

ORAL HISTORY INTERVIEW

Elizabeth (Betsy) Rieke



STATUS OF INTERVIEW:
OPEN FOR RESEARCH



Interview Conducted and Edited by:
Donald B. Seney in 1995
California State University-
Sacramento

For the Bureau of Reclamation's
Newlands Project Oral History Series



Further edited and desktop published—2013
By Brit Allan Storey, Senior Historian

Oral History Program
Bureau of Reclamation
Denver, Colorado

SUGGESTED CITATION:

RIEKE, ELIZABETH (BETSY). ORAL HISTORY INTERVIEW. Transcript of tape-recorded Bureau of Reclamation oral history interview conducted by Donald B. Seney. Edited by Donald B. Seney and further edited and desktop published by Brit Allan Storey, senior historian, Bureau of Reclamation. Repository for the record copy of the transcript is the National Archives and Records Administration in College Park, Maryland, or in the regional NARA office in the Denver, Colorado, area.

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-
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“What they had was not modeling, but rather an accounting . . . Here’s the amount of the

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-
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STATEMENT OF DONATION
OF ORAL HISTORY INTERVIEW OF
ELIZABETH ANN RIEKE

1. In accordance with the provisions of Chapter 21 of Title 44, United States Code, and subject to the terms, conditions, and restrictions set forth in this instrument, I, ELIZABETH ANN RIEKE, (hereinafter referred to as "the Donor"), of BOULDER, COLORADO do hereby give, donate, and convey to the National Archives and Records Administration (hereinafter referred to as "the National Archives"), acting for and on behalf of the United States of America, all of my rights and title to, and interest in the information and responses (hereinafter referred to as "the Donated Materials") provided during the interview conducted on SEPTEMBER 26, 1995, at BOULDER, COLORADO and prepared for deposit with the National Archives and Records Administration in the following format: tape recording and transcript. This donation includes, but is not limited to, all copyright interests I now possess in the Donated Materials.
2. Title to the Donated Materials remains with the Donor until acceptance of the Donated Materials by the Archivist of the United States. The Archivist shall accept by signing below.
3.
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Date: 9/26/95Signed: Elizabeth Ann Rieke
ELIZABETH ANN RIEKE

INTERVIEWER: DONALD B. SENEY

Having determined that the materials donated above by ELIZABETH ANN RIEKE are appropriate for preservation as evidence of the United States Government's organization, functions, policies, decisions, procedures, and transactions, and considering it to be in the public interest to accept these materials for deposit with the National Archives and Records Administration, I accept this gift on behalf of the United States of America, subject to the terms, conditions, and restrictions set forth in the above instrument.

Date: _____

Signed: _____
Archivist of the United States

Introduction

In 1988, Reclamation began to create a history program. While headquartered in Denver, the history program was developed as a bureau-wide program.

One component of Reclamation's history program is its oral history activity. The primary objectives of Reclamation's oral history activities are: preservation of historical data not normally available through Reclamation records (supplementing already available data on the whole range of Reclamation's history); making the preserved data available to researchers inside and outside Reclamation.

In the case of the Newlands Project, the senior historian consulted the regional director to design a special research project to take an all around look at one Reclamation project. The regional director suggested the Newlands Project, and the research program occurred between 1994 and signing of the Truckee River Operating Agreement in 2008. Professor Donald B. Seney of the Government Department at California State University - Sacramento (now emeritus and living in South Lake Tahoe, California) undertook this work. The Newlands Project, while a small- to medium-sized Reclamation project, represents a microcosm of issues found throughout Reclamation:

- water transportation over great distances;
- limited water resources in an urbanizing area;
- three Native American groups with sometimes conflicting interests;

- private entities with competitive and sometimes misunderstood water rights;
- many local governments with growing urban areas and water needs;
- Fish and Wildlife Service programs competing for water for endangered species in Pyramid Lake and for viability of the Stillwater National Wildlife Refuge to the east of Fallon, Nevada;
- and, Reclamation's original water user, the Truckee-Carson Irrigation District.

Reclamation manages the limited water resources in a complex political climate while dealing with modern competition for some of the water supply that originally flowed to farms and ranches on its project.

A note on the nature of oral histories is in order for readers and researchers who have not worked with oral histories in the past. We attempt to process Reclamation's oral histories so that speech patterns and verbiage are preserved. Speech and formal written text vary greatly in most individuals, and we do not attempt to turn Reclamation's oral histories into polished formal discourse. Rather, the objective during editing of interviews is to convey the information as it was spoken during the interview. However, editorial changes often are made to clarify or expand meaning, and those are shown in the text.

The senior historian of the Bureau of Reclamation developed and directs the oral history program. Questions, comments, and suggestions may be addressed to the senior historian.

Brit Allan Storey
Senior Historian
Land Resources Division (84-53000)
Policy and Administration
Bureau of Reclamation
P. O. Box 25007
Denver, Colorado 80225-0007
(303) 445-2918
FAX: (720) 544-0639
E-mail: bstorey@usbr.gov

For additional information about Reclamation's
history program see:

www.usbr.gov/history

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Oral History Interview
Elizabeth A. Rieke¹

Seney: Today is September 26, 1995, my name is Donald Seney, and I'm with Elizabeth Ann Rieke in her office in Boulder, Colorado, and this is Tape 1. Good afternoon. Why don't you just start by telling me how it is you got to be assistant secretary for water and science?²

1. The manuscript was mailed to Ms. Rieke on August 27, 1996. The letter that accompanied the manuscript said in part: "If I do not receive the edited manuscript back from you in sixty days I will assume that you wish to make no corrections, and we will proceed with publication." At the end of one year, the manuscript has not been returned.

2. A note on editorial conventions. In the text of these interviews, information in parentheses, (), is actually on the tape. Information in brackets, [], has been added to the tape either by the editor to clarify meaning or at the request of the interviewee in order to correct, enlarge, or clarify the interview as it was originally spoken. Words have sometimes been struck out by editor or interviewee in order to clarify meaning or eliminate repetition. In the case of strikeouts, that material has been printed at 50% density to aid in reading the interviews but assuring that the struckout material is readable.

The transcriber and editor also have removed some extraneous words such as false starts and repetitions without indicating their removal. The meaning of the interview has not been changed by this editing.

In an effort to conform to standard academic rules of usage (see *The Chicago Manual of Style*), individual's titles are only capitalized in the text when they are specifically used as a title connected to a name, e.g., "Secretary of the Interior Gale Norton" as opposed to "Gale Norton, the secretary of the interior;" or "Commissioner John Keys" as opposed to "the commissioner, who was John Keys at the time." Likewise formal titles of acts and offices are capitalized but abbreviated usages are not, e.g., Division of Planning as
(continued...)

I Was Director of the Department of Water Resources in Arizona

Rieke: When it looked like Bruce Babbitt might get a cabinet position, I was at that time director of the Department of Water Resources in Arizona. I had been a water attorney for, oh, probably close to a dozen years in the State, and had worked in the department when Bruce Babbitt was Governor, but didn't work directly *for* him.

Seney: You were never his appointee.

Became Acquainted with Bruce Babbitt When They Were Both Practicing Water Law in Arizona

Rieke: I was never his appointee. I actually was the appointee of the Republican governor, which is one of the interesting pieces about me. The time when we got to know each other best was actually when we were both private sector lawyers.

Lost Her Job as Director of the Department of

2. (...continued)

opposed to "planning;" the Reclamation Projects Authorization and Adjustment Act of 1992, as opposed to "the 1992 act."

The convention with acronyms is that if they are pronounced as a word then they are treated as if they are a word. If they are spelled out by the speaker then they have a hyphen between each letter. An example is the Agency for International Development's acronym: said as a word, it appears as AID but spelled out it appears as A-I-D; another example is the acronym for State Historic Preservation Officer: SHPO when said as a word, but S-H-P-O when spelled out.

Water Resources When the State Administration Changed

When he went off to run for governor, I lost my state position. I was in an exempt position, the incoming governor and some people who worked for him wanted a changing of the guard in the lawyers for the Department of Water Resources—I was working in that state agency. And we both went off to the private sector.

“I went to the firm with the largest water client in the state . . . representing this very large water and power utility in the Phoenix metropolitan area . . . I took a kind of a middle-of-the-road . . . facilitator role—not just representing the client. . . .”

I went to the firm with the largest water client in the state, and he went to a firm that didn't have any water clients, so he was beating the bushes, finding clients. Arizona was in the middle of its ground water transfer wars. He ended up representing a small client who was the area from which water was being transferred. I ended up representing this very large water and power utility in the Phoenix metropolitan area who financed me in trying to resolve these water wars, so that I took a kind of a middle-of-the-road, convener/resolver—not mediator, but a facilitator role—not just representing the client.

“ . . . in that context . . . he [Bruce Babbitt] saw skills that suggested to him, I’m quite sure, that I could play a different role. . . .”

And it was in that context that he saw skills that suggested to him, I’m quite sure, that I could play a different role.

She Became Head of the Department of Water Resources and Bruce Babbitt Became Governor after They Had Practiced Water Law for Contesting Clients

I then went from being a private sector lawyer to being head of the Department of Water Resources. So that’s where I was when it was possible that he was going to be Governor. We’d become friends and I had admired his negotiating skills when I was a junior lawyer, and he had seen mine when we were both private sector lawyers.

Becoming Assistant Secretary for Water and Science

Why I survived on the list is the more interesting question and the one that I don’t know for sure the answer to.

Seney: When you say “survived on the list.”

May Have Been Left on Secretary of the Interior Babbitt’s List for Assistant Secretary Because of

Diversity Objectives Within the Clinton Administration

Rieke: That happened for each cabinet member [in the incoming Clinton administration] sent lists over, packages over, “Here are the people we want to be our assistant secretaries. And the administration sent them back, fairly uniformly, for diversity reasons, that there wasn’t sufficient diversity—meaning minority and female both. I had no Clinton credentials: I had been working for a Republican governor, I had not been in any way involved in that presidential campaign, and deliberately had not been, because I thought that could jeopardize my position.

“I essentially had become—and fairly consciously—nonpartisan in the sense that I didn’t work more for one party than for the other, I worked for candidates that I admired and who took policy positions that I thought were good ones. So I didn’t have any Clinton credentials . . .”

I essentially had become—and fairly consciously—nonpartisan in the sense that I didn’t work more for one party than for the other, I worked for candidates that I admired and who took policy positions that I thought were good ones. So I didn’t have any Clinton credentials, and rumor has it that I survived because I was female, and actually because Hillary Clinton

became an advocate for me, but I have no connection to her. This is the story I got on good authority, but it's two steps removed, or three steps removed.

Seney: Though if others thought this was so, that certainly wouldn't have hurt you at all, would it?

Rieke: And it's consistent with what we know about what the Clinton administration did in every single Department. I got on the list because [Secretary of the Interior] Bruce Babbitt chose me. I stayed on the list, while other people got bounced off. There was significant changes from the original list—and Bruce told me that personally. I mean, I remember him saying at one point, “We've had multiple iterations, and you stay on the list”—something to that effect.

“So that's the story: as I say, mix of competence and the fact that I was female. . . .”

So that's the story: as I say, mix of competence and the fact that I was female.

Seney: I hope you'll talk to others about the *other* things you did, but we want to focus on the Newlands Project here. When did you become aware of the Newlands Project?

The Newlands Project

Any water lawyer has been aware of the Newlands Project.

Rieke: *Any* water lawyer has been aware of the Newlands Project.

Seney: So prior to your service in the Federal government.

“People talk about the Colorado River System as the most litigated: I think . . . there’s no question but what per square inch of irrigated acreage, there’s more litigation in the Newlands than any place else. . . .”

Rieke: Well, any water lawyer has at one time or another read one of the multitudinous cases. People talk about the Colorado [River] System as the most litigated: I think if you talk about per square inch of irrigated acreage, there’s no question but what per square inch of irrigated acreage, there’s more litigation in the Newlands than any place else. So like anyone, I had read a few cases here and there, but I frankly had never visited the area, I had no hands-on understanding of the issues, I had never been to Pyramid Lake, and I first became seriously interested when I was called before a Congressional Committee to testify.

“The issue had been assigned to me. From the very beginning, even before I was confirmed, the issue was brought to my attention by people who

had worked on the issue for years: Bill Bettenberg and Fred Disheroon. . . .”

The issue had been assigned to me. From the very beginning, even before I was confirmed, the issue was brought to my attention by people who had worked on the issue for years: Bill Bettenberg³ and Fred Disheroon.⁴

“ . . . them briefing me . . . I thought this is the single-most complex problem that Reclamation has, in the smallest geographic area. . . .”

I remember them briefing me in a way that I thought this is the single-most complex problem that Reclamation has, in the smallest geographic area. I mean, anyone who describes the issue would describe it as complex.

Seney: What would be the occasion for them briefing you? Was this as you were becoming assistant secretary, or preparing for the confirmation hearings.

“ . . . because Bill [Bettenberg] has such an absolutely deep-seated commitment to trying to resolve the issues, and trying to rectify some of the wrongs that we’ve done to Indian tribes and to

3. Bill Bettenberg contributed to Reclamation’s Newlands Project Oral History Series.

4. Fred Disheroon contributed to Reclamation’s oral history work on the Newlands project.

the environment . . . I'm sure that it was on his initiative, rather than on mine. . . .”

Rieke: I don't know that it was consciously in preparation for the confirmation hearings, I don't know that we expected questions on that, but because the issue had been assigned to me, and because it was so complex, and because Bill has such an absolutely deep-seated commitment to trying to resolve the issues, and trying to rectify some of the wrongs that we've done to Indian tribes and to the environment, I'm sure that he asked for it, I'm sure that it was on his initiative, rather than on mine. I don't remember that, but I would be fairly certain that it was.

Preparing for a Hearing Before Senator Bill Bradley's Committee in 1994

The first time that I really began to dig in so that *I* understood it—and there's a big difference between having been briefed and having your own understanding of an issue—was in preparation for a hearing before Senator [Bill] Bradley [of New Jersey], which occurred in the spring of '94, I would guess. You probably can put a date on it. I could put a date on it by looking in my files. We had a series of hearings before the Water and Power Subcommittee. [Seney hands Rieke a copy of the hearings' findings.] Okay, well, Spring of '94 is right. I

ought to get a copy of that, I don't have that.

