

**Mediator's Summary**  
**Nooksack River Water Rights Negotiation Status**

11/09/2011

1. Nooksack River water rights negotiations were commenced in 2005. The most recent talks were focused on the North, Middle and South forks of the Nooksack River (Three Forks). The parties to the Three Forks negotiations were the Lummi Nation, Nooksack Tribe, City of Bellingham, and State Department of Ecology. The United States' involvement consisted of limited participation in the discussion by a senior representative of the Interior Department's Office of the Solicitor (Portland).
2. The parties negotiated in good faith throughout the process.
3. A central part of the negotiations was the manner in which the City of Bellingham manages its diversion from the Middle Fork of the Nooksack River. Substantial progress was made here.
4. While substantive negotiations were suspended in the Three Forks at the end of 2010, the parties are continuing to communicate regarding potential litigation and technical issues. The tribes have requested that the United States commence litigation to quantify tribal water rights in the Nooksack River watershed.