

[The University of Colorado at Boulder Law School](#)



NRLC 2005 Summer Conference

Hard Times on the Colorado River: Drought, Growth and the Future of the Compact

Scott Balcomb, Upper Colorado River Commissioner

Balcomb and Green, PC
PO Drawer 790
Glenwood Springs , CO 81602
970-945-6546
scott@balcombgreen.com

Scott Balcomb is an attorney with Balcomb and Green, PC in Glenwood Springs, Colorado. He was appointed by Gov. Bill Owens as the Upper Colorado River Commissioner and Seven States Representative.

From 1972 to 1982, Mr. Balcomb was heavily involved in interstate water issues while working with/for his father, Kenneth Balcomb, as general counsel of the Colorado River Water Conservation District. He participated in hundreds of Colorado water court proceedings for every type of water use.

He graduated from the University of Colorado Law School in 1972.

Dr. James Booker, Director, Environmental Studies Program

Associate Professor of Economics
Siena College
Loudonville , NY 12211-1462
518-783-2929
jbooker@siena.edu

Jim Booker is an economist who has worked for nearly two decades on addressing the water demands of disparate water users in the American West. A faculty member at Siena College, he been a visiting professor and scholar at the University of Wyoming, Kalamazoo College, and the University of Colorado.

His modeling of the hydrology, law, and economics of water use in the Colorado and other major river basins has pointed to the need for intrastate and interstate flexibility in water use to reasonably address growing demands for consumptive and non-consumptive water uses. His most recent publication in Water Resources Research is focused on the interplay of ground and surface water use and drought for the Upper Rio Grande Basin.

Kay Brothers, Deputy General Manager

Southern Nevada Water Authority Engineering / Operations
1001 South Valley View Boulevard
Las Vegas , NV 89153
702-258-3108
kay.brothers@lvvwd.com

Kay Brothers was appointed deputy general manager of Southern Nevada Water Authority Engineering and Operations in 2002. Previously, she served as director of SNWA's Resources Department, where she managed planning activities to protect existing water resources and to acquire future resources.

Brothers graduated in 1977 from the New Mexico Institute of Mining and Technology with a Bachelor of Science degree in environmental engineering. She began her career in the petroleum and mining industry focusing on environmental compliance, water treatment design and groundwater monitoring and mitigation facility design.

She joined the Las Vegas Valley Water District in 1986 as a hydrologist and helped develop the district's artificial recharge program to store treated Colorado River water in the Las Vegas Valley's groundwater aquifers for future use. She served as director of SNWA Resources from 1995 until 2002, when she was promoted to deputy general manager.

Brothers is active in regional and national water issues. She currently serves on the Board of Directors for the Water Education Foundation and Water for the West Foundation and is a member of the Colorado River Basin Salinity Control Forum.

Rick Brown

Colorado Water Conservation Board
1313 Sherman St., Room 721
Denver, CO 80203
303-866-3514
Rick.Brown@dwr.state.co.us

Rick has been with the Colorado Water Conservation Board for 5 years. He was initially hired to work on Platte River issues for the Board, especially the three state cooperative agreements for Platte River Research and other efforts relating to endangered species habitats along the central Platte River in Nebraska. Rick was asked to manage the Statewide Water Supply Initiative in February of 2003. In May 2005, Rick was appointed Acting Deputy Director for the CWCB and is expected to remain in that role for 1 year at which time Dan McAuliffe will return from active Army duty with the Judge Advocate General's Office.

Prior to joining the Board, Rick worked for 10 years in the Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and Environment (CDPHE). His work at CDPHE focused on investigation and remediation of contaminated sites under the federal CERCLA or Superfund program. Rick also has experience at the local government level having worked for Boulder County Health Department.

Rick is a native of Colorado and obtained his Bachelors Degree from the University of Colorado.

Michael J. Cohen, Senior Research Associate

Pacific Institute
948 North Street
Boulder, CO 80304
720-564-0651
mcohen@pacinst.org

Michael J. Cohen is a Senior Research Associate with the Pacific Institute. His research focuses on water use in the lower Colorado River basin and delta region. He is the lead author of the Pacific Institute's 1999 report entitled "[Haven or Hazard: The Ecology and Future of the Salton Sea](#)", and of the Institute's 2001 report entitled "[Missing Water: The Uses and Flows of Water in the Colorado River Delta Region](#)." He is also the co-author of several journal articles on water and the environment in the border region.

