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NAWRS E-Repository

- 30 Settlements in repository
- Phase I
 - Settlement
 - Federal/Tribal/State Legislation
 - Map interface
- Phase II
 - GIS interface

NAWRS E-Repository

- Phase III
 - GIS Interface -- refined
 - Post-Settlement
 - Decree/Opinion
 - Tribal Water Code
 - Appropriation Tracker continued
 - Implementation Documents
 - Pre-Settlement
 - Pre-settlement litigation
 - Technical Reports

Questions?



- What other documents should be in the repository?
- Contact: bcosens@uidaho.edu

What can we learn from the repository?

- Parties involved
- Solutions to similar problems
- Role of courts
- Treatment of “finality”
- Tracking implementation

Parties at the Table

Grass-roots

3 Sovereigns



The Federal Role

- The federal team
 - Criteria and Procedures
 - Department of Interior Office of Indian Water Rights
- Congress generally gives final federal approval -- exceptions

Solutions to Problems

- Water infrastructure
- Water markets/exchanges/deferrals
- Instream flows
- Sacred sites
- Administration
- Dispute resolution

Role of the Court in Settlement



Finality

- Goal of the U.S. Department of Justice
 - Waiver of claims
- Dispute Resolution/Flexibility

Standard of Review for Settlement

- Arizona:
 - Focus on water right
 - no more extensive than litigated outcome
- Montana:
 - focus on settlement
 - consent decree standard

Implementation

- Tribal water codes
- Infrastructure development
- Appropriations?

NAWRS E-Repository

- Phase IV: Research

Potential research using the repository + interviews

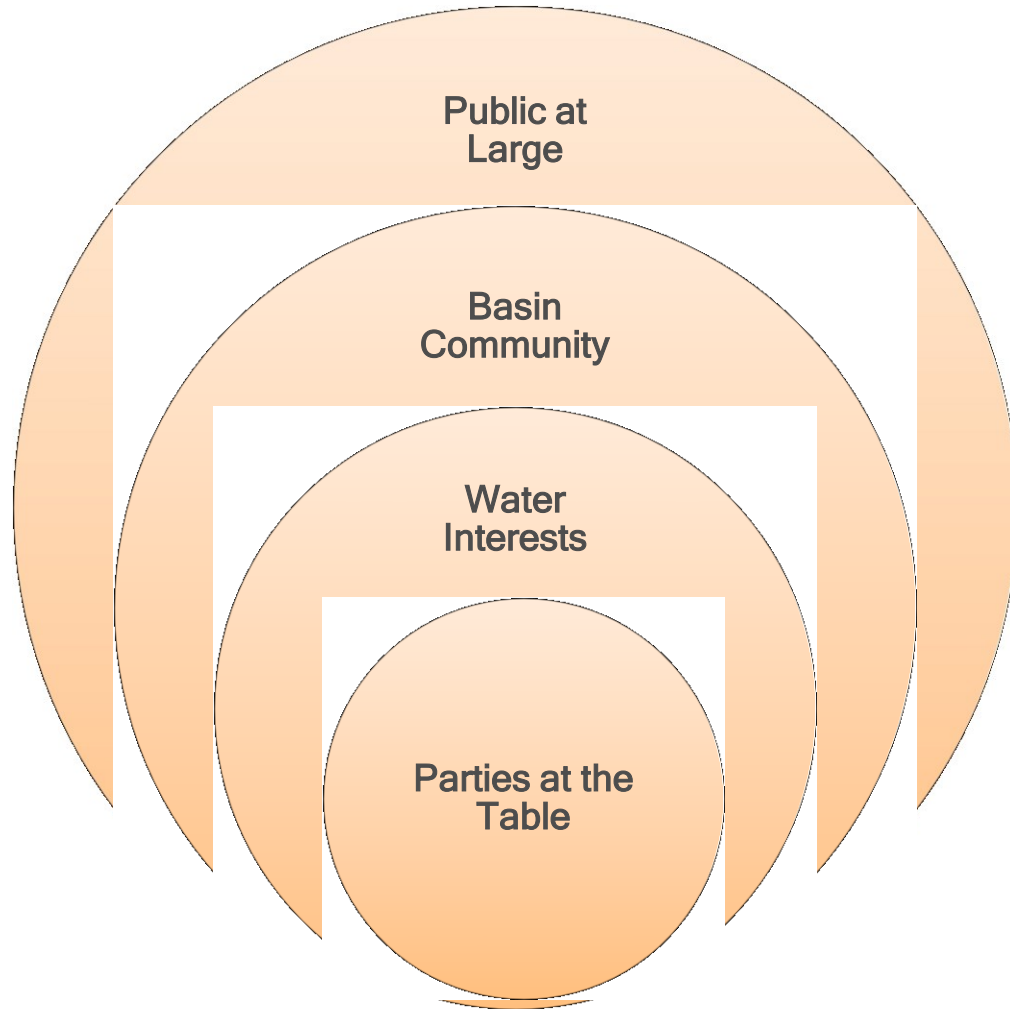
- Process
- Public engagement
- Information needed
- What are the components of a “good” settlement?

Process Issues

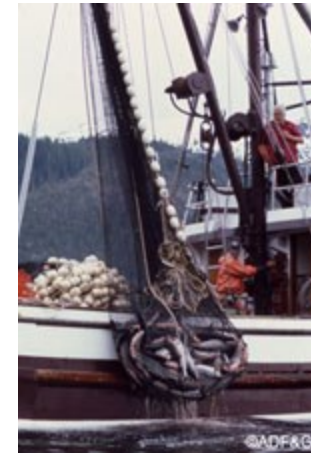
- Cost
- Information sharing
- Technical information development
- Media contacts
- Confidentiality
- Internal process
- Use of a mediator/facilitator
- Leadership

Challenges to Engaging the Public





Water Interests



Basin Community



Information Needed

- At a minimum
 - Water supply: +/- model
 - Current water development
- Tailored to the problems faced
 - Information relevant to the goals of the tribe
 - Instream flow/aquatic biology model
 - Water development plan

Repository: What are the Components of a “Good” Settlement?

- Quantitative
 - Amount of water
 - Amount of money
 - Related economic growth
- Qualitative
 - Comprehensive
 - Infrastructure
 - Management and enforcement
 - Dispute resolution
 - Flexibility

Interviews: Quantitative

- Cost of settlement vs. litigation
- Economic benefits

Interviews: Qualitative change

- Change in the role of the tribe in water management of shared resource
- Increased capacity of tribe to participate in management of shared resource
- Satisfaction of cultural and sacred water needs

Development and Distribution

- What other information should be included?
- How should we get the word out?
- Who would use this information?

Questions?

