Wyoming’s Big Horn
General Stream Adjudication
1977 - 2014

University of Wyoming
Symposium 2014

September 10 - 12, 2014
Wind River Hotel & Casino
Riverton, Wyoming
Wednesday, September 10
6:00-8:30 p.m. Welcome Reception

Thursday, September 11
8:00-8:15 a.m. Symposium Introduction
• Philbert McCloud, Eastern Shoshone Tribe
• Nelson White, Sr., Northern Arapaho Tribe
• Debra Donahue, Professor, UW College of Law
• Jason Robison, Assistant Professor, UW College of Law

8:15-9:00 a.m. Opening Keynote Panel
• Jennifer Gimbel, Deputy Commissioner, Bureau of Reclamation
• Patrick Tyrrell, Wyoming State Engineer
• John Washakie, Library Cultural Specialist, Fort Washakie School

9:00-9:15 a.m. Big Horn River Adjudication Overview:
Special Master Ramsey Kropf

9:15-9:30 a.m. Break

9:30-11:15 a.m. Retrospective Panel
• Moderator: Ramsey Kropf, Special Master, Big Horn River Adjudication
• Terrence Dolan, Special Master, Snake River Adjudication
• Gordon W. (Jeff) Fassett, former Wyoming State Engineer
• Nancy McCann, Big Horn General Adjudication Manager, Wyoming State Engineer’s Office
• John Schumacher, Attorney, White & White, PC, Riverton, WY
• Susan Williams, Attorney, Law Office of Susan Williams, Corrales, NM

11:15-11:45 a.m. Regional Adjudication Overview:
Federal Water Master John Thorson

11:45 a.m.-12:45 p.m. Lunch

12:45-2:30 p.m. Comparative Panel
• Moderator: John Thorson, Federal Water Master, Lummi Decree (W.D. Wash.)
• Hon. Bruce Lobie, former Chief Water Judge, Montana Water Court
• D.L. Sanders, former Chief Counsel, New Mexico State Engineer’s Office
• Clive Strong, Natural Resources Division Chief, Idaho Attorney General’s Office
• John Weldon, Salmon, Lewis & Weldon, PLC, Phoenix, AZ

2:30-6:00 p.m. Field Trip: Ray Canal System
• Narrator: Gary Collins, Northern Arapaho Liaison, former Joint Tribal Water Engineer
• Narrator: James Pogue, Tribal Water Resource Technician
• Narrator: Baptiste Weed, Deputy Tribal Water Engineer

6:30-8:00 p.m. Dinner Reception with informal remarks by judicial officials
• Judge Nancy J. Guthrie (retired), Wyoming Ninth District Court
• Judge Robert E. Skar, Wyoming Fifth District Court

Friday, September 12
8:00-10:00 a.m. Prospective Intrastate Panel
• Moderator: Anne MacKinnon, Attorney, Journalist & Adjunct Professor, UW Haub School
• John Anevski, Water Resources Supervisor, Bureau of Indian Affairs, Billings Office
• Amy Cordalis, Attorney and Member of Yurok Tribe
• Baptiste Weed, Deputy Tribal Water Engineer
• Lyle Myler, Deputy Area Manager, Bureau of Reclamation, Wyoming Area Office
• Sara Robinson, former Eastern Shoshone Liaison
• Patrick Tyrrell, Wyoming State Engineer

10:00-10:15 a.m. Break

10:15-11:45 a.m. Prospective Regional Panel
• Moderator: Jason Robison, Assistant Professor, UW College of Law
• Michelle Bryan, Associate Professor, University of Montana School of Law
• Barbara Cosens, Professor of Law, University of Idaho College of Law
• Burke Griggs, Consulting Professor, Bill Lane Center for the American West, Stanford
• Larry MacDonnell, Adjunct Professor, University of Colorado Law School

11:45 a.m.-1:00 p.m. Lunch

1:00-2:00 p.m. Closing Keynote Address:
Judge Gary Hartman

2:00-2:10 p.m. Symposium Closing
• Jacquelyn Bridgeman, Interim Dean & Professor, UW College of Law
John Anevski  
Water Resources Supervisor  
Bureau of Indian Affairs

Mr. Dolan was appointed as the third Special Master of the Big Horn River General Stream Adjudication by 5th Judicial District Judge Gary P. Hartman in August, 1986. He succeeded Special Masters Teno Roncalio (1979 – 1984) and Carolyn H. Patterson (1985 – 1986). Mr. Dolan served as Special Master from 1986 until 1993 from an office in Thermopolis, with his Assistant Gayla D. Mead. In 1993, Mr. Dolan was appointed one of three Special Masters in the Snake River Basin Adjudication in Twin Falls, Idaho where he currently serves.