Mr. Cohen developed a "partial" restoration plan for the [Salton Sea](#), recognizing the infeasibility of restoring the Sea as a whole, and drafted an alternative, environmentally benign set of interim surplus criteria for the lower Colorado River.

Mr. Cohen is a member of the International Boundary and Water Commission's Colorado River Delta Advisory Committee, and also sits on the California Resources Agency's [Salton Sea Advisory Committee](#).

Mr. Cohen has a Master's degree in Geography, with a concentration in Resources and Environmental Quality, from San Diego State University and received a B.A. in Government from Cornell University.

Larry Dozier, Deputy General Manager, Operations, Planning & Engineering

Central Arizona Water Conservation District
P.O. Box 43020
Phoenix, AZ 85080-3020
623-869-2333
ldozier@cap-az.com

Larry has served as Deputy General Manager for the Central Arizona Project since September 1995 and is responsible for three major areas: operations, engineering, and planning and resources. He has the primary responsibility for Colorado River issues, water deliveries and contracts, engineering support for Central Arizona Project programs, recharge programs, the Central Arizona Groundwater Replenishment District, environmental compliance, water planning and power resources. He began his career with the Central Arizona Project as the Assistant General Manager for Operations in June 1985.

Larry began his career in water resources as an engineer with the Bureau of Reclamation in 1969 in Great Falls, Montana. He worked 16 years for Reclamation in various locations throughout the West and Washington, DC. His final assignment was in Boulder City, Nevada where he was Operations Manager for the Colorado River and worked closely with many Arizona interests to develop the operation and maintenance plan for the Central Arizona Project, the Central Arizona Project water allocations, and the Central Arizona Project water delivery contracts.

Larry earned a Bachelor of Science in Agriculture Engineering from the University of Illinois in 1969. He has been married to Marti since 1970. They have three children and four grandchildren.

Terry Fulp

Bureau of Reclamation
PO Box 61470
Boulder City, NV 89006
702-293-8190
tfulp@lc.usbr.gov

Terry Fulp spent 10 years in the oil industry before realizing the value of water, particularly in the Western United States. Since 1989 he has been employed by the U.S. Department of the Interior, Bureau of Reclamation. His formal education includes degrees from the University of Tulsa, Stanford University, the University of Colorado, and a Ph.D. from the Colorado School of Mines

Terry's experience with Reclamation includes the assessment of the economic benefits of integrated power pooling of hydroelectric resources in the lower Colorado River system and research and development of decision support systems for watershed and river systems management. He currently is the Area Manager of the Boulder Canyon Operations Office, overseeing water operations, water and power contract administration, and water conservation and accounting from Lake Mead to Mexico.

Russell George, Executive Director

Colorado Department of Natural Resources
1313 Sherman Street, Rm. 718
Denver, CO 80203
(303) 866-3311
(303) 8662115 fax
russell.george@state.co.us

Russ has served as Executive Director for the Colorado Department of Natural Resources (DNR). Appointed by Governor Bill Owens on January 9, 2004, Russ is charged with protecting and enhancing Colorado's natural resources. Specifically, he oversees the operations of the DNR's nine agencies.

Prior to his current position, Russ served as Director of the Colorado Division of Wildlife since September 18, 2000. Prior to becoming Director, he was elected by his peers in 1999 to be Speaker of the Colorado House of Representatives. Russ was first elected to the House of Representatives in 1992. As a House member, he served on the Judiciary Committee, Agriculture and Natural Resources Committee, the Local Government Committee and the Capital Development Committee. He was named Legislator of the Year in 1994 and 1996 by the Associated Press' capitol reporter.

Russ is a graduate of Colorado State University, where he was a Boettcher Scholar, and Harvard University Law School. He has served as a VISTA volunteer at the Crow tribe reservation in Montana, a municipal judge in Rifle, General Counsel for the Rio Blanco and West Divide Water Conservancy Districts and as a Director for the Silt Water Conservancy District.

Michael A. Gheleta, Attorney

U.S. Department of Justice
999 18th Street, Suite 945
Denver, CO 80202
(303) 312-7303
Michael.Gheleta@usdoj.gov

Michael Gheleta is a Trial Attorney with the United States Department of Justice, Environment and Natural Resources Division, Natural Resources Section, in its Denver field office. His practice focuses on litigation of water rights, public lands, and environmental issues in federal and state courts throughout the western United States. He has handled a number of cases involving the Department of the Interior's responsibilities concerning the Colorado River, including lawsuits brought by municipalities, irrigation districts, environmental groups and Indian tribes.

