

Nowakowski, Sonja

From: Mohr, Jason
Sent: Thursday, June 19, 2014 7:22 AM
To: Nowakowski, Sonja
Subject: FW: Request to Assist Technical Working Group
Attachments: Resume.pdf

Jason Mohr

Research Analyst

Montana Legislative Services Division

406-444-1640

From: Metesh, John [JMetesh@mtech.edu]
Sent: Thursday, June 12, 2014 9:49 AM
To: Brummond, Andy; Dolan, Larry; Kolman, Joe; Levens, Russell; McLane, Mike; Mohr, Jason; Waren, Kirk
Subject: FW: Request to Assist Technical Working Group

FYI

From: Dr. Kate Vandemoer [<mailto:waterforworldpeace@gmail.com>]
Sent: Thursday, June 12, 2014 9:27 AM
To: Metesh, John
Subject: Request to Assist Technical Working Group

Dear Mr. Metesh:

Thank you for your leadership for the WPIC's technical study of elements of the proposed CSKT water compact.

I am writing to offer my technical assistance to the Working Group as an expert in the quantification of federal reserved water rights, particularly with regard to those federal reserved rights belonging to Indian Tribes. I have attached my resume for your information.

By way of full disclosure, I am an unpaid volunteer consultant to Concerned Citizens of Western Montana, an organization that opposes the compact as written in its present form. However, I would be offering my services to the Working Group as a professional individual without any reference to the position, plans, or philosophies of Concerned Citizens, and I would not be representing Concerned Citizens in this presentation.

Specifically, I am inquiring as to the correct protocol for offering information to the technical Working Group. I am available to do a power point or other presentation and answer any questions, and I am also willing to provide the information in a written paper, for which I would be available to answer any questions. Briefly, I would cover the following topics: in either a presentation or a paper:

1. Definition and measure of a federal reserved water right
 - a. What are the characteristics of a federal reserved water right?
 - b. What are the tools used to quantify (measure) a federal reserved water right?
 - c. How does a federal reserved water right on an Indian reservation differ from a federal reserved water right on other federal lands (i.e., forest service, national parks, etc)?
 - d. Who “owns” a federal reserved water right?
2. Quantification: rate versus volume, with reference to case studies in quantification and coordination with state law
3. Once the federal reserved water right is “measured” (quantified), how can it be used?
4. Examples of quantification, with particular reference to federal irrigation projects included within a reservation
 - a. Wind River Indian Reservation (Big Horn Adjudication, 1989): Wyoming
 - b. Five lower Colorado River Tribes (Arizona v. California, 1961)
 - c. Southern Ute Tribe negotiation: Colorado 1998
 - d. Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota (2010)
5. The Role of a Tribal Water Code
6. List of references and source information

My goal is to provide the working group with a working knowledge of and fundamental basis for federal reserved water rights quantification.

Thank you in advance for your consideration of my request. I can be reached through email or by either of my phones: (c) 520-369-1404, or 406-552-1357

With regards,

/s/ Catherine

Catherine Vandemoer, Ph.D.