Michelle Bryan  
Associate Professor  
University of Montana  
School of Law

Professor Michelle Bryan teaches water law and other environmental courses in the Natural Resources & Environmental Law Program at the University of Montana School of Law. She also co-directs the Land Use & Natural Resources Clinic, which represents governments on natural resources issues. She grew up in farming and ranching communities in the West, and before joining the law faculty, she worked in private practice representing a variety of clients on natural resources matters. Over the past year, Professor Bryan’s Clinic has undertaken a special water rights study that examines how each of the western states integrates adjudication with other water rights proceedings, including agency permitting and the enforcement of water rights decrees. She will be publishing the results of this study in a scholarly article for this conference.

Gary Collins  
Northern Arapaho Liaison  
former Joint Tribal Engineer

Gary, an enrolled member of the Northern Arapaho Tribe residing on the Wind River Indian Reservation, received a B.S. degree in Geology from the University of Wyoming. Currently he is the Tribal Liaison for the Tribe within the State of Wyoming’s Governors Planning Office as a policy advisor to the Governor and his staff. He was appointed to this position in July of 2007. Additionally he was the Shoshone and Arapaho Tribes Tribal Water Engineer for over eight years and administered the Tribal Water Code with the support of the Wind River Water Resources Control Board. Mr. Collins has been involved with the “Big Horn Water Rights Case” for past 20 years in various capacities, including being the Chairman of the Arapaho Tribe when the case was before the US Supreme Court.

Amy Cordalis  
Attorney  
Member of Yurok Tribe

Mrs. Cordalis, a member of the Yurok Tribe, has practiced Indian law for seven years. She was a staff attorney at the Native American Rights Fund for almost six years and an attorney at Berkey Williams LLP for one year. Her practice is dedicated to the preservation of tribal sovereignty, including cultural and natural resources, land, water, education, and tribal economic self-determination.

Barbara Cosens  
Professor of Law  
University of Idaho  
College of Law

Barbara is a Professor with the University of Idaho College of Law and the Waters of the West Graduate Program which includes options for concurrent J.D./M.S. and J.D./Ph.D. degrees. She teaches Water Law, Water Policy, Law Science and the Environment, and leads a team taught graduate course in Interdisciplinary Methods in Water Resources. Barbara coordinates the Natural Resources and Environmental Law Program at UI. Her research interests include the integration of law and science in education, water governance, and dispute resolution; adaptive water governance and resilience; and the recognition and settlement of Native American water rights.
Gordon W. “Jeff” Fassett, P.E., joined HDR in 2006, and leads the firm’s strategic program for water rights engineering from his base in the firm’s Cheyenne, Wyoming office. Prior to joining HDR, Fassett managed his own consulting engineering firm. After serving three years as Deputy State Engineer, from 1987 to 2000, he was appointed Wyoming State Engineer, where he led an agency involved with all aspects water rights permitting, adjudications and priority administration, and represented the State’s interests for all Interstate Compacts and USSC Decrees and for water resource policy matters for the State of Wyoming. He began his career in water rights in Colorado working for Denver Water, and Leonard Rice Engineers, where he began his work on the Big Horn General Adjudication, in 1978.

Jennifer Gimbel was named Reclamation’s Deputy Commissioner for External and Intergovernmental Affairs on March 12, 2014. As Deputy Commissioner, Gimbel oversees Reclamation’s congressional, legislative and public affairs activities. She will also be the executive responsible for Reclamation’s national relationships with federal, state and local governments, as well as citizen organizations and other nongovernmental groups. Gimbel’s career also includes service as the Director of the Colorado Conservation Board, and experience with the Colorado Attorney General’s office and the Wyoming Attorney General office, where she advised and represented the Attorney General and other state officials regarding interstate water matters, water law and administrative law. She has a Bachelor of Science and Juris Doctorate from the University of Wyoming and a Master of Science from the University of Delaware.

Burke Griggs is an affiliated scholar with the Bill Lane Center for the American West. He spent the 2013-14 academic year as a consulting professor at the Center. Mr. Griggs represents the State of Kansas in federal and interstate water matters, including litigation before the U.S. Supreme Court, arbitration pursuant to the Court’s decrees, and interstate compact administration. He has represented Kansas in reserved water rights litigation, in state court and in administrative hearings on water rights matters, and has advised state natural resource agencies in policy and legislation.

