer, recently retired Utton Center administrator; and Sam Deloria, former director of the American Indian Law Center, Inc. for 37 years.

With heartfelt thanks to all of these individuals and organizations and best wishes to all of you for a rewarding conference.



Sanford E. Gaines



Helen B. Padilla

Conference Planning Committee

Co-Chairs: John Thorson, California Public Utilities Commission
Bob Anderson, University of Washington School of Law
Myron Armijo, New Mexico Office of the State Engineer
Bidtah Becker, Navajo Department of Justice
Craig Bell, Western States Water Council
Barbara Cosens, University of Idaho College of Law
Sam Deloria, American Indian Graduate Center
Tom Gede, Bingham, Dana & Gould
Tom Kinney, Hill, Kinney & Wood, LLC
Marilyn C. O'Leary, former Director, Utton Center
Judith Royster, University of Tulsa College of Law
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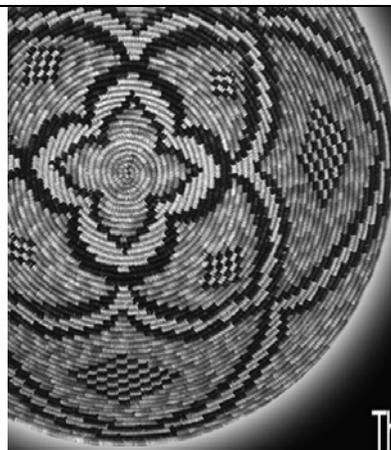


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Program

Monday, June 9, 2008

Evening: Registration and Opening Reception – 7:00 pm – 9:30 pm
Reception sponsored by Agua Caliente Band of Cahuilla Indians
and Isleta Pueblo.

Tuesday, June 10, 2008

Registration continues – 8:00 am

Morning:

Invocation – 8:15 am

Ulysses Leon, Governor of Santa Ana Pueblo

Introduction: Myron Armijo, Tribal Liaison, NM Office of State Engineer

Welcome – 8:30 am

Sanford E. Gaines, Director, Utton Center

Helen Padilla, Director, American Indian Law Center

Marilyn C. O’Leary, former Director, Utton Center



WINTERS IN HISTORICAL FOCUS

◆ **Oral Arguments Reenactments** – 9:00 am – 10:45 am

Robert T. Anderson, Associate Professor, Director, Native American Law Center, University of Washington School of Law – *narrator*

Winters v. U.S.

Thomas W. Fredericks, Esq., Fredericks, Peebles, & Morgan, Louisville, CO – *moderator*

Edwin S. Kneedler, Deputy Solicitor General of the United States

Joseph P. Mazurek, Esq., Crowley Law Firm, Helena, MT

Arizona v. California

Mason Morisset, Esq., Morisset, Schlosser, Jozwiak & McGaw, Seattle, WA – *moderator*

Jeanne S. Whiteing, Esq., Whiteing & Smith, Boulder, CO

Jerome C. Muys, Esq., Muys & Associates, Washington, DC

Edwin S. Kneedler

U.S. v. New Mexico

A. Dan Tarlock, Professor, Chicago-Kent School of Law – *moderator*

G. Emlen Hall, Professor Emeritus, University of New Mexico School of Law

Edwin S. Kneedler

◆ **Winters in Historical Context** – 11:00 am – 12 noon

Robert T. Anderson – *co-moderator*

Susan M. Williams, Esq., Williams & Works, PA, Corrales, NM – *co-moderator*

Patty Limerick, Director, Center of the American West, University of Colorado.

Audience discussion

Lunch:

- ◆ **Winters in American History** – 12 noon – 1:15 pm
Speaker: John Shurts, General Counsel, NW Power and Conservation Council, and author, *INDIAN RESERVED WATER RIGHTS: THE WINTERS DOCTRINE IN ITS SOCIAL AND LEGAL CONTEXT, 1880S-1930S*.
Introduction: Barbara Cosens, Professor, University of Idaho College of Law

Afternoon:



John E. Thorson, Administrative Law Judge, California Public Utilities Commission
– introduction and *moderator*

◆ **Concrete Consequences of Winters:**

Case Study #1 Off-Reservation Instream Flows: Nez Perce Settlement (Columbia River Basin)

1:30 pm – 2:45 pm

Duane T. Mecham, Office of the Solicitor, U.S. Department of the Interior
Steven Moore, Esq., Native American Rights Fund
Rebecca Miles, Vice Chair, Nez Perce Tribal Council
Michael Bogert, Counselor to the Secretary, U.S. Department of the Interior

Case Study #2 Litigation vs. Settlement: Non-Indian Federal Reserved Rights

2:45 pm – 4:00 pm

John Leshy, Professor, University of California Hastings College of Law – *moderator*
Susan Cottingham, Program Manager, Montana Reserved Water Rights Compact Commission
James DuBois, Esq., U.S. Department of Justice

Break – 4:00 pm – 4:15 pm

Break sponsored by John D. Wheeler & Associates.

Case Study #3 Actual Results Following Litigation: Wind River/Big Horn

4:15 pm – 5:30 pm

Gordon W. “Jeff” Fassett, Esq., National Director for Water Resources, HDR, Inc.,
Cheyenne, WY – *moderator*
Susan M. Williams
Craig Alexander, Esq., Section Chief, Indian Resources, U.S. Department of Justice

Reception – 6:30 pm

Reception sponsored by Sheehan, Sheehan and Stelzner, P.A.
and Modrall Sperling Law Firm.

Dinner – 7:30 pm

Dinner sponsored by the Navajo Nation Water Rights Commission.

Film: Rough cut of “The American Southwest: Are We Running Dry?”

Jim Thebaut, director, writer and producer, will lead a discussion and elicit audience comments and suggestions on the film, which is an hour-long special to be shown on PBS stations in September, 2008.

