

46th Annual Colorado Law
Conference on Natural Resources

June 4-5, 2026 | Presented by Getches-Wilkinson Center and Water & Tribes Initiative

An aerial photograph of a vast desert canyon. A winding river flows through the bottom of the canyon, surrounded by sparse green shrubs and dry earth. A prominent, tall, narrow rock spire stands on the right side of the canyon. The canyon walls are composed of layered red rock. The sky is a mix of blue and orange, suggesting a sunset or sunrise.

THE COLORADO RIVER: SEARCHING FOR SOLUTIONS IN THE FACE OF UNCERTAINTY

Conference Summary

by Emilia Endara, *Colorado Law Student and Getches-Wilkinson Center Research Assistant*
and Doug Kenney, Ph.D., *Director of Getches-Wilkinson Center's Western Water Policy Program*



Getches-Wilkinson Center
UNIVERSITY OF COLORADO BOULDER
UNIVERSITY OF COLORADO LAW SCHOOL

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Introduction

On June 4-5, 2026 in Boulder, Colorado, the Getches-Wilkinson Center (GWC) and the Water & Tribes Initiative hosted the GWC's 46th annual Natural Resources Law conference. By almost every measure, it was a major event, attended by 373 in-person and 132 remote (video) individuals, featuring prominent thought leaders and decision-makers, and supported, directly and indirectly, by nearly 50 foundations and sponsors. Additionally, post-conference, the event was featured in roughly two dozen newspaper articles (and related media outlets).

As has been the tradition in recent years, the focus was squarely on the Colorado River. As noted in the conference program, *"The Colorado River is facing unprecedented change and uncertainty. Average annual flows continue to decline, and negotiations to craft post-2026 guidelines to manage the river have repeatedly bogged down in disagreements about delivery obligations, sharing shortages, and mandatory conservation. While some clarity may emerge in the coming months, the ability to sustain many existing municipal and agricultural water users is already being compromised. Meanwhile, there is growing recognition that a durable resolution must also address the water rights of sovereign Tribal Nations and better integrate environmental values into river management. All sovereigns, stakeholders, and sectors must work together now more than ever to find solutions for short-term needs and long-term goals."*

This document provides a concise summary of the presentations. In a year of change, it serves to preserve lessons learned and stories shared as management of the Colorado River continues to evolve. Other conference materials, including full video recordings, are available online: [June 4 & 5: 2026 Conference on the Colorado River | Getches-Wilkinson Center | University of Colorado Boulder.](#)



Photo by John Weisheit

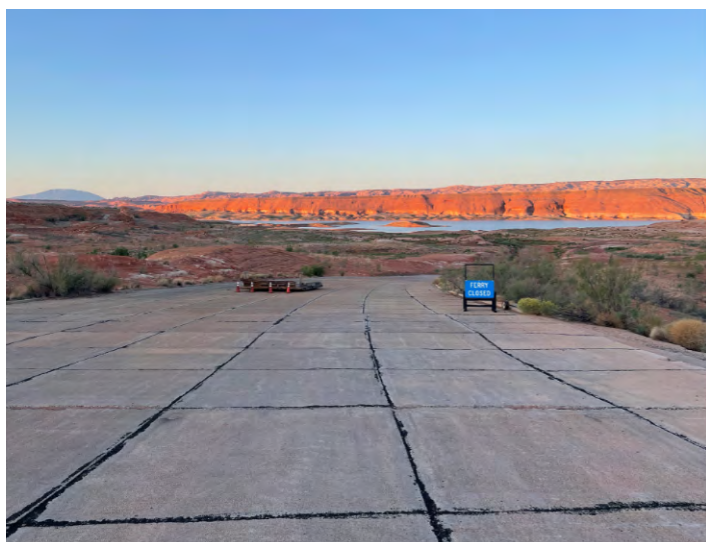


SESSION 1 | Climate & Hydrology: Expectations for an Ever-Shrinking Pie

Growing water shortages on the Colorado River system derive from a mismatch between supplies and human demands. While water managers have some ability to proactively manage demands and water already in storage, natural inflows to the basin are not easily manipulated, placing a premium on understanding trends and forecasts. This topic was introduced by our first speaker, Brad Udall, who provided invaluable insight into evolving climate and weather patterns influencing natural flows. Udall is a Senior Water and Climate Research Scientist/Scholar at Colorado State University's Colorado Water Center, and an expert on hydrology and related policy issues of the American West. Next, the Bureau of Reclamation's Katrina Grantz broke down the technical limitations and current challenges facing the Glen Canyon Dam's operational capabilities. She has nearly 20 years of experience in water management, currently serving as the Bureau's Upper Colorado Region Deputy Regional Director.

BRAD UDALL | Long-Term Trends and Near-Term Impacts: Learning from the 2026 Water Year

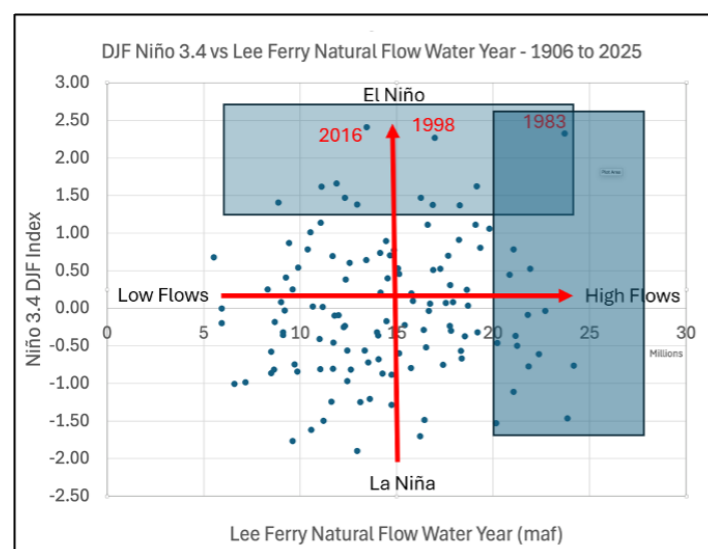
Decreasing water flows and storage levels are not a new problem in the basin, but the issue is especially prominent after a snow-season as dry as 2025/2026. In his presentation on trends and impacts from the water year, Brad Udall used both storytelling and hard scientific data to document the growing effects of climate change on water availability. He began by showing a jarring image from Lake Powell: the now-defunct boat ramp at the Bullfrog Marina that meets red dirt and shrubs instead of water. The photo was from 2021. As of early June, Lake Powell's water level is another 20 feet lower, sitting at 3,523 feet—with no rebound in sight.



