AGENDA: Water as a Public Resource: Emerging Rights and Obligations

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Monday, June 1, 1987

8:30 Registration and coffee

9:00 Welcome and Introduction
Dean Betsy Levin, Chancellor James N. Corbridge, Jr.

9:15 Water as a Public Resource: the Legal Basis
Prof. Charles F. Wilkinson, University of Oregon School of Law, Eugene
This presentation introduces the topic; traces the development of public values in water from the origins in European and early American law; discusses navigability law and the law of ownership of beds of watercourses; and examines the various public rights recognized in water law today.

10:20 Break

10:40 In the Beginning God Created The Public Trust Doctrine?
Prof. Ralph W. Johnson, University of Washington School of Law, Seattle
Historically the public trust doctrine has protected the public's interests in navigation, fisheries, and commerce by limiting fills and other uses of beds of navigable waters. Recently the doctrine has been used to limit extractions from navigable waters and their tributaries. The speaker will trace the origins of the doctrine, its evolution, its varying forms in different states, and its several possible futures.

11:25 In Defense of Private Rights in Water: A Response
Charles J. Meyers, Gibson, Dunn & Crutcher, Denver
The expansion of public rights in water may come at the expense of existing private rights. This presentation addresses the conflicts arising in this area.

11:45 Lunch
Topic: Public Values in Water: What Are They and How Should They Be Protected?
Speaker: Prof. Joseph L. Sax, University of California-Berkeley School of Law

RECREATIONAL USES OF WATER
1:30 Public Access to Shorelines and Beaches: Alternative Approaches and the Taking Issue
Prof. Richard G. Hildreth, Codirector, Ocean and Coastal Law Center, University of Oregon School of Law, Eugene
Federal and state legislation, state court decisions, and regulatory agency policies tend to support increased public access to shorelines and beaches, both publicly and privately owned. This presentation examines alternative theories and approaches, especially against the difficult taking issues presented where private property is involved.

2:15 The Use of “Nonnavigable” Water for Public Purposes
John E. Thorson, Doney & Thorson, Helena
Several western state courts are using the public trust doctrine and other theories to expand public access to traditionally nonnavigable streams — often challenging the private property expectations of landowners. The speaker will review these developments and offer an approach for balancing public and private interests in these waters.

3:00 Break

3:20 Water Development, Wildlife and Recreation: Panel
Chris Paulson, Majority Leader, Colorado House of Representatives, Denver
Charles W. Howe, Professor of Economics and Director, Program on Environment and Behavior, University of Colorado at Boulder
Robert M. Weaver, Resource Associates, Denver
James B. Ruch, Director, Colorado Division of Wildlife, Denver

6:15 Cookout dinner on Flagstaff Mountain
Tuesday, June 2, 1987

PUBLIC RIGHTS IN WATER ALLOCATION AND USE

8:45  Public Interest Review in Water Rights Allocation and Transfer in the West
      Prof. Douglas L. Grant, University of Idaho College of Law, Moscow
      This presentation introduces the factors which may be considered under a public
      interest review and discusses the approaches taken in various states.

9:30  The New Montana Approach to Water Rights Allocation
      Matthew W. Williams, Moses, Wittemyer, Harrison & Woodruff, Bozeman
      This presentation explains the changes in the Montana laws in recent years and the
      ways in which public values and interests are now included.

10:15 Break

10:35 Emerging Policy and Strategy Choices for Protection of the Groundwater Resource
      Richard H. Braun, Environmental Defense Fund, Boulder
      Groundwater accounts for one-quarter of the nation’s source of domestic, agricultural,
      and industrial water. Rural areas depend on groundwater for 80% of their supply. The
      speaker will discuss the emerging national and local strategies for protecting this
      resource from depletion through contamination.