Ramsey Laursoo Kropf is shareholder with Patrick, Miller Kropf & Noto, P.C., a Colorado law firm with its practice limited to water resources law. She also serves as the Special Master for the Fifth Judicial District Court in Wyoming’s Big Horn River General Adjudication, acting as a judicial officer and conducting hearings as necessary in the adjudication. The Big Horn River Adjudication has and continues to determine the water rights for thousands of water users, including rights of the Wind River Indian Reservation. Ms. Kropf is also the President of the Roaring Fork Conservancy, a Colorado organization with a mission to inspire people to explore, value, and protect the Roaring Fork Watershed, a major tributary to the Colorado River.

Judge Hartman currently serves as the Senior Policy Advisor to Governor Matt Mead. He has previously served in the same position for Governor Dave Freudenthal. Prior to his current position, Judge Hartman had a distinguished career on the bench for several branches of the Wyoming Judiciary including Fifth Judicial District Court for twenty-five years. Before earning his law degree from the University of Wyoming College of Law in 1972, Judge Hartman served in the United States Air Force from 1962 - 1966.

Bruce Loble served six terms and 23 years as chief water judge of the Montana Water Court until his retirement in 2013. The Montana Water Court has jurisdiction to adjudicate the federal and Indian reserved water rights within Montana and the more than 219,000 state law-based water right claims that were filed in Montana’s ongoing statewide general stream adjudication. Judge Loble was born and raised in Helena, Montana and received his B.A. and J.D. Degrees from the University of Montana. Following graduation from law school, service in the U.S. Army, and employment in Washington, D.C. as a trademark attorney, he returned to Helena and practiced law for 17 years. He chaired the Section on Land and Natural Resources of the State Bar of Montana from 1978 to 1982 and his legal practice focused on water and natural resource issues throughout the state. His work at the Water Court was profiled in Time Magazine in 2002 and in Courts Today in 2005.
Lyle Myler, Deputy Area Manager, Bureau of Reclamation, Wyoming Area Office, received his degree in Civil Engineer with an emphasis in Water Resources from the University of Wyoming. Since that time he has been employed by the Bureau of Reclamation’s Wyoming Area Office located in Mills, Wyoming. Mr. Myler has 24-years of experience working for Reclamation in Wyoming and has been involved in reservoir operations, land and recreation management, Safety of Dams, water accounting, and operations activities for the North Platte and Wind/Bighorn River Basins. Currently, Mr. Myler serves as the Deputy Area Manager for the Wyoming Area Office.

Anne MacKinnon, Attorney & Adjunct Professor, University of Wyoming Haub School, is the manager of the Big Horn River General Adjudication, serving as project manager for the case in the Wyoming State Board of Control and technical liaison to the court since 1988. Nancy has been with Wyoming State Engineer’s Office in 1974. She has an A.S. from LCCC and completed the management program from Preston University. She is also a 2001 Graduate of Leadership Wyoming. Ms. McCann also served a policy analyst on former Governor’s Geringer’s staff for over 4 1/2 years advising and formulating policy for the former Governor on Natural Resources, Technology and GIS issues. Nancy and her husband Larry have three sons, one of which graduated with a B.S. from the University of Wyoming.

Lawrence J. MacDonnell is an attorney and consultant in Boulder who recently retired as a professor of law at the University of Wyoming College of Law where he taught water law, public land law, and natural resources law. He was the first director of the Natural Resources Law Center at the University of Colorado School of Law, a position he held between 1983 and 1994. Between 1995 and 2009 he worked as an attorney and consultant in Boulder, Colorado. His work focused primarily on water resources and on ways to make natural resource development more environmentally compatible. His publications include numerous books, law review articles, other journal articles, and research reports. He has given over 250 invited presentations. He is married, with three daughters. He now teaches water law at the University of Colorado, Boulder as an adjunct and is a Senior Fellow at the Getches-Wilkinson Center.

Anne MacKinnon, BA Harvard University 1973, JD University of California, Berkeley, 1981, PhD Humboldt University Berlin 2012 (natural resource economics). Former editor-in-chief of the Casper Star-Tribune and a retired member of the Wyoming Bar, MacKinnon has written, taught, and put on conferences on Wyoming water issues for more than 15 years. She served on the Wyoming Water Development Commission for eight years, including one year as chair. Based in Casper, she is an adjunct professor for the University of Wyoming’s Helga Otto Haub School of Environment and Natural Resources and a consultant in public discussion of natural resource policy. She has written on water and water law in Wyoming for the journals Ecological Economics, Water History, and the Wyoming Law Review.