Bullfrog Marina. Photo by Brad Udall.

In March of 2026, the upper Colorado region experienced its lowest and earliest snowmelt peak: a full four weeks early. The snow water equivalent was less than nine inches: two to four inches lower than average peaks from years dating back as far as 2002. Temperatures are rising alongside declining water levels. This past March was the warmest nationwide in the past 132 years. As a result, natural flows for this water year are projected to be only 13% of average.

Declining hydrology is rendering previous agreements between the Upper and Lower Basins unworkable. In September of 2026, the aggregate ten-year flow of the Colorado River from Lee Ferry will drop below the 82.3 million acre-feet threshold—sometimes called the first Compact tripwire. Some water users and managers have expressed hope that the coming “super El Niño” year will provide much-needed relief. However, as shown in the graphic below, there is no clear correlation between El Niño years and Lee Ferry flows; some El Niño years are wetter than average while others are drier.



Graphic by Brad Udall

Also worrisome is the behavior of the Pacific Decadal Oscillation (PDO)—another climate phenomenon defined by changes in Pacific Ocean water temperatures—which appears to have stopped oscillating, stuck in the phase

“We are going to get to redo, like it or not, 100 years of law and policy around how we manage a critical resource.”

“We need to pull straws out of this glass.”

associated with warmer and drier conditions in the Colorado River headwaters. Ironically, much of this climate change derived warming is concentrated at 40 degrees North (and South) latitude, the exact geospatial location of Baseline Road in Boulder located adjacent to our conference site. Many models used to forecast

future water conditions do not account for this, and as a result, overestimate precipitation trends. Greenhouse gases are driving the consistent downward PDO trend, and dry conditions in the western US are likely to persist and intensify as long as emissions continue. Ultimately, changes in precipitation, temperature, and hydrology will result in significant challenges to the foundations of western water law, a legal and policy regime that has been in place for well over a century.

KATRINA GRANTZ | Infrastructure Limits and Considerations

Declining hydrology has brought challenges to each stakeholder in the Colorado River Basin. As the owner/operator of the major dams on the system, the Bureau of Reclamation has nearly exhausted the operational flexibility needed to satisfy competing obligations to water users, hydropower customers, Tribal Nations, and environmental resources. Emergency drought responses have become more commonplace as water levels continue to drop and efforts intensify to stabilize water levels in Lake Powell. The first is the Drought Response Operations Agreement (DROA), which moves water from upstream reservoirs, namely Flaming Gorge currently, into Lake Powell. The second—based on section 6E of the 2024 Supplemental Environmental Impact Statement—entails reducing the amount of water released from Lake Powell to Lake Mead this upcoming water year from 7.5 to 6 million acre-feet. The goal is to keep Lake Powell above 3,500 feet so that Glen Canyon Dam can continue to produce hydropower through the eight penstocks that are located at 3,490 feet.

If water levels in Lake Powell were to drop below 3,490 feet and the hydropower penstocks became inoperable, Glen Canyon Dam’s four river outlet works (ROWs) would be needed to release water downstream to the Lower Basin. However, those outlets are intended as temporary backup to use in case of emergencies.

Much like a “spare tire,” they were designed for limited use at reduced speed. If the speed of water passing through the ROWs remains high while water levels are low, the risk of cavitation increases. Cavitation occurs when changes in water pressure create water bubbles that threaten the integrity of the material lining the tubes. This outcome transpired during recent high-flow experiments, necessitating repairs. To mitigate this risk, the speed of water (and thus the volume) released needs to be reduced, and each ROW needs to be periodically taken off-line—one at a time—for inspection and repairs. If these precautionary measures are taken, then the dam will be able to safely operate using only the ROWs. However, if water were to drop below 3,370 feet—the elevation of the ROWs—then water would not be able to pass through the dam to the Lower Basin at all. This is known as “dead pool” level. Ultimately, the agency believes that the ideal long-term solution for Glen Canyon Dam is to keep water levels high enough to use all eight of the penstocks located above 3,490 feet. That way, operations can remain as they are.

“This year was one for the record books, but we truly need to be prepared for that to happen again.”



Photo by Barb Colombo, 11:11 Productions

SESSION 2 | Sustaining a Living River

Protecting the Colorado River and the ecology that it supports can be difficult given that most water laws and policies were designed to promote diversions and consumptive use. The speakers in this session highlighted three different approaches to sustaining the Colorado as a living river: strategically working within the water rights system, fundamentally reforming the water management paradigm, and allowing nature to heal itself. The first approach was discussed by Amy Moyer, who spoke about protecting the water rights to the Shoshone Hydropower Plant. Moyer is the Chief of Strategy for the Colorado River District, where she oversees the District's Community Funding Partnership. Next, John Bezdek shared how the Colorado River Indian Tribes (CRIT) has legally acknowledged rights of the river. Bezdek is a Shareholder at Water and Power Law Group PC, has 31 years of experience in protecting Tribal water rights, and is lead water counsel for CRIT. Finally, Zak Podmore shared the story of ecological rebirth in Glen Canyon as declining Lake Powell water levels uncover canyons flooded for half a century. Podmore is an author and journalist who has been writing about water and conservation issues in the American West since 2011.

AMY MOYER | Enhancing Instream Flows: The Shoshone Powerplant Case

The Shoshone Hydropower Plant in western Colorado's Glenwood Canyon temporarily diverts water from the mainstem of the Colorado River, runs it through hydropower turbines, and returns the flow approximately two and a half miles downstream mostly unaffected in quality or quantity. For over a century, the facility has provided energy to as many as 15,000 customers. However, in the modern age, the chief value of the project is its senior water rights—a primary decree of 1,250 cubic feet per second (cfs) dating back to 1909, and an additional 158 cfs secured in 1929. These senior water rights pull water downstream that can also serve other consumptive and non-consumptive uses. Those uses include irrigation of well-known Palisade peaches, water supplies for growing West Slope cities, and the support of Colorado's \$18.8 billion recreation industry, including the aquatic ecosystems and river habitats on which it depends.

"This basin is so in need of long-term durable solutions, and this project really is emblematic of that."