11:20 Instream Flow Protection in the Western States: A Survey and Comparison
      Prof. Brian E. Gray, University of California, Hastings College of Law, San Francisco
      A survey of the various methods of protecting instream flows and associated uses of
      water in the western states (the recognition of instream flows as a beneficial use, private
      and public appropriation of water for instream uses, administrative reservation of water
      for instream flow protection, the public trust doctrine, and state and federal wild and
      scenic river designation) will be followed by an evaluation of the individual methods of
      protecting instream flows.

12:05 Lunch (on your own)

1:45 Converting Conditional Water Rights to Instream Flows: A Property Transfer Strategy
      David L. Harrison, Moses, Wittemyer, Harrison & Woodruff, Boulder, and Vice-
      Chairman, The Nature Conservancy
      In Colorado, and to some extent in other western states, the plans for future water
      projects rise to the level of private property in the form of conditional water rights. But
      their dignity as property may offer an interesting opportunity to protect instream flows
      rather than a continuing stumbling block. This presentation will review the nature of
      conditional water rights, and inquire into the strategy of transferring such property
      rights to instream flows.

2:30 Federal Regulatory Rights in Water
      Larry MacDonnell, Director, Natural Resources Law Center, University of Colorado
      School of Law, Boulder
      This presentation addresses the various federal laws directly or indirectly asserting a
      right in water allocation and use to achieve stated national objectives such as endan-
      gered species protection, hydroelectric development, and water quality.

3:10 Break

3:30 New Developments in Water Rights on Public Lands: Federal Rights and State Interests
      Christopher H. Meyer, Attorney, National Wildlife Federation, Boulder
      As we approach the second decade of water law post United States v. New Mexico, the
      contours of federal reserved rights still are being shaped. Meanwhile innovative re-
      sponses to the “problem” are emerging from both the federal control and states rights
      camps. This presentation will provide an opportunity to examine recent developments
      and ponder the future course of events.
State Water Planning to Protect Public Needs
Prof. David H. Getches, University of Colorado School of Law, Boulder

State water planning can be a valuable tool for assuring that long-term water needs are met consistent with other state economic, social, and environmental goals. While states zealously protect their water and are deeply concerned with its security, planning efforts are uneven and often not a high priority.

5:00 End of day's sessions & Reception

Wednesday, June 3, 1987

THE PUBLIC'S INTEREST IN WATER QUALITY

8:45 The Clean Water Act, Water Quality, and Water Use
Bruce D. Ray, Assistant Regional Counsel, EPA Region VIII, Denver

This topic will cover the principal regulatory requirements of the Clean Water Act. Subjects include the Section 402 (NPDES) and Section 404 (dredge and fill) permit programs, the Section 303 water quality standards and antidegradation program, and the Section 208 planning program. Special emphasis will be given to the constraints of Section 101(g) and the recent amendments to the Clean Water Act.

9:30 Wetlands Protection: The 404 Program
Patrick A. Parenteau, Regional Counsel, EPA Region I, Boston

Congress enacted Section 404 of the Clean Water Act in 1972 to halt the unnecessary destruction of wetlands. This presentation looks at how well the permit program is working, surveys key judicial decisions, and spotlights unresolved issues.

10:15 Break

10:35 Integrating Water Quality Objectives with Traditional Water Rights in California: The Sacramento-San Joaquin Delta Case
Judge Ronald B. Robie, Superior Court of California, Dept. 12, Sacramento

California has integrated issuance of water rights and water quality. For the first time an appellate court has dealt with the complex practical and legal issues after 20 years under the system. The Sacramento-San Joaquin Delta provides the best example of this California approach.

11:20 The Conflict Between Water Rights Administration and Water Quality Protection
Prof. Jan Laitos, University of Denver College of Law, and member, Water Quality Control Commission of Colorado, Denver

This presentation will discuss how the exercise of water rights affects water quality, and how the protection of water quality may impact water rights. The legal, regulatory, and constitutional issues that arise when addressing these water rights/water quality conflicts will be discussed and critiqued.

12:15 Lunch.