Seney: I might have an extra. If I do, I'll send you one.

Rieke: I would like that. I have most of the testimony, but I don't have the actual hearing transcript, and there were some exchanges that were fairly amusing.

Heard That Her Predecessor's Testimony Before Bradley's Committee Hadn't Gone Well and That Spurred Her to Get up to Speed

I got a very significant challenge indirectly laid in front of me—and I'm a person who rises to a challenge, which is what Senator Bradley recognized, maybe six weeks before the hearing—but in any case, a fairly good period of time before the hearing, I heard a story from at least three sources, possibly more, which is that my predecessor's first hearing had been before Senator Bradley, that it had been on Truckee-Carson, and that the hearing had not gone well. In fact, it had gone as follows: my predecessor gave his testimony, he was asked a question by Senator Bradley, "I don't know the answer." He was asked another question, "I don't know the answer." We get to the fifth question, it was *still*, "I don't know the answer," at which point Senator Bradley explodes and says, "If I can get up at 5:00 a.m. to read my briefing book, so can you!"

And my predecessor never testified in Congress again.

Seney: This was former Assistant Secretary John Sayre

Rieke: Right. So having had—and I'm *very* fond of John, and he and I are *dear* friends. The purpose of the story is not in any way to denigrate John, it is more to lay out for you kind of the environment in which I prepared for the hearing.

Seney: Well, I wanted to ask you about that, if there was a kind of mythology maybe developed about Mr. Sayre's performance before that hearing, that might have come to you and influenced the way you approached The hearings.

Rieke: I don't know if the stories are true. Okay? All I know is that I heard the same story over and over again, told by people whom *I* had reason to give credence to: meaning I had reason to think that Senator Bradley would not deal lightly, would not tolerate lightly an ill-prepared witness. I knew full well that the only way you got well-prepared on Truckee-Carson was to treat it like a final exam. So I treated it like a final exam, which meant that you stayed up until midnight and you got up at five o'clock in the morning, you fell asleep with the papers. It *felt* just like a final exam. But interestingly enough, just like a final exam, it began to integrate, because that's what

happens when you focus on something. And I'm a pretty good quick study. When you focus on something very intensely, it begins to integrate *and* it begins to become yours. It no longer belongs to those pieces of paper, you begin to put categories on it, because you're trying to understand it, so you outline it—or whatever mechanism you have, outlining is the one I use.

“ . . . that hearing created a very positive relationship between me and Senator Bradley, which was important . . . ”

And that hearing created a very positive relationship between me and Senator Bradley, which was important—actually, *just* as important in other issues as it was in that issue, because he could *tell* that I was up, he knew that, we've had a conversation about it since then.

Seney: He treated you very nicely in that hearing, (Rieke: Yes, he did.) with great respect. It's obvious from the words, as you read them.

“ . . . I was as well-prepared as any witness could possibly be . . . in my position. Clearly, Bill Bettenberg could have answered the questions better . . . But they weren't interested in *his* answers, they were interested in the administration's position. . . . ”

Rieke: From the very beginning, meaning before I even finished giving the oral testimony, I knew that whatever was going on, this guy had respect for me. Okay? It had to do with the intensity with which he listened, and it *clearly* had to do with the first few questions he asked. I also knew that I was as well-prepared as any witness could *possibly* be, meaning any witness in my position. Clearly, Bill Bettenberg could have answered the questions better—he'd worked on it for years. But they weren't interested in *his* answers, they were interested in the administration's position.

**The Hearing Before Senator Bradley's Committee
Drew Her into Newlands Project Issues and She
Developed a Personal Commitment to the Issues
That the Other High Profile Issues Assigned Her
Didn't Necessarily Command**

In whatever it was that occurred, it was two-sided, because Senator Bradley has indicated that to me since, that it was a very special kind of understanding: my understanding that *he* wanted to be supportive of me, because he wanted me to succeed; and *his* understanding that I came in *determined* to put my very best foot forward, and that I was a somewhat different kind of political appointee, which I think stems from the fact that I see myself as a career public servant. I've *never* seen myself as a political appointee in that sense of doing deals. What that did, the very positive

way in which that hearing evolved, was draw me into the issue personally, in a way that I might not otherwise of gotten drawn in. I might not otherwise have chosen to become personally involved in the negotiations, because I might not have felt that commitment. I mean, I had a half-a-dozen of these complex issues. I had to choose. You can't be involved in all of them as intensely as I was involved in Truckee-Carson. So that's kind of the story of that first hearing.

Seney: I want to ask you about something that you said, and you also mentioned in the testimony, and that is that you had been assigned this task—I take it by Secretary Babbitt. (Rieke: Uh-huh.) I'm not sure when I ask here, if I'm asking you to talk about something that's kind of confidential. You'll tell me, I know you will. (Rieke: Yeah.) But can you tell me what the Secretary had to say to you when he said, "Listen, I want you to handle this," what his charge to you was?

Secretary Babbitt Assigns the Truckee-Carson Project to Assistant Secretary Rieke

Rieke: It's fascinating. It's my very first day, and I walk into that huge office—I'd never been in that huge office before. The secretary's office, which is known as one of the most splendid offices in Washington, and *absolutely* lives up to it: the size, the dark paneling, the fireplace, the outsized

art. And here is my very good friend in front of a roaring fire on a day in early March [of 1993], and we sit down and we chat.

“He welcomes me, and he pulls out of his pocket a handwritten list, which I have to this day, and it’s got Truckee-Carson on it, along with at least six or seven other things, maybe more. . . .”

He welcomes me, and he pulls out of his pocket a handwritten list, which I have to this day, and it’s got Truckee-Carson on it, along with at least six or seven other things, maybe more. We didn’t talk in much detail, because in fact—or if we did, I didn’t remember it—because in fact it was into almost no context. I had very little context with which to understand this issue. But when it came time to chose the administration’s witness, which was a full year later, I was the one that got the charge. And I assume that it had been on my list all along, but I hadn’t been spending significant amounts of time on it, and I *know* that I’d never really absorbed the briefings, or I wouldn’t have had to do the kind of preparation I did.

“. . . the Secretary didn’t give me a specific charge . . . after that, [it] was the way I think a really competent staff person ought to perform. . . . very few people in this world . . . don’t have somebody above them. . . . you’re always staffing somebody, even if you’re thought of as a non-staff person . . .

And I would go in with him with a plan of action . . . here's the places where I think we need a judgement call, here are the places where I *don't* think we need it . . . He was entitled to second-guess those places where I thought I could make the judgement call. And I did that on all of my issues. I don't remember doing it as much on Truckee-Carson as on Bay-Delta, which was politically far trickier . . .”

My guess would be the Secretary didn't give me a specific charge, and he never did, I know, after that. The way things worked after that, was the way I think a really competent staff person ought to perform. On every job I've had, there's always been somebody above me. There are very few people in this world who don't have somebody above them. So you're always staffing somebody, even if you're thought of as a non-staff person—when you work for a governor, you're staffing the Governor; when you work for a cabinet member, you're staffing the cabinet member. And I would go in with him with a plan of action: Here's what I want to do, here's the places where I think we need a judgement call, here are the places where I *don't* think we need it, and here's why. He was entitled to second-guess those places where I thought I could make the judgement call. And I did that on all of my issues. I don't remember doing it as much on Truckee-Carson as on Bay-Delta, which was

politically far trickier, as far as with a strong Democratic senator.

“. . . keeping good relations with [Congresswoman] Barbara Vucanovich’s office was important to me, and we did that. . . .”

This one was not as tricky politically, although keeping good relations with [Congresswoman] Barbara Vucanovich’s office was important to me, and we did that. That was another success. But I did that by creating the strong bonds with the farmers. The first time I met with her, we had a good talk.

So the way that the Secretary and I related was basically that I would come in and say, “Here’s where I think we ought to go, here’s why, here are the political ramifications, here are the policy ramifications, here’s the calls you need to make.”

Seney: And he pretty much accepted your advice (Rieke: Yeah.) on Newlands Project matters? (Rieke: Yeah.) Subsequently, or perhaps almost coincidental *with* these hearings, there began to be the discussions about the Settlement II negotiations (Rieke: Right.) coming up. Can you give me your perspective on the origins of all this?

Settlement II Negotiations

Rieke: My guess would be—I was not a participant in the origins of the Settlement II negotiations—it was clearly in Senator Bradley’s mind at the time of the hearing.

Senators Reid and Bradley and the Environmental Community Saw the Hearing as a Way of Moving Toward the Negotiating Table

My guess would be that it was in Senator [Harry] Reid’s [of Nevada] mind, and my guess would be that from subsequent conversations I’ve had with members of the environmental community, that the hearing was part of their strategy to get to the negotiating table. But I was not privy to that strategy at that point. The folks who lay out more clearly than anybody, an intent from relatively early-on to get to the negotiating table, are the Nature Conservancy folks, Graham Chisholm.⁵ And he lays out a pretty clear pattern. I would remember that he had that in mind before the hearing, and that the hearing was a way of getting there. However he remembers it is probably more accurate.

Seney: I have talked to him.

Was Not Aware of the Behind the Scenes

5. Graham Chisholm contributed to Reclamation’s oral history work on the Newlands Project.

Planning for the Hearing Objectives

Rieke: But I did not know, I was not aware that there were clear plans, and that they had in mind hiring somebody like Gail [Bingham] at the time of the hearing. And that happened relatively quickly. I mean, she did her assessment in the summer of '94.

Seney: There were already two hearings: the one in December of '93 in Reno, (Rieke: Right.) and then the ones we've alluded to (Rieke: Right.) in March [of 1994] in Washington, in which you took part. And they were really of a piece, are they not?

Bad Feelings Resulted from the Invitation List to the Washington, D. C., Hearing Being Limited to Selected Persons

Rieke: They were intended to be of a piece. They created some rather bad feelings that only certain select people were invited to the hearings in Washington.

Seney: What do you mean by that? Could you amplify a little?

“ . . . I knew from the very beginning that the farmers were going to be tough. . . . ”

Rieke: Well, one of the things that I did very consciously, I knew from the very beginning that the farmers were going to be tough. I knew that because of some of the communications from them, I knew that from what everybody said in the briefings, and I knew that intuitively, from my work with farmers in Arizona.

“ . . . I very consciously, even though I gave testimony that I’m sure they felt was threatening and unwarranted, I set up a meeting with Ted de Braga . . . and whomever he wanted to bring, immediately after, on the same day or the next day. . . .”

And so I very consciously, even though I gave testimony that I’m sure they felt was threatening and unwarranted, I set up a meeting with Ted de Braga [President of the Board of Directors of the Truckee-Carson Irrigation District] and whomever he wanted to bring, immediately after, on the same day or the next day.

Seney: In Washington?

“ . . . one of the things they were really unhappy about was the fact that they were included in the field hearings, but excluded from the Washington hearing . . . they felt that they ought to have been able to testify in both forums. . . .”

Rieke: In Washington. And so they were able to get immediate access to me, and to lay out for me what they were unhappy about. And one of the things they were really unhappy about was the fact that they were included in the field hearings, but excluded from the Washington hearing, and they felt that since their irrigation district was such a (raps table for emphasis) central player, and in their mind a victim of Federal policies—absolutely clearly in their mind, a victim of Federal policies—they felt that they ought to have been able to testify in both forums.

Seney: Was this your first meeting with the Newlands Project farmers?

Rieke: (pause) It may have been, but I don't know for sure.

Seney: Because I wanted to ask you to give me a sense of what your impression of them was and of the meeting and what you went away with from that.

Rieke: The more important set of impressions actually come from a set of meetings that I constructed myself before the negotiations. I had looked back—this set of negotiations were going to be fairly analogous to a set of ground water negotiations that I'd run in Arizona, where there was a have/have not feeling, a group of, in this case, rural folks who didn't have the same level of

technical expertise as the Federal government, who didn't have the same, well, technical expertise as the cities, and who felt very much that they were the victims. And the reason that I could move into a convener role then was that I had gained the trust of those rural folks that I would be fair—not necessarily coming down on their side, but that I would be fair. Those were relationships that I had developed over the course of a couple of years.

“Here we were going into a set of negotiations where I knew that the Federal government was not trusted. . . .”

Here we were going into a set of negotiations where I knew that the Federal government was not trusted. I mean, that didn't take any brain surgeon to figure that out.

Changing the Farmers' View of the Federal Government

So how was I going to fundamentally change the relationship? There are two things I did: one was personal and the other was putting the team together.

“. . . two days of meetings with people out there that I did one-on-one, with nobody else present, kept the staff out. Bill Bettenberg and Graham

Chisholm and some other folks very carefully tried to identify all the opinion leaders in the Fallon and Fernley communities, so that I could meet . . .”

The personal thing was to design two days of meetings with people out there that I did one-on-one, with nobody else present, kept the staff out. Bill Bettenberg and Graham Chisholm and some other folks very carefully tried to identify all the opinion leaders in the Fallon and Fernley communities, so that I could meet with all the opinion leaders. I drove myself around, I didn't want to be “high and mighty Federal official comes to visit.”

Seney: Let me say—if I may interject—people have mentioned this to me: not only that you drove yourself, but you had a little bitty car. Did you consciously get the smallest rental car?

Rieke: I always get a compact, because I don't *like* driving a big car.

Seney: That further created the impression of accessibility, I think, on their part.

Rieke: I'm sure I didn't know at that point, but I learned later, that one of the reasons why they have such a negative attitude toward the Federal litigator, the Justice Department lawyer, (Seney: Mr.

Disheroon?) is the car that he drives. I know that I thought through *how* I was going to present myself, *what* I wanted to accomplish in those meetings, as much as I ever have in any set of meetings.

Seney: Tell me what you had in mind there, when you said you thought through how you would present yourself.

Tried to Create a Sense of Trust Without Instilling the Belief She Would Give Away the Store

Rieke: What I was trying to do was to create a sense that this lady would listen, and that she would be straight, and that you could trust her. I wasn't trying to create a sense that I would give away the store, because I didn't have authority to give away the store.