Wednesday, June 11, 2008

Morning:

- ◆ **Concurrent field trip options:** 8:00 am – 12 noon
 - **Santa Ana Pueblo** – Ecological restoration of Rio Grande bosque
 - **Cochiti Pueblo** – Cochiti Dam – history and future implications
 - **Santo Domingo Pueblo** – Agricultural irrigation project planning

Afternoon:



IMPLICATIONS OF WINTERS

- ◆ **Perspectives on the History of Winters** – 1:00 pm – 2:30 pm
Charles Wilkinson, Professor, University of Colorado Law School, *moderator*
Joe Ely, Stetson Engineers, Inc. and the Pyramid Lake Paiute Tribe

The Winters Locale: The Fort Belknap Settlement

Chris D. Tweeten – Chairman, Montana Reserved Water Rights Compact Commission
Woldezion Mesghinna, President, Natural Resources Consulting Engineers, Inc.
Julia Doney, President, Fort Belknap Community Council (invited)

- ◆ **Breakout Sessions** – 2:45 pm – 5:30 pm

(A) By Basins – 2:45 pm– 4:00 pm

Concurrent sessions:

Columbia

Discussion leaders:

Rachael Paschal Osborn, Esq., Executive Director, Center for Environmental Law & Policy,
Spokane, WA

Lois Trevino, Water Administrator, Colville Confederated Tribes, Environmental Trust
Department

John Shurts

Missouri

Discussion leaders:

A. Dan Tarlock

David L. Pope, Executive Director, Missouri River Association of States & Tribes

Tony Provost, President, Mni Sose Intertribal Water Rights Coalition, Macy, NE

Colorado

Discussion leaders:

Scott McElroy, Esq. Greene, Meyer & McElroy, PC, Boulder, CO

Jerome C. Muys

Rodney B. Lewis, Esq., Member, Pima and Gila River Indian Community, Sr. Policy Counsel,
Akin Gump Straus Hauer & Feld, Washington, DC

Rio Grande

Discussion leaders:

Peter Chestnut, Esq., Albuquerque, NM

G. Emlen Hall

Ernest Coriz, Tribal Planner/Engineer, Pueblo of Santo Domingo

Break – 4:00 pm – 4:15 pm

Break sponsored by the Middle Rio Grande Conservancy District.

(B) **By Theme** – 4:15 pm – 5:30 pm
Concurrent sessions:

Water infrastructure

Discussion leaders:

Ray Benally, Manager, Navajo Nation Department of Water Resources
Robert J. Quint, Deputy Commissioner, Bureau of Reclamation
Daniel McCool, Professor, American West Center, University of Utah

Endangered species and Indian rights

Discussion leaders:

Scott McElroy
Jennifer M. Parody, Middle Rio Grande ESA Coordinator, U.S. Fish and Wildlife Service
John Leshy

Trust responsibility – will the Government continue to assert Indian water rights?

Discussion leaders:

Judith V. Royster, Professor, University of Tulsa College of Law
Tim Vollmann, Esq., Albuquerque, NM
Joe Ely

Dinner – 7:00 pm

Dinner sponsored by BHP Billiton New Mexico Coal.

- ◆ **Keynote Speaker:** Secretary of the Interior Dirk Kempthorne, (invited)
Introduction: Joe A. Garcia, President, National Congress of American Indians, and Chair, All Indian Pueblo Council

Thursday, June 12, 2008

Morning:



- ◆ **Concluding Plenary Session** – 8:30 am – 12 noon
David H. Getches, Dean, University of Colorado Law School – *moderator*

Commentary: An American Indian Perspective

Regis Pecos, Chief of Staff, Office of the Speaker, NM House of Representatives, and former Governor, Pueblo de Cochiti

Panel Discussion

- Have changed circumstances since *Winters* affected implementation?
- What processes and institutions will ensure *Winters* rights for the future?

Panel:

Michael Bogert
Barbara Cosens
Sam Deloria, Director, American Indian Graduate Center
John E. Echohawk, Esq., Director, Native American Rights Fund
John Leshy
Robert Rosebrough, Esq., Jordan & Rosebrough, PC and former mayor, Gallup, NM
Jeanne S. Whiteing

Adjourn – 12 noon



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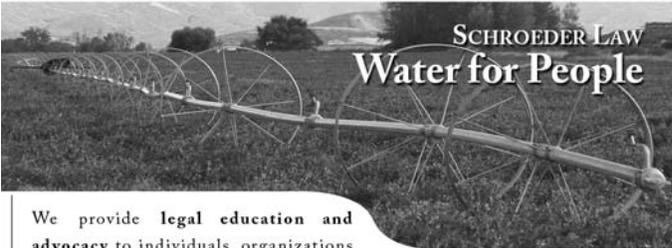
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A Short Legal History of *Winters**

Winters v. United States concerned the water rights of the Fort Belknap Indian Reservation in Montana along the Milk River near the Canadian border. The Reservation was established by an agreement between Gros Ventre and Assiniboine Indians and the United States in early 1887, in which the tribes ceded much of their 1874 reservation land, “reserving to themselves” about 600,000 acres. Congress approved this agreement (along with two related agreements with other Montana tribes) in legislation signed by President Grover Cleveland on May 1, 1888. The preamble to the agreement says that the Indians wish “to obtain the means to enable them to become self-supporting, as a pastoral and agricultural people.” The Government promised funds for ten years toward these objectives, with preference to be given to Indians “who in good faith undertake the cultivation of the soil, or engage in pastoral pursuits, as a means of obtaining a livelihood.” Indian agency buildings were quickly constructed in 1888 and 1889, and for these uses the United States claimed 1000 miner’s inches of water.¹

The 1888 agreement did not specifically mention irrigation, but an 1896 agreement committed the U. S. to additional expenditures for, among other purposes, “assisting the Indians . . . to irrigate their farms.” In 1898, Fort Belknap Superintendent Luke Hays filed an appropriation claim under state law for 10,000 miner’s inches. By 1905, according to the Government, 5000 acres were being irrigated.

Beginning about 1890, farmers and stockmen around Havre and Chinook, Montana, upstream of the reservation, diverted more and more Milk River water for hay and other crops. In the spring of 1905, reservation residents, which included numerous non-Indian leaseholders and owners as well as reservation Indians, were facing their third year of drought and the upstream diversions were leaving them with little or no water for irrigation. On June 3, Superintendent William Logan requested assistance from the Commissioner of Indian Affairs in Washington, claiming that the lack of water threatened loss of crops already planted and starvation in the coming winter. Charles Larrabee, who had earlier helped negotiate the Fort Belknap agreement, was serving as acting commissioner when the telegram arrived. He asked the secretary of the interior to seek assistance from the department of justice; on June 13, Attorney General Moody directed commencement of litigation.

The U.S. Attorney for Montana, Carl Rasch, filed his complaint in the U.S. District of Montana on June 26 under the caption *United States v. Mose Anderson et al.*, with Henry Winters² listed as the second-named defendant. (Mose Anderson and others ultimately did not answer and a default judgment was entered against them.) Rasch sought a temporary restraining order enjoining any diversion, which was granted by District Judge William H. Hunt. After a hearing on July 17, the court issued a preliminary injunction on August 8. In its supporting opinion, the court reasoned:

A fair construction of the [1888] treaty is that an essential object thereof was to encourage farming among the Indians. . . . [N]otice of conditions of climate and soil of Montana tells us that water for irrigation is indispensable in successful farming throughout that portion of Montana wherein the Belknap Reservation lies.