1:45 Reconciling Large-Scale Water Development and Water Quality Effects: Panel
Max H. Dodson, Director, Water Management, EPA Region VIII, Denver
Tad Foster, City Attorney, Colorado Springs
Barbara Green, Northwest Colorado Council of Governments, Frisco
James W. Sanderson, Saunders, Snyder, Ross & Dickson, Denver

3:00 Balancing the Competing Demands for Colorado's Water Resources
The Honorable Roy Romer, Governor, State of Colorado

3:30 Questions

3:40 Adjourn
CONFERENCE ORGANIZERS

LAWRENCE J. MacDONNELL (B.A. University of Michigan, 1966; J.D. University of Denver College of Law, 1972; and Ph.D. Colorado School of Mines, 1974) became Director of the Natural Resources Law Center in November 1983. Prior to that he was a research economist at the Denver Research Institute and Adjunct Professor at the Graduate School of Business and Public Management at the University of Denver, 1980-83. He has worked as Assistant Professor in the Dept. of Mineral Economics at the Colorado School of Mines, as a Special Consultant to the Interior and Insular Affairs Committee of the U.S. House of Representatives, and as an instructor and course director for the Colorado Outward Bound School. He edited the recent Natural Resources Law Center publication, Tradition, Innovation, and Conflict: Perspectives on Colorado Water Law (1987). He is a member of the Colorado Bar Association and the Association of Environmental and Resource Economists.

DAVID H. GETCHES (A.B. 1964, Occidental College; J.D. University of Southern California Law School, 1967) is an Associate Professor at the University of Colorado School of Law. He returned to the law school last January after serving since 1983 as Executive Director of the Colorado Department of Natural Resources. Previously he practiced law in Boulder and San Diego, and for several years was an attorney for the Native American Rights Fund, of which he was the Founding Director. He has taught at the University of Denver School of Law, the University of Alaska Center for Northern Education Research, and the University of California at San Diego. His publications include Cases and Materials on Federal Indian Law (with Wilkinson); Water Law in a Nutshell, and several law review articles on water and other natural resources topics.
WATER AS A PUBLIC RESOURCE: EMERGING RIGHTS AND OBLIGATIONS
June 1-3, 1987

FACULTY

RICHARD H. BRAUN (B.A. Social Psychology, '75, J.D. '84, with Environmental and Natural Resources Law Certificate, University of Oregon) is interim Special Project Attorney for the Environmental Defense Fund in Boulder, with duties including Clean Air Act litigation, groundwater protection, and federal land management issues regarding the Two Forks dam and reservoir project. He was a Fellow with the Natural Resources Law Institute, Northwestern School of Law, Lewis and Clark College ('85-86) and an attorney with Bruce MacGregor Hall, P.C. in Portland ('84-85). Publications include: "Emerging Limits on Federal Land Management Discretion: Livestock, Riparian Ecosystems, and Clean Water Law," 17 Env. L. 43 (1987); "Cattle Grazing in Riparian Zones, Protecting a Valuable Fishery Resource," 37 Anadromous Fish Law Memo 1 (1986); and "Running Out of Wiggle Room: The Clean Water Act and BLM Grazing Policy," Wild Oregon, (1986)

MAX H. DODSON (B.S. San Francisco State University, '65; Masters degrees in Geography '71, and Public Administration/Environmental Management, '76, University of Colorado) has been Director of the Water Management Division, U.S. EPA, Region VIII, since 1982. Previously he served as Director of the EPA's office in Helena, Montana ('81-'82); as chief of EPA's Statewide Management Section in Denver ('78-'81), and as Physical Scientist and Water Resource Planner for EPA's Planning Branch in Denver ('71-'76). Memberships include the Soil Conservation Society of America and the Water Pollution Control Federation. He is Chairman of the International Red River Pollution Board of the International Joint Commission. He is a captain in the U.S. Naval Reserve.
TAD S. FOSTER (B.A. University of Colorado, '66; J.D. University of Colorado School of Law, '69) has been Assistant Attorney for Natural Resources for the City of Colorado Springs since 1974. Prior to that he served as a Judge Advocate with the U.S. Marine Corps. Since 1976 his practice has been primarily environmental law. Since 1981 he has also served as a member of the Colorado Water Quality Control Commission. Since 1982 he has been responsible for the environmental permitting of the Homestake Phase II Project, a raw water development project located in the Holy Cross Wilderness, 150 miles west of Colorado Springs. His article "Water Quality: National Uniformity v. State Flexibility" was published in the March 1986 ABA Natural Resources & Environmental Law Journal.