Seney: How do you do that?

Rieke: You start by listening. We talk about "active listening," and active listening is you hear something and then you ask a question. The next stage in my mind, and a slightly different kind of listening, is empathetic listening, where *when you hear something* that really resonates with you and you feel sympathetic, you respond so that they know that. The message that came to me—there were a lot of messages, but the message that I

remember is that the federal government has a vendetta on this district. And that came loud and clear from the district manager [Lyman McConnell],⁶ from the board members, from Ernie [Schank],⁷ from other people.

Why Did the Newlands Project Farmers React Positively to Assistant Secretary Rieke?

There's another side to why these meetings worked, and this is the side that I to this day don't understand. Given that almost every one of these people, *particularly* the folks associated with the irrigation district, with the Newlands Project, felt that the federal government had a vendetta. Why did they invite me into their homes—because I was at various people's homes—and why were they so gracious, and why did they give *me* the benefit of the doubt? Because in order for that trust to be built, both sides had to let down the guard. I had to put down my guard and listen to them and treat them in a way, despite all the briefings I'd had— and you can imagine what was said in those briefings—they also had to let down their guard and open up to me. And I'm sure that that's the second step in why I spent so much time on this issue, was the fact that Bill Shepherd and Ernie—I

6. Reclamation's oral history program on the Newlands Project included Lyman McConnell.

7. Ernie Schank contributed to Reclamation's Newlands Project Oral History Series.

had breakfast with Ernie's family, and it was just fascinating, watching the dynamics of a very close family; being part of a family that says grace, which my family always did, and feeling *very* much welcomed into that family. I'm sure that the way I felt when I finished those two days had something to do with my deciding to stay, to spend so much time on the negotiations. But I went in with the purpose of creating a different kind of relationship. What I would want to know, if I were in your shoes, is why did it work from *their* point of view? Why did they give me the benefit of the doubt?

“ . . . I'm a problem-solver, this was a problem that desperately needed to be solved. . . . ”

I had a very specific reason to give them the benefit of the doubt—a very specific set of reasons: Number one, I'm a problem-solver, this was a problem that desperately needed to be solved.

“ . . . we've wrangled and wrangled and wrangled out there, environment versus environment, Indian versus Indian, irrigation district versus Indian. I mean, every kind of conflict you can *possibly* have. . . . ”

I mean, we've wrangled and wrangled and wrangled out there, environment versus environment, Indian versus Indian, irrigation

district versus Indian. I mean, every kind of conflict you can *possibly* have.

“ . . . I was one of those believers at this point—it looked like there was a real chance that we might be able to put together some kind of compromise . . . ”

And it looked like—and I was one of those believers at this point—it looked like there was a real chance that we might be able to put together some kind of compromise in negotiations. Number two, which is a really critical issue that I had a very hard time . . .

Seney: Can I stop for a minute and kind of try to answer your question, what I would want to know, (Rieke: Sure.) because I think I have an insight, and then I'll give you a chance to comment on it. You're right, they *do* feel that the government has a vendetta against them. They tend, I think, to identify this as individuals. Mr. Disheroon (Rieke: He's number one.) is villain number one. Senator Harry Reid is in there as a close second (Rieke: Right.) or tied for first place maybe. Bill Bettenberg certainly. (Rieke: High on the list.) Absolutely high on the list. Graham Chisholm is seen as a kind of troublemaker as well, although he's not a government official, he's seen as being (Rieke: Is he?! That's an insight I wouldn't have had.) able to work *with* the government people

and kind of motivate them and in a way direct them. And Bob Pelcyger⁸ I would put (Rieke: Oh, well . . .) in the same category.

Rieke: Bob is probably higher up (laughter) the villain list.

Seney: He may be off the top, in fact. And so I think they see this in individual terms, and more than in institutional terms or in policy terms. And I think perhaps that's why . . .

“ . . . they *express* it as the federal government . . . they take people one at a time. . . .”

Rieke: Even though they *express* it as the federal government, because they are the kind of decent human beings that they are, they take people one at a time. (Seney: Right.) Okay, that makes a lot of sense in terms of what I experienced. I didn't ever even feel “on trial,” personally. I thought I was going to feel more on trial than I did.

Trying to Solve Problems in the West over Water and Related Matters

I was headed toward a second point, which I want to make sure to make, because this is where I was going against the grain in Washington.

8. Bob Pelcyger has contributed to Reclamation's Newlands Project Oral History Series.

“ . . . having watched the private property rights movement develop in Arizona . . . I thought that if you could demonstrate in one region that the irrigation district and the Indian tribe and the environmentalists and the federal government and the state government and the other local jurisdictions could all sit down and, together in a collaborative effort, solve a set of problems that had been outstanding for fifty years or more, that that would run so against the grain it would get a lot of attention. . . .”

I also felt, having watched the private property rights movement develop in Arizona—as it was developing elsewhere, I just happened to be in Arizona—having seen what has been called “the war on the West” grow beyond *anybody’s* expectations to where in various regional disputes, and certainly in Westwide disputes, we had confrontations of a dimension that we haven’t had for some period of time. I thought that if you could demonstrate in one region that the irrigation district and the Indian tribe and the environmentalists and the federal government and the state government and the other local jurisdictions could all sit down and, together in a collaborative effort, solve a set of problems that had been outstanding for fifty years or more, that that would run so against the grain it would get a lot of attention.

“I wanted to solve it because I like to solve problems; I wanted to solve it because I thought it would *politically* be a really important victory. . . .”

I wanted to solve it because I like to solve problems; I wanted to solve it because I thought it would *politically* be a really important victory. I had a hard time getting people in Washington to understand that—particularly people who didn’t have any western experience. And I think that’s a piece of “Beltway mentality.”

Hoped to Have a Positive Story to Tell about the Federal Government in the West

They really didn’t understand how resolving the Newlands problem—even if it had only been a five-year settlement, even if it had only been an interim settlement—would resonate throughout the West as a positive story, when what we were getting mostly was negative stories. There are lots of positive things happening in the West, but the newspapers are not telling you all those good stories, they’re telling you about all the divisiveness.

Seney: Let me turn this over.

END SIDE 1, TAPE 1. SEPTEMBER 26, 1995

BEGIN SIDE 2, TAPE 1. SEPTEMBER 26, 1995

Seney: Let me ask you, if I may, when you say you have trouble getting “they” or “them” inside the Beltway, to understand—who are you talking about, particularly?

Political Appointees Tended Not to Understand the Symbolism of the Irrigation District

Rieke: Other people in Interior. And I think it was generally people other than the Secretary. What I remember was, Bay-Delta everybody understood, everybody said, “Yeah, do it! Salmon, yup, do it! Lower Colorado, yup, do it! Truckee-Carson?! What are you doing spending all of your time out there?!” Kind of a general reaction, because it didn’t play big on the political board. It wasn’t like California, it wasn’t all the states in the Colorado Basin, it wasn’t all the states in the Pacific Northwest—a substantial number of them voted for the President. I don’t know whether this was people counting electoral votes, which you have to do, but which should not be the focus; whether it was people who just really didn’t understand the symbolism of this district. I mean, I think you could have made a *Time* magazine story out of it, if we’d put it together, and then sold it right. So it would have been mostly political appointees that I would have been talking to.

Seney: You made the trip out to visit and get a sense of

what's going on in the district. At what point are the negotiations, Settlement II? Has Gail Bingham⁹ been selected yet at this point?

Gail Bingham and the Settlement II Negotiations

Rieke: Probably was doing her assessment, but I don't know for sure.

Seney: Did you have a role in selecting her?

Rieke: No, I didn't have any role in it.

Seney: Did you know her before this time?

Rieke: No, I had never met her. We instantly hit it off. We have very similar capacities. There was *some* tension in the negotiations, as there always is with another strong personality, but I could often anticipate things she needed done, or as she was struggling with a process that needed just a little change, I could sit there, because I had the luxury of only having to think part of the time, only having to act part of the time—she had to act *all* the time, and listen all the time. I could think up alternatives.

Seney: Was she well suited to this task, do you think?

Rieke: She was quite well suited to the task. There were

9. Gail Bingham was interviewed as part of the Newlands Project Oral History Series.

times toward the end when I would have been a little more flexible with the process—she’s a very process-oriented person and comes in with a preconceived process—and I’ve had a lot of experience, but much less training. And I am much more of an intuitive process person, and my intuitions come out of what’s happening, and I adapt the process as I’m going along. And I thought there was some times when we ought to adapt the process. She was dealing with nine parties, you know, with six at the table and three behind them—I can’t remember, but we were over a hundred by the time you got everybody added up. And that’s part of why she needed a process laid out, because people needed to have understanding of what was going to happen. It’s a lot more difficult to be intuitive about a process when you have so many people. There isn’t a chance we would have gotten as far as we did without someone with Gail’s skills. On our own, that group would not have lasted more than a couple of meetings, would be my guess. You had to have some of the structured joint fact-finding, and some of the structured presentations of positions, and then some of the kind of explorations of differences in a neutral, nonthreatening fashion before we would have had a chance of getting a solution. And what typically happens in a *non*-structured negotiation is that people lay their (bangs table with fist for emphasis) position on the table and give it a firm

pound and “this is where I am.” Well, you’re not going to get a result out of that.

Seney: Were you optimistic in the beginning? (Rieke: Uh-huh.) Did you think there would be a settlement?

Optimism over the Possibility of a Settlement and the Congressional Elections of 1994

Rieke: Uh-huh, I thought there was a real chance. And I think we came remarkably close. We were still fairly far apart, but there were some periods in there when I thought we came remarkably close.

“Had the elections not gone the way they did in November of ‘94 for the Congress, we would have had a greater chance. . . .”

Had the elections not gone the way they did in November of ‘94 for the Congress, we would have had a greater chance.

Seney: You’re one of those who feel that the farmers maybe took some comfort in that?

“One of the most fascinating things about my position is that all of my career before that I had spent in one state, and I saw things through the lens of one state. I was suddenly seeing things through the lens of regional disputes *all over the*

West . . .”

Rieke: Everything changed in the West. One of the most fascinating things about my position is that all of my career before that I had spent in one state, and I saw things through the lens of one state. I was suddenly seeing things through the lens of regional disputes *all over* the West, and I saw it affect the Platte River, I saw it affect the Lower Colorado, I saw it affect the Bay-Delta.

“We just barely skinned through, getting the Bay-Delta Agreement put together. If we had delayed into January—we did it December 15 of ‘94—if we’d delayed into January, we wouldn’t have put it together. . . .”

We just barely skinned through, getting the Bay-Delta Agreement put together. If we had delayed into January—we did it December 15 of ‘94—if we’d delayed into January, we wouldn’t have put it together. In effect, there was a *positive* incentive there, because the environmentalists compromised, in part because they *knew* that they had a moment in time.

Everything that I was doing was beginning to go to mush, because the Endangered Species Act no longer was a certain. Clearly Senator Bradley was no longer in power. Senator [Bennett] Johnston [of Louisiana] was no longer in

power. Senator Reid no longer belonged to the majority. Every place where you had either a person or statute that provided you the leverage—in every single one of these disputes, a person or a statute was providing the leverage, or person and statute combined—changed, because the statutes were no longer written in stone to the extent that they ever were, and the people were significantly diminished in power.

Seney: Did this affect your position as well, and your influence?

The Congressional Election of 1994 Affected the Willingness of Parties to Compromise

Rieke: Sure. What it affected more than anything else was the willingness of the parties to compromise. Those parties who thought that they gained (Seney: You're talking about *all* the parties, in *all* the disputes that you talked about.) All the disputes, looking all across the West, those parties who thought that they gained in power because of the '94 elections, became much less willing to compromise, because they felt that they didn't have to. And that shouldn't be a surprise. I mean, the balance of power had shifted, and it had shifted substantially and dramatically. I don't know that *I* saw it until about January, but in January I really understood it piece-by-piece. So I feel very strongly that that was an influence.

“ . . . I don’t think Representative Vucanovich gave them much hope that they could get anything undone, that had been previously done. They couldn’t undo anything in the previous Settlement Act. . . .”

Now, in fact, I don’t think Representative Vucanovich¹⁰ gave them much hope that they could get anything undone, that had been previously done. They couldn’t undo anything in the previous Settlement Act.

Seney: They couldn’t undo [Public Law] 101-618, in other words.

Rieke: No. She was *very* firm on that. And that was a very important piece. But they also have to have seen that Senator Reid, without Senator Bradley, and without the Water and Power Subcommittee majority, no longer had the opportunity to do a unilateral settlement without the farmers, that that simply wasn’t going to happen. And I don’t know how much contact they had with the new majority during the negotiations, but clearly that has to have been their sense. I mean, anybody watching the Congress knew that it had changed. So yeah, I feel very strongly that diminished our opportunity to get an agreement. I don’t know that it was fatal, meaning I’m not sure that we would have had an agreement without the election.

10. Member of Congress Barbara Vucanovich contributed to Reclamation’s Newlands Project Oral History Series.

Seney: The farmers that I have talked to—and I know you have gotten the same thing from them—feel as though *in* these negotiations everything was theirs to give, and everyone on the other side was essentially taking, and that they were the only ones who really were giving away anything.

A Fundamental Issue with the Negotiations Was That the Farmers Felt Wronged

Rieke: Right. And that was the fundamental problem with the negotiations. It's not different from water-based disputes where you have Indian tribes or the environment who feel they've been wronged, or who have been wronged, elsewhere.

**There wasn't much to offer in negotiations except
“... You're not going to be as *badly* off as you
would be if you don't give this much away.
Because if you don't give this much away, we're
going to *take* even more.'...”**

What we didn't have for them—and I knew this from the very beginning, and I'm sure I articulated it to my team—we didn't *have* much to offer. What we could tell them was, “You're not going to be as *badly* off as you would be if you don't give this much away. Because if you don't give this much away, we're going to *take* even more.” That's not a great message to take home to your constituency. And again, as I look across

the range of issues I dealt with, the only one where we were able to do a successful collaborative—and it was *very* ad hoc, but it was collaborative in essence—and bring it to a resolution was in the Bay-Delta where we *did* have an incentive, we did have something beyond the fact that they had to give up water. Every other one of these, we had folks giving up water. What they got, what they were going to receive, was the *hope* that they would not lose as much, and then some certainty. And *that's* the piece that we tried to sell. And what *I* tried to do with the Federal team—I'm sure somebody's described to you the fact that we tried to put together a Federal team—it's something I did everywhere. Every place I worked, I found that we had folks working on the same issue who weren't actually in the same room, talking and sharing and figuring out a common message. And to the extent that there were conflicts, resolving them.