He received a B.A. in Political Science from the University of California, Berkeley in 1982, a J.D. from the University of Colorado Law School in 1988, and an M.A. in Political Science with an emphasis in environmental policy from Colorado State University in 1988.

After graduating from law school, he began his career in 1988 as an associate in the Water and Power Section of the Sacramento, California law firm of McDonough, Holland and Allen, before joining the Justice Department in 1990. Between 1995 and 1996, he served as Associate Director of the Natural Resources Law Center at the University of Colorado Law School, and he was the Center's El Paso Energy Law Fellow in 2002. In his spare time, he is an avid whitewater river rafting guide, having spent almost three decades guiding rivers throughout the West, including the Grand Canyon and many other stretches of the Colorado River and its tributaries.

Herbert "Herb" Guenther, Director

Arizona Department of Water Resources
500 North Third Street
Phoenix, Arizona 85004
602 417-2410
hrguenther@adwr.state.az.us

Former Senator Herb Guenther, of Tacna, was confirmed by the Arizona State Senate as the eighth Director of the Arizona Department of Water Resources in February 2003. The Director, who serves at the pleasure of the Governor, resigned from the State Senate to accept the post.

The Director has an extensive background in water issues. Before his appointment, he served 22 years with the Wellton-Mohawk Irrigation and Drainage District in southwestern Arizona. He has served as an Arizona director of the Colorado River Water Users Association (CRWUA) for 10 years. Herb also served as President of CRWUA in 1997 and 1998.

He is a graduate of Washington High School in Phoenix, Glendale Community College and Arizona State University. Herb is a Veteran of the U.S. Air Force, and also spent 10 years with the U.S. Bureau of Reclamation.

The Director served in both the Arizona House of Representatives and Arizona State Senate. In 2000, the American Ground Water Trust presented him with its Legislator of the Year Award.

Gregory J. Hobbs, Jr., Justice

Colorado Supreme Court
Colorado State Judicial Building
2 East Fourteenth Avenue
Denver, Colorado 80203
(303) 837-3748
gregory.hobbs@judicial.state.co.us

Gregory J. Hobbs Jr. is a Colorado Supreme Court justice, a post he has held since 1996. He has practiced law for 25 years, with emphasis on water, environment, land use, and transportation. Other affiliations include former senior partner, Hobbs, Trout & Raley P.C.; Partner, Davis, Graham & Stubbs; First Assistant Attorney General, Natural Resources Section, State of Colorado; Enforcement Attorney, U.S. Environmental Protection Agency; and Law Clerk for Judge William E. Doyle, U.S. Tenth Circuit Court of Appeals. Justice Hobbs has classroom experience, ranging from teaching sixth grade in New York City to being an adjunct professor in the Master's Program in Environmental Policy and Management, University of Denver.

He has a History degree from the University of Notre Dame, and a J.D. from the University of California at Berkeley (Boalt Hall).

Chuck Howe

University of Colorado
Institute for Behavioral Sciences
468 UCB
Boulder, CO 80309-0468
303-492-7245
Charles.Howe@colorado.edu

Chuck Howe is Professor Emeritus of Economics and a senior member of the professional staff, Environment and Behavior Program, Institute of Behavioral Science, University of Colorado-Boulder—a program he directed for 12 years. His undergraduate training was at Rice University (1952) and he completed his Ph.D. in Economics at Stanford in 1959 after serving in the Navy in Korea. Before moving to Colorado, he was Associate Professor of Economics at Purdue University, Director of the Water Resources Program at Resources for the Future and on the field staff of the Rockefeller Foundation in Nairobi, Kenya, 1964-65. In 1981-82, he again worked with Rockefeller, teaching at Gadjah Mada University in Indonesia and advising the Ministry of Agriculture.

He has served as consultant on interstate river compacts for the States of New Mexico and Texas and on water planning in Africa, Central and Latin America and Southeast Asia. He is a Fellow of the American Geophysical Union, recipient of the American Water Resources Association Icko Iben Award and the Warren Hall medal from the Universities' Council on Water Resources.