DOUGLAS L. GRANT (B.A. University of Iowa, '62; J.D. University of Colorado School of Law, '67) is Professor of Law at the University of Idaho College of Law, where he teaches water law and real property. He has published articles on various aspects of water law, the most recent one being "The Complexities of Managing Hydrologically Connected Surface Water and Groundwater Under the Appropriation Doctrine," XXII Land and Water Review 63 (1987). He is the Idaho reporter for the Rocky Mountain Mineral Law Foundation's "Water Law Newsletter."

BRIAN E. GRAY (B.A. Pomona College; J.D. University of California, Berkeley) is Assistant Professor at the University of California, Hastings College of the Law. He is a member of the California State Bar Committee on the Environment and is on the Advisory Council of the University of California's Water Resources Center. Formerly in private practice, he has represented both public and private environmental agencies in water resources matters. He is co-author of "Water Trading: Free Market Benefits for Exporters and Importers" (Calif. Assembly Office of Research 1985) and author of "No Holier Temples: Protecting the National Parks Through Wild and Scenic River Designation," (to be published June 1987 Natural Resources Symposium, Univ. Colo. L. Rev. and as chapter in Defending Our Heritage: Legal Essays in Defense of the National Parks, National Parks and Conservation Association).
BARBARA GREEN (Northwestern, '71; Master of Public Administration, '77, and J.D. '85, University of Colorado) has served as General Counsel to the Northwest Colorado Council of Governments from 1985, serving 32 units of local government in the areas of water law, land use law, and administrative law, among others. While in law school she served as a law clerk for Sharp & Black, P.C., in Steamboat Springs and for Guy A. Hollenbeck, P.C. in Boulder. Previously she had served as Assistant to the City Manager, Steamboat Springs; as Town Manager for Oak Creek and Yampa, Colorado; as Assistant to the City Manager, Thornton, Colorado; and as Planning Technician, City of Arvada. She is a member of the Coordinating Committee for the Systemwide Environmental Impact Statement: Denver Metro Water System.

DAVID L. HARRISON (B.S. '68, Civil Engineering, Hydraulics; J.D. '71, University of Colorado) has been with the Boulder law firm of Moses, Wittemyer, Harrison & Woodruff since 1973. He is a former Chair of the Water Law Section of the Colorado Bar Association; Vice President of the national Board of Governors and Trustee of the Colorado Chapter of The Nature Conservancy; and a member of Governor Richard Lamm's Denver Metropolitan Water Roundtable, ('82-86). His publications include "Legal Strategies for Implementing Instream Flows Under Existing Federal and State Laws -- Restoring Minimum Flows to Already Over-Appropriated Streams" (1976) and "Using an Expert in a Groundwater Dispute: The San Luis Valley Case," (with State Engineer Jeris Danielson) (1983).

Co-author with David Harrison:
ROBERT F. WIGINGTON (B.A. Economics, The Colorado College, '73: J.D. University of Colorado, '79) has practiced water law in Boulder for seven years and is presently the staff water attorney for The Nature Conservancy's Upper Colorado River Basin Project.
RICHARD G. HILDRETH (B.S.E. Physics '65; J.D. '68, University of Michigan; Diploma in Law, Oxford University '69; Diploma in Law, Stockholm University '73) has been Professor of Law and Co-Director of the Ocean and Coastal Law Center, University of Oregon School of Law since 1978. Previously he was Professor of Law, University of San Diego (1973-'78); Visiting Scholar, Harvard Law School (1975); and an attorney with Steinhart & Falconer, San Francisco (1969-72). He is on the editorial boards of the Coastal Zone Management Journal, the Journal of Coastal Research, and the Environmental and Planning Law Journal. He is also a consultant with the Oregon Department of Land Conservation and Development. Among recent publications is an article on "Outer Continental Shelf Hydrocarbons and Minerals" (1986).