“Bill [Bettenberg] had done a very good job of coordinating everybody, but he hadn't built a team. What he'd done is built a lot of individual relationships and *he* coordinated, the team was not coordinated and didn't function really as a team. . . .”

Bill [Bettenberg] had done a very good job of coordinating everybody, but he hadn't built a team. What he'd done is built a lot of individual

relationships and *he* coordinated, the team was not coordinated and didn't function really as a team. They functioned as individual agencies, and Bill did the coordinating.

“What I was trying to do was to build a *team* sense, because I was trying to build something that would survive me. . . .”

What I was trying to do was to build a *team* sense, because I was trying to build something that would survive me. I mean, I wasn't planning on leaving, but you know how long political appointees last. However long they last, right? (both chuckle) But it's rarely more than four years. And I wanted to try to build a team with an attitude that would outlast that set of negotiations.

“. . . we were trying to . . . figure out how we could take the least possible amount of water to meet the needs of the wetlands and the fish. . . .”

So one of the things that we were trying to do as a team was to figure out how we could take the least possible amount of water to meet the needs of the wetlands and the fish. And I was pushing Bill and pushing the team to come up with creative solutions and compromises, meaning treating some of the regulating reservoirs as wetlands. That would reduce the amount of acreage that we would say we had to buy. And

we did that, over time, that number came up. But it never came up high enough for the community to be comfortable. They always felt that they were going to be left without a sustainable core of agriculture. And that's not a statutory goal of the federal government. We listed our statutory goals, statutory responsibility, and then we added a sustainable agricultural community as one of our goals. But it wasn't a statutory goal, and they knew that.

Seney: "Statutory goals" being the rejuvenation of the *cui-ui*, the restoration of the wetlands

"The general obligation to the Indian tribes, which has to do with Pyramid Lake and the level in the lake. I think there was an independent obligation beyond the *cui-ui* obligation. Serving the water rights, but only serving them the amount they need, and only serving those lands that are still in irrigation. . . ."

Rieke: The general obligation to the Indian tribes, which has to do with Pyramid Lake and the level in the lake. I think there was an independent obligation beyond the *cui-ui* obligation. Serving the water rights, but only serving them the amount they need, and only serving those lands that are still in irrigation. But there's nothing that says "sustain a viable agricultural community." Well, what was the purpose of the original Reclamation Act? It

was to create a viable agricultural community and a way of life.

Seney: When you looked at the negotiators from Lahontan Valley Environmental Alliance [LVEA], which of course included the farmers in it, did you see them as maybe capable of making a decision? You had in these negotiations—of course, Sierra Pacific Power I guess did not really have much on the table, except to protect the Preliminary Settlement Agreement, and then some negotiations about maybe getting a hand on the power system down in Fallon. (Rieke: Right.) Although that’s a gentle characterization, compared to how the farmers have characterized it. But that’s a corporation capable of making decisions and having a unified position.

The Problems Facing the Lahontan Valley Environmental Alliance (LVEA) at the Negotiations

Rieke: Everybody at the table, with the exception of that community.

Seney: Why don’t you comment a little bit on that problem.

“ . . . I thought it was the potential fatal flaw in the negotiations, and in the end it was— . . . whether the community would be capable of saying ‘yes.’ . . . ”

Rieke: I was very concerned about this from the beginning, I articulated it to Gail [Bingham], and I thought it was the potential fatal flaw in the negotiations, and in the end it was—it was whether the community would be capable of saying “yes.”

“In the language of negotiations, it’s kind of trite, but it’s also important: getting to ‘yes’ involves being able to assess what you’re getting, what you’re losing, and knowing when you ought to just take that risk and reach across the table and say ‘yes.’ . . .”

In the language of negotiations, it’s kind of trite, but it’s also important: getting to “yes” involves being able to assess what you’re getting, what you’re losing, and knowing when you ought to just take that risk and reach across the table and say “yes.” That means you have to have the technical capability to know what you’re getting and what you’re losing. You have to have enough confidence in that technical capability that you don’t think the other guy is sticking it to you. *Then* you have to have a certain amount of risk-taking capacity to reach across and say “yes,” because you’re always going below your bottom line—almost never does somebody come into a negotiations and get more than their bottom line, because usually their bottom line, as they start out, is unreasonable, it just doesn’t pan out.

Maybe that's not true, but that's my general experience. Having worked with a group of folks in Arizona who are similarly situated, and had a *very* great difficulty reaching out and saying yes to *any* deal—I thought from the very beginning, and I think Gail shared this, and we talked about it—that *that* was going to be our biggest problem. And one of the things that we tried to do was give them access to technical information, that would give them a greater ability to evaluate what they were getting.

“ . . . we gave them all the information that we had . . . in terms of our analysis of what we thought the impacts would be of any proposals we put on the table. . . . ”

In terms of the Federal position, we gave them all the information that we had—I think that's probably true, that we didn't withhold anything—in terms of our analysis of what we thought the impacts would be of any proposals we put on the table.

“ . . . you have the problem of multiple interests being represented at the table by a team. And you have the problem that real people were behind those teams. . . . ”

Then you have, in addition to the problem of assessment and risk-taking, you have the

problem of multiple interests being represented at the table by a team. And you have the problem that real people were behind those teams. Who was behind me? The Federal government. Is anybody in the Federal government personally going to be hurt? Is anybody in the Federal government's lifestyle going to be changed by those decisions? No. And did I have an enormously-long leash? Yes.

“ . . . essentially, if I brought a deal home that the team didn't react to too negatively, the Secretary was going to say yes . . . ”

So essentially, if I brought a deal home that the team didn't react to too negatively, the Secretary was going to say yes, because he was going to be very happy that I put a deal together.

“ . . . I had to really make sure I didn't abandon . . . the representatives of the various Interior constituencies that were on the team . . . ”

Who I had to really make sure I didn't abandon is the representatives of the various Interior constituencies that were on the team, and they always kept me honest. If I strayed a little too far, they always kept me honest. But Mike Clinton and Ernie [Schank]—and who else was at the table? Jim. (Seney: Jim Johnson?) Jim Johnson. Those were the three of the formal representatives

[of the LVEA], I think.

“ . . . Ernie [representing TCID] had to go home to constituencies whom I don’t think had a chance of being really well-informed of what was going on here. . . . I don’t have direct information . . . there wasn’t a formal mechanism for routinely building consensus beyond the negotiating group about what they were doing, because of their lack of experience. . . . ”

Two out of the three had to go home to constituencies, and particularly Ernie had to go home to constituencies whom I don’t think had a chance of being really well-informed of what was going on here. This is where I don’t have direct information, it’s more information from other people. But there wasn’t a formal mechanism for routinely building consensus beyond the negotiating group about what they were doing, because of their lack of experience. I guess that’s another aspect: there’s the technical expertise, there’s the risk-taking, and there’s the negotiating experience. Mary Reid and I have talked a lot about this, and about what we would need to do, what you might want to do in order to enhance their capability.

“Without the negotiating experience, you don’t have a thought-through process of making sure that your client—in this case, your constituency—is

with you. . . .”

Without the negotiating experience, you don't have a thought-through process of making sure that your client—in this case, your constituency—is with you.

“Nor do you have a thought-through process about evaluating where the other guy is and what he's likely to do. . . .”

Nor do you have a thought-through process about evaluating where the other guy is and what he's likely to do.

“. . . sometimes it looked like we might have a deal, and sometimes we were a long way from a deal . . . I don't think that they had anywhere near the capacity to evaluate their position that the Federal government did. . . .”

And I think as they switched positions—and it was very definitely our impression that sometimes it looked like we might have a deal, and sometimes we were a long way from a deal and there was a great deal of back-and-forth, or at least some back-and-forth—I don't think that they had anywhere near the capacity to evaluate their position that the Federal government did. And that isn't a surprise.

“ . . . I come out of this thinking . . . not only do you need the mediator/facilitator role, but you need some real training for a group of this character. And that isn’t meant to in any way look down on them or be demeaning to them, it’s simply that they needed to have a better understanding of what to expect, and a better process for dealing with their own internal decisionmaking. . . .”

So one of the things that I come out of this thinking about is not only do you need the mediator/facilitator role, but you need some real training for a group of this character. And that isn’t meant to in any way look down on them or be demeaning to them, it’s simply that they needed to have a better understanding of what to expect, and a better process for dealing with their own internal decisionmaking. And (sigh) what do you say about the restriction on this? because this is something that I don’t want out immediately.

Seney: We can restrict it in any way you like.

Mike Clinton

Rieke: They were not particularly well led by Mike Clinton. Okay? For various reasons, he did not perform the role. This is the one statement, I think. But the record isn’t going to come clear without some understanding of his role. (Seney:

Sure.) He probably wasn't paid anywhere near enough to spend the kind of time that you needed to spend to do this debriefing and this building of a position. I don't know, whether with the best of the training, the best of the technical expertise, the best of leadership, that they would have been able to make a deal, because that core problem of all they were doing was giving is still there.

“ . . . their inability to make a deal was exacerbated by this set of problems of lack of experience, lack of expertise, and lack of leadership . . . we did everything we could—Gail did a lot of things to fill-in that role in a way that a mediator normally wouldn't do . . . ”

But their inability to make a deal was exacerbated by this set of problems of lack of experience, lack of expertise, and lack of leadership—and we knew that from Day One and we talked about that from Day One. And we did everything we could—Gail did a lot of things to fill-in that role in a way that a mediator normally wouldn't do, very consciously.

Seney: Were there, in your mind, conflicts within the Lahontan Valley Environmental Alliance (Rieke: Yes.) do you think, that made that difficult?

There Was Conflict Within the Lahontan Valley Environmental Alliance, and it Became Clear the

Negotiations Weren't Going Anywhere So They Shut down

Rieke: Yeah, and the conflict came out particularly strongly in the last few sessions where as it became clear that the farmers did not want to deal, and that Jim Johnson really thought a deal was to be made, and I think the level of tension within the group rose to a fairly high degree. And I think Jim really resented it in the end when the farmers called it off, and I essentially agreed with Ernie that it was time to call it off—partly because we didn't have any more resources to devote to an effort that wasn't going anyplace.

“ . . . I'm one who thinks that when it's over, it's time to call it over, and it's time to try to put it to bed in the most considered way you can . . . ”

And I'm one who thinks that when it's over, it's time to call it over, and it's time to try to put it to bed in the most considered way you can, so that you have the best chance of eventually coming back to the table—or if not back to the table, just back to *a* table someplace else. And we put it to bed pretty carefully. The farmers got a terribly bad headline in the Reno paper the next morning, and that was generated by people with different agendas from mine. But *in* the room, we put it to bed as best we could.

Seney: You tried at the end, in other words, to end on as positive a note as was possible?

Rieke: Oh yeah. It was another thing that Gail orchestrated with a lot of support from a lot of different people. There were a lot of people who were concerned about it, I was concerned about pointing fingers. I was concerned about it blowing apart in a way that made it difficult for the Federal government and other parties to continue to function effectively, and we had to continue to deal with all those constituencies. I also saw at the *very*, very first tentative outreach of new tribal leader to Ernie Schank. And I thought if it all blew apart at the end, those guys might not be able to sit down again. Well, just *that* is the beginning of breakthroughs.

Seney: Would that have been Norm Harry from Pyramid Lake?

“ . . . as soon as Norm [Harry] joined the negotiations, the dynamics of the Indian position changed somewhat. . . . ”

Rieke: Yeah, as soon as Norm¹¹ joined the negotiations, the dynamics of the Indian position changed somewhat.

Seney: How do you mean?

11. Norman Harry contributed to Reclamation's Newlands Project Oral History Series.

**Suggested the Tribe and TCID Sit down to
Discuss Issues Related to Recoupment**

“ . . . I think that's the way it ought to be—you ought to be advised by your attorney, but not driven by your attorney. And the previous tribal leader had really let Bob Pelcyger take the lead. . . .”

Rieke: Norm is a person who feels very comfortable about making his own judgements, and not being driven by his attorney, and I think that's the way it ought to be—you ought to be advised by your attorney, but not driven by your attorney. And the previous tribal leader had really let Bob Pelcyger¹² take the lead. And there's a historic moment in one of the small meetings when—and I missed it, totally—when I had said that I thought that the Indian tribe and the community—particularly the Newlands Project—ought to sit down and have a discussion about the recoupment issue, and see where there was common ground.

“ . . . I said that the Federal government's hands were clearly dirty [regarding recoupment] . . . And although we issued little pieces of paper that said 'bad guys,' we didn't really take active enforcement action in the way that I think you should. . . .”

12. Bob Pelcyger contributed to Reclamation's Newlands Project Oral History Series.

And I said that the Federal government's hands were clearly dirty, and we needed to contribute. We couldn't just say, "A million acre feet, you guy's have got to give it back, and we the Feds are innocent," given that we watched this whole thing happen. And although we issued little pieces of paper that said "bad guys," we didn't really take active enforcement action in the way that *I* think you should.

Seney: Should have done more, the Federal government?

Norm Harry Publicly Rejected Bob Pelcyger's Refusal to Discuss Recoupment Issues with TCID

Rieke: Right. I felt that very clearly. And Bob Pelcyger said, "I'm not going to sit down and talk about that," because he didn't want to talk about recoupment until a whole lot of other issues were settled, and Norm Harry said, "We *will* sit down and talk about it." And a meeting did occur. Well, I was so blown away by Bob saying "no we won't" in an adamant fashion, that I didn't really understand that what Norm had done was publicly overrule his attorney. And for many people who have followed this much longer than I have, that was a historic moment.