His books include *Benefit-Cost Analysis for Water System Planning* (AGU, 1971), *Natural Resource Economics* (John Wiley, 1979) and *Management of Water Projects* (OECD, 1985). Recent articles include "Water Transfers & their Impacts: Lessons from Three Colorado Water Markets" (with Christopher Goemans, *Journal of the American Water Resources Association*, 2003), "Water Transfers and Their Impacts" (*Journal of the American Water Resources Association*), and "Protecting Public Values in a Water Market Setting..." (*University of Denver Water Law Review*, 2000)

Jeffrey Kightlinger, General Counsel

Metropolitan Water District of Southern California
P.O. Box 54153
Los Angeles, CA 90054-0153
213-217-6308
jkightlinger@mwdh2o.com

Jeffrey Kightlinger is general counsel for the Metropolitan Water District of Southern California. As general counsel, Kightlinger is responsible for directing Metropolitan's legal staff and consulting attorneys; leading the district's legal strategies in pending and potential litigation; and protecting Metropolitan's interests in all legal matters.

Before becoming general counsel, Kightlinger represented Metropolitan in environmental issues and water right matters. At Metropolitan he worked primarily on Colorado River matters, water rights issues and a number of the district's water transfer and storage programs. Prior to joining Metropolitan in 1995, Kightlinger worked in private practice representing numerous public agencies including municipalities, redevelopment agencies and special districts.

Kightlinger spent a year specializing in environmental law at George Washington University in Washington D.C., while working for the U.S. Environmental Protection Agency. He earned a bachelor's degree in history from the University of California, Berkeley, and his law degree from the University of Santa Clara.

Rodney Lewis, General Counsel

Gila River Indian Tribe

P.O. Box 97
Sacaton, AZ 85247
(520) 562-6200
rod.lewis@gric.nsn.us

Mr. Lewis is General Counsel to the Gila River Indian Community, of which he is also an enrolled member. He is a graduate of the University of California at Los Angeles (UCLA) Law School. Rod is the first Native American to have been admitted, in that same year, to the Arizona State Bar Association. He also holds distinction of having been the first Native American to argue a case before the United States Supreme Court.

In 2000 Rod, along with Janet Napolitano, was honored by the State Bar of Arizona as one of 100 Most Distinguished Women and Minority Attorneys.

Rod achieved the rank of First Lieutenant in the United States Army.

James Lochhead

Brownstein, Hyatt, and Farber, P.C.
PO Box 357
888 Colorado Ave, Suite 306
Glenwood Springs, CO 81602-0375
970-945-5302
jlochhead@bhf-law.com

Mr. Lochhead is Senior Counsel to the Denver law firm of Brownstein Hyatt & Farber PC, with his office in Glenwood Springs, Colorado. His practice emphasizes water rights, land use, real estate, municipal and special district, federal administrative and permitting, and legislative law. In addition to his practice, he has qualified as an expert witness for water and natural resources cases before the U.S. Supreme Court (*Kansas v. Colorado*), the U.S. Federal District Court for the District of Idaho, and others.

Jim has represented the state of Colorado for fifteen years concerning interstate Colorado River matters. From 1994 to 1998, Jim was executive director of the Colorado Department of Natural Resources. Jim was responsible for the Colorado Water Conservation Board, Soil Conservation Board, Oil and Gas Conservation Commission, and State Land Board Minerals, as well as the Divisions of Geology, Water Resources, Parks and Outdoor Recreation, and Wildlife.

From 1998 to 1999, Jim was Colorado's lead representative on interstate Colorado River issues, including water allocation among the seven basin states, reservoir and water facility operations, and endangered species programs in the Upper and Lower Basins. He is currently a Special Assistant Attorney General for Colorado on interstate Colorado River matters. He works on groundwater issues in both Idaho and New Mexico.

Jim has held several appointed and board and commission positions, including: the Board of Directors of the Colorado Conservation Trust, the Board of Trustees of the Colorado Water Trust, the Board of Trustees of the Legal Aid Foundation of Colorado, the Board of Trustees of The Nature Conservancy Colorado Program, the Board of Directors of Colorado Open Lands, the Board of Great Outdoors Colorado, the External Advisory Board of the Environmental and Natural Resources Policy Institute at Colorado State University, Chair of the Advisory Board of the Natural Resources Law Center, and the University of Colorado Law School Alumni Board of Directors.

Estevan R. López, P.E., Director

New Mexico Interstate Stream Commission
Deputy State Engineer
130 South Capitol Street
PO Box 25102
Santa Fe, NM 87504-5102
505-827-6103
elopez@ose.state.nm.us

Estevan López was appointed as the Director of the Interstate Stream Commission by Governor Bill Richardson in January 2003. He also serves as the Deputy State Engineer.