CHARLES W. HOWE (B.A. Rice University, '52; Ph.D. Stanford, '59) has been Professor of Economics at the University of Colorado since 1970. At Purdue University he was in charge of quantitative methods courses in management, and at Resources for the Future he was Director of the Water Resources Program (1965-70). His experience as an international consultant includes being on the Rockefeller Foundation field staff at Gadjah Mada University, Indonesia (1981-83); lecturer on Natural Resource Economics at the Academy of Agricultural Sciences, Beijing, People's Republic of China (June 1984); and river basin planning consultant to the Gambia River Basin Planning Commission (summer 1985). Recent studies have included an assessment of water resources of the Upper Colorado River Basin; the potential for an expansion of water markets in the Southwest; and a study of urban water conservation and drought policy for the Rocky Mountain Institute.

RALPH W. JOHNSON (J.D. University of Oregon School of Law, '49) is a Professor of Law at the University of Washington School of Law, specializing in water law. He has published numerous articles in this field, and is co-author of the book "Cleaning Up Europe's Waters" (with Dr. Brown, economist). He has served as Chief Consultant to the U.S. Senate Committee on Interior and Insular Affairs on national water policy, as consultant to the Committee on Water of the National Academy of Sciences, and the National Water Commission. He taught water law at Harvard Law School (1981-82) and at UCLA (1986-87). In 1984 he won the "Outstanding Teacher" award at the University of Washington Law School.
JAN GORDON LAITOS (B.A. Yale University, '68; J.D. University of Colorado, '71; S.J.D. University of Wisconsin Law School, '75) is Professor of Law and Acting Director of the Natural Resources Law Program, University of Denver. He is also a Commissioner on the Colorado Water Quality Control Commission and a Trustee of the Rocky Mountain Mineral Law Foundation. His publications include Cases and Materials on Natural Resources Law and Teacher's Manual (1985); A Legal-Economic History of Air Pollution Controls (1980); "Government Interference with Private Interests in Public Resources," 11 Harvard Envt'l L. Rev. #1 (1987); "Utility Use of Renewable Resources: Legal and Economic Implications," 59 Denver Law Journal 1 (1982); and a contract for the publication in two volumes of Eminent Domain, Inverse Condemnation, Takings, and The Police Power by 1989.

CHRISTOPHER H. MEYER (A.B. economics, magna cum laude, '77, J.D. cum laude, '81, University Michigan) is counsel to the National Wildlife Federation's Rocky Mountain office where he specializes in western water law, endangered species, and constitutional law. He serves also as an associate professor adjoint at the University of Colorado School of Law where he teaches a seminar in advanced water law. Before moving to the west in 1984, he spent six years with the NWF's water resources program in Washington, DC. He has published articles dealing with the Sporhase decision, Section 404 of the Clean Water Act, economics and water allocation, small scale hydropower, and transportation planning under the Clean Air Act.