Seney: I think—and maybe this goes back to a little history—my understanding is Joe Ely would overrule Pelcyger.

Joe Ely

Rieke: This tells you how short a window of time I was there. Joe Ely comes as a historic figure, [and] clearly was a strong tribal chairman.

Seney: Right. Interesting personality.

Rieke: But I never met him.

Seney: Frankly this has been difficult for me to do research to prepare to interview people like yourself about the Settlement II negotiations because of the restrictions on the information, the documentary information. Just this last Friday with Mr. Bettenberg's concurrence I've been able to have a copy of the Federal positions. But I do know that the Pyramid Lake Tribe was adamant in terms of decoupling the rivers and so forth. Could you, would you, kind of describe for me and for us, and maybe assess their position as you saw it?

The Position of the Pyramid Lake Tribe in the Negotiations

"Their position was . . . that decoupling was the answer, and they felt . . . their numbers got them there. We felt that the numbers didn't get them there . . . from the very beginning . . . we informed the tribe and Bob Pelcyger that we would not

support decoupling"

Rieke: Their position was as you've stated it, that decoupling was the answer, and they felt they could get there. They felt their numbers got them there. We felt that the numbers didn't get them there, keeping a core of agriculture, and giving enough water to the wetlands. And from the very beginning, before the negotiations occurred, we informed the tribe and Bob Pelcyger that we would not support decoupling, and we never did. We didn't see how that was a viable outcome.

Seney: They had done modeling, though, that said that Carson River alone would support the wetlands and agriculture?

"What they had was not modeling, but rather an accounting . . . Here's the amount of the diversion now. If you do 'X,' you generate this number of thousand acre-feet; if you do this, you generate this number of thousand acre-feet. They were all average numbers, you don't always get an average year on a western river. And as I remember, that was the biggest flaw . . ."

Rieke: What they had was not modeling, but rather an accounting, which is: Here's the amount of the diversion now. If you do "X," you generate this number of thousand acre-feet; if you do this, you generate this number of thousand acre-feet. They

were all average numbers, you don't always get an average year on a western river. And as I remember, that was the biggest flaw, was the problem that they were all average numbers, and that when you got a real dry year on the Carson, you needed to be able to supplement it from the Truckee, and that's the fundamental basis for the [Newlands] Project. And we didn't feel that you should decouple for the sake of decoupling, and I think the tribe felt very much that you should.

If you could get the lake back to levels that were decent, if you could recover the *cui-ui*, and I don't know where we are now, but the last two years we've had really good runs. I don't know what kind of a water year they're anticipating—I guess we won't know until we have quite a bit more snow, until we get really into the winter. I just didn't see how it was supportable when you had *other* Federal objectives, which were, in my mind, to maintain the viability of a western community that as I said, grew on me. Those are imminently decent people, and “decent” is a very high word. On a scale of one to ten, it's a “tenner.” And with a way of life that we ought to support: people who told me that they didn't have to lock their doors at night. Well, I've *never* lived in a community where I don't have to lock my door. I mean, I grew up in Chicago (chuckles), lived in Phoenix, lived in Northern Virginia with all of the problems. I've never had

that.

“ . . . I just didn’t feel that the Federal government could in principle support decoupling. And as I recall, there wasn’t any other support for it either. I mean, the tribes really stood alone on that one. . . .”

So I just didn’t feel that the Federal government could in principle support decoupling. And as I recall, there wasn’t any other support for it either. I mean, the tribes really stood alone on that one.

Seney: The tribes’ position created an impression in others that they weren’t really perhaps seriously interested in negotiating, that they had done very well in terms of litigation *and* legislation, and that for them, if they could get decoupling out of the negotiations, so much the better. If they couldn’t, it would come to them in other ways in time.

“ . . . one of the things Gail did at the outset was to assess whether or not all of the parties had enough incentive so that it really made sense to bring them together. . . .”

Rieke: And as you assess who has the most to gain, and who has the most to lose in a set of negotiations—I mean, one of the things Gail did at the outset was to assess whether or not all of the parties had enough incentive so that it really made sense to

bring them together. And that meant that the parties had to feel that without the negotiations they might lose something, or *in* the negotiations they might gain something. I was never sure.

“ . . . agriculture—they had too much to lose. And the . . . Indian tribe . . . didn’t have enough to gain. . . .”

You put your finger on two critical points: one is the agriculture—they had too much to lose. And the other is the Indian tribe—they didn’t have enough to gain. When two parties as important as those two may not have the appropriate incentives, you know, God could have presided over these negotiations, and we wouldn’t have

END SIDE 2, TAPE 1. SEPTEMBER 26, 1995.
BEGIN SIDE 1, TAPE 2. SEPTEMBER 26, 1995.

Seney: [Today is] September 26, 1995. My name is Donald Seney, I’m with Elizabeth Ann Rieke in her office in Boulder, Colorado. This is our second tape. The tape did run out a little bit as you were talking about God himself presiding over these things, and then there not being enough incentives. That’s about where you were.

Rieke: There were two major parties where it was really unclear whether they had sufficient incentives.

We've talked at length about the agricultural portion of the Lahontan Valley Environmental Alliance, and whether they had a sufficient incentive. And then we were just talking about whether the tribes had sufficient incentive. They had been *singularly* successful in court. I don't believe they'd ever lost a significant issue in court, much less a whole lawsuit. They hadn't even lost a significant issue *within* a lawsuit, it would be my recollection. Bob is an *incredibly* capable advocate. So from the very beginning, I had some doubt. And at times people would ask, "Do they *really* want an agreement?" I'm not one to question people's motives, I'm one to look at what's really in their interest. We were trying to get, toward the end, an interim agreement that was in their interest, and as I remember, we finally got the tribal support for an interim agreement—that is, support of the Pyramid Lake Tribe. We had two other tribes complicating things: the Fallon Tribe and the Washoe Tribe. We're doing a separate agreement with the Fallon Tribe, and working on some Upper Carson issues that the Washoe Tribe had an interest in. And so really in the end I think, but for the agricultural community, we could conceivably have put an interim agreement together. By doing an interim agreement, the tribe didn't have to give up on decoupling as their ultimate goal. And if I were in their shoes, I don't think I'd take a different position. One of the things you do is you try to

assess whether the other guy's position makes sense in terms of their interests and the likely outcome for them. And there was no one at the table that I thought in the end was acting against their own long-term interests.

Seney: Right, and one can't expect that, really.

Rieke: Unless they're very badly represented. Once in a while, someone's very badly represented, and you see that.

Seney: Let me ask you about the Fallon Tribe, and not only about their position in the negotiations, but there was an issue at the end of last summer that I don't know if it rose to your level or not, (Rieke: Yes, it did.) and here I'm talking about the late water deliveries. (Rieke: Right.) And we're talking about a few hundred acre-feet of water, really, and yet this comes to the desk of the Assistant Secretary of the Interior.

Late Season Water Delivery to the Fallon Paiute-Shoshone Tribe

“ . . . we're talking about a very significant symbolic issue Westwide. . . . ”

Rieke: Yeah, we're talking about a *very* significant symbolic issue Westwide. We're talking about

the issue of when the Bureau of Reclamation runs a Reclamation project, and it has an irrigation district, and it has a tribe. It has a contract with the irrigation district to manage the project, and the irrigation district refuses to do something which appears to be (raps table for emphasis) perfectly legal and perfectly reasonable, because it's made a policy decision to do something else that's in the interest of *its* customers. Do we let the decisions be made by the irrigation district who is *our* contractor, or do we override those decisions, given our trust responsibility, and do what is in the Indians' interest? And it was a really important symbolic issue to me. It didn't come to my attention as quickly as it should have, given its importance. When it came to my attention, I would remember that I made the decision and backed up the decision that was being recommended to me by Bill Bettenberg. I know that it was a very sore point with the irrigators: why should the tribes be treated differently? We are now in the process—and I assume this is still moving on—of trying to bifurcate the Irrigation District, so that the reservation is one part, and the Irrigation District is another part, and we have a direct relationship with the reservation, without having TCID [Truckee-Carson Irrigation District] between the Federal government and the reservation. That, if you multiply that across the West, will complicate life *immeasurably* (chuckles) for the Bureau of

Reclamation. This is not the only place where we have a contractor operating the Project and delivering the water.

Seney: So you mean this agreement that's underway to bifurcate will make the Bureau's life more difficult.

Rieke: It will make it more difficult in that particular situation, because they will have to be responsible for making some decisions they otherwise wouldn't be responsible for. As a precedent, it may make the Bureau's life very complicated. But it is the right thing to do. The trust responsibility that we have tells the Federal government—and it isn't just Interior, it isn't just the BIA [Bureau of Indian Affairs], it is *the* Federal government—to treat Indians differently in this case, [and not] to cause them harm by serving them less than their water right because someone else had made a decision that they were going to cut off deliveries. Just didn't sit right. Everybody behaved pretty well, all the way through that. We got through it without any fisticuffs. I wasn't sure just what was going to happen. It's one of those cases where I almost wished I was out there. You can't do everything personally, but I almost felt as if my presence just might have calmed things down, because I found that if I spent enough time talking to Ernie [Shank] or to Norm [Frey]¹³ or to

13. Norman Frey contributed to Reclamation's Newlands Project
(continued...)

Ted [deBraga],¹⁴ that even though we didn't agree at the end, the level of animosity, the level, the intensity had gone down. It's just kind of that force of personality was a piece of my role out there. But we got through it.

Seney: Let me say I *was* there, going about the business of doing these interviews, when all of this was going on, and one of the days when it was, I think, at its head, and I interviewed Ted de Braga on that day for the second time, and his mood was very grim. He felt *very* much put upon by the Bureau and by the Interior Department generally, the view of the district being that *other* farmers had asked for late water deliveries, the decision had been made that they wouldn't get them. Now the Indians were asking for late water deliveries, and it was their view, that as you said, that they would treat them like everyone else, and it's obviously Interior Department's view that they ought *not* to be treated like everyone else. But this seemingly small piece of business was a very big rub, I thought. Did you think so too?

“ . . . the reason it was a very big rub was because of historic animosities. . . . ”

Rieke: Yes, but the reason it was a very big rub was

13. (...continued)

Oral History Series.

14. Ted deBraga contributed to Reclamation's oral history work on the Newlands Project.

because of historic animosities. I mean, it just crystallized in that one small issue, that historic animosities. And the resentment, the feeling that the Interior Department favored the Indians over the irrigators, which was a piece of what I got every time I talked to people out there—the feeling that Indians get a special deal.

Why should Indians get a special deal? Well, the United States Supreme Court has said that they get a special deal. And also, I don't know what kind of history those guys have read, but the history of Indian tribes is a *very* sorry one. I'm reading some now about a tribe in New Mexico, which is just unbelievable, what we've done over time. And the Fallon Tribe, the history of the way we treated the Fallon Tribe: making a promise, breaking a promise; making a promise, breaking a promise. I'm sure the irrigators feel we've broken promises, but if you look at them from my point of view, the stack on the Indians' side is higher than anybody else's stack, by a long shot.

Seney: What have been the issues in these negotiations with the Washoe Indians and the Upper Carson?

The Washoe Tribe and the Upper Carson River

“. . . they came in rather late and we probably hadn't invited them, because we probably hadn't

recognized that they would have a concern . . .”

Rieke: As I remember it, they came in rather late and we probably hadn't invited them, because we probably hadn't recognized that they would have a concern, which is always a problem.

Seney: May I stop you just for a moment? (Rieke: Yeah?) I'm aware that at the beginning of the negotiations, the Upper Carson interests were not really included, and then included as observers, and then invited to join the table. Do I have that [right]?

Upper Carson River Interests Came into the Negotiations over a Period of Time

Rieke: Right, it was a gradual process.

“ . . . as you are looking at righting the wrong to the wetlands, there ought to be a contribution from the Upper Carson—it isn't just the Newlands Project that has caused the problem with the wetlands. . . .”

But as you are looking at righting the wrong to the wetlands, there ought to be a contribution from the Upper Carson—it isn't just the Newlands Project that has caused the problem with the wetlands. It is *all* the diversions on the whole

stream, over time.

“ . . . it was natural . . . to try to bring in the Upper Carson, and to try to get some kind of a commitment from them. . . .”

And so it was natural, as you were trying to solve those problems, to try to bring in the Upper Carson, and to try to get some kind of a commitment from them.

“The concern of the Washoe Tribe was, was there going to be some kind of an adverse effect on them? . . .”

The concern of the Washoe Tribe was, was there going to be some kind of an adverse effect on them? And I don't know enough about their lands or anything to understand it in any more detail than that. But I know that they showed up, and I know that I encouraged them to act in a different fashion from what I felt was happening, which was that they were coming in and making a very big deal over issues about which we knew a great deal and we could help them. And instead of asking for our help, they were blaming the Federal government. Well, as you look at the history of Indian tribes, it's not a surprise they don't ask for help.

Seney: And it did make sense, did it not, to include the

Upper Carson interests?

Rieke: Oh yes, very much, very much so, because if you are trying to find a way—if you have two goals, maximize the amount of water you can leave in Pyramid Lake, and maximize the amount of agriculture you can leave, if those are things that you have in mind as goals, if you can find another source of water—because those two goals are competing—you’ve got to find another source of water.

“ . . . *clearly* the Upper Carson folks were part of the diversions that caused the problems. . . . ”

I also am somebody who believes in equity, and if you can possibly find a way that each gives kind of according to his or her burden, and *clearly* the Upper Carson folks were part of the diversions that caused the problems.

Seney: Am I right in understanding that the Carson is a hundred percent appropriated?

Rieke: I think that’s right. I think that is a general statement.

Seney: Everyone says it—whether it’s true or not, who knows?

Rieke: Right, there may be times of year when it’s not

true, I don't know.

Seney: I wanted to ask you about Sierra Pacific Power. We did say they didn't have any issues, they were there really to protect the Preliminary Settlement Agreement, and then later made some overtures to TCID.

Sierra Pacific Power's Involvement in the Negotiations

Rieke: I presume that was why they were there. I'm not sure that I ever understood what they wanted to get out of it. I know why we thought they ought to be there, because they brought some technical expertise to the table.