For many decades, West Slope water interests have sought to protect these water rights from being sold and transferred to other users, particularly those on the Front Range. Work to protect the water rights associated with the Shoshone Plant is now becoming a reality. In 2023, a coalition led by the Colorado River District agreed to purchase the water rights from Public Service Company of Colorado (a subsidiary of Xcel Energy) for \$99 million, and to then lease the water back to the utility for hydropower production and to maintain the other uses dependent upon the continued functioning of these rights. Implementing this agreement is an ongoing challenge, primarily centered around securing sufficient funds and navigating the water court process—an effort complicated by the desire of the Colorado River District to make the rights part of Colorado's Instream Flow Program. Under Colorado law, the transfer would require that the instream flow use preserve or improve the natural environment to a reasonable degree. Even Front Range opponents agree that the new instream flow use meets that requirement. When completed, the deal promises not only to protect West Slope agriculture, ecological systems, drinking water, and recreational uses, but to ensure that these flows stay within the Colorado River Basin.



The Shoshone Reach in Glenwood Canyon. Photo courtesy of the Colorado River District.

JOHN BEZDEK | Acknowledging the Rights of the River: The CRIT Approach



From left to right: John Bezdek, Amy Moyer, and Zak Podmore.
Photo by Barb Colombo, 11:11 Productions.

The Colorado River has flowed for millennia. Only in the past tenth of its life has it coexisted with humans, and only in the past century has it become vulnerable to nearly complete control and manipulation by Colorado River infrastructure and policy. Protecting the health of the river is a priority of the Colorado River Indian Tribes (CRIT). The CRIT reservation covers nearly 300,000 acres of land along the Colorado River in western Arizona and southeastern California. Their annual rights to over 700,000 acre-feet of water are first-priority rights, dating back to reservation establishments as early as 1865. In 2025, CRIT modified its Tribal water code to acknowledge this stretch of the river as a living entity, subject to the legal protections associated with “personhood.” This “rights of nature” approach is new for the Colorado River, but not unprecedented in other settings, countries, and landscapes. Several other Tribes have granted rights of nature to food sources and rivers. However, deciding to acknowledge personhood is a deeply personal decision unique to each Tribe. For CRIT, the impetus was to codify the central importance the Tribe places on living in harmony with the river. In Bezdek’s words: “It’s not just about nature’s right to exist, it’s also our ability to exist with nature and to live with nature.”



Residents of Fort Mohave (1903). Photo by Edward S. Curtis.

The practical impact of the designation is two-fold. First, acknowledging the Colorado River as a living entity with rights ensures that the health of the river is considered in all resource management decisions made on reservation. Second, it ensures that outside parties wanting to “do business” with CRIT are also held to this standard. Notably, acknowledgements of legal personhood have no overt legal authority over governments external to the Tribe. Water interests outside of and not doing business with CRIT are affected only to the extent that CRIT water rights are vast and all decisions made in an interconnected system resonate throughout in some way. For CRIT, granting legal personhood is a way to express their sovereignty and better align their law and policy with Tribal values.

“It’s not just about nature’s right to exist, it’s also our ability to exist with nature and to live with nature.”

ZAK PODMORE | Rebirth of Glen Canyon

Public concern regarding Lake Powell and the Glen Canyon Dam typically centers on loss of water storage and the resulting impact and threat to water users throughout the basin. But Podmore, who has kayaked the Colorado River from its headwaters in the Green River all the way to the canals on the U.S.-Mexico border, suggests we view the situation differently.



Photo by Zak Podmore

In fact, a growing coalition of voices is suggesting that declining reservoir levels should be viewed through a lens focused on correcting past actions and recovering (temporarily) lost resources. This is already occurring.

Even at approximately 25% of full storage, Lake Powell is still massive—extending 120 miles upstream from Glen Canyon Dam. Nonetheless, the canyons and stream reaches that have emerged as Lake Powell has receded are equally significant. This list includes 100,000 acres of re-exposed land, 47 miles of the San Juan River, and 42 miles of the Colorado River mainstem. In

“We have what might amount to the largest environmental restoration in the history of the Colorado River Basin happening on its own.”



Photo by Zak Podmore

these areas, native species such as river otters, beavers, cottonwoods, and willows are once again flourishing. These re-emerging ecosystems are located in areas of staggering beauty and demand what no other ecological restoration effort in the basin requires: less water.

It is an unexpected opportunity to be celebrated and exploited. Doing so requires not only a shift in mindset, but also strategic policy decisions. Namely, if water were to become available, refilling Lake Powell and reflooding these environments would be a tragedy that could be avoided by shifting reliance to other reservoirs, particularly Lake Mead.



Photo by Barb Colombo, 11:11 Productions

SESSION 3 | Living with Less on Farms and Ranches

Irrigated agriculture is the largest water use in the Colorado River basin and, consequently, is where most innovations in water conservation are aimed. What that looks like in practice varies tremendously across the basin. This session summarized three divergent cases. First, Tina Shields spoke about large-scale conservation efforts in the Imperial Valley. Shields has been the Imperial Irrigation District's Water Department manager since 2014 and oversees IID's Colorado River supply entitlement—the largest on the river. Next, David DeJong reviewed how improvements to the Gila River Indian Community's water infrastructure have greatly improved water conservation. DeJong has worked for the Gila River Indian Community for over three decades and has been director of the Pima-Maricopa Irrigation Project for the past 26 years. Finally, Scott Campbell suggested potential water conservation methods for the Uncompahgre Valley. Campbell is a conservation planner and the Senior Strategic Consultant for The Freshwater Trust, where he is engaged in conservation efforts in the Colorado River Basin.

TINA SHIELDS | Innovations in Irrigated Agriculture

The age and scale of irrigation in the Imperial Valley is unmatched in the basin. Diversions from the Colorado River into the valley began in 1901. The Imperial Irrigation District (IID) was created in 1911, with the Power Department formed in 1936. Today, it is the largest irrigation district in the nation and the sixth-largest power agency in California. In total, IID holds rights to 3.1 million acre-feet of water, all from the Colorado River.



Salton Sea with the Imperial Valley in the foreground. Photo by Ted Wood/The Water Desk.

"We can stand by our water rights, but we need to be a little more proactive in helping the river help itself."

While the district's growing season is 365 days a year and has no off-season, decision-makers have made efforts to conserve water. Many of those efforts can be traced to the Quantification Settlement Agreement—which the district was "enticed" to sign in 2003 as part of efforts to rein in California's overall draw on the Colorado River to its 4.4 million acre-feet apportionment—as well as related efforts to support Southern California's growing cities with water previously used in irrigation. Among the most notable arrangements are those with the San Diego County Water Authority and the Coachella Valley Water District that provide 303,000 acre-feet of water in exchange for funding canal linings and modernizing IID's irrigation infrastructure.