The parties to the agreement evidently appreciated this necessity, and purposely fixed a boundary line of the reservation at a point in the middle of the main channel of the Milk River I believe the intention was to reserve sufficient of the waters to insure to the Indians the means wherewith to irrigate their farms. This construction of the Treaty seems to me to be in accord with the rules which the Supreme Court has repeatedly laid down in arriving at the sense of treaties with Indians [citing *United States v. Winans* (1905)].³

The court enjoined the defendants from interfering with the reservation’s needs for Milk River water, which the court said “appear to be five thousand inches.”

* Drawn from John Shurts, INDIAN RESERVED WATER RIGHTS (2000) and Norris Hundley, Jr., *The “Winters” Decision and Indian Water Rights: A Mystery Reexamined*, 13 WESTERN HISTORICAL QUARTERLY 17 (1982). Thanks also to John Thorson.

¹ A miner’s inch, a measure of flow, was 0.025 cfs in Montana, or about 1.8 acre-feet annually.

² Winters’s actual name was probably “Winter,” but even local contemporaneous reports also sometimes give the name as Winters. For example, John Shurts, in his *Indian Reserved Water Rights*, quotes the Milk River Valley News (Jan. 17, 1906): “Winters has left the country, it is said, as a result of disclosures regarding his scheme to kill Stock Inspector Hall and Judge Tattan.”

³ Appendix to Brief of the United States (Oct. 23, 1907).

Defendants appealed to the U.S. Court of Appeals for the Ninth Circuit, which affirmed in February 1906.⁴ Like Judge Hunt below, the circuit court grounded its decision in federal reserved rights, arguing that the “first, and in our opinion the most important question” to be answered concerned the “true interpretation” of the 1888 treaty. On the facts of the case, the court concluded that: “The absence of the words ‘to irrigate their lands’ did not abrogate and destroy their rights as guaranteed by the terms of the treaty. We are of the opinion that it was the intention of the treaty to reserve sufficient waters of the Milk river”

Upon return of the case to the trial court, Winters and thirteen other defendants argued that under the treaty the tribes had conveyed to the United States all interest in the lands (except reservation lands) and “the waters flowing thereon.” Under homesteading laws, these lands were available for settlement. Defendants further claimed they had settled the upstream lands prior to Hays’s 1898 appropriation and received federal patents in fee simple. By July 1898, they claimed to have developed 120 cfs of water for irrigation and domestic purposes. Without Milk River water, they estimated damages in excess of \$100,000. Defendants argued that the tribes had not beneficially used the claimed 5000 miner’s inches. Finally, they pointed to other springs and streams available to the tribes on the reservation.

Following the answer, the United States moved the court for a permanent injunction without additional hearing, which Judge Hunt granted in his final decree on April 21, 1906. The decree “perpetually and forever enjoined and restrained [defendants] from in any manner taking or diverting the waters of Milk River or its tributaries” in ways or amounts that would interfere with the reservation’s needs for 5000 inches.

Oral argument in the second appeal to the Ninth Circuit occurred on June 18, 1906, in San Francisco, only two months after the devastating earthquake. Fortunately, the imposing granite courthouse, called the *Versailles of the West*, completed in 1905, was one of the few buildings to escape damage. Announcing its decision on October 1, 1906, the court found no new fact or issue.⁵ The court reaffirmed its prior holding “that by the expressed terms of that treaty there was reserved to the Indians the waters of Milk River as part and parcel of the reservation set apart to them.”

On October 17, the case proceeded to the U.S. Supreme Court, with defendants’ appeal filed of record on November 20, 1906. The Court published its decision on January 6, 1908, with Justice McKenna of California (one of only two westerners on the court) authoring the opinion of the Court (Justice Brewer dissented without opinion). The Court’s most junior member was the former Attorney General, William Moody, who had authorized the initiation of the *Winters* litigation. Like the courts below, the Supreme Court asserted that, “The case, as we view it, turns on the agreement of May, 1888, resulting in the creation of the Fort Belknap Reservation.”

Was the reservation of the water made by the Indians themselves, or by the United States? On the one hand, the Court noted that, “The power of the Government to reserve the waters and exempt them from appropriation under the state laws . . . is not denied, and could not be.” On the other, the Court also implies that the Indians themselves reserved the water:

It is contended [by the appellants] that the Indians . . . made no reservation of the waters. We realize that there is a conflict of implications, but that which makes for the retention of the waters is of greater force than that which makes for their cession. The Indians had command of the lands and the waters, command of all their beneficial use, whether kept for hunting, "and grazing roving herds of stock" or turned to agriculture and the arts of civilization. Did they give up all this? Did they reduce the area of their occupation and give up the waters which made it valuable or adequate? By a rule of interpretation of agreements and treaties with the Indians, ambiguities occurring will be resolved from the standpoint of the Indians.

One hundred years later, the implications of *Winters v. United States*, both on issues where the court was clear and on issues where it left much ambiguity, continue to reverberate.

⁴ *Winters v. United States*, 143 F. 740 (9th Cir. 1906).

⁵ *Winters v. United States*, 148 F. 684 (1906).

BIOGRAPHIES of SPEAKERS, PANELISTS and MODERATORS

[The speakers and panelists are appearing in their personal capacities. The views they express do not necessarily represent the views of their governments, agencies, or employers.]

CRAIG ALEXANDER is Section Chief of the Indian Resources Section of the Environment and Natural Resources Division, U.S. Department of Justice. The Indian Resources Section litigates on behalf of the Department of the Interior to protect tribal rights, including interests in land, water, and fishing, as well as jurisdictional interests. Prior to joining the Indian Resources Section, he helped to create the Office of Tribal Justice (OTJ) at the Department of Justice, where he served as Deputy Director and Acting Director. Mr. Alexander received his J.D. from Duke University School of Law. He clerked for then Chief Judge James L. Oakes, U.S. Court of Appeals for the Second Circuit.

