



University of Colorado Law School

30th Annual Summer Conference

THE MARTZ CONFERENCE ON NATURAL RESOURCES LAW AND POLICY

[see last page for details]

Western Water Law, Policy and Management:

Ripples, Currents, and New Channels for Inquiry

JUNE 3-5, 2009



UNIVERSITY OF COLORADO LAW SCHOOL
Wolf Law Building — Wittemyer Courtroom
Boulder, Colorado

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Note: Alcohol will be served as part of the Wednesday night reception and is part of the registration fee.

WESTERN WATER LAW, POLICY AND MANAGEMENT: Ripples, Currents, and New Channels for Inquiry

June 3-5, 2009

Natural Resources Law Center, Western Water Policy Program
University of Colorado Law School
Wolf Law Building, Wittemyer Courtroom
Boulder, Colorado

In many pockets of the American West, stresses and demands on water resources are overwhelming our capacity to effectively manage change and accommodate the diversity of interests and values associated with our limited water resources. This event will offer an opportunity for lawyers, policymakers, and water professionals to engage the experts on the challenges and emerging solutions to the most pressing water policy and management issues of the day.

CLE Credits: 18

Wednesday, June 3

- 8:30 – 9:00: **Opening remarks.** [Mark Squillace](#) (Natural Resources Law Center, Univ of Colorado Law)
Dedication of the annual conference: Tribute to Clyde Martz. [David Getches](#) (Dean, University of Colorado Law School) and [Howard Boigon](#) (Hogan and Hartson – Denver)
- 9:00 – 10:00: **Keynote: America's Water Crisis and What To Do About It.**
[Robert Glennon](#) (Morris K. Udall Professor of Law and Public Policy, University of Arizona Rogers College of Law)
- 10:00 – 10:30: **MORNING BREAK**

Session 1: Trends & Challenges

- Moderator:** [Jim Corbridge](#) (University of Colorado Law School Emeritus Faculty)
- 10:30 – 11:15: **Development: Urban Growth & Agricultural Resilience.** [Bill Travis](#) (CIRES, Univ. of Colorado Dept of Geography; Center for Science & Technology Policy Research)
- 11:15 – 12:00: **Climate Change, the Death of Stationarity, and a New Era for Western Water.**
[Steve Gray](#) (Wyoming State Climatologist – Laramie)
- 12:00 – 1:15: **LUNCH** — BBQ provided by the Environmental Law Society)
- 1:15 – 2:00: **Groundwater Declines, Climate Change, and Approaches to Adaptation.**
[Kathy Jacobs](#) (Arizona Water Institute, University of Arizona)
- 2:00 – 2:45: **Energy: Is the Energy Boom a Water Bane?** [Bob Wilkinson](#) (Donald Bren School of Environmental Science & Management, University of California –Santa Barbara)
- 2:45 – 3:15: **BREAK**
- 3:15 – 5:00: **Panel: Environmental Challenges**
Moderator: [Sarah Krakoff](#) (University of Colorado Law School)
Finding Flows: Fish Still Need Water Every Day.
[Melinda Kassen](#) (Trout Unlimited – Boulder, CO: Western Water Project)
Water, Pine Beetles, Fire, and Forest Health. [Rick Cables](#) (U.S. Forest Service, Rocky Mountain Region)
Oil Shale Water Use — Upsetting the Apple Cart of River Habitat, Irrigation and Existing Water Rights. [Bart Miller](#) (Western Resource Advocates — Boulder)
Waters at Risk: Clean Water Act Protections Post-Rapanos and the Clean Water Restoration Act.” [Jim Murphy](#) (Wetlands and Water Resources Counsel, National Wildlife Federation – Vermont)
- 5:00 – 7:00: **RECEPTION** and **POSTER SESSION** in the Law School Café

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Thursday, June 4

Session 2: Charting a Course of Action

- 8:15 – 9:30: *Moderator: Mark Squillace* (Natural Resources Law Center, Univ. of Colorado Law School)
Western Water Issues in the New Administration.
Michael L. Connor (Staff Director of the U.S. Senate Committee on Energy & Natural Resources; Commissioner Designate of Bureau of Reclamation, Washington, DC)
Respondents: Craig Bell (Western States Water Council – Midvale, Utah),
Jennifer Gimbel (Director, Colorado Water Conservation Board – Denver), and
Rebecca Watson (former Assistant Secretary-U.S. Dept of Interior; Hogan & Hartson – Denver)
- 9:30 – 10:00: **Fulfilling Tribal Water Needs: Progress and Opportunities.**
Robert Anderson (Native American Law Center, Univ of Washington Law School)
- 10:00 – 10:30: **BREAK**