Similarly, in 1988 the Metropolitan Water District of Southern California Conservation Program agreed to fund infrastructure improvements such as building reservoirs and lining 270 miles of canals in exchange for 105,000 acre-feet of water per year from the IID. Overall, the IID conserves massive amounts of water on a yearly basis. Last year, 726,000 acre-feet were conserved.

"We're making due with less to help benefit other irrigation districts and water supply agencies in Southern California."

Conserving large amounts of water at IID has had one significant unintended consequence: the reduction of return flows into the Salton Sea. As a result, salinity levels in the Sea have increased while elevation has dropped by 14 feet, leaving over 43,000 acres of playa (beach) exposed. By 2047, 74,000 acres of playa will likely be unprotected. Exposed playa is rich in salts and pollutants, which are mobilized in unhealthy dust storms throughout the Imperial and Coachella Valleys. In response, California is implementing a management program for the Salton Sea that includes wetlands projects, dust management measures, and mixing in drain water to address salinity issues.



From left to right: David DeJong, Tina Shields, and Scott Campbell. Photo by Barb Colombo, 11:11 Productions.

DAVID DEJONG | A Legacy of Adaptation

The Gila River Indian Community (GRIC) has access to roughly 650,000 acre-feet of groundwater and surface water associated with the Gila, Salt-Verde, and Colorado River mainstem, derived from an equally complex assemblage of agreements and lawsuits. However, this year—like many others—is testing the limits of practical water availability, as the Gila River has gone dry, and the San Carlos Reservoir is empty. This is the familiar backdrop to GRIC water management, which DeJong summarizes by referencing four recurring themes: adaptation, resiliency, innovation, and holism.

Adaptation of the irrigation system has taken many forms that have thoroughly modernized the water distribution infrastructure. Notably, earthen canals have been lined with concrete and steel and can now be operated remotely, resulting in significant water savings. Previously, the canals would lose 10 to 90 percent of water by the time they reached the reservation.



Southside Canal. Photo courtesy of the Gila River Indian Community.

Resiliency was shown by using the reclaimed water acquired under the Arizona Water Settlement Act. Initially, growers in the area were reluctant to convey the water through their systems due to stigma, but now reclaimed

"It's hard to be the river people with the river being central to the life — economic, political, cultural, social — when there's not a flowing river."

water is delivered to 90% of the Gila community. *Innovation* is shown in methods including the managed aquifer recharge program (using Colorado River allocations) and by installing solar panels over canals, providing a source of electricity while reducing evaporation losses. The panels will produce around 18 to 20 percent of the power needed for the reclaimed water pipeline and the irrigation program.



Casa Blanca Solar-Over-Canal: Phase 2. Photo courtesy of the Gila River Indian Community.

Also innovative are the automated bay drives and blade valves used on pipelines to drastically reduce irrigation time. These efforts in conjunctive and efficient water use not only support the irrigation economy, but are behind efforts to restore stretches of the Gila River to free-flowing status. Overall, the Gila community has a holistic vision: they strive to restore Keli Akimel ("Old Man River") while supporting a culturally, environmentally, and economically sustainable future.

SCOTT CAMPBELL | Upstream of the Big Reservoirs: Adapting to a Changing (and mostly Declining) Hydrograph



The Uncompahgre Valley. Photo courtesy of The Freshwater Trust.

The Uncompahgre Valley Water Users Association manages the Uncompahgre Project in Colorado, which produces over \$100 million per year in total economic output. While smaller than many of its Lower Basin counterparts, the Uncompahgre Project is the largest diverter in the Upper Basin. As such, it has great potential to modernize and conserve water on a large-scale. However, envisioning how to do this is particularly difficult in this basin, given the highly complex nature of the gravity fed distribution network where each segment is dependent upon the proper functioning of others. To explore options, a detailed model of the water system was developed to identify the most practical and cost-effective ways to modernize and conserve water without restructuring the whole system. The results are illuminating, albeit still theoretical

"We could reduce 50% of the seepage loss and infiltration by lining just 6% of the canals."

until other challenges can be overcome, namely the need for funding and the uncertain role that a conservation program would play in new interbasin water management rules for the Colorado River system.

The option for system reform presented by Campbell features three main elements, which together could provide operational flexibility within the system. The first initiative would line 6% of the system's leakiest canals, reducing 50% of seepage losses and creating 400,000 acre-feet of efficiency savings over 20 years. The second element would modernize 6,000 acres of the highest impact farmland to precision irrigation, creating around 200,000 acre-feet of efficiency savings over 20 years. The third component would be a 5-year rotational conservation program that would result in 100,000 acre-feet of consumptive use savings, mostly from voluntary split season irrigation and related practices. If implemented over time, these projects would allow water savings to be stored upstream in the Aspinall Unit (on the Gunnison River) to maximize release and management flexibility to the benefit of farmers, the river, fisheries, and the entire basin.

A Clarification of "Free River Conditions" by the Colorado State Engineer

Discussions about efforts to conserve water across the basin took an unexpected turn when many audience members noted confusion about the existence of "free river conditions" in Colorado, which presumably runs counter to the goal of reducing stress on the river. To provide clarity, Colorado State Engineer Jason Ullmann emerged from the audience to explain that recent interest in (and confusion over) this concept appears to derive from a 2024 University of Virginia study characterizing this as a legal loophole that allows wasteful consumption. Ullman clarified that "free river" conditions do not mean people can take however much water they would like at any time, but simply refer to times when all legal rights are currently being satisfied (i.e., there is no call on the river), resulting in unappropriated water that can legally be put to beneficial use (as enshrined in Article 16, Section 6 of Colorado's constitution). So, even though people may sometimes take more water than they have a decree for, they have the legal right to do so, and it is common practice during spring runoff. The unusually dry conditions this year have limited those opportunities, as many rivers are already on call. The Uncompahgre, for example, is on call to an 1882 right, meaning that those who appropriated their water rights after 1882 are unable to divert water.



