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

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
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
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