CHARLES J. MEYERS (B.A. '45 Rice University; LL.B. '49 University of Texas; LL.M. '53 and J.S.D. '64, Columbia University) has been a partner with Gibson, Dunn & Crutcher in Denver since 1981, and head of their Natural Resources Group. He was Richard E. Lang Professor of Law and Dean at Stanford University School of Law (1976-81), having been a Professor of Law at Stanford since 1962. He was also on the law faculties at Columbia University (1954-62) and the University of Texas (1949-54). He served as Assistant Legal Counsel for the National Water Commission, Washington, DC (1971-72) and as Visiting Professor of Law, University of Chile, and Senior Professor, Chile Law Program, International Legal Center (1968-69). He is a member of the President's Intelligence Oversight Board (1982- ) and the Western Governors Association Task Force on Water Resources (1985-86).
PATRICK A. PARENTEAU (B.S. Regis College, '69; J.D. Creighton University, '72; L.L.M. George Washington University) is currently Regional Counsel, U.S. EPA Region 1 in Boston. He formerly served as Vice President for Resources Conservation for the National Wildlife Federation, Washington, DC. His fifteen-year career in environmental law has included writing, teaching, litigating, lobbying and managing. He has litigated a number of cases dealing with western water allocation, including the Grayrocks case which resulted in the creation of the Platte River Whooping Crane Trust. He has been a frequent speaker at major conferences and continuing legal education courses.

CHRISTOPHER R. PAULSON (B.S. International Masters Program, '69, U.S. Air Force Academy; J.D. '76 University of Denver) is Majority Leader of the Colorado House of Representatives, representing District 37 in Arapahoe County. He practices law with Saunders, Snyder, Ross & Dickson in Denver, specializing in water and environmental law. He has served as chairman of the Water Policy Committee for the Western Legislative Conference of the Council of State Governments, on the executive committee of the Western Legislative Conference of the Council of State Governments, and on the Water Conservation Task Force of the Governor's Water Roundtable.

BRUCE D. RAY joined the EPA Region VIII Office in August of 1984 as an Assistant Regional Counsel. He was also recently appointed a Special Assistant U.S. Attorney for the District of Columbia. Prior to that time he was Special Environmental Counsel to URS-Berger in San Bernardino, California, and was in private practice for a short time. His J.D. (1981) is from Union University Albany Law School in Albany, New York, and B.A. Magna Cum Laude (Economics and Germanic Languages and Literature) from the University of Colorado at Boulder in 1978.
RONALD B. ROBIE (A.B. '58, M.J., '60, University of California, Berkeley; J.D. '67, University of the Pacific, McGeorge School of Law) has been Judge of the Superior Court of California, Department 12, in Sacramento since June 1986. Previously he served as Judge of the Sacramento Municipal Court from 1983-1986. He has been an Adjunct Professor at the University of the Pacific, McGeorge School of Law since 1970, teaching Water Law, Environmental Law, and International Law of the Sea. He is also the California Reporter for the Rocky Mountain Mineral Law Foundation's Water Law Newsletter. He was chair of the ABA Water Resources Committee, 1974-76, and chair of the Legal Committee of the Western States Water Council, 1978-80. He is a member of the Board of Trustees of the National Multiple Sclerosis Society.

ROY ROMER was inaugurated Governor of Colorado on January 13, 1987, after serving 10 years as state treasurer. He was a member of the Colorado House of Representatives from 1958-62 and a member of the Colorado Senate, 1962-66. As governor, he has placed special emphasis on reactivating the state's economy, with attention also to the state's educational system, the quality of life and open space, and the construction of needed public improvement projects. As a business man, he is owner of a chain of construction equipment stores in Colorado, Virginia, and Florida. He developed a portion of Colorado's Centennial Airport, ran a flying school, and owned and operated a ski area. His B.A. in agricultural economics is from Colorado State University and his J.D. from the University of Colorado. He has also studied ethics at Yale University.