Photo by Barb Colombo, 11:11 Productions

SESSION 4 | Designing Water Conservation Programs for the Future

While large-scale water conservation is essential to future management of the Colorado River, it raises a number of legal, political, and administrative issues. The speakers in this session relayed challenges faced in past conservation efforts as well as suggestions for more comprehensive and effective future programs. First, Kathryn Sorensen discussed common issues and potential improvements for Intentionally Created Surplus (ICS). Sorensen is the Director of Research at the Kyl Center for Water Policy at Arizona State University, where she primarily focuses on the management of water resources in Arizona and the Colorado River Basin. Next, Anne Castle spoke about the unique challenges facing Upper Basin conservation efforts. Castle is a Senior Fellow at the Getches-Wilkinson Center (GWC), a position that allows her to build upon a long history of work on Colorado River policy and Tribal water interests, including positions with the Upper Colorado River Commission and the Department of the Interior. Finally, Celine Hawkins, the Colorado River Program Director of The Nature Conservancy, outlined pathways to increase Tribal participation in large-scale conservation programs. Hawkins has extensive experience with Colorado River, Tribal water, and natural resource management.

KATHRYN SORENSEN | Improving the Design and Role of Assigned Water

Sorensen began her presentation by lamenting the “awful tradeoffs” that will inevitably occur as the Colorado River faces declining hydrology. One innovative tool for managing shortages is the Intentionally Created Surplus (ICS) program, which allows participating water users to store conserved water in Lake Mead for future use. ICS is a popular conservation solution; it is a major tenet of the 2007 guidelines, nearly all the Mexico Minutes, the Drought Contingency Plan, and the proposed three-state Lower Basin plan. Water stored in ICS is “assigned water,” which is distinct from “system water” (or “prior appropriation water”) in that the holders of assigned water remain the owners of the water that they conserve, as opposed to the water rights going to the next rightsholder. This makes ICS popular, but it is also problematic as ICS does not actually save water; it shifts consumption in time to another unspecified date. So, while the system creates flexibility and protection from shortage for the owner of the assigned water, the river’s collective resiliency is not significantly bolstered. Additionally, water stored as ICS can also provide a misleading picture of system health for those who do not own the assigned water, as much of the current available storage in Lake Mead is ICS and is thus not available to the broader community of water interests.

Given the current limitations of ICS, Sorensen shared several ideas to potentially guide future program improvements. At the core of her proposal is an arrangement whereby Lower Basin contractors voluntarily agree to have water allocations redefined in terms of “assignments” based largely on historic consumptive use. Under

“If you want to benefit from the infrastructure that was previously built to store private water, you have to share in the burden of building collective resiliency.”

this framework, any reductions in actual use below that value becomes new ICS water, subject to evaporation losses and some assessment at creation meant to bolster system water. This water would be “operationally neutral,” an accounting approach whereby assigned water is not included when measuring reservoir volumes used to specify shortage and curtailment schedules. When the review of system water storage indicates a need for curtailments, ICS participants would have to agree to take shortages proportional to their assignments. Nonetheless, Sorensen believes that at least in some cases, ICS participants will be willing to trade system (prior appropriation) water for assigned water due to the flexibility of the program, including the ability to buy, sell, and trade assigned water across state lines. In short, it is possible to reform and expand ICS to further incentivize conservation in a way that increases flexibility, bolsters resiliency, and facilitates innovations that are not reliant on additional federal appropriations.

“The problem is that ICS doesn’t save water. It just moves it in time.”



From left to right: Mark Squillace, Kathryn Sorensen, Anne Castle, and Celine Hawkins. Photo by Barb Colombo, 11:11 Productions.

ANNE CASTLE | Crafting an Upper Basin Conservation Program

Conserving water in the Upper Basin states raises a different set of issues and complexities based on the intended purpose of the conservation (e.g., Compact compliance) and the explicit mechanisms for incorporating the conservation program within the functioning of prior appropriation. These issues have been explored in detail in several studies and projects, including the System Conservation Pilot Program, water banks, and demand management programs. Several challenges and solutions have been identified. Most importantly, if conserved water is not defined as being associated with a legally recognized beneficial use, the water is presumably available for consumption by the next rightsholder in line. Adding conservation as a beneficial use helps resolve that issue, and is something that should be viable given that the definition has already shifted in recent years to include new uses such as fracking and snowmaking. Other needed reforms are required to protect those participating in a sanctioned conservation program from having

“We’ve seen the evolution of how people think about beneficial uses, so why not conserved water?”

rights subject to abandonment and reductions in historical use value. Some progress on all these issues has been made already within each of the Upper Basin states.

Perhaps the most formidable challenge is shepherding. Shepherding issues arise when it is necessary to move the conserved water downstream—past other potential users with valid water rights—for the intended beneficial use, such as bolstering storage in a downstream reservoir. These issues become increasingly difficult as they expand from the intrastate to interstate scale. Along with various accounting and measurement issues potentially raised by downstream states, additional interstate hurdles are associated with anti-export statutes designed to protect state control over their water. Legislative action will likely be needed to recognize other states’ conserved water and provide administrative shepherding where needed. Ultimately, the potential administrative hassle makes it probable that conserving water might not be worth it for some, particularly if the amount of water is small and the compensation, if any, is lacking. Despite challenges, an Upper Basin conservation program is worth pursuing as part of efforts to implement demand reductions, whether or not the motivation is defined by the Upper Basin states through the lens of Compact obligations.



Photo by magnific.com

CELINE HAWKINS | Opportunities for Including Tribal Water in New Programs

Some of the most creative ideas for conserving and flexibly managing large amounts of the Colorado River involve Tribal water rights, many of which have not been fully developed. These rights are powerful: they are quite senior, often very large, and are not subject to constraints such as abandonment or forfeiture. However, many existing programs were not built for Tribal participation or to include many of the ideas offered jointly by Tribes and the conservation community. Using a cake metaphor, Hawkins describes better involving Tribes in future conservation schemes as providing the icing upon the body of a cake comprised of basic operational decisions specifying releases and curtailments—since a “cake without frosting is just a muffin.” Numerous opportunities exist for creating flexible programs benefiting Tribes, the natural environment, and the basin as a whole.

An example of such a program is the water sharing agreement between the Jicarilla Apache Nation, the New Mexico Interstate Stream Commission, and The Nature Conservancy. The Jicarilla Apache Nation leased water to the state of New Mexico, which was then enrolled in the state’s strategic water reserve. That water is now being released into the San Juan River, resulting in a doubling of its flow.



The San Juan River just below Navajo Lake. Photo by Roberto Rosales/The Santa Fe Reporter.