ROBERT ANDERSON (Minnesota Chippewa, Bois Forte Band) is Associate Professor of Law and Director of the Native American Law Center at the University of Washington School of Law. Prior to this he was a senior staff attorney for the Native American Rights Fund, where he litigated cases involving Native American sovereignty, natural resources, and water rights. From 1995-2001 he served as an appointee of Secretary Bruce Babbitt at the Department of the Interior, first as Associate Solicitor for Indian Affairs and then as Counselor to the Secretary. In that capacity, he provided legal and policy advice on a variety of issues including Indian law, water rights, public lands, Endangered Species Act and Alaska. He has authored and edited many publications and articles in the area of water rights and Indian Law. He received his J.D. from the University of Minnesota.

MYRON ARMIJO (Pueblo of Santa Ana) is the Native American Water Liaison with the New Mexico Office of the State Engineer where he has been working for the past three years with all twenty-two tribes, pueblos and nations in New Mexico. Myron is a former Governor and also Lieutenant Governor of the Pueblo of Santa Ana. During his tenure as Governor of the Pueblo, he was the Chairman of the Ten Southern Governors Council. Before that, Mr. Armijo was chairman of Tamaya Enterprises. More recently, he became a board member of the New Mexico Environmental Law Center.

RAY BENALLY (Navajo) is the Director of the Navajo Nation Department of Water Resources and also serves on the Navajo Nation Water Rights Commission. The Department provides technical support for water rights claims in general stream adjudications, water planning, and watershed restoration, and also manages and oversees construction and operations of infrastructure, geohydrological analyses, and safety issues of Navajo Nation dams. He also administers the Navajo Water Code. Previously, Mr. Benally worked for Arizona Public Service, the Arizona Dept. of Transportation, Peabody Energy, and a number of Navajo agencies. He is a licensed professional engineer, with B.S. and M.B.A. degrees from Northern Arizona University.

MICHAEL BOGERT is Counselor to Secretary of the Interior Dirk Kempthorne. Before his appointment to that position, he served as the Regional Administrator for EPA Region 10, based in Seattle. During his tenure at EPA, he injected new energy into the Coeur d'Alene Basin Commission and its collaborative efforts in northern Idaho, fostered partnerships with both Oregon and Washington, and assisted Alaska in assuming delegation of Clean Water Act permitting authority. Previously, Bogert served as Counsel to the Governor when Kempthorne served as Governor of Idaho, advising the Governor on legal implications of state policy and legislation, with an emphasis on environmental issues. He also represented Kempthorne in the landmark tribal water rights settlement with the Nez Perce Tribe. Before joining Kempthorne's office, Bogert worked as chief deputy legal affairs secretary for California Governor Pete Wilson, for Governor-elect Arnold Schwarzenegger, and for Perkins Coie LLP in Boise. He holds his J.D. from the University of Idaho College of Law.

PETER CHESTNUT serves as general counsel of several Pueblo Indian Tribal Governments and organizations and is counsel of record for two Pueblos in water rights adjudications of Rio Grande tributaries, *New Mexico v. Aamodt* and the Rio San Jose Adjudication, and advised Pueblo observers in the Jemez y Sangre Regional Water Planning effort. He has made presentations at the Judicial Education Center and the Governor's

Blue Ribbon Water Task Force on Pueblo Indian water rights, and edited the New Mexico Tribal Court Book, 1991 and 2001 editions. He is past Chair of the Indian Law Section of the State Bar. Mr. Chestnut received his J.D. from the University of New Mexico School of Law.

ERNEST CORIZ (Santo Domingo Pueblo) is Tribal Planner and Engineer for the Pueblo of Santo Domingo. He is the past Chair of the Six Middle Rio Grande Pueblo Coalition. Until his retirement, he worked for the Office of the State Engineer of New Mexico, including service as the Special Assistant to the State Engineer on Indian Water Resources, where he was instrumental in initiating negotiation of the Navajo water rights settlement.

BARBARA COSENS is an Associate Professor of Law at the University of Idaho. Before entering teaching, she was chief legal counsel for the Montana Reserved Water Rights Compact Commission in water rights negotiations with the National Park Service, resulting in protection of Yellowstone's hydrothermal resources. She was also chief legal counsel to Montana in negotiations with the U.S. Fish and Wildlife Service and several Montana Tribes. Law is her second career; as a geologist, she did applied research in the exploration and development of geothermal energy in the U.S. and Asia. She has a M.S. from the University of Washington, her J.D. from the University of California, Hastings College of the Law, and a LL.M. *summa cum laude* in Natural Resource and Environmental Law from Lewis and Clark, and clerked for Justice Lohr of the Colorado Supreme Court.

SUSAN COTTINGHAM is staff director for the Montana Reserved Water Rights Compact Commission. She has directed the negotiation of five complex Indian water rights settlements and compacts with four federal land and resources agencies. She has also served as an advisor to the States of Alaska and Washington on tribal relations and water adjudication, and is a member of the Ad Hoc Group on Indian Water Settlements, a national coalition. Previously, she was the director of the Montana Environmental Information Center and served as Planning Director for the Town of Crested Butte, Colorado. She holds a B.A. from the University of Virginia.

PHILIP S. "SAM" DELORIA (Standing Rock Sioux) is the director of the American Indian Graduate Center, and former director of the American Indian Law Center, Inc. As a premier analyst of Indian policy he directed groundbreaking work in the analysis of Federal Indian policy, including helping to define the role of tribes in the federal system and taking the lead in strengthening tribal government institutions. Sam was a founder of the Commission on State-Tribal Relations (1976) and founder and first Secretary-General of the World Council of Indigenous Peoples. He is also a member of the National Institutional Review Board of the Indian Health Service, which protects human subjects of research. He has his law degree from Yale Law School.

JULIA DONEY, President, Fort Belknap Community Council.

JAMES DuBOIS, is a trial attorney in the Natural Resources Section, Environment and Natural Resources Division, U.S. Department of Justice, for the last 16 years in the Denver office. Prior to joining the Department, he was in private practice for 7 years. At Justice, he has represented the United States in water rights adjudications and other natural resources and public land cases, including interstate compact litigation involving interests of the Department of the Interior and negotiation of three different reserved water rights Compacts between the United States and the State of Montana. He is now representing the United States in water rights cases in Colorado, Montana, Wyoming and Idaho. He received his J.D. from Lewis and Clark in 1983.

JOHN ECHOHAWK (Pawnee) is the Executive Director of the Native American Rights Fund. NARF considers Indian water rights to be one of the most important Native American rights issues and has participated in the settlement of eight of the 18 Indian water rights cases. Mr. Echohawk was the first graduate of the University of New Mexico's special program to train Indian lawyers; while in law school he was a founding member of the American Indian Law Students Association. He has been recognized as one of the 100 most influential lawyers in America by the National Law Journal since 1988 and has received numerous service awards and other recognition for his leadership in the Indian law field. He serves on numerous boards, including the American Indian Resources Institute and the Natural Resources Defense Council.