Seney: Right. And certainly I think those negotiations would be inconceivable without them, wouldn't they? I mean, even if they weren't demanding something, they're such an important player, long-term, and a rather successful player as well.

“ . . . overall, pretty constructive. Just because somebody's been successful in protecting their own interests doesn't mean they haven't been constructive in finding solutions that benefit other people. . . .”

Rieke: And I think, overall, pretty constructive. Just because somebody's been successful in protecting their own interests doesn't mean they haven't

been constructive in finding solutions that benefit other people.

Seney: I've heard from some people that Sue Oldham,¹⁵ who was their lead negotiator, *did* play a positive role in the negotiations. Would that be your understanding? (Rieke: Yeah.) On what would you base that? What did she do to do that?

Sue Oldham

Rieke: You know, I don't remember. I don't have a great memory, and I have a selective memory, and it's probably not different from other human beings, but I know a lot of people have a better memory than me. What I remember, without remembering any details, is because she didn't have a stake, that at a couple of times when someone really needed to be questioned very directly about where they were and why, and it would have been harder for someone with a stake to do, because it would have appeared to be in their self-interest to do it, that she spoke up and was helpful. I think she was helpful in providing technical support, modeling support that was critical, helpful in providing facilities. This is a shoestring budget. Gail donated an awful lot—I don't know how much, but overall, an awful lot. She ran the negotiations all by herself—you normally would have had two people. So I don't remember the

15. Professor Seney interviewed Susan Oldham as part of Reclamation's Newlands Project Oral History Series.

details of the particular events when Sue was constructive, but I have this memory of her

Seney: It's your general impression that she was constructive.

Rieke: Yeah. Well, and particularly in this fashion of getting people to own up when they weren't quite leveling, when it would have been difficult for someone else to do it. She asks questions in a lawyerly, cross-examining fashion, when she wants to—meaning you don't get off the hook with Sue, which is a good skill.

Seney: You know, I've said to you I had a problem preparing for this, because of the difficulty of getting the documents outside of those documents that the Federal government itself prepared, and I must have been over them any number of times, and they're not easy to focus on. (Rieke: No.) A thousand-yard stare is very much a function of looking at these documents for very long, so I don't know that I'm going to be able to ask you all the right questions or the *good* questions about this, so I don't want you to hesitate to say

Rieke: But I probably couldn't answer them! (Laughter)

Seney: But I don't want you to hesitate to say, "This is what you need to know. This needs to be on the record. This is what you ought to be asking me."

So if you could give me a sense of what it is you think is important for this record to contain about these negotiations.

Technical Details and Coordination in the Negotiations

Rieke: Let me answer your question about the technical positions, because I knew we were getting into this.

What she did since she “. . . decided fairly early in these negotiations . . . that I *never* was going to master all the technical details, so I . . . got to a point where I just blocked out some of the technical details. . . .”

One of the things that I decided fairly early in these negotiations was that I *never* was going to master all the technical details, so I in fact got to a point where I just blocked out some of the technical details. I had various people that I would go to for reassurance, both within the Federal team and outside the Federal team, that certain representations about the numbers were correct. But I didn't pay a whole lot of attention to the technical details. What I tried to take responsibility for was leading the team, making sure that the team was in coordination, that all members of the team were on board, relationships with the staff people from the congressmen, from

Senator Reid's office and Representative Vucanovich's office, making sure that those relationships were positive and that they were included, *really* watching the dynamics within the community, watching individuals, watching both Ernie and Jim and Mike, and staying in touch with Mary Reid who has a *very* unusually good insight into the dynamics of that group, and could tell me when things were going awry and when they weren't. I might not always agree with her, but she could give me pointers: worrying very much about the tone of the Federal presentation, worrying about helping Gail with the process when the process needed a direction or needed leadership. One time I ended up being the recorder. It was very clear that she was having trouble, being both the facilitator and the recorder, and she was dead tired, and I said, "Gail, I'll do this, I'm pretty good at doing this. I've got good handwriting." People couldn't read her handwriting, and they were beginning to complain. (Seney chuckles) Well, I wasn't so tired. So when the record is missing all the details about the Federal position, that's what Bill Bettenberg did for me. And as much as I knew that Bill was a person that the community didn't trust, or many members of the community didn't trust, he was *essential* to the Federal government having a position that had integrity in terms of *our* legal obligations, that was as flexible as we could possibly make it, and when I told him to go

find some more flexibility, he did. And when he couldn't without compromising something, he'd come back and tell me. We had a really outstanding relationship. He staffed me as well as I've ever been staffed.

Seney: Let me stop you to ask you a little about Mr. Bettenberg, because there *is* some feeling in the community, maybe that there's a big difference between you and him, and that maybe he didn't always serve you so well. I think you understand what I'm trying to get at.

Relationship to Bill Bettenberg in the Process

Rieke: I understand really well. In every team that I put together, *often* in teams that I put together—and I had teams on every issue that I worked on—there was someone who one constituency or another didn't trust. They then jumped to the next conclusion, which is that that person has his or her own agenda, and is pursuing that agenda and not necessarily fully informing me, because I'm off doing this and that. You know, I'm off in Arizona one week, and in Wyoming the next, and then I bother to come to Reno in between, and how can I possibly be well-informed?

That was brought to my attention, Bill and I had a discussion about it, and I am persuaded that he was following through on his best

understanding of what it was that I was trying to achieve in terms of tone. Now people felt that when I wasn't present, the Federal government's position wasn't as flexible—that shouldn't be a surprise.

“He didn't have the long leash, he wasn't the friend of the Secretary, he wasn't the political appointee, he wasn't the person who really felt that she could make the decisions, because I really did feel I could make the decision, and that if I made it, and I made it based on good evidence, I could take it to the Secretary and he'd ratify it. I always had to reserve his right to reject it. Bill didn't have that leeway . . .”

He didn't have the long leash, he wasn't the friend of the Secretary, he wasn't the political appointee, he wasn't the person who really felt that she could make the decisions, because I really did feel I could make the decision, and that if I made it, and I made it based on good evidence, I could take it to the Secretary and he'd ratify it. I always had to reserve his right to reject it. Bill didn't have that leeway, so it wouldn't be a surprise that things would get a little tighter and a little less flexible when I wasn't around.

“ . . . my sense was is that their distrust of him led them to believe that he wasn't fully informing me. I don't believe that's true. . . .”

And every once in a while I made a call that the guys behind me didn't expect me to make. Well, Bill isn't going to do that: he isn't authorized to do that, he isn't emotionally put-together to do that, to make kind of a breakthrough compromise. That's what an Assistant Secretary can do. So my sense was is that their distrust of him led them to believe that he wasn't fully informing me. I don't believe that's true. I really believe that he served me. And because I'm a straight, candid kind of person, we had a discussion about it. He's an unusually dedicated public servant. His father was—I don't know what you've heard about the story about his father. His father had had Alzheimer's for maybe twenty years, and during these negotiations was getting really quite severely violent. And so one week Bill was off dealing with his father, helping his mother deal with his father—and I mean, *severely* violent, to where he couldn't be left alone with anybody. And the next week he was back putting together the next compromise Federal position that I'd asked him to put together, and as I remember, he never missed a meeting of the negotiations, that he organized his life, and his wife pinch hit when she needed to, so that he could do this. Most people would not have been able to do that.

Seney: How many of the negotiations were you able to

attend?

The Point at Which it Appeared the Negotiations Were Going to Fail

Rieke: I don't remember, but I guess it would be around half. And every time Gail called me and said, "You have to come," I came. (laughter) Even once or twice when I *really* didn't want to come.

Seney: She would feel your presence would be especially useful?

Rieke: Yeah. I mean, my loyalty to her and my loyalty to the situation, I would be quite sure that I thought that we weren't going to reach an agreement *sometime* before she reached that conclusion, and I acted accordingly. What *she* would tell you, I would guess would be, that I made that conclusion prematurely, and if I had acted on it fully, meaning not showing, I would have made my conclusion a foregone conclusion, because by not being present, I would make it more likely that they would fail. So when she challenged me and said, "You really are jumping to the conclusion," I showed up. I don't think it changed my conclusion. There was a certain point at which, in my mind I thought it was over.

Seney: What was that point? And what brought you to that?

Rieke: I don't know, it was before the last meeting.

Seney: Just kind of "glandular," by osmosis, that you feel this way? Or were there specific things said that contributed?

“. . . sensing that the TCID really could not live with the numbers that we were putting on the table. . . .”

Rieke: No, it would have been sensing that the TCID really could not live with the numbers that we were putting on the table.

Seney: Let me tell you something else I've heard, and maybe you'd like to react to it. My understanding is, and my information is kind of what your direct observation was, was that the election made a difference, that there was a difference in tone. And certainly if you read, say, TCID's newsletter, and Lyman McConnell, the project director, has a little column in there (Rieke: Right.) and I don't know if you read that after the election

Effect of the 1994 Congressional Election on the Negotiations

Rieke: I did.

Seney: You did?

Rieke: I read that newsletter every time it came out.

Seney: Right. And there definitely was a change. I mean, you *knew* something was going to change when you read his comments. And it's been said to me that the closer Lyman McConnell¹⁶ got to the table

Lyman McConnell, “. . . started out in the back row, he ended up at the table. . . .”

Rieke: You're going to say it just exactly the way it's occurring in my mind. He started out in the back row, he ended up at the table.

Seney: And the closer he got to the table, the more—you're shaking your head “yes” (Rieke: Yes.)—the more rigid their position became.

Divisions Within the Fallon Community and Evolution of the LVEA

Rieke: Yes, and it was reflecting what was happening behind the scenes. I mean, that's the information I had, that behind the scenes, gradually the irrigators were really beginning to take over LVEA, and the description about what happened in the final days was that they became the dominant force, and they called the shots, whereas earlier-on, there was a much greater sharing and

16. Don Seney interviewed Lyman McConnell as part of the Newlands Project Oral History Series.

the municipal interests really wanted a deal, they really wanted money for a municipal system, they thought they were going to get it. And they also really believed—Jim Johnson felt *very* strongly that a settlement was in the long-term interest of the community as a whole. He sees the community very differently. He acknowledges it. He's a very interesting guy. He was uneasy about me as anybody when I first walked into his CPA [certified public accountant] office. And again, on his turf and in his environment—and we ended up being very good friends. I went to dinner with the LVEA the last day of the negotiations. I deliberately spent some time with them, to try to deal with how *that* community was going to feel. We weren't going to have the Indian tribe blaming the community, we were going to have members of the community blaming each other. And Mary Reid felt very much that there was a danger of LVEA imploding. And since I thought that was a really constructive institution within the community, I wanted to do anything I could to help it stay alive, which is part of why I'm going to go out there in November to talk to them. Who knows what I'm going to say in my new position, but they want me to come, so I'm willing to come.

Seney: Well, Mary Reid¹⁷ sponsored a series of meetings *after* the negotiation, with the various parties

17. Mary Reid contributed to Reclamation's Newlands Project Oral History Series.

coming to talk, for the community's sake. And I take it this may have been part of her motive here (Rieke: Yeah.) was to kind of keep LVEA alive.

Mary Reid

Rieke: Absolutely. And to try not to let the relationships head off in a divisive direction, but rather to keep constructive communication going. She's a very strong process person, and very thoughtful about that community.

Seney: If I could say one more thing about Lyman McConnell and his contribution: My understanding is also that he really began to nit-pick the agreements apart, and then make it very difficult to get an agreement.

Lyman McConnell

Rieke: Yeah. Interestingly enough, he was one of the people who at the very beginning I thought, and I thought it was genuine, was the most committed to a collaborative solution. When I went to talk to him in his office, I was very surprised by what I heard. What I heard was he had come to one of our conferences, at which he had heard a discussion about

Seney: Meaning "our," here at the Natural Resources Law Center.

“What happened to that initial enthusiasm for a collaborative consensus-based effort, I don’t know. It’s one of the enigmas to me, because he was clearly a very strong force in the disintegration of the negotiations. . . . we also saw a change in attitude, which is what you’re reflecting: moving from constructive to nit-picking. . . .”

Rieke: Natural Resources Law Center in Boulder, where he had heard a presentation about a collaborative effort in a watershed that had been very effective, and he and other people from the Lahontan Valley area came away from that conference encouraged and challenged in a way that they hadn’t been before, to try to put something together, which explains why they were more receptive than one would have thought they were. What happened to that initial enthusiasm for a collaborative consensus-based effort, I don’t know. It’s one of the enigmas to me, because he was clearly a very strong force in the disintegration of the negotiations. And that doesn’t mean that, again, he wasn’t acting in the best interests of the Irrigation District. He may have felt that—and he undoubtedly did—there wasn’t enough on the table, that the Federal community and the Indians and the environmental community were not willing to compromise sufficiently. But I think we also saw a change in attitude, which is what you’re reflecting: moving from constructive to

nit-picking.

The Reno and Sparks Interests

Seney: Right. I wanted to ask you too about the Reno and Sparks interests, the Washoe County Metropolitan Board? (Rieke: No.) Something or other.

Rieke: There were enough boards there, and I always got them mixed up, and that's what staff was for. I said, "Okay, tell me the right name, I'll say it." (both chuckle)

Seney: Do you recollect them with any vividness, and their contribution, their interests?

"The *really* constructive participants in trying to put the larger deal together, from *my* perspective, were the environmental community . . ."

Rieke: What I remember is that they had narrow interests that they were pursuing. I don't remember them being constructive participants in trying to put the larger deal together. The *really* constructive participants in trying to put the larger deal together, from *my* perspective, were the environmental community—the "conservation caucus" is how they want to be called. They were unbelievably creative, always trying to come up with another alternative, very capable of

analyzing any alternative and the impacts on anybody. I think that the LVEA tried to be constructive, there's no question but what they were generating alternatives and responding. If they had been better led, they might have been able to do that better. And I think the Federal government was constructive.

I think the Upper Carson interests were very constructive in trying to find a way to make a contribution that they could make. And I thought their volunteering to put some water on the table was very constructive. I don't remember, other than Sue's intervention from time-to-time, I don't really remember the other players.