Many other creative proposals can be found in the draft EIS, the pending Northeastern Arizona Water Indian Rights Settlement Act of 2025, and the recent three-state Lower Basin proposal. Present day turmoil provides the perfect opportunity to rebuild Colorado River agreements in a way that is accessible to Tribes, providing the basin with flexibility, increased adaptability, and reduced long-term risks to water users and the environment.

“When we’re looking at ways to balance water supply in the system, we need to think really hard about the history and the development of Tribal water use, and also how powerful Tribal rights are.”



Photo by Barb Colombo, 11:11 Productions

SESSION 5 | Status of the Post-2026 Guidelines

The responsibility for developing post-2026 guidelines ultimately falls on the four sets of sovereigns: the U.S. federal government, Mexico, the 30 basin Tribes, and the seven basin states. The actions of these sovereigns, in turn, are expected to reflect the priorities expressed by the wide range of stakeholders impacted by the operational rules. In this session, seven speakers organized into four panels provided an update on the efforts of these sovereigns to craft post-2026 rules against a backdrop of record-low reservoir storage.

Providing the “federal perspective” was Scott Cameron, the Acting Commissioner of the Bureau of Reclamation. This was paired with a viewpoint from Mexico by Carlos A. de la Parra, Founder and Managing Partner of the Luken Center for Strategies on Water and Environment. Providing a subset of perspectives of the seven basin states were two Principals directly involved in ongoing negotiations: Becky Mitchell (of Colorado) and John Entsminger (of Nevada). Similarly, a diversity of Tribal perspectives was provided by representatives from 3 of the 30 Tribal governments: Chairwoman Amelia Flores of the Colorado River Indian Tribes (CRIT), Chairman Selwyn Whiteskunk of the Ute Mountain Ute, and Governor Stephen Roe Lewis of the Gila River Indian Community (GRIC) (and joined by impromptu remarks from audience members Donald Whyte of the Ute Mountain Ute, and Chairman Daniel Leivas, Chemehuevi Indian Tribe).

SCOTT J. CAMERON | The Evolving Federal Role

Acting Commissioner Cameron began his highly anticipated presentation by recapping recent efforts to develop post-2026 rules. The year began with the publication of the draft Environmental Impact Statement offering five alternatives designed to provide sufficient tools and flexibility to fit any subsequent seven-state solution that might emerge from ongoing negotiations. Unfortunately, those state negotiations have not led to a solution, prompting Interior Secretary Doug Burgum to order Cameron to intervene, guided by four principles. First, Burgum wanted a seven-state deal. Second, he wanted his political leadership to be involved in negotiations with the seven states. Third, he aimed to protect the interests of the Tribes to the greatest extent possible. And fourth, Burgum reiterated that if no seven-state deal materializes, he wants all parties to understand that he will do what needs to be done as water master of the Lower Basin while exercising his more limited authorities in the Upper Basin—including ongoing efforts to implement the Drought Response Operations Agreement (DROA).

"I think we've succeeded in making everybody unhappy and everybody mad, which maybe means we're doing the right thing."



Scott J. Cameron (at the podium). Photo by Barb Colombo, 11:11 Productions.

In the absence of a state-led agreement, Cameron announced the federal government was prepared to move forward in the Final EIS with a preferred alternative establishing a ten-year framework distilled into five two-year operating plans, developed in accordance with river conditions at that time. The urgency of developing rules for the upcoming water year requires the first of the two-year plans to be in place by August. If the states were to reach a seven-state agreement after that point, it could presumably supplant those guidelines. In the meantime, Reclamation will implement the two-year plan while assisting states in other ways, notably through infrastructure improvements and other conservation efforts that can take advantage of federal cost-sharing.

CARLOS A. DE LA PARRA | The Evolving U.S.—Mexico Relationship

De la Parra began by explaining that upon assuming office in 2009, Mexican Water Commissioner Roberto Salmón Castelo was surprised to find the water debate is not entirely binational. Unlike Mexico's centralized government, the United States contains many decision-makers (including seven states and thirty Tribes), operates under a regime of privately held water rights, and largely views agriculture as an industry. These differences with the Mexican model of water management mean the two nations have been tasked with "jointly managing a river under different political, institutional and cultural realities." Some fundamental issues, such as the basic international allocation (addressed in the 1944 Treaty) and the issue of salinity (addressed in Minute 242 in 1973) had been addressed in direct federal government-to-government negotiations, but addressing many remaining concerns—such as agricultural conservation and transformation, groundwater management, and addressing climate change—

"You get invited to someone's home, and you sit down and dinner is not ready because there's an argument going on in the family."

is impeded by the diversity of governmental layers and the dissection of the river into many sub-basins. Viewing and managing the river as one basin is important, but is often a largely unrealized goal.

Since 2007, many of the negotiations between the two countries have focused on water quantity. Prior to that year, Mexico viewed the binational agreement as a provider of 1.5 million acre-feet of water. But after 2007, the countries began to share shortages and discuss ways to improve infrastructure together. These negotiations, in turn, provide the context for efforts within Mexico to improve agricultural resiliency—something currently lacking in Mexicali. One third of the 500,000 acres in the region are no longer useful due to salinity, lack of management, and the overwhelming reliance on alfalfa as it is now the only crop that survives. De la Parra highlighted the importance of creatively balancing demands in the context of supplies, and in searching for creative ways—such as the use of agrivoltaics—to build more resilient agricultural communities. To the extent these efforts can benefit from a binational perspective, he believes negotiations between the U.S. and Mexico could be complicated by a wariness of U.S. imperialism held by some farmers in Mexico. Nonetheless, de la Parra hopes that the binational dialogue will lead to shared resilience and stewardship that both nations can profit from.



From left to right: John Entsminger, Becky Mitchell, Chris Winter, and Carlos A. de la Parra. Photo by Barb Colombo, 11:11 Productions.

The States: A Conversation with **BECKY MITCHELL** and **JOHN ENTSMINGER**

Rather than convene a panel of all seven Principals rehashing now familiar positions, the conference called upon GWC Executive Director Chris Winter to lead a Q&A discussion with an Upper Basin (Becky Mitchell, Colorado) and Lower Basin (John Entsminger, Nevada) Principal. The discussion was based on the following six questions:

Question 1: “It’s been suggested that the Lower Basin proposal might serve as the first of the five two-year plans. Is that realistic? How might that need to be refined? Can you imagine what the process might look like for developing subsequent plans?”

