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Arizona v. California at 50: The Legacy and Future of Governance, Reserved Rights, and Water Transfers (Martz Summer Conference, August 15-16)

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AGENDA: Arizona v. California at 50: The Legacy and Future of Governance, Reserved Rights, and Water Transfers

University of Colorado Boulder. Getches-Wilkinson Center for Natural Resources, Energy, and the Environment

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Arizona v. California at 50: The Legacy and Future of Governance, Reserved Rights, and Water Transfers (Martz Summer Water Conference)

Thursday, August 15, 2013 – Friday, August 16, 2013

Wolf Law Building, Wittemyer Courtroom, Boetcher Reception Hall

Moderated by: Mark Squillace, Charles Wilkinson, Doug Kenney

The Colorado River is an economic, environmental and cultural lifeline of the southwestern United States, and the allocation of its scarce waters are a source of ongoing controversy. This year marks the 50th anniversary of the Supreme Court decision in *Arizona v. California*. While the case was an important landmark in the still-evolving relationship between these two Lower Basin states, it remains most relevant today by the way in which it clarified federal rights and responsibilities. This is especially true in the areas of federal (including tribal) reserved rights, the role of the Interior Secretary in Lower Basin water management, and the ability of Congress to allocate/reallocate water. It also modified the Upper Basin/Lower Basin relationship in important ways, especially in the treatment of Lower Basin tributaries. Moving forward, several types of potential management innovations—in areas such as governance and water transfers—will hinge on the framework outlined by this decision.

Thursday, August 15, 2013

8:30 a.m. **Arrival** - coffee, tea, and beverages

Introductions and Welcome

9:00 - 9:15 a.m. Phil Weiser, Dean, Colorado Law

Brad Udall, Director, Getches-Wilkinson Center

Session I: The Decision and Its Consequences: Then and Now

Moderator - Mark Squillace

9:15 - 10:00 a.m. **Arizona v. California: An Overview**
Larry MacDonnell, Professor, Colorado Law

10:00 - 10:45 a.m. **To the Victor Goes the Spoils? Implications for Arizona and the Lower Basin**
Robert Glennon, Professor, University of Arizona

10:45 - 11:15 a.m. Break

11:15 - 12:00 p.m. **Respondents**
Sandy Fabritz-Whitney, Director, Arizona Dept. of Water Resources

Jeff Kightlinger, General Manager, MWD of Southern California
Jim Lochhead, CEO/Manager, Denver Water

12:00 - 1:00 p.m. **Lunch in the Courtyard** (provided)

1:00 - 1:10 p.m. **The Arizona v. California Digital Archive**
Susan Nevelow Mart, Library Director, Colorado Law

Session II: Consequences for the Federal Role

Moderator - Charles Wilkinson

1:15 - 1:45 p.m. **Recognition of Federal Reserved Rights**
Bret Birdsong, Professor, University of Nevada-Las Vegas

1:45 - 2:15 p.m. **Tribal Reserved Rights and Settlements in the CRB**
Amy Cordalis, Attorney, Native American Rights Fund

Respondents

2:15 - 2:45 p.m. Michael Gheleta, Attorney, Office of the Solicitor, DOI (invited)
Sarah Krakoff, Professor, Colorado Law

3:15 - 3:45 p.m. **Allocating Interstate Rivers after Arizona v. California**
Barton "Buzz" Thompson, Professor, Stanford University

3:45 - 4:15 p.m. **SOI as Watermaster: Decision Making in the Lower Basin**
Bob Johnson, Water Consult (former Reclamation Commissioner)

Respondents

4:15 - 4:45 p.m. Anne Castle, Asst. Secretary for Water & Science, DOI
Others TBD

Evening Reception

4:45 - 7 p.m. Please join us for an evening reception in the Wolf Law Building Courtyard

Friday, August 16, 2013

Session III: Looking Forward

Moderator - Doug Kenney

8:00 - 8:30 a.m. **Setting the Stage: Moving Beyond the Basin Study**
Brad Udall, Director, Getches-Wilkinson Center

- 8:30 - 9:00 a.m. **Interim Guidelines (and What Happens Below 1025')**
Pat Mulroy, General Manager, Southern Nevada Water Authority
- 9:00 - 9:20 a.m. **Respondent**
Barton "Buzz" Thompson, Professor, Stanford University
- 9:20 - 9:50 a.m. **The (Ongoing) Evolution of Lower Basin Water Banking**
Jeff Kightlinger, General Manager, MWD of Southern California
- 9:50 - 10:20 a.m. **Next Up: Upper Basin Water Banks**
Eric Kuhn, GM, Colorado River Water Conservation District
- 10:20 - 10:50 a.m. **Break**
- 10:50 - 11:20 a.m. **New Uses for Tribal Water**
Julie Nania, Getches-Wyss Fellow, Getches-Wilkinson Center
- 11:20 - 11:50 a.m. **Mexico and Minute 319: What's Up and What's Next?**
Bob Snow, Attorney, Office of the Solicitor, DOI
- Respondents**
- 11:50 - 12:20 p.m. Herb Becker, Attorney, JA Associates
Barton "Buzz" Thompson, Professor, Stanford University
Jennifer Pitt, Director, Colorado River Project, EDF
- 12:20 - 1:30 p.m. **Lunch (local restaurants -- you choose)**
- 1:30 - 2:00 p.m. **Restoring the Health of the River**
Jack Schmidt, Chief USGS Grand Canyon Monitoring and Research Center
- 2:00 - 2:30 p.m. **Reckoning Arizona v. California with the Colorado River Compact**
Jason Robison, Professor, University of Wyoming
- Tying it All Together: Final Observations**
- 2:30 - 4:00 p.m. Sandy Fabritz-Whitney, Director, Arizona Dept. of Water Resources
Eric Kuhn, GM, Colorado River Water Conservation District
Jim Lochhead, CEO/Manager, Denver Water
Guy Martin, Partner, Perkins Coie (Washington, D.C.)
Pat Mulroy, General Manager, Southern Nevada Water Authority
Tanja Trujillo, Exec. Director, Colorado River Board of California