Nancy McCann, Big Horn General Adjudication Manager, Wyoming State Engineer’s Office, is the manager of the Big Horn River General Adjudication, serving as project manager for the case in the Wyoming State Board of Control and technical liaison to the court since 1988. Nancy has been with Wyoming State Engineer’s Office in 1974. She has an A.S. from LCCC and completed the management program from Preston University. She is also a 2001 Graduate of Leadership Wyoming. Ms. McCann also served a policy analyst on former Governor’s Geringer’s staff for over 4 1/2 years advising and formulating policy for the former Governor on Natural Resources, Technology and GIS issues. Nancy and her husband Larry have three sons, one of which graduated with a B.S. from the University of Wyoming.

Jim has been an employee of the Office of the Tribal Water Engineer for 6 years. He brings his experience of water management and system operations from 8+ years employment with the Bureau of Indian Affairs, Irrigation Department. The construction experience he has gained is from working on replacement structures on the Wind River Irrigation Project. His experience helps the Shoshone and Arapaho Tribes with the daily operation of their irrigation system. He has attained a Business Management Degree from Central Wyoming College and a Surveillance Degree from Nevada State Gaming Commission.

Ms. Robinson served as the Tribal Liaison for the Eastern Shoshone Business Council in 2013. Robinson served on the University of Wyoming Board of Trustees and the Eastern Shoshone Business Council. She has been an educator on the Wind River Reservation and has been a public defender. Robinson has her bachelor’s in education and a law degree from the University of Wyoming.
Professor Jason Anthony Robison joined the faculty at the UW College of Law as an Assistant Professor during the 2014-2015 academic year. He previously served as a Visiting Professor during the 2013-2014 academic year after completing his S.J.D. at Harvard Law School. Professor Robison also has earned an LL.M. at Harvard Law School, a J.D. at the University of Oregon School of Law, and a B.S. in Environmental Studies at the University of Utah. While completing his J.D., he worked for the Special Litigation Unit of the Oregon Department of Justice, as well as for the Motions Department and Office of Appellate Legal Counsel of the Oregon Court of Appeals. He subsequently clerked for the Oregon Supreme Court, working primarily for former Chief Justice Paul J. De Muniz. In conjunction with his graduate work at Harvard Law School, Professor Robison held policy fellowship positions with the Harvard Water Security Initiative, Emmett Environmental Law and Policy Clinic, and Colorado River Governance Initiative at the University of Colorado Law School. He also served as a research and teaching fellow at the Harvard Kennedy School of Government, Harvard History Department, and Environmental Science and Public Policy program at Harvard College.

DL Sanders has practiced water law in the state and federal courts of New Mexico since 1990, he is a member of bar for the United States 10th Circuit Court of Appeals and he is admitted and qualified as an Attorney and Counselor of the United States Supreme Court. From 2001-2014, he served as Chief Counsel to the New Mexico State Engineer providing legal counsel and supervising all litigation related to or arising from the statutory duties of the state engineer. He was directly responsible for all cases docketed in any appellate court and has appeared for oral argument before the New Mexico Supreme Court and Court of Appeals in more than a dozen cases. He was appointed by the governor to the Western States Water Counsel (WSWC) and served as a commissioner on the New Mexico Water Quality Control Commission (WQCC), by designation of the state engineer. He regularly presents at Continuing Legal Education Programs on a myriad water law topics; he has appeared regularly before the New Mexico legislature and has provided both written and oral testimony before and at the request of the United States Congress. While in Law School, at UNM, he was a member of the editorial staff of the Natural Resources Journal.

John C. Schumacher is a shareholder in the firm of White & White, PC based in Riverton, Wyoming. Mr. Schumacher has worked for over 28 years on Native American issues. In the water rights area, he has worked on Arizona v. California for the Colorado River Tribes in Arizona and the Big Horn Adjudication for the Eastern Shoshone Tribe in Wyoming. His experience includes practice both as an in-house tribal attorney and as an outside law firm. He has represented tribes and individual tribal members in tribal and state courts in Wyoming, Oklahoma, Utah, Montana, Washington, and California. His federal practice includes the 9th Circuit Court of Appeals, the 10th Circuit Court of Appeals, and the United States Supreme Court. Mr. Schumacher is a graduate of the Columbus School of Law at the Catholic University of America. Mr. Schumacher is licensed to practice law in Arizona, the District of Columbia, Wyoming, and various federal and tribal courts.