Lopez is a registered professional engineer in New Mexico. He served as County Manager for Santa Fe County from 2001 to 2002. He was the Land Use and Utility Director for Santa Fe County from 1997 to 2000.

A native New Mexican, he has a Bachelor of Science degree in chemistry and a Bachelor of Science degree in petroleum engineering from New Mexico Tech, in Socorro.

The New Mexico Interstate Stream Commission (Commission), created by Chapter 25 of the 1935 legislative session laws, has broad powers to investigate, protect, conserve and develop New Mexico's waters including both interstate and intrastate stream systems. The Commission has eight unsalaried members appointed by the Governor. The ninth member is the State Engineer, who under state law is the secretary of the Commission.

Malissa Hathaway McKeith , Partner, Land Development, Water, Energy

Lewis Brisbois Bisgaard & Smith LLP
221 North Figueroa Street, 13th Floor
Los Angeles, CA 90012

213-580-6303

McKeith@lbbslaw.com

Areas of Practice

Ms. McKeith has 20 years of experience in the areas of land development, water and energy law. She handles the following types of matters:

- Land use entitlements for retail, residential and industrial developments.
- Zoning changes, annexations, subdivision map act compliance.
- All aspects of NEPA/CEQA compliance (prosecution and defense).
- Endangered Species Act compliance including Streambed Alteration Agreements, Clean Water Act Section 401 and 404 permits.
- Protection of water rights with emphasis on representing agricultural entities.
- Defense of enforcement actions before the Environmental Protection Agency and Regional Water Quality Control Boards.
- Negotiation of power purchase agreements.
- All aspects of permitting for renewable, LNG or conventional power plants including appearances before the Public Utilities Commission and California Energy Commission.

Associations

- Board, Colorado River Board of California (1997-2002)
- Board, California Women Lawyers (1999-2003)
- Board, State Bar of California (1994-1997)
- Governor's Appointee, Flood Plain Task Force (1998)
- Executive Committee, State Bar Real Property Section (1999-2003)
- President, Citizens United for Resources & Environment ("CURE") (1997-present)
- Chair, Los Angeles County Bar Judicial Appointments Committee (1994-1999)
- Association of California Water Agencies
- Governor's Blue Ribbon Task Force on Environmental Regulations
- Governor's Task Force on Military Base Closure

Bart Miller, Program Director

Western Resource Advocates
2260 Baseline Road, Suite 200
Boulder, CO 80302
(303) 444-1188, ext. 219
bmiller@westernresources.org

Bart Miller is Water Program Director at Western Resource Advocates (WRA), a non-profit environmental law and policy organization dedicated to restoring and protecting the natural environment of the Interior American West. At WRA he directs projects throughout the region to improve urban water use efficiency, minimize the water-related impacts of energy development, and protect and restore water flows and other habitat in many river basins. He represents other conservation organizations as clients in civil litigation, lobbies for legislation, and develops and promotes environmental policy.

Mr. Miller has written and spoken on many environmental topics, including of water development, federal reserved water rights, the Endangered Species Act, and the interface between water and energy use. Prior to joining WRA in 2000, he spent 4 ½ years as an attorney-advisor in the Solicitors Office in Washington, DC, on the legal staff that advises the many agencies within the United States Department of the Interior.

Mr. Miller graduated *cum laude* from Dartmouth College in 1988 and received his J.D. from the University of Colorado Law School in 1995. He is admitted to the bar in Colorado.

Don Ostler, Executive Director

Upper Colorado River Commission
355 South 400 East
Salt Lake City, UT 84111
801-531-1150
dostler@uc.usbr.gov

Don is the Executive Director and Secretary for the Upper Colorado River Commission which was created by Federal Compact to represent the states of Colorado, New Mexico, Utah and Wyoming. The Commission is responsible to administer appropriate Federal laws respecting the uses and deliveries of the water of the Upper Basin of the Colorado River.

Don served for 18 years in a gubernatorial appointed position as the Director of the Utah Division of Water Quality and Executive Secretary to the Utah Water Quality Board. In this capacity he was responsible for protection of the quality of all surface water and ground water within the state of Utah. He was involved with the legislative branch of government in passing needed water legislation. Under his leadership the first

programs to protect ground water quality in Utah were developed. Don worked to improve coordination of water quality and quantity issues on a watershed basis.