JAMES B. RUCH (B.A. Colorado College, '56; U.S. Navy Officers Candidate School, '56; Graduate work in Biological Science, University of California, 1974-79; GSPA program leading to Doctorate of Public Administration, 1982- ) has been Director of the Colorado Division of Wildlife since 1984. Prior to that he served as Director of the BLM Denver Service Center ('81-'83); as BLM California State Director ('79-'81) and Associate State Director ('74-'79). He was Western Field Representative for the National Wildlife Federation from 1970-71. His publications include The California Fish & Wildlife Plan, (1965); The California Desert Plan (1980), and news, feature and magazine articles, 1960-83.
JAMES W. SANDERSON (B.A. University of Nebraska, '66; J.D. University of Denver, '69; Georgetown University, Graduate Studies, Tax Law, 1970-71) joined the Denver law firm of Saunders, Snyder, Ross & Dickson in 1977, where he focuses on solving permitting and compliance problems with EPA, obtaining Section 404 Permits from the Army Corps of Engineers, resolving fish, wildlife and endangered species problems, and securing rights to use public lands from the Forest Service and BLM. Previously he served as Regional Counsel for the EPA in Denver, working on air and water pollution problems, environmental impact statements, and toxics and pesticides. He began his legal career as a tax attorney for the Internal Revenue Service and later served as legislative assistant to U.S. Senator Gordon Allott, 1970-73.

JOSEPH L. SAX (A.B. Harvard University, '57; J.D. University of Chicago, '59) became Professor of Law at the University of California, Berkeley, in 1986. Previously he was Philip A. Hart Distinguished University Professor at the University of Michigan. He has been Visiting Professor of Law at the University of Paris I (Pantheon-Sorbonne), the University of Utah, and the University of Colorado, as well as a Fellow at the Center for Advanced Study in the Behavioral Sciences, Stanford University. His most recent awards include the William O. Douglas Legal Achievement Award from the Sierra Club (1984); the Environmental Law Institute Award (1985); and the Professional Achievement Citation, University of Chicago Alumni Association (1987). He is sole author of four books and co-author of four others, the most recent of which are Mountains Without Handrails (1981), Rethinking the Public Lands (1984), and Legal Control of Water Resources in the U.S. (1986).

JOHN THORSON is a partner in the firm of Doney & Thorson, Helena, Montana. A native of New Mexico, Thorson received his B.A. degree (with distinction) from the University of New Mexico and his J.D. degree from the University of California, Berkeley, where he was note and comment editor of the California Law Review. He has been Director of the Conference of Western Attorneys General and Associate Director of the Western Governors' Conference. He is a candidate for a doctorate in public administration from the University of Southern California. He also serves as Vice Chair of the Water Resources Committee of the American Bar Association.
ROBERT M. WEAVER is the Executive Vice President of Resource Associates, Inc., a private consulting firm specializing in the analysis of environmental, economic, and technical issues associated with natural resources management and development. He has extensive experience in fishery, water quality and water resource management issues, environmental impact assessment, legislative matters and intergovernmental relations. His education is in Business Administration, Finance and Geology (University of Colorado and California State College). He served as Executive Director of Colorado Trout Unlimited (1973-78) and was instrumental in the development and implementation of Colorado's instream flow program. During the last five years, he has served as the Coordinator for the Environmental Caucus on the issue of water for the Denver Metropolitan Area, and represented the Caucus as a member of the Metropolitan Water Roundtable.

CHARLES F. WILKINSON (B.A. Denison University; LL.B. Stanford University) is joining the law faculty at the University of Colorado Law School in June 1986. He was formerly Professor of Law at the Oregon Law School and has been Visiting Professor at the Michigan and Minnesota Law Schools. He has written numerous books and articles on western resources law and on Indian law. He is the author of Western Water Law in Transition, 56 U. Colo. L. Rev. 317 (1985) and has examined federal water rights issues in Federal Public Land and Resources Law (2d ed. 1987) (with Coggins) and the book-length law review article, Land and Resource Planning in the National Forests, 64 Ore. L. Rev. 1 (1985) (with Anderson).

MATTHEW W. WILLIAMS (B.A. University of Notre Dame, with high honors, 1976; J.D. University of Colorado School of Law, 1980) has been the Montana Counsel for the law firm of Moses, Wittemyer, Harrison and Woodruff, P.C. since 1984. He served as Hearings Examiner for Water Rights in the Department of Natural Resources and Conservation, State of Montana, 1981-82, and as Special Assistant Attorney General for Montana in 1983.