Clive J. Strong is Chief of the Natural Resources Division for the Office of the Idaho Attorney General. Mr. Strong works exclusively in the areas of environmental, natural resources, and Indian Law. He was the lead attorney for the State of Idaho in the Snake River Basin Adjudication, which involved the adjudication of over 158,000 private, state and federal water rights. He represented the State of Idaho in three Native American and six federal agency reserved water right settlements. Mr. Strong earned an LL.M. from the University of Michigan, a J.D. from the University of Idaho and a B.S. in Forestry in 1974 from the University of Idaho. He is admitted to the Idaho and Washington State Bars, and admitted to practice before the U.S. Supreme Court and several Federal District Courts and Federal Circuit Courts of Appeal.

John Thorson retired in 2008 as Assistant Chief Administrative Law Judge with the California Public Utilities Commission (CPUC) in San Francisco where he concentrated on water cases, adjudicatory matters, and alternative dispute resolution. He now serves as the Federal Water Master for the Lummi Decree in Washington State and recently completed three years of service as Chair of the Missouri River Recovery Implementation Committee (MRRIC), a 70-member sovereign-stakeholder Congressionally authorized committee advising federal agencies on restoration of the Nation’s longest river. For a decade, Thorson was Special Master, appointed by the Arizona Supreme Court, to preside over that state’s general stream adjudications. Thorson also served as counsel for the Western Governors’ Conference and Executive Director, Conference of Western Attorneys General.
John R. Washakie was elected to nine terms on the Shoshone Business Council and many, many times to serve as the Chairman of Shoshone General Council. During this time, John helped make decisions on Tribal water, Oil and Gas, and Conservation management. His first assignment as a councilman was to attend the Special Master Proceedings of the adjudication of tribal water rights in the Big Horn Drainage and later a Tribal representative for the State Court hearings through the Supreme Court Hearing. John is a graduate of the University of Wyoming and was awarded a Bachelor Arts Degree in American History (1976). He is a published author of two children’s books and self-published three short stories. John has lived most of his life on the Wind River Indian Reservation. John is the husband of Bonnie St.Clair Washakie and the proud father of three children and grandfather of sixteen grandchildren and five great grandchildren.

Mr. Weed has been involved in water related issues since 1989 on the Wind River Indian Reservation. He first became involved in water quality and water quantity under the Wind River Environmental Quality Commission beginning July 1989. In 1991 his focus was placed on water rights as the TWE office was given the task, solely on water rights for the Wind River Reservation and the beginning of phase III of the Big Horn Adjudication. In the mid 1990’s he became a water treatment operator acquiring certification as a water treatment plant operator, distribution operator and waste water treatment operator. In the late 90’s he returned to the Wind River Environmental Quality Commission and worked under the Tribal EPA clean water 106 program, helping set water quality standards for streams and lakes on the Wind River Reservation. In 2006 he returned to the Office of the Tribal Water Engineer as acting Deputy Tribal Water Engineer in a vast role of handling water rights disputes to assisting in the ongoing rehabilitation of the Wind River Irrigation Project. He was born and raised on the Wind River Indian Reservation and graduated from Bismarck State College in 1989 with an A.A.S. in Business Management.

John B. Weldon Jr represents clients in water rights and natural resource related matters. He has represented the Salt River Project (SRP) in the Gila and Little Colorado River General Stream Adjudications since 1977. He has represented clients on matters relating to the usage of Colorado River water, and has represented utilities and water user organizations in cases before the United States Supreme Court.

Susan Williams has represented Indians on their legal and legislative matters. She has served both as in-house and contract legal counsel. She has extensive experience working on tribes’ federal, reserved water rights both in litigation and negotiation. In 1989 she argued successfully in the United States Supreme Court on behalf of the Shoshone and Arapaho Tribes in the Big Horn litigation.
The University of Wyoming would like to thank everyone who contributed to this event.

We would like to recognize the event Steering Committee Members: Gary Collins, Mitch Cottenoir, Deb Donahue, Sam Kalen, Ramsey Kropf, Larry MacDonnell, Anne MacKinnon, Nancy McCann, and Sara Robinson.

Thank you to the University of Wyoming College of Law staff members for organizing the event.

Special thanks to The Wind River Hotel and Casino for graciously hosting the Symposium.

We would especially like to thank our Sponsors. Without your incredible support this event would not be possible.

Finally, we would like to thank the generous grant funding by the Rocky Mountain Mineral Law Foundation to publish a Symposium Issue of the Wyoming Law Review.