Seney: Could we talk a little maybe about the environmental people? You've mentioned Graham Chisholm, and then there's David Yargas¹⁸ from the Environmental Defense Fund. And Mr. Wright's¹⁹ first name is? (Rieke: Fred.) Fred, right, from the Lahontan Valley Wetlands Coalition. You've said they were a positive influence, but if you could say a little more.

Dave Yargas, Fred Wright, and Graham Chisholm

Rieke: Yeah. First of all, they were a positive influence

18. David Yargas participated in Reclamation's Newlands Project Oral History Series.

19. Fred Wright participated in Reclamation's Newlands Project Oral History Series.

in getting the negotiations off the ground, which I didn't really know until afterwards, but they have explained how they went to Senator Reid and asked for the negotiations. And I think that they probably had a role in choosing Gail. I don't know that for a fact, but I would assume that they had a role. They were very flexible, and because of Dave Yardas' technical competence, which was financed by the Bureau of Reclamation, they had an ability to respond. One of the standard things that *can* happen at a negotiations is that you can find out a way to do something that you didn't realize you had at the beginning—some kind of a technical solution.

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BEGIN SIDE 2, TAPE 2. SEPTEMBER 26, 1995.

When you've identified that technical solution, you may be able to do more with the amount of water you had than you thought you could. And what David was unbelievably creative in doing, was figuring out ways to do more with the amount of water available. And that was a very constructive input. And everything that he did was shared and explained. Now he was *so* competent, that I think sometimes he blew past people. He clearly blew past me, but I was not trying to grasp it. I was not there often enough, and I knew that Bill would grasp it. I gave up trying.

Graham, I actually thought, was seen more positively than you have indicated, by the community. I thought there's a very positive profile of him that ran in the TCID newsletter. And what you're indicating is that there was distrust of him that's beyond what I had picked up.

Seney: Well, certainly, let me just say that in the interviews that I have done, he's frequently mentioned, and not always in a positive light.

Rieke: Right. Well, I mean you're obviously getting information in interviews that maybe is more candid, or I just didn't ask the right questions. I thought from the beginning that he had an understanding of the dynamics of the community that was really important. And it was very useful to me, going in, not knowing a community, to try to understand the different factions, the different points of view, where people were likely to come down. He maintained a sense of optimism about the ability to reach a negotiated result, long after I did, and pushed for it very hard. And that's (raps table for emphasis) very important. I've *usually* been the person who won't give up in a set of negotiations—just plain won't give up. It doesn't matter whether the bulldozer is coming at me. In this set of negotiations I gave up a little sooner than other people. That's a (raps table for emphasis) very important thing to have, because

most of these negotiations are over issues that are so intractable, that if there isn't someone who believes she can do the impossible, you're not going to do it.

Because if everybody just candidly assesses where we are, you're going to end up saying, "We can't put this together, this is too complicated." Somebody has to be a believer and just by *sheer* personal energy, keep pushing through whatever roadblocks people throw up. And in the last set of meetings Graham and David were doing, and just to the point where I remember one of their various sets of solutions involved a rather large amount of Federal money (both chuckle) and I accused them of "politics as usual," and Graham remembers that, *vividly*. He has reminded me since then, that I accused them of typical pork barrel politics, where when you can't figure out a solution, the solution is to raid the Federal treasury. And I looked at them and said, "This isn't going to work! There's only so much that Senator Reid, now in the minority, can do, and Representative Vucanovich and the Secretary can do, and this is just more than we can justify."

Seney: Did you keep in touch with Congresswoman Vucanovich directly, or just through her staff, during the negotiations?

The Roles of Congresswoman Vucanovich and Senator Reid in the Negotiations

Rieke: Through her staff.

Seney: Would that have been Nancy Kwapil?

Rieke: That was Nancy, yeah. I don't believe that I had met her until after the negotiations. I think that's right.

Seney: What about Senator Reid? Just through Mr. [Larry] Werner.

Rieke: Senator Reid I had met earlier, but I didn't really stay in touch with him. We used the staff as the contacts. I may have talked to Senator Reid once during the negotiations. But Larry is a very effective staff person, and one of the things you don't do—at least *I* don't do—is bother really, really busy people if there's a conduit to them, who can get to them on that person's time, when that person wants to be bothered about this issue and can feed the whole thing to them. And Larry and Nancy and Mary—maybe we had three staff people (Seney: Mary Conelly)—Mary Conelly—were all very effective, and very supportive of what we were trying to do. I think if we're looking at positive outcomes for the Federal government, which you always try to look at when a set of negotiations fail, it is a different set of

relationships with the community, at least for some of the Federal team—hopefully a better, more coordinated team. I’m not sure whether that succeeded or not. I’ll know more when I’m out there.

A surprising amount of respect from Representative Vucanovich for what we tried to do, the position that we tried to take when she really, fundamentally, I think, didn’t disagree with what we were trying to achieve out there. And she had not been much of a supporter of anything that Interior was trying to do. So there are some positive outcomes.

Seney: I wanted to ask you about a couple of things that were done that I’ve been told were that your hand was behind that were maybe positive things. (Rieke: Okay.) One of them that the farmers have suggested to me, one of the few positive things that have come out of this whole negotiation process, from the farmers point of view, was the removal of Ed Solbos as the area manager for the Lahontan Basin.

Removal of Ed Solbos as Area Manager

Rieke: I have not publicly acknowledged that my hand was on that. (chuckles)

Seney: Well, this is your opportunity to do so. Did you

have a role in that?

Rieke: Yes.

Seney: What was your thinking there?

Rieke: I felt that he was not up to the challenge of one of the most difficult area manager jobs.

“ . . . you have to understand, we are moving Reclamation from being project managers to being area managers, which means they’re responsible for a broader set of interests. . . .”

And you have to understand, we are moving Reclamation from being project managers to being area managers, which means they’re responsible for a broader set of interests.

“He has *very* good technical skills, . . . but you needed someone with a very good set of political skills, and with the willingness to take difficult problems up . . . so that when [those] above you got called, [those] above you knew what was going on. . . .”

He has *very* good technical skills, he could explain something to me in a way that I would grasp instantly, something technically very complex, but you needed someone with a very good set of political skills, and with the

willingness to take difficult problems up—not because the shots should be called above you, but because above you needed to be involved so that when above you got called, above you knew what was going on.

“ . . . a number of different things happened that I didn’t know about, *including* the way in which we approached the Irrigation District to tell them how we were going to handle the Indian deliveries. . . .”

And a number of different things happened that I didn’t know about, *including* the way in which we approached the Irrigation District to tell them how we were going to handle the Indian deliveries. And it’s possible that had we approached them differently, as people describe what Ted de Braga has said after the fact—and I don’t think Ted has told me this personally, I think I’ve gotten it second-hand—that the Board was in a mood where they might have been persuaded to acquiesce in the deliveries. And that Ed came in an aggressive, “We’re going to do it,” mode, and the result was they said, “Hell, no!”

“The fact that I didn’t know about that when it occurred in the middle of a set of very difficult negotiations, was a part of that. . . .”

Well, had the Board been persuaded to make the deliveries themselves, we would have

had a slightly different set of feelings about that outcome. The fact that I didn't know about that when it occurred in the middle of a set of very difficult negotiations, was a part of that. What I did was—because I really don't believe that you micro-manage—is I went to the regional director, I described the problem, I said, "I think we need a change, but it's your call, and you certainly ought to make the call as to who ought to be the replacement." And that's what happened.

Seney: If I were the regional director, Roger Patterson, (Rieke chuckles) and the assistant secretary of the Interior came to me and said, "Now this is your call, do whatever you think is right," do you know what I would think is right? *Exactly* what the assistant secretary wanted.

Rieke: But the fact is that Roger himself had not been adequately informed.

Seney: So he was disposed to your suggestion.

"I have rarely had as easy a working relationship with somebody [Regional Director Roger Patterson]. . . . without the kind of support that he gave me, we couldn't have done what we did on the other side of the Sierras, which is the one real accomplishment. . . ."

Rieke: He and I were not in a different place. We had a

very good working relationship. I was working with him on Bay-Delta. I have rarely had as *easy* a working relationship with somebody.

Everybody loves Roger, but I love him more than most people! (laughter) Because without the kind of support that he gave me, we couldn't have done what we did on the other side of the Sierras, which is the one real accomplishment.

Seney: But he is likely to take your advice, is he not?

“A lot of people have second-guessed that decision . . . but I had made up my mind, and I've learned over time that my personnel decisions are about ninety percent right, and that you're better off to make the change. . .”

Rieke: Oh, there's no question. There's no question. And I didn't intervene in very many personnel decisions, because I didn't think that was my decision, and he probably hadn't had assistant secretaries intervening. And I waited a fairly long period of time before I did it. A lot of people have second-guessed that decision, and said maybe he shouldn't have been moved, but I had made up my mind, and I've learned over time that my personnel decisions are about ninety percent right, and that you're better off to make the change than go on and agonize over whether this guy is good enough.

Seney: Did some of the irrigators, the farmers, come to you and suggest that this might be a good idea?

Rieke: I don't remember that happening. I would remember that they may have complained about him, but not as bitterly as they complained about other people.

Seney: Well, their feeling, I think, in terms of some of them that I have interviewed, is that they were kind of responsible for this, that their gripes and complaints—you're shaking your head "no."

Rieke: Uh-uh. What *I* remember is that it was *my* call, based on the way he related to the federal government as a whole.

Seney: I see. Particularly late deliveries to the Fallon Tribe brought it to a head?

"Overall, we were not being informed of the kinds of things we needed to be informed of. . . ."

Rieke: Overall, we were not being informed of the kinds of things we needed to be informed of. Now, it's perfectly possible that some of the failures in that communication network have to do with Ed Solbos to Bill Bettenberg to me, because there were some failures in *that* network, where Bill was in between.

Seney: Bill sometimes didn't tell you what he should have told you maybe?

“One of the hardest calls to make is how much to tell somebody above you. How many times do you bother them about something, when you know that they're worrying about ten zillion other things? . . .”

Rieke: From time-to-time. But that was more because Bill wasn't running in my door and telling me things every day. One of the hardest calls to make is how much to tell somebody above you. How many times do you bother them about something, when you know that they're worrying about ten zillion other things?

“. . . so if somebody errs occasionally, you don't jump on them. But we had a pattern with Ed—at least I felt we had a pattern that was disturbing to me. . . .”

And so if somebody errs occasionally, you don't jump on them. But we had a pattern with Ed—at least I felt we had a pattern that was disturbing to me. But this needs to be in the context of his extraordinary technical competence.

“. . . needs to be in the context of this being one of the most difficult jobs in Reclamation in the

West. So that choosing to remove somebody from this job should not be viewed as a black mark on the person's record: it should be, 'Let's find a job for which this guy's skills are suited' . . .

And it also needs to be in the context of this being one of the most difficult jobs in Reclamation in the West. So that choosing to remove somebody from this job should not be viewed as a black mark on the person's record: it should be, "Let's find a job for which this guy's skills are suited," which is what we were trying to do, and find somebody who's better suited for this job, to move in. I mean, it's kind of like being President of the United States and dealing with Bosnia and Herzegovina and the Serbs.

“ . . . guess what, you don't look very good. And guess why—it ain't because *you're* not competent, it's because *those* guys are so recalcitrant. . . .”

I mean, guess what, you don't look very good. And guess why—it ain't because *you're* not competent, it's because *those* guys are so recalcitrant.

Seney: Did you have a hand in selecting Ann Ball as his successor?

Had No Role in Selection of Ann Ball as Ed

Solbos's Successor

Rieke: No, absolutely no role in that.

Seney: Who has been *very* well received.

Rieke: Absolutely no role in that.

Seney: Well, you're getting credit for that.

Rieke: Well, I remember when I was told, and I remember telling Roger, "I don't need to have a hand in it." And I remember when I was told, and what he said was, "It's the most politically adept person I have."

Seney: Did you know her?

Rieke: No.

Seney: Well, you're getting credit for her being there.

Rieke: Well, I shouldn't get the credit for that, but Roger should get the credit for that.

Seney: Let me ask you about something else: Jeff Zippen is now heading a coordination team out in Carson City; the Truckee-Carson Coordination Office, I guess it's called. (Rieke: Yes.) Should your fingerprints be known to be on that?

Creation of the Truckee-Carson Coordinating Office

Rieke: Yes. This is one that you can call and recall over and over again. It was my observation, watching Bill [Bettenberg] interact with the community, watching the fact that Bill was in Washington, and watching the fact that Bill, for all of his positive nature, tends to centralize decisions in himself—that we needed to push some of that down into the region, push the responsibility down into people who *lived* in that region, and push the responsibility down into people who were seen more positively by the community than Bill. This is not meant to be a criticism of Bill, it's meant to say that Bill did *a* job, which was making sure that we righted the wrong to the Indians so extraordinarily well that he ended up hacking off a constituency that given where we were politically, and given what we needed to do to solve problems, we needed to relate to more positively.

Seney: That constituency being?

Bill Bettenberg Chose Jeff Zippen to Head the Coordinating Office

Rieke: The TCID, and the larger Lahontan Valley community. Watching Jeff through the negotiations, watching his ability to relate to the

community, the acceptance, which was very high and very fast, and I was getting that feedback, Bill and I *both* moved him into a higher-profile role than he would normally. And Jeff was Bill's choice to do the job. That you should know. Bill found him in MMS, and put him out there.

Seney: "MMS" being?

Rieke: Minerals Management Service within the Department of Interior, an institution that Bill headed under one administration or another. Found him, identified him, hired him, I just rubber stamped it, to head up the E-I-S [environmental impact statement] team.

"What we were looking for in each of the issues I was dealing with was what kind of a successor do you create? . . ."

We expanded the role when I moved. What we were looking for in each of the issues I was dealing with was what kind of a successor do you create? Do you create an assistant secretary level successor? Do you create somebody else in Washington who's *not* an assistant secretary? Or do you try to push the authority down into the region? Because there was no big set of issues, no big set of negotiations or anything else forthcoming, it seemed to me that this was an opportune time to try to push some of that

authority down into the region. Jeff seemed like the right kind of person. Now, the real problem is—and I think this is probably an ongoing problem—is that he isn't high enough in the structure of Interior to command the kind of respect, and to be able to make the decisions, the over-arching decisions. And I knew that when I did it. And there was a little struggle over this, as to whether we were going to do it, and just how we were going to do it, back and forth.