Don worked as an engineer within the Utah Division of Water Quality and as an engineer for the Bureau of Reclamation and the U.S. Forest Service in Colorado, Utah and Idaho. He has B.S. and Masters Degrees in Civil Engineering from the University of Utah. He is a licensed professional engineer in the state of Utah.

Patrick H. Tyrrell, Wyoming State Engineer

State of Wyoming

Herchler Building, 4 th Floor East

Cheyenne , WY 82002

(307) 777-6150

ptyrre@seo.wyo.gov

Mr. Tyrrell is a Wyoming native who grew up in Cheyenne but has also lived in Casper, Gillette and Laramie, Wyoming. His experience was entirely within the private sector until taking the appointment as State Engineer in January of 2001. In his role as State Engineer, Pat serves as Wyoming's Commissioner to the Upper Colorado River and the Yellowstone River Commissions, and he represents Wyoming on the North Platte Decree Committee, the Colorado River Basin Salinity Control Forum, and the Western States Water Council, among other groups. He is past board member and past President of the Wyoming Water Association.

Experience

- 2001-current Wyoming State Engineer
- 1995-2000 States West Water Resources Corporation - Cheyenne, WY
- Engineering Manager
- 1991-1995 Thunder Basin Coal Company - Wright, WY
- Regulatory Affairs Supervisor
- 1989-1991 Wenck Associates, Inc. - Maple Plain, MN
- Project Manager
- 1981-1989 Western Water Consultants, Inc. - Laramie, WY
- Engineering Coordinator

Education

- 1979 University of Wyoming - Laramie, WY
- BS, Mechanical Engineering
- 1982 University of Wyoming - Laramie, WY
- MS, Civil Engineering - Emphasis in hydrology & hydraulics

Dennis B. Underwood, Vice President

Metropolitan Water District of Southern California

P.O. Box 54153

Los Angeles, CA 90054-0153

213-217-6000

dunderwood@mwdh2o.com

Dennis B. Underwood, Vice President of The Metropolitan Water District of Southern California on Colorado River Resources, brings to his position a wealth of experience in the water world. He has dealt with resource development and management of the local, regional, state, interstate, national and international levels and in the public sector.

Underwood was both executive director and executive secretary of the Colorado River Board of California from 1978 to 1989, when he was appointed by President George Bush as Commissioner of the Bureau of Reclamation, U.S. Department of the Interior. As Commissioner he directed and managed programs involving water, energy, environmental protection, endangered species and numerous other matters having to do with the ecology.

He worked from 1966 to 1978, with a hiatus from 1967 to 1969, as a water resources engineer with the California Department of Water Resources, Southern District. During that two-year break, he served in the U.S. Army Corps of Engineers with the 44th Engineers Group in Southeast Asia. Following his tour of duty in Southeast Asia, he was a member of an ad hoc study team with the New England Division of the Corps of Engineers, developing plans for water supply and river basin management for the northeast United States. During his military service, he obtained the rank of captain.

He received his B.S. in civil engineering from Vermont's Norwich University in 1966. He is the recipient of numerous awards for his contributions and accomplishments with respect to water resources management, education and his military service.

Gerald R. Zimmerman, Executive Director

Colorado River Board of California

770 Fairmont Ave., Suite 100
Glendale , CA 91203
818-543-4676
grzimmerman@crb.ca.gov

Jerry Zimmerman attended the University of Wyoming where he received a Bachelor of Science Degree in Agricultural Engineering in 1968 and a Masters Degree in Water Resource Engineering in 1970.

Upon graduation, he began employment with the Wyoming Water Planning Program which was a State agency under the Wyoming State Engineer's Office. After three years, he moved to Omaha, Nebraska where he worked for the Missouri River Basin Commission in various capacities including the Director of Special Studies. The Missouri River Basin Commission was a State/Federal planning organization created under the Water Resources Planning Act of 1968 with ten states and ten federal agencies represented on the Commission.

After eight years with the Missouri River Basin Commission, he moved to Salt Lake City, Utah to become the Assistant to the Executive Director of Upper Colorado River Commission. He was named the Executive Director of the Commission in 1983 and served in that capacity until April of 1990.