JOE ELY (Pyramid Lake Paiute) a former Tribal Chairman, has extensive background in tribal politics, history, law enforcement and administration, and was instrumental in settling its 80 year old water rights struggle. A Project Coordinator at Stetson Engineers, he works with many tribes in the West on quantification and development of their water rights. He is currently involved in two such quantification and establishment efforts: the Shoshone-Paiute Tribe (Duck Valley Indian Reservation) and the Round Valley Indian Tribes (Northern California). Both involve multiple and diverse water uses with outside competing interests. He also is assisting four other tribes with quantification and development of water rights.

GORDON W. 'JEFF' FASSETT is the National Director of Water Resources for HDR Engineering, Inc, in Cheyenne, Wyoming. He specializes in water rights, water resources engineering and policy matters, and river basin planning in the western states. Previously he was president of Fassett Consulting, LLC, specializing in water rights and related expert water resource engineering matters. As Wyoming State Engineer (1987-2000) he directed all policy, technical, and administrative issues for the appropriation, beneficial use, general supervision and regulation of all waters in Wyoming, and was involved with all technical and policy aspects of the Big Horn River General Adjudication. Mr. Fassett holds a B.S. degree in civil engineering from the University of Wyoming.

THOMAS W. FREDERICKS (Mandan, Hidatsa and Arikara) was a founding partner of Fredericks, Pelcyger & Hester, now merged into Fredericks Peebles & Morgan LLP. He has served as Assistant Secretary for Indian Affairs and as Associate Solicitor in the Department of the Interior, where he formulated the position of the United States with the lawyers from the Department of Justice in all Indian-related cases. Prior to that, as staff attorney, and later director, of the Native American Rights Fund, he participated in formulating the overall legal strategy during the 1970s when so many major Indian legal issues were decided. He has negotiated for tribes with the federal government concerning its trust responsibilities including *Arizona v. California*, and the *South Dakota* water case where he represented Crow Creek. He holds his J.D. from the University of Colorado.

SANFORD E. GAINES is director of the Utton Center. He came to New Mexico after many years on the faculty of the University of Houston Law Center. Previously, he worked for the Environmental Law Institute and served at the EPA Region I office (Boston) and later as Deputy Assistant Trade Representative for Environment and Natural Resources at the Office of the U.S. Trade Representative. He was a Fulbright lecturer in Denmark in 2000. He has published extensively on issues of legal responsibility for transboundary environmental harm, institutions for the management of transboundary resources, sustainable development, and trade and environment. After Peace Corps service in Korea, Sandy obtained his J.D. from Harvard Law School.

JOE GARCIA (Ohkay Owingeh Pueblo) is President of the National Congress of American Indians (NCAI), the largest national Indian organization representing over 250 member Tribal Nations from throughout the United States. He has served as Governor of Ohkay Owingeh (San Juan Pueblo) and currently serves as Chairman of the All Indian Pueblo Council (AIPC) which serves the 19 Pueblos of New Mexico. He was born and raised in Ohkay Owingeh and continues to serve his community in traditional, educational, tribal government, and economic development efforts. He is an electrical engineer by profession, with an Electrical Engineering degree from the University of New Mexico. He retired from Los Alamos National Laboratory after 25 years and started his own firm.

DAVID GETCHES is Dean of the University of Colorado Law School and the Raphael J. Moses Professor of Natural Resources Law. He has taught and written in Indian law and water law and is co-author of casebooks in both these areas. He was the founding Executive Director of the Native American Rights Fund and served as the Executive Director of the Colorado Department of Natural Resources. Dean Getches consults and writes on indigenous and water rights throughout the United States, Latin America, and Europe. He has his J.D. from the University of Southern California.

G. EMLÉN "EM" HALL is a professor emeritus at the UNM School of Law and the past editor-in-chief of the Natural Resources Journal. He is the author of *Four Leagues of Pecos, A Legal History of the Pecos Grant; High and Dry, The New Mexico-Texas Struggle for the Pecos River*, and many articles on southwestern land and water including a recent NRJ account of *United States v. New Mexico* and the judicial definition of Winter's rights for National Forests. Prior to teaching, he worked at the New Mexico Office of the State Engineer. He has his LL.B. from Harvard Law School.

DIRK KEMPTHORNE is Secretary of the Interior. Prior to confirmation in May, 2006 as Secretary, Mr. Kempthorne served two terms as Governor of Idaho, and was elected by his colleagues as Chairman of the National Governors Association. Before that, he served one term as U.S. Senator, and for 7 years as Mayor of Boise. He is a graduate of the University of Idaho.

EDWIN S. KNEEDLER is a Deputy Solicitor General of the United States. In that position he has supervisory responsibilities for a number of subject areas in U.S. Government cases before the Supreme Court, including constitutional and other challenges to agency programs, immigration law, federal benefits, natural resources, Native American law, and some international law issues. Mr. Kneedler has participated on behalf of the United States in the briefing of most Native American cases in the Supreme Court over the past 25 years and has argued a number of them, including *United States v. Lara* and *Rice v. Cayetano*. Earlier in the 2007-08 Term, Mr. Kneedler was recognized from the bench by Chief Justice Roberts on the occasion of having argued his 100th case before the Court. Before joining the Solicitor General's Office, he served in the Justice Department's Office of Legal Counsel, then headed by now-Justice Antonin Scalia. He has his J.D. from the University of Virginia Law School, and clerked for Judge Browning of the Ninth Circuit.

ULYSSES LEON, Governor of Santa Ana Pueblo.

JOHN LESHY is the Harry D. Sunderland Distinguished Professor of Law at the University of California Hastings College of Law. Previously he has served as the Solicitor of the U.S. Department of the Interior under Secretary Babbitt. He has also been Special Counsel to the Chair of the Resources Committee, U.S. House of Representatives; Professor of Law at Arizona State University; Associate Solicitor of Interior for Energy & Resources, and attorney for the Natural Resources Defense Council. He has authored books on the Mining Law of 1872 and the Arizona Constitution and numerous articles and is co-author of casebooks on federal lands and resources and water resources law. He is a graduate of Harvard Law School.