Mitchell considers the proposal a “starting point” with both strengths and points of concern. She sees tying the ten-year framework to actual conditions such as inflows and reservoir levels as promoting sustainability, but views the two-year renegotiation cycle as a concern. Mitchell offered a couple suggestions for future plans. First, all parties should put legal theories aside and focus on problem-solving; second, all parties should acknowledge that while the Upper Basin is ready to put forward a contribution program, it is important to recognize their inherent hydrologic limits.

Entsminger addressed the development of future two-year plans by explaining the rationale behind the original Nevada proposal, on which the Lower Basin’s proposal is largely based. This proposal described years three through ten in terms of a periodic analysis of a process for developing operating plans, rather than a direct renegotiation of those plans. The template for this is the Long-Term Experimental and Management Plan adaptive management framework for Glen Canyon Dam operations (LTEMP). With that caveat, Entsminger suggested that using the Lower Basin’s plan for the next two years and beyond is the best way to keep out of court.

“The law of the river is what the seven states can agree it is.”

- John Entsminger

Question 2: “What are your views and concerns along the lines of federalizing the river, and how can we ensure that the river is managed in a more cooperative manner under these conditions by federal, state, and Tribal officials moving forward?”

Entsminger began by stating that the law of the river is what the seven states agree upon; when they do not agree, the federal government will step in. He pointed out that there are plenty of federalized rivers, and warned that the Upper Basin is risking the Secretary of the Interior becoming their water master if an agreement is not reached. Mitchell pointed out that agreements become more difficult to make as hydrology continues to worsen faster than governance structures can adapt. She believes the ultimate issue is not simply whether the federal role will be increased, but whether that role will be to provide a backstop to state efforts rather than acting as the primary manager. Mitchell concluded by reiterating that the basin’s strength comes when both sides work together.

Question 3: “The drought is making it potentially impossible to accommodate the perceived commitments to each sub-basin. In light of this fundamental challenge, how should the parties respond to these kinds of uncertainties around what the 1922 Compact means for the Upper and Lower Basins?”

Mitchell pointed out that the compact merely establishes a framework; it does not define what to do when there is not enough water. The important question is whether the basin can develop operating rules that work within that framework, and she

believes that is possible. Entsminger acknowledged the “inconsistent, ambiguous provisions” of the compact. While the compact’s purpose was equitable apportionment, there is dispute as to the meaning of equitable. Some believe that it means an even split. However, Article 3 could be read as obligating the Upper Basin to deliver 7.5 million acre-feet, contradicting an even split interpretation. Only a Supreme Court decision could definitively resolve the compact’s inconsistencies. The preferred outcome is for the seven states to reach a consensus together; otherwise, the decision will be placed onto parties outside the basin.

Question 4: “Are large-scale reductions in irrigated agriculture an essential component of the road forward? And if so, what is the right process for doing that, including the federal government’s potential role? And if not, what is the alternative?”

Entsminger began by sharing his hesitancy toward offshoring food production. However, he acknowledged the importance of agriculture in water conservation, given that it represents 80% of water use. Overall, he would maintain food production, but invest in technology that would make it more efficient. Entsminger also pointed out that there are other areas where water use could be reduced, such as non-functional turf. While he recognized that all states can do more, he shared Nevada’s success in cutting water use by 40% even as its population grew by 800,000. Mitchell agreed that the focus should be budgeting and planning for the amount of water consumed by agriculture, rather than necessarily cutting the industry back. While she also agreed that every state could do more, she refrained from making specific recommendations and instead simply noted that prior appropriation is the Upper Basin’s tried and true method for water allocation.

Question 5: “Is litigation the hammer that’s needed to reinvigorate the pursuit of a negotiated solution? Are there certain issues that might only be resolved through the litigation process?”

Mitchell noted that a statewide agreement would naturally be preferable to litigation, and she still

believes a consensus is possible. The main concern regarding litigation is that it “doesn’t provide certainty and doesn’t provide water”; decision-makers will still have to work with a river whose hydrology is worsening more than anyone anticipated. Entsminger agreed, pointing out that the time-consuming nature of litigation would still necessitate a multi-year operations plan. Failing a specific injunction from a federal judge, litigation would take many years to sort out. The worst-case litigation scenario would be an original jurisdiction Supreme Court case between states, as it would represent an immediate surrender of basin decision-makers’ responsibility.

Question 6: “How are you feeling about bringing in a mediator? What would you want to accomplish? What would be the roles and responsibilities of a mediator or mediation team at this point?”

Entsminger laid out two possible approaches to bringing in mediation. One possibility would be to bring in a former federal judge who lacks experience in Colorado River matters, but is an expert in the law. Another idea is for each basin to pick a mediator, who would then choose a third and final mediator. He prefers the second approach, since having a panel would provide considerable expertise on the Colorado River and possibly lead to a quicker conclusion.

Entsminger concluded his remarks by noting that the current preliminary preferred alternative puts two-year decisions 60 days before each general decision, prompting a sarcastic warning from Mitchell: “that’s a recipe for success.” She went on to say that she hopes basin decision-makers are not viewed as failures, pointing out the interplay between deteriorating hydrology and the complex mix of Tribal, environmental, infrastructure, and interstate issues. She stressed that while mediators will not create solutions, they could foster the necessary environment.

“Mediators aren’t the solution. The mediators create an environment for the solution.”

- Becky Mitchell

Tribal Perspectives | CHAIRWOMAN AMELIA FLORES

Chairwoman Amelia Flores of the Colorado River Indian Tribes (CRIT) underpinned her call for enhanced Tribal engagement with a reminder that Tribes have strong cultural ties to the river, noting: “the river defines us.”



Colorado River irrigation canal. Shutterstock image.

“The river defines us. We don’t define the river.”

One of the ways this marginalization is revealed in CRIT (and many other Tribes) is in incomplete and dilapidated infrastructure which leads to underutilization of water. CRIT’s irrigation system is the oldest Tribal irrigation project in the U.S.

This lack of maintenance is a chronic problem, largely derivative of the inadequacy of federal funding. In recent years, this problem has been compounded by federal rules that require the Tribe to demonstrate a decrease in water consumption from current levels—rather than from decreed amounts—in order to receive compensation for that unused water. Chairwoman Flores concluded with a call for more collaborative adaptive management. By combining strengths, states and Tribes can reach joint solutions in the Colorado River Basin.