In April of 1990, Jerry moved from the Upper Colorado River Basin to the Lower Basin to accept an appointment as Executive Director of the Colorado River Board of California. The Colorado River Board is the State agency in California that protects California's rights and interests in the water and power resources provided by the Colorado River. The Board is composed of 10 members, one member from each of the six major public agencies with rights to use Colorado River water, the Director of the Department of Fish and Game, the Director of the Department of Water Resources, and two at large public members.

Jerry is the past chairman and a California member on the Colorado River Basin Salinity Control Forum as well as the Advisory Council dealing with implementation of the salinity control program for the Colorado River; is the chairman of the Lower Colorado River Multi-Species Conservation Program Steering Committee, a cooperative federal/state/non-governmental endangered species conservation effort; is California's representative on the Colorado River Management Work Group addressing Federal/State matters dealing with the management and operation of the Colorado River System reservoirs; is California's representative on the Glen Canyon Adaptive Management Work Group, a federal advisory committee dealing with the operation of Glen Canyon Dam consistent with the Grand Canyon Protection Act; and is one of California's representatives in the ongoing discussions and negotiations among the seven Colorado River Basin states dealing with long-term issues on the Colorado River.

Jerry Zimmerman attended the University of Wyoming where he received a Bachelor of Science Degree in Agricultural Engineering in 1968 and a Masters Degree in Water Resource Engineering in 1970.

Upon graduation, he began employment with the Wyoming Water Planning Program which was a State agency under the Wyoming State Engineer's Office. After three years, he moved to Omaha, Nebraska where he worked for the Missouri River Basin Commission in various capacities including the Director of Special Studies. The Missouri River Basin Commission was a State/Federal planning organization created under the Water Resources Planning Act of 1968 with ten states and ten federal agencies represented on the Commission.

After eight years with the Missouri River Basin Commission, he moved to Salt Lake City, Utah to become the Assistant to the Executive Director of Upper Colorado River Commission. He was named the Executive Director of the Commission in 1983 and served in that capacity until April of 1990.

In April of 1990, Jerry moved from the Upper Colorado River Basin to the Lower Basin to accept an appointment as Executive Director of the Colorado River Board of California. The Colorado River Board is the State agency in California that protects California's rights and interests in the water and power resources provided by the Colorado River. The Board is composed of 10 members, one member from each of the six major public agencies with rights to use Colorado River water, the Director of the Department of Fish and Game, the Director of the Department of Water Resources, and two at large public members.

Jerry is the past chairman and a California member on the Colorado River Basin Salinity Control Forum as well as the Advisory Council dealing with implementation of the salinity control program for the Colorado River; is the chairman of the Lower Colorado River Multi-Species Conservation Program Steering Committee, a cooperative federal/state/non-governmental endangered species conservation effort; is California's representative on the Colorado River Management Work Group addressing Federal/State matters dealing with the management and operation of the Colorado River System reservoirs; is California's representative on the Glen Canyon Adaptive Management Work Group, a federal advisory committee dealing with the operation of Glen Canyon Dam consistent with the Grand Canyon Protection Act; and is one of California's representatives in the ongoing discussions and negotiations among the seven Colorado River Basin states dealing with long-term issues on the Colorado River.

Hard Times on the Colorado River Moderators

David Getches, Dean

University of Colorado Law School
208 Fleming Law Building
401 UCB
Boulder, CO 80309-0401
303-492-3084
lawdean@colorado.edu

David Getches became the fourteenth Dean of the University of the Colorado School of Law in July 2003. He is also the Raphael J. Moses

Professor of Natural Resources Law and has taught and written in water law, public land law, environmental law, and Indian law for many years. Dean Getches has published several books including: *Water Resource Management*, with Tarlock and Corbridge (2002); *Water Law in a Nutshell* (1997); *Searching Out the Headwaters*; *Change and Rediscovery in Western Water Law and Policy*, with Bates, MacDonnell and Wilkinson (1993); *Controlling Water Use: The Unfinished Business of Water Quality Control*, with MacDonnell and Rice (1991); and *Federal Indian Law*, with Wilkinson and Williams (2005). He has written articles and book chapters, including several on Colorado River issues.

From 1983-1987, Dean Getches served as Executive Director of the Colorado Department of Natural Resources under Governor Richard D. Lamm. He also was the founding Director of the Native American Rights Fund (NARF). Dean Getches has consulted widely concerning indigenous peoples with governmental agencies and non-governmental organizations throughout the United States and in several foreign countries.