RODNEY B. LEWIS (Akimel O'odham (Pima)) is the first member of an Arizona Indian Tribe to become a member of the State Bar of Arizona and the first member of an Indian Tribe to appear before the United States Supreme Court, having successfully argued *Central Machinery v. Arizona State Tax Commission* before the Court in 1980. Mr. Lewis led the negotiations for the Gila River Indian Community that resulted in enactment by Congress of the Arizona Water Settlements Act of 2004. A graduate of the UCLA School of Law, he is now Senior Policy Counsel with Akin Gump Strauss Hauer & Feld, LLP.

PATRICIA LIMERICK is Professor of History and Faculty Director and Chair of the Board of the Center of the American West at the University of Colorado. She co-founded the Center with Charles Wilkinson in 1986, and dedicates her efforts to bridging the gap between academics and the general public and to demonstrating the benefits of applying historical perspective to contemporary dilemmas and conflicts. Her books include *Desert Passages*, and *The Legacy of Conquest*, an overview and reinterpretation of Western American history that has caused a great deal of both academic and public debate. She has also published a collection of essays, *Something in the Soil*. Her awards include a MacArthur Fellowship and the Hazel Barnes Prize from the University of Colorado. She has her Ph.D. from Yale, and taught at Harvard before moving to Colorado.

JOSEPH MAZUREK is a member of the Helena office of the law firm of Crowley, Haughey, Hanson, Toole and Dietrich, PLLP. He concentrates his practice in administrative, commercial and real estate law and in governmental relations. Previously he served as Montana Attorney General and also served 12 years in the Montana Senate where he chaired the Judiciary Committee and served as Senate President. Mr. Mazurek is a member of the National Conference of Commissioners on Uniform State Laws, the American Bar Association, the State Bar of Montana, and the First Judicial District Bar Association. He received both his B.A. and his J.D. from the University of Montana.

DANIEL McCOOL is a Professor of Political Science and Director of the Environmental Studies Program at the University of Utah. His research focuses on Indian water rights and voting rights, water resource development, and public lands policy. His writings include *Native Waters: Contemporary Indian Water Settlements and the Second Treaty Era* and *Command of the Waters: Iron Triangles, Federal Water Development, and Indian Water*. He has served as a consultant for the National Oceanic and Atmospheric Administration, the U. S. Department of

Justice, the Southwest Center for Environmental Research and Policy and other institutions. He is currently writing a book about the politics of river restoration. He holds his Ph.D. from the University of Arizona.

SCOTT McELROY is a partner in the law firm of Greene, Meyer & McElroy, P.C. of Boulder, Colorado. His practice is devoted to the representation of Indian tribes and their members, with an emphasis on the litigation and negotiation of natural resource disputes. He has served as water rights counsel for various Indian tribes throughout the western U.S. He currently represents the Southern Ute Indian Tribe, the Navajo Nation and the Pueblo of Nambe in water rights matters. Prior to his entry into private practice, Mr. McElroy practiced with the U.S. Department of Justice and the Department of the Interior, as well as with the Native American Rights Fund. He holds his J.D. from the University of Toledo.

DUANE T. MECHAM is a senior attorney with the Department of the Interior's Solicitor's Office based in Portland, Oregon. He advises several Interior agencies on water rights matters and on Endangered Species Act compliance issues arising out of impacts of federal water projects on listed salmon species in the Columbia River basin. He was the chair of the federal government's negotiation team for the Nez Perce water right claims in Idaho and has been appointed chair of the Umatilla (Oregon) and Salish-Kootenai (Montana) federal water rights negotiation teams.

WOLDEZION MESGHINNA is the founder and president of Natural Resources Consulting Engineers, Inc. (NRCE), a consulting engineering firm specializing in all aspects of water resources engineering and management. Dr. Mesghinna and NRCE, Inc. have assisted over 50 Native American Indian tribes in quantifying and securing their water rights through litigation and negotiated settlements, amounting to millions of acre-feet of secured water rights. He has also served as an expert witness in many notable Indian water rights cases in the western United States. Dr. Mesghinna holds a Ph.D. in Irrigation and Drainage Engineering from Utah State University and is a professional engineer in several western states.

REBECCA MILES (Nez Perce) currently serves as Vice Chairman of the Nez Perce Tribal Executive Committee. She earlier served as Chairman and Secretary of the Executive Committee, the first woman and youngest person to achieve these positions. Before that, she was elected to the Nez Perce Tribe General Council. A major focus of her efforts as Nez Perce tribal leader has been water rights and fisheries. Her career in policy and leadership began while she was a student at Washington State University, advocating for Indian Tribes' rights and students' rights on the campus. After graduation she began work as a legal research intern and as communications specialist for the Environmental Restoration and Waste Management Program (ERWM). She holds a B.A. from Washington State University and an M.A. from Gonzaga University.

STEVEN MOORE is a staff attorney at Native American Rights Fund and represents tribes in complex litigation involving treaty fishing rights and implied federal reserved water rights. Since 1995 he has represented the Nez Perce Tribe in the Snake River Basin Adjudication in Idaho. He also represents the Tule River Tribe of California in its water rights settlement, and the Kickapoo Tribe in Kansas in water litigation and settlement negotiations. He serves as a member of the Colorado Commission of Indian Affairs, and is currently the co-chair of the Advisory Committee to the Indian Law Clinic at the University of Colorado School of Law, from which he has his J.D.

MASON D. MORISSET is the senior member of the law firm of Morisset, Schlosser, Jozwiak & McGaw, in Seattle, Washington. An active litigator for 40 years in the area of treaty and natural resource litigation including water rights, he has argued numerous appellate cases and has successfully argued three cases to the United States Supreme Court, *Antoine v. Washington* (1975) (treaty hunting rights); *Washington v. Fishing Vessel Association* (1979) (the "Boldt" treaty fishing rights decision); and *Arizona v. California* (2000) (Quechan Tribe water rights on the Colorado River). He has also successfully negotiated or litigated numerous tribal water rights controversies involving in-stream flows and ground water diversions. He received his J.D. from the University of California at Berkeley in 1968.

JEROME C. MUYS practices in Washington, D.C. He was special counsel for California in *Arizona v. California*, and represented the Metropolitan Water District of Southern California in later stages of that case. He also served as Special Master for the Supreme Court in *Oklahoma and Texas v. New Mexico*. Mr. Muys recently

co-authored a model interstate water compact for the Utton Center. He is a past Chair of the ABA's Section of Energy, Environment and Resources Law, and has taught law at Virginia and George Washington. He is a graduate of Stanford Law School.