“ . . . I was trying to do something that Senator Reid actually wanted. He wanted a formal regional coordinator. Well, we didn't have the resources to do that, and also, it was a dangerous precedent. So I was trying to create it out of the person that I did have. . . . ”

But I was trying to do something that Senator Reid actually wanted. He wanted a formal regional coordinator. Well, we didn't have the resources to do that, and also, it was a dangerous precedent. So I was trying to create it out of the person that I did have.

Seney: How do you see the future of the resolution of these conflicts in the Project?

The Future of the Newlands Project Controversies

Rieke: You know, I really don't know.

“I think this is one that could go any of numerous directions. . . .”

I think this is one that could go any of numerous directions. I think there’s the capability within the community to come back to the table and at some point in the future put together a negotiated solution. I think there’s also the capability within the community to continue the standoff.

“With the things that are happening to the Federal budget, I would expect that money for water for *cui-ui* and wetlands is going to be harder to find, which means that the purchase rate of land is going to go down”

With the things that are happening to the Federal budget, I would expect that money for water for *cui-ui* and wetlands is going to be harder to find, which means that the purchase rate of land is going to go down, so why shouldn’t we just try to outlast these guys?

“. . . there are people like Mary Reid, who as long as they stay there, won’t give up trying to put together a positive result. . . .”

But there are people like Mary Reid, who as long as they stay there, won’t give up trying to put together a positive result. So I don’t have any particularly good crystal ball.

“ . . . those negotiations came about in part because there was an external force that moved in and said, ‘If you don’t, I will.’ . . . ”

But those negotiations came about in part because there was an external force that moved in and said, “If you don’t, I will.”

“*Many* negotiations take place because there is an external force . . . that leverages the negotiations. Absent that leverage, I don’t think they’ll come back to the table. . . .”

Many negotiations take place because there is an external force, either—as we talked about early in the conversation—either a person or a statute that leverages the negotiations. Absent that leverage, I don’t think they’ll come back to the table. And the question is, where does that leverage come from? And I don’t know.

Seney: Right. You know, in November I think you’ll see it—I don’t know that you’ve ever seen it—the Lahontan Reservoir is brimming. In all the years I’ve gone through there, I’ve never seen so much water in Lahontan.

Rieke: I’ve seen it from the air, in probably March of ‘93, and it wasn’t very full. (laughs)

Seney: That will be a very important variable, will it not?

Rieke: I don't know, we did Bay-Delta before the string of drought years broke. We were just lucky that the first year of implementation was one of the wettest years on record. But it may have been in part the uncertainties that the drought brought, in terms of how the Endangered Species Act was implemented, because we were taking incrementally more water for endangered species.

Seney: I'm trying to suggest that will be a big variable, will it not, in terms of what happens on the Project, if there's plenty of water? I think, if I'm not mistaken, 70,000 acre-feet spilled out of Lahontan in the spring.

“ . . . the willingness to negotiate will always be limited by what will happen in a dry year, and that's *exactly* where Lyman was focusing on the increase in the shortages. Because that's what the negotiations would have done, it would have increased the frequency and the amount of the shortages. . . . ”

Rieke: Yeah, except the willingness to negotiate will always be limited by what will happen in a dry year, and that's *exactly* where Lyman was focusing on the increase in the shortages. Because that's what the negotiations would have done, it would have increased the frequency and the amount of the shortages.

“ . . . they will always have a Lyman McConnell in that Irrigation District, and they always should—someone who will focus on what is really, truly, the impact on us, which is the increase in the shortages. . . .”

And they will always have a Lyman McConnell in that Irrigation District, and they always should—someone who will focus on what is really, truly, the impact on us, which is the increase in the shortages. And it was whether that increase in the shortages was acceptable.

Seney: Well, that’s all the questions I have for you, unless there’s something else you’d like to say.

Rieke: I think I managed, as I’m prone to do, to work in the messages that I wanted to get across.

Seney: Did you enjoy your position as Assistant Secretary?

Enjoyed the Job of Assistant Secretary of the Interior

Rieke: No question, for a lot of reasons, one of which is that we had this relatively bleak world that started in August of ‘93 when grazing broke loose. And in the context of that relatively bleak world, partly because of experience, partly because of sheer determination, and partly because of some skills

I've acquired over time, I was able to break through and create a different image in every set of negotiations that I was actively involved in—except the Columbia, and I wasn't really very actively involved in that—that became the sacrifice, I just couldn't do everything—and create an image of a more coordinated, more flexible, more responsive, better listening federal government. And those are all fairly common terms, there's nothing exciting about any one of those words, but that combination, interestingly enough—and I still find it kind of surprising—made me stand out, or be set aside by other people as a different kind of federal official.

“The amount of unhappiness over my departure was a big surprise. . . .”

I'll get my best line on the record. I've never done this. The amount of unhappiness over my departure was a big surprise.

“. . . what Leon Panetta said to Bruce Babbitt was, 'I don't know who this Betsy Rieke is, but I sure wish she weren't leaving.' What higher tribute can be made to someone . . . than somebody she's never met, never will meet, saying, 'I wish she weren't leaving.' . . .”

My most favorite line of all, which I've only told to my daughter and one other dear friend, because

you don't say it to very many other people, was what the Chief of Staff to the President said to the Secretary, and the Secretary relayed to me at our departing lunch. And what Leon Panetta said to Bruce Babbitt was, "I don't know who this Betsy Rieke is, but I sure wish she weren't leaving." What higher tribute can be made to someone who's put all of her problem-solving skills into her job, than somebody she's never met, never will meet, saying, "I wish she weren't leaving."

Yeah, I had a good time. It's an *incredibly* stressful job, but I had a really good time.

Seney: I hate to ask you now—I should probably end it on that high note, because I'm glad you said that—why did you leave?

Becoming Director of the Natural Resources Law Center at the University of Colorado

Rieke: Because for ten years I'd looked at this job.

Seney: As director of the Natural Resources Law Center.

Rieke: To be Director of the University of Colorado School of Law, Natural Resources Law Center. And I did the kind of an assessment you have to do with only a very small group of people, because you cannot actively solicit other job offers. We tried to determine whether there was

any other job in the West that would position me in the kind of role that I wanted to play when I left my Federal career, and we couldn't find a better position for a lawyer who really does have a pretty strong academic bent, who thought she was going to get a Ph.D. in political science and ended up having a family and spending a lot of time bringing up a family and then going to law school. And then we thought really hard about whether this job would ever come open again. Well, my predecessor was the *only* director, and he held it for a dozen years or so. And the likelihood of it coming open when I was still young enough to be really eligible to hold the job was not very high. Whoever was going to take it was probably going to take it for a dozen years, and I would have been sixty-three or sixty-four by then. And so I decided, together with my mentors from Arizona, that I just couldn't let this one pass. I almost didn't make the call to even inquire about the job, because I knew I couldn't take it when it came open. It came open in January of '95, and I knew I couldn't take it then. But someone persuaded me to make the call and ask them if they'd wait six months, and once the answer was yes, I *had* to interview, I couldn't tell them no. So it was a *very* difficult call, and it could have gone either way.

“If the Bay-Delta had not come together in December, I would still be a federal official. . . .”

If the Bay-Delta had not come together in December, I would still be a federal official. But when I brought that one home, and I brought everything else at least to a place where it could rest, even if it was far from finished—no federal official ever finishes anything—I felt I could go in good conscience.

“ . . . the secretary was very gracious about my leaving—not happy, but very gracious. . . .”

And the secretary was very gracious about my leaving—not happy, but very gracious.

Seney: Did he try to keep you?

Rieke: Oh, he would have been delighted to keep me.

Seney: That’s a good feeling.

Rieke: Yeah.

Seney: Anything else you’d like to add?

Rieke: Nah.

Seney: Well, on behalf of the Bureau, I really appreciate your taking the time to tell us about these things.

Rieke: It’s always fun to talk about what you’ve done,

you know that, I'm sure you sense that in every one of your interviews.

Seney: Well, people have been very kind in talking about this Project. Again, I appreciate it, thank you.

Rieke: Well, thank *you*.

END SIDE 2, TAPE 2. SEPTEMBER 26, 1995.

 Appendix: Biography of Elizabeth (Betsy) Ann Rieke

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April 1993

Biography for Elizabeth Ann (Betsy) Rieke

Ms. Rieke attended Oberlin College in Ohio and graduated in 1969 with a B.A. in political science. Her degree was awarded Summa cum Laude with High Honors in Political Science. She was elected to the Phi Beta Kappa Society.

After getting married and starting a family, she went back to school, first in political science and then in law at the University of Arizona. She graduated from the University of Arizona College of Law in 1981. Her degree was awarded with Highest Distinction, and she was elected to the Order of the Coif. She served as Editor-in-Chief and Executive Editor of the Arizona Law Review.

After graduating from law school, she clerked for Judge William C. Canby, Jr. on the U.S. Court of Appeals for the Ninth Circuit. In 1982, she began her career as a water lawyer at the Arizona Department of Water Resources, becoming Chief Counsel of the agency from August 1985 to January 1987. From January 1987 to April 1991 she was an associate and then a partner in the firm of Jennings, Strouss and Salson, where her practice emphasized water law and administrative and legislative matters. In April 1991, she was appointed Director of the Arizona Department of Water Resources, where she served until her recent nomination as Assistant Secretary for Water and Science in the Department of the Interior.

For the past decade, she has worked on implementing Arizona's Groundwater Code, passed in 1980 under Governor Babbitt's leadership. As a lawyer in the private sector, she represented a variety of clients, small and large -- from individual farmers, developers, a homeowners association and private water companies to the Salt River Project, a public power and water utility. She has chaired various negotiations to resolve Arizona's fractious water battles, including the groundwater transfer wars from the mid 80's to the early 90's. The latter set of negotiations ultimately resulted in a legislative solution in 1991.

As Director of the Arizona Department of Water Resources, she continued her work on developing new tools to achieve the far-reaching goals in Arizona's Groundwater Code. She believes that a dependable, long-term water supply, with protection for valuable riparian habitat, is the underpinning of quality economic development. Therefore, she also sought protection for Arizona's remaining riparian areas on which so much of Arizona's wildlife is dependent.

EDUCATION:

J.D., University of Arizona College of Law, 1981
With Highest Distinction
Order of the Coif
Arizona Law Review, Editor-in-Chief/Executive Editor

B.A., Oberlin College, Political Science, 1965
Summa cum Laude
With High Honors in Political Science
Phi Beta Kappa

HONORS:

Listed in The Best Lawyers in America (1990-1991 and 1991-1992 editions)

Arizona Administrators Association
Nominee for Professional Excellence Award, 1985, 1986

University of Arizona College of Law Distinguished Alumnus Award, 1986

SPEECHES AND PUBLICATIONS:

Water Due Diligence Chapter of Commercial Real Estate Transactions Practice Manual,
State Bar of Arizona, 1989

"Arizona Water Law, Part 1: Surface Water Law,"
Real Property Section Journal, Vol. 2, No. 1, Winter 1988

"Arizona Water Law, Part 2: Groundwater Law,"
Real Property Section Journal, Vol. 2, No. 2, Spring 1988

Various speeches at conferences and seminars on water law issues

PERSONAL:

Born: July 10, 1943, Buffalo, New York
Marital status: Divorced
Children: Frederick Martin Riecke (27), post doctoral research assistant in
Neurobiology at the University of Chicago
Eowyn Ann Riecke (23), medical student at Brown University

Elizabeth Ann (Betsy) Rieke*1849 C Street, N.W., Washington, D.C. 20340**(202) 208-3155 (work)***EMPLOYMENT EXPERIENCE (SINCE 1976)**

May 1993 to Present	Assistant Secretary for Water and Science Department of the Interior
March 1993 to May 1993	Assistant Secretary for Water and Science Designate Department of the Interior
April 1991 to March 1993	Director, Arizona Department of Water Resources
January 1989 to April 1991	Partner, Jennings, Strouss & Salmon, Phoenix, Arizona
August 1989 to December 1989	Adjunct Professor, Arizona State University College of Law Teaching "Problems in Arizona Water Law" with Professor John Lesby (while at Jennings, Strouss & Salmon)
January 1987 to January 1989	Associate, Jennings, Strouss & Salmon, Phoenix, Arizona
August 1985 to January 1987	Chief Legal Counsel, Arizona Department of Water Resources
August 1982 to August 1985	Deputy Legal Counsel, Arizona Department of Water Resources
September 1981 to August 1982	Law Clerk for Judge William C. Conly, Jr. U.S. Court of Appeals for the Ninth Circuit
June 1980 to August 1980	Law Clerk in the Office of the Solicitor, Division of Conservation and Wildlife, Department of the Interior, Washington, D.C.
June 1979 to September 1979	Law Clerk for Elby, Shoemaker, Wamock & Dolph (now Snell & Wilmer), Tucson, Arizona
November 1976 to June 1979	Research Assistant Southwest Environmental Service, Tucson, Arizona

She also participated in the resolution of some of the outstanding Indian water rights claims. When it became clear that the Central Arizona Project would not work as originally conceived, she was a leader in the efforts to raise the level of public understanding about the problems with the project and develop alternative proposals to restructure the project. As Director, she was also a participant in discussions with the other Colorado River Basin states and various Indian tribes in the Colorado River Basin to address the water demand, water supply and economic development issues facing the region.

She was awarded the University of Arizona College of Law Distinguished Alumnus Award in 1986. She was listed in *The Best Lawyers in America* (1990-91 and 1991-92 editions). She has written various articles and given numerous speeches on water law issues.

She is 49 years old; she was born July 10, 1943 in Buffalo, New York and grew up in Dennison, Ohio and Chicago, Illinois.

She is divorced and has two children:
Frederick Martin Rieke (27), a post doctoral research assistant in Neurobiology at the University of Chicago
Eowyn Ann Rieke (23), a medical student at Brown University