Session 3: Opportunities: Hard, Soft and Mixed Pathways

- 10:30 – 12:00: **Panel: Infrastructure, Augmentation, and Great Feats of Engineering**
Moderator: Joe Feller (National Wildlife Federation, Arizona State University)
♦ **California's "New" Peripheral Canal.** **Leo Winternitz** (The Nature Conservancy, California Water Program – Sacramento)
♦ **Colorado's Northern Front Range: NISP/Glade.** **Don Carlson** (Northern Colorado Water Conservancy District)
♦ **Status of the Southern Nevada Water Authority's Third Intake into Lake Mead and Groundwater Project.** **Kay Brothers** (SNWA – Las Vegas)
- 12:00 – 1:30: **LUNCH** — on your own
- 1:30 – 3:00: **Panel: Softer Paths?**
Moderator: Sarah Bates (Public Policy Research Inst., University of Montana)
♦ **Economic Incentives for Demand Reduction:** **Chris Goemans** (Colorado State Univ., Dept of Agriculture & Resource Economics)
♦ **Linking Land and Water: Emerging Innovations.** **Amanda Cronin** (Washington Water Trust – Seattle, WA)
♦ **Thinking About Our Water Footprint.** **Steve Malloch** (Senior Western Water Program Manager, National Wildlife Federation – Seattle, WA)
- 3:00 – 3:30: **BREAK**
- 3:30 – 5:00: **Panel: New Directions in Water Transfers**
Moderator: Doug Kenney (Natural Resources Law Center, CU Law School)
♦ **Conditional Temporary Transfers as a Risk Management Strategy.** **Bonnie Colby** (University of Arizona, Dept. of Agric. & Resource Economics)
♦ **Water Leasing in the Arkansas Valley: The SuperDitch.** **Peter Nichols** (Trout, Raley, Montano, Witwer & Freeman – Denver, CO)
♦ **Markets for Environmental Restoration: The Colorado River Delta.** **Jennifer Pitt** (Environmental Defense Fund – Boulder, CO)
- 5:00 – 7:00: **RECEPTION** at the offices of Western Resource Advocates (*across the street from the Law School*). **All conference attendees invited.**

Friday, June 5

Session 4: Legal Reform

- 8:30 – 9:00: *Moderator: Karin Sheldon* (Western Resource Advocates – Boulder, CO)
Modifying Prior Appropriation: The Spectrum of Experiences.
Adam Schempp (Environmental Law Institute, Washington, DC)
- 9:00 – 9:30: **Groundwater Law & Administration: Recent Developments and Room for Reform.** **Mike Gheleta** (Brownstein Hyatt Farber Schreck – Denver)
- 9:30 – 10:00: **The Missed Opportunity of Public Interest Protections.**
Mark Squillace (Natural Resources Law Center, Univ of Colorado Law School)
- 10:00 – 10:30: **Next Evolutionary Steps in State In-stream Flow Programs.**
Larry MacDonnell (attorney and consultant – Boulder, CO)
- 10:30 – 11:00: **BREAK**

Session 5: Take-Home Lessons

- 11:00 – 12:30: **Grand Concluding Q&A Panel:** **Robert Anderson** (Native American Law Ctr, Univ of Washington Law School); **Justice Greg Hobbs** (Colorado Supreme Court); **Kathy Jacobs** (Arizona Water Institute, University of Arizona), **Ted Kowalski** (Colorado Water Conservation Board); **Larry MacDonnell** (attorney and consultant); and **Kimery Wiltshire** (President and CEO of Exloco)
- 12:30: **Conference adjourns**

To Register on-line:

https://www.regonline.com/63368_696429J

**For assistance with registration,
Conference information, or
Sponsorship opportunities, contact us at:**

nrlc@colorado.edu
303-492-1286



The Martz Annual Conference on Natural Resources Law and Policy

The Natural Resources Law Center (NRLC) is pleased to announce that its annual summer conference has been named to honor **Clyde Martz** – a teacher, lawyer, scholar, public servant, and friend who inspired generations of students and young lawyers to study natural resources, mining, oil and gas, and water law. Clyde was author of the very first textbook on natural resources law, *CASES AND MATERIALS ON THE LAW OF NATURAL RESOURCES*, published in 1951, and he was instrumental in founding the Center in 1982. Clyde spent much of his career as a lawyer at the Denver law firm of Davis, Graham, and Stubbs, but he took time off from practice to serve as Assistant Attorney General for Land & Natural Resources at the U.S. Department of Justice (during the Lyndon Johnson administration) and as Solicitor at the U.S Department of the Interior (during the Jimmy Carter administration)..

The NRLC's annual summer conference hosts outstanding faculty, scholars, public officials, and students who gather to discuss the complex and fascinating issues that dominate the field of natural resources law and policy. The NRLC will administer the summer program in a way that honors Clyde's singular contributions to the profession.