MARILYN C. O'LEARY retired in June 2007 from the position of Director of the Utton Transboundary Resources Center at the UNM School of Law. Prior to her work at the Utton Center, she practiced water, utility and environmental law. She served as counsel, Executive Director, Commissioner, and finally Chair of the New Mexico Public Utility Commission. She received J.D. and M.A. degrees from the University of New Mexico.

RACHAEL PASCHAL OSBORN is co-founder and board member of the Center for Environmental Law & Policy and Washington Water Trust, both dedicated to protecting and restoring instream flows in Washington State. She also directs Sierra Club's Spokane River Project. She has represented environmental groups, Indian tribes, labor unions and small communities in extensive litigation on water law matters. She also teaches water law at Gonzaga University School of Law. She received her J.D. from the University of Washington.

HELEN B. PADILLA (Isleta Pueblo) is the director of the American Indian Law Center, Inc. Before assuming that position, she was Tax Administrator and General Counsel for the Pueblo of Tesuque, General Counsel for the N.M. Indian Affairs Department, and senior staff attorney for the Mohegan Tribe in Connecticut. Currently, Helen is serving on the Board of Directors for the Indian Law Section of the N.M. State Bar and is also the Vice Chair of the Laguna Pueblo Gaming Control Board. She has an M.B.A. as well as her J.D. degree with a Certificate in Indian Law from the University of New Mexico.

JENNIFER PARODY is the Middle Rio Grande Endangered Species Act/Rio Grande Silvery Minnow Coordinator for the U.S. Fish and Wildlife Service. Earlier she served as species lead for the southwestern willow flycatcher, and since 2005 for the Rio Grande silvery minnow. Her primary responsibilities include coordinating Section 7 consultations on the Rio Grande, representing the Service to the Rio Grande Endangered Species Collaborative Program, and coordinating recovery activities for the silvery minnow. Prior to joining the Fish and Wildlife Service, she worked for the New Mexico State Land Office as their state biologist and in San Francisco with a private consulting firm. She has an M.S. from the University of Michigan, and a Ph.D. from the University of New Mexico.

REGIS PECOS (Cochiti Pueblo) is Chief of Staff to the Speaker of the New Mexico House of Representatives. He served several terms as Lt. Governor and Governor of Cochiti Pueblo and was the longest serving Chief Executive of the New Mexico Office of Indian Affairs. The first Native American to be appointed Trustee at Princeton University, he also serves as senior advisor to the JFK School of Government at Harvard. He co-founded the NM Leadership Institute, which brings community leaders together to address the most challenging issues facing tribal communities in New Mexico, and serves on a number of other boards and commissions. He has an undergraduate degree from Princeton University and did graduate studies at the University of California-Berkeley.

DAVID POPE is the Executive Director of the Missouri River Association of States and Tribes, and a consultant on water and natural resources issues. He previously served as Kansas Chief Engineer for 24 years, where he administered laws related to the regulation and management of water. He also represented the State on river compacts and Missouri River issues. David holds an MS degrees in Agricultural Engineering from Oklahoma State University, where he specialized in irrigation and water resources engineering.

TONY PROVOST (Omaha) is the Executive Director of the Omaha Tribe Environmental Protection Department. Prior to returning to work for the Omaha Tribe, he served in the United States Army on the East/West German and Czech Republic borders. He is the Chairman of the Tribal Regional Operations Committee with U.S. EPA Region 7 and President of Mni Sose Inter-Tribal Water Rights Coalition. He is a graduate of Haskell Indian Junior College and Dakota Wesleyan University.

ROBERT QUINT is the Director of Operations for the U.S. Bureau of Reclamation, where he is responsible for providing operational direction, management and coordination among Reclamation offices. Mr. Quint began his career with Reclamation as a civil engineer in 1978 and has worked in Denver, Boulder City, Nevada, and Washington, DC. He also spent a year in Iraq in 2005. Mr. Quint holds a B.S. from Iowa State University and is a registered professional engineer in Colorado.

BOB ROSEBROUGH served as Mayor of Gallup, New Mexico from 2003 to 2007. He played an active role in the public hearings leading up to the approval of the Navajo Nation's settlement of water right claims in the San Juan River with the State of New Mexico. He developed an excellent working relationship with Navajo Nation elected officials and the Nation's professional staff. Mr. Rosebrough is a lawyer, author, mountaineer, and father of four children.

JUDITH ROYSTER is a Professor of Law and Co-Director of the Native American Law Center at the University of Tulsa. Her focus is on the areas of Indian environmental law, natural resources law, and water law. She is author of many law review articles on water rights and mineral development in Indian country, a co-author of a text on Native American natural resources law, and a contributor to and editor of Cohen's Handbook of Federal Indian Law. Her article, *Mineral Development in Indian Country: The Evolution of Tribal Control Over Mineral Resources*, 29 Tulsa Law Journal 541 (1994), was cited by Justice Souter in his dissent in *United States v. Navajo Nation*, 537 U.S. 488 (2003). Professor Royster has served as president of the Oklahoma Indian Legal Services Board of Directors and on the faculty of the Essential Skills for Tribal Court Judges program at the National Judicial College. She received her J.D. degree from the University of Wisconsin and clerked for Chief Judge Crabb of the Western District of Wisconsin.

JOHN SHURTS is the General Counsel for the Northwest Power and Conservation Council, an interstate compact agency based in Portland, Oregon, that develops and oversees a regional power plan for the Pacific Northwest and a fish and wildlife program for the Columbia Basin. He is an adjunct professor at the University of Portland and Portland State University, teaching courses in environmental, water and natural resources law and policy. Mr. Shurts also has a Ph.D. degree in American History from the University of Oregon, with an emphasis on environmental and legal history, and is the author of *Indian Reserved Water Rights: The Winters Doctrine in its Social and Legal Context, 1880s-1930s*.

A. DAN TARLOCK is a Distinguished Professor of Law and Director of the Program in Environmental and Energy Law at the Chicago-Kent College of Law. He is the author of a treatise, *Law of Water Rights and Resources*, and numerous articles and other books on environmental law, land use controls and water law. He chaired a National Research Council/Academy of Sciences committee that studied water management in the western U.S. and later was the chief report writer for the Western Water Policy Review Advisory Committee. He also advises governments and international agencies, and is a special legal adviser to the NAFTA-related Commission for Environmental Cooperation. He holds an LL.B. from Stanford University, and is an elected member of the American Law Institute.