He received an AB from Occidental College in 1964 and J.D. from University of Southern California Law School in 1967.

Doug Kenney, Senior Research Associate

Natural Resources Law Center
University of Colorado Law School
401 UCB
Boulder, CO 80309-0401
(303) 492-1296
(303) 492-1297 (fax)
douglas.kenney@colorado.edu

Doug Kenney is the Conference Coordinator and a Senior Research Associate with the Natural Resources Law Center and a Management Team member of the Western Water Assessment, University of Colorado. His research and publications are highly interdisciplinary, focused primarily on issues of western water, public lands, and natural resources governance. He has a Bachelor's degree in Biology from the University of Colorado, a Master's degree in Natural Resources Policy and Administration from the University of Michigan, and a Ph.D. in Renewable Natural Resource Studies from the University of Arizona.

Lawrence J. MacDonnell, Counsel

Porzak Browning & Bushong LLP
929 Pearl Street, Suite 300
Boulder, CO 80302
303-443-6800
LMacDonnell@PBBlaw.com

Larry McDonnell practices primarily water law at Porzak Browning & Bushong LLP in Boulder, CO. He was the first director of the Natural Resources Law Center, from 1983 to 1994. He is the author or co-author of several papers on the Colorado River, including a chapter in the treatise WATERS AND WATER RIGHTS written with Dean David Getches.

Guy Martin, Partner

Perkins Coie
607 14th Street, N.W.
Washington, DC 20005-2011
GMartin@perkinscoie.com

Guy Martin is a partner in the DC office of Perkins Coie, and co-Chair of the firm's Environment and Natural Resources Practice Group. He maintains a diverse national practice in natural resources law and policy including public lands, water resources, conservation laws, Indian law, and energy resources. Among other responsibilities, he serves as national counsel to the Western Urban Water Coalition, which includes the largest municipal water agencies in the West, and as counsel to the Bay-Delta Urban Coalition, which includes urban water agencies in California interested in resolving management issues in the Bay-Delta region.

During his public service career, Guy has served as Congressional staff, Director of the DC Office for the Governor of Alaska, Commissioner of Natural Resources for the State of Alaska, and as Assistant Secretary of the Interior for Land and Water Resources. Guy was a member of the founding board of advisors for the Natural Resources Law Center, and has returned for another current term on the board. A Colorado native, Guy is a graduate of the University of Colorado as well as the School of Law. Guy is married, with two daughters and resides on Capitol Hill in Washington, DC.

Peter Nichols, Attorney

Trout, Raley, Montano, Witwer & Freeman, P.C.
1120 Lincoln St., Suite 1600
Denver, CO 80203
(303) 861-1963, x125
pnichols@troutlaw.com

Peter Nichols practices with Trout, Raley, Montano, Witwer & Freeman, P.C. (Denver) in the areas of water, environmental, and related

law. He drafted the *amicus curiae* briefs filed by Colorado, New Mexico, Idaho and other western states and by a coalition of western water users, including the National Water Resources Association, with the U.S. Supreme Court in *Miccosukee*. This was an appeal of an Eleventh Circuit holding that the federal Clean Water Act requires a point source discharge permit to divert and deliver water from one watershed to another. Nichols also drafted *amicus* effort for the western states in the Second Circuit Court of Appeals in *Catskill Mountains Chapter of Trout Unlimited v. N.Y.C.*, which addresses the same issue.

Recent scholarship includes "*Miccosukee* aftermath: Clean Water Act discharge permits for water transfers?" in *The Colorado Lawyer*. Nichols was the principle author of "Water and Growth in Colorado – a Review of Legal and Policy Issues," published by the Natural Resources Law Center of the University of Colorado Law School in 2001. Other recent scholarship includes "Watering Growth in Colorado: Swept Along by the Current or Choosing a Better Line?" published last spring by the University of Denver Water Law Review.

Nichols is also a leader in adapting legal mechanisms, such as conservation easements, to protect water for agricultural and conservation purposes. A current member of the board of the Colorado Water Trust, he was the organization's inaugural executive director. He has also served on numerous governmental panels, including the Colorado Water Quality Control Commission (Chair), the Garfield County (Colorado) Planning and Zoning Commission, and Colorado Governor Romer's "Smart Growth" and "Environment 2000" projects. Nichols is Past President of the Colorado Water Congress. He earned a JD from the University of Colorado Law School, an MPA also from CU, and a BA from Colorado College.