“Our greatest weapon against uncertainty is inclusion.”



Mohave men (1871). Photo by Timothy H. O’Sullivan.

As discussed in detail by CRIT attorney John Bezdek in Session 2, CRIT’s water code articulates the viewpoint of the river as a living being responsible for nurturing all life. This is a perspective that is frequently missing from basin-wide policy discourse, despite the fact that CRIT has the most senior Tribal rights in the Lower Basin, comprising roughly 10% of the total Lower Basin apportionment.

Tribal Perspectives | CHAIRMAN SELWYN WHITESKUNK

Chairman Selwyn Whiteskunk of the Ute Mountain Ute Tribe opened by welcoming everyone to the ancestral lands of the Ute people. He then highlighted key milestones since he began serving in Tribal government, first on the council (starting in 1997) and as Chairman since 2025. From his first days of service, the focus was on water. His first assignment was to negotiate water rights for the Dolores-McPhee Reservoir Project in Southwest Colorado. Next was the contentious Animas-La Plata Project. While he had reasons to oppose the project, he set them aside to focus on advocating for the Ute people. In all of these efforts, he has had to confront the ongoing challenge of converting paper Winters rights into wet water capable of aiding Tribal economic development. This is a challenge for many Tribes, prompting Whiteskunk to conclude that Tribes will need to stick together to ensure they get the water they need.

"This water is our livelihood. We depend on it. Our children are going to depend on it. Our grandchildren."

"If there's no water, there's no people."

The agricultural farm of the Ute Mountain Ute Reservation used to be 100% irrigable, whereas now, the rate of deliverable water onto the reservation is a mere 30%. In order to maintain enough water to operate irrigation infrastructure that Reclamation built for them, Tribes have to buy their water from private landowners to the north in Montezuma County. Chairman Whiteskunk concluded by saying that while Tribes are faced with difficult choices, they will make decisions that will help their community to the highest extent possible. They must: "If there is no water, there's no people."



Chairman Selwyn Whiteskunk. Photo by Barb Colombo, 11:11 Productions.



Photo by John Weisheit

Tribal Perspectives | GOVERNOR STEPHEN ROE LEWIS

Despite having large water rights, Governor Stephen Roe Lewis sees the Gila River Indian Community (GRIC) as the most at-risk water user in the Colorado River Basin. Alongside Colorado River shortages to Central Arizona Project (CAP) supplies, GRIC faces hydrologic shortages from the Gila River. But Governor Lewis recalled how his elders taught him that you don't sit on your hands when it comes to Tribal sovereignty and protecting Tribal interests: "Tribal sovereignty in itself is a verb; it's an action word." Consequently, GRIC has been a prominent player in ongoing efforts to craft a more sustainable future for the basin post-2026.

GRIC was a major contributor to the Lower Basin proposal. While the proposal is not perfect, it is a practical near-term approach. In contrast,

"Cooperation only makes sense if there's mutual respect"

the federal government's proposed ten-year framework concerned Governor Lewis. The core issue is that the ten-year framework presently only has a two-year conservation agreement and two years of funding. Governor Lewis was also concerned that the framework would modify the law of the river, since the plan proposes to protect elevation at Lake Powell rather than maintain a minimum release amount. Governor Lewis highlighted that if long-range operating criteria are to be adjusted, the current legal and administrative process should be used. Additionally, he expressed concern as to whether the federal government is committed to minimizing impacts to Indian trust assets like water. Lewis concluded by stating that litigation is never the first choice, and that the future of the basin depends on leadership, compromise, investment, and a willingness to act.

"We're extremely concerned about the 10-year framework."



Photo by Barb Colombo, 11:11 Productions



Photo by Barb Colombo, 11:11 Productions

SESSION 6 | Learning from the Process: How do we Do Better in the Future?

It is the tradition of the conference to conclude with a Q&A panel discussion focused on one of the larger, cross-cutting themes that have permeated the entire event. This year, the focus is on the processes and traditions being relied upon in the basin to identify and enact solutions. As noted in earlier sessions, to this point those arrangements have been insufficient to resolve disputes over several core issues, namely reservoir operations, shortage sharing, and the development of new conservation programs. Thinking longer-term, more effectively addressing these and other basin challenges may require a different approach.

Jason Robison was tasked with moderating this discussion, which he did by asking panelists three related questions. Robison is the Carl M. Williams Professor of Law & Social Responsibility at the University of Wyoming, where he also serves as the Co-Director of the Gina Guy Center for Land & Water Law and as an Adjunct Professor for the Haub School of Environment and Natural Resources. The session featured four panelists: John Berggren, Daryl Vigil, Samantha Barncastle, and James Eklund. **John Berggren** is a regional policy manager with Western Resource Advocates, where he focuses on developing and advancing equitable policies to improve interstate governance in ways benefiting rivers and the communities, recreation opportunities, and the environment they support. **Daryl Vigil**, an enrolled member of the Jicarilla Apache Nation, is former leader (in several positions) of the Ten Tribes Partnership of the Colorado River, and the co-director for the Water & Tribes Initiative. **Samantha Barncastle** is an attorney with extensive experience in water and natural resources litigation and policy-making at both the state and federal level, and executive director of the Family Farm Alliance. **James Eklund**, a fifth-generation Colorado rancher, is currently a partner at Taft Law where he builds on skills honed during his service as former director of the Colorado Water Conservation Board and his work in leading development of Colorado's first water plan in 2015.

Learning from the Process: How do we Do Better in the Future?

Question 1: “What, in your view, has worked in the process of developing the post-2026 operating guidelines, and why?”

As expected (and intended), this question generated a range of opinions, offered through very different lenses. Berggren began by noting several positive attributes in how Reclamation has set up the EIS effort, including opening the process of exploring and submitting alternatives to everyone, an approach further bolstered by the eventual delineation of alternatives that capture a wide range of ideas. Eklund viewed that characterization as too generous, noting that decision-makers “are in the results business,” and that the lack of results to date is having many negative consequences. In particular, he noted the lack of agreement is leading to a “federalization” of the river, something that happened long ago in the Lower Basin (via the Arizona v. California litigation) but not yet in the Upper Basin.

Observations by Barncastle and Vigil focused primarily on issues of collaboration and inclusion. Barncastle argued that “the collaborative process has worked,” as cities, agriculture, Tribes, environmentalists and private equity have all played a role in searching for solutions. This feature of the governance framework will, by necessity, continue