JAMES THEBAUT is the director/producer of The Chronicles Group which produces film reports of geographically or historically significant issues. He has written, produced and directed many documentaries including *The Iceman Tapes*, *The Dirty Little Secret* and *The Cold War and Beyond*. His latest film project, *The American Southwest: Are We Running Dry?* is scheduled to be aired on PBS in the fall of 2008.

JOHN E. THORSON is an Administrative Law Judge with the California Public Utilities Commission in San Francisco where he hears water, energy, and telecommunications cases. He has more than 20 years' experience in the natural resources field and was appointed Special Master for Arizona's general stream adjudications and served as the chief judicial hearing officer in both the Gila River and Little Colorado River adjudications (approximately 80,000 water rights claimed by 27,000 parties). Thorson is a prolific writer and has taught law in Arizona and Montana. He received his law degree from Boalt Hall, U.C. Berkeley and a Ph.D. from the University of Southern California.

LOIS TREVINO (Confederated Colville Tribes) is the Water Code Administrator for the Environmental Trust Department of the Colville Confederated Tribes. She has worked for the Tribes for over 28 years in various natural resource positions, including secretary to the Water Administrator during the significant water law litigation *Colville Confederated Tribes vs. Walton*. Currently Ms. Trevino is working on investigative reports recently completed for the Tribes regarding the economic value for various water uses as well as building a comprehensive database for the Tribes' water use permitting. She holds a B.A. in Organizational Leadership from Gonzaga University.

CHRIS D. TWEETEN serves as chief civil counsel to the Montana Attorney General. His duties include civil litigation, and consultation with the Attorney General and other staff attorneys on a variety of civil law issues. He has chaired the Reserved Water Rights Compact Commission since 1987 and has participated on behalf of the State in the negotiation of fourteen tribal and federal water rights compacts. He was raised in Havre, Montana and received his undergraduate and law degrees from the University of Montana.

TIM VOLLMANN has practiced Federal Indian Law for 35 years, including 25 years with the Office of the Solicitor of the U.S. Department of the Interior, where he twice served as the Associate Solicitor for Indian Affairs. Today he is a sole practitioner in Albuquerque, NM, primarily representing Indian tribes on natural resource matters. He is an adjunct professor of law at University of New Mexico School of Law, where he teaches Indian Water Law. Mr. Vollmann began his career as a legal services attorney on the Navajo Reservation in Window Rock, Arizona. He earned his J.D. from UCLA School of Law.

JEANNE WHITEING (Blackfeet) is a partner in the firm Whiteing & Smith, in Boulder, Colorado. She represents Indian tribes and tribal entities focusing on natural resources law and Indian water rights in particular. She currently represents several tribes in the negotiation and implementation of water rights settlements. She was a staff attorney and Deputy Director with the Native American Rights Fund from 1975-1986, before entering private practice. She received her law degree from the University of California, Boalt Hall School of Law, Berkeley.

CHARLES WILKINSON is a Distinguished University Professor and the Moses Lasky Professor of Law at the University of Colorado School of Law. He has written fourteen texts on law, public land law, and Indian law, and is the managing editor of Cohen's *Handbook of Federal Indian Law* and co-author of leading texts on federal resources law and Indian law. General interest books of his include *The Eagle Bird*, *Crossing the Next Meridian*, *Messages From Frank's Landing*, and more recently, *Blood Struggle: The Rise of Modern Indian Nations*. He has received many awards for teaching, conservation work, and collaborations with tribes, including the National Conservation Award from the National Wildlife Federation. Over his career Wilkinson has worked on special assignments for federal agencies and has completed several mediations and facilitations for tribes. He received his J.D. from Stanford Law School.

SUSAN M. WILLIAMS (Sisseton-Wahpeton Oyate) is a shareholder in Williams & Works, P.A., which focuses on tribal jurisdiction, water and natural resources rights, legislative affairs, and business negotiations. She successfully argued the *Big Horn* case before the U.S. Supreme Court. She has led other efforts to restore, establish, and utilize Indian water rights, and has represented many tribes and pueblos on a wide range of issues. She co-chaired the Tribal Sovereignty Initiative to consider options for tribal sovereignty. Earlier in her career she was the first Director, and later Chairperson, of the Navajo Tax Commission. She has taught Indian Law at the law schools of Harvard, Stanford, Arizona State, and New Mexico, and she has served on numerous boards of directors. She has her law degree from Harvard Law School.

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A southeastern view of the Sandia Mountains with the Rio Jemez in the foreground (Photo courtesy of the Pueblo of Santa Ana)

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The Utton Transboundary Resources Center of the University of New Mexico School of Law envisions a world where sustainable transboundary resource policies are implemented by stakeholders working collaboratively with the best multidisciplinary expertise. The Utton Center is a resource for collaborative natural resource management using multidisciplinary expertise and inclusive, diverse stakeholder involvement. Through direct engagement with interested parties, research, and educational programs, we help parties with differing views of resource use come together in an environment of respect and learning to work on management options and solutions. For the State of New Mexico we administer the Joe M Stell Water Ombudsman Program to enable effective participation of pro se claimants in general stream adjudications.

The Utton Center has a small staff and works with contractors and partners to develop projects that support transboundary resource management, promote models of cooperation, and respond to the expressed needs of a community. Our board of advisors, comprising local and national experts in water and other resource management, gives advice and support on the direction of the Center.



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The American Indian Law Center, Inc. (AILC) had its beginnings in 1967 and is the oldest existing Indian-managed and Indian-operated legal and public policy organization in the country serving to strengthen, promote, and honor self-sustaining American Indian and Alaska Native communities through education, training, and leadership. AILC's mission is to provide training and technical assistance to tribes, tribal organizations, and tribal courts; legal and policy analysis on various issues important to tribal governments; and preparatory legal education to individuals.

The AILC is a national leader for tribal governments and organizations in the development and analysis of federal Indian policy for more than 35 years. From AILC's analyses of the role of tribal governments in the federal domestic assistance program delivery system in the early 70's and 80's, to continuing development in the field of tribal-state relations in the mid-70's, and later in the critical research and studies of tribal justice and juvenile justice systems in the 80's and 90's, AILC has garnered respect from tribal leaders and communities across the nation.

Most recently, the AILC assisted in facilitating and providing successful training programs to build tribal leadership's capacity to be strong advocates for justice, social, and economic opportunities, and has continued its ongoing work on tribal model code development, including children's, elder protection, and research codes. In light of the many challenges that face tribal governments and communities in the age of globalization, AILC will continue to be an important asset for Indian people and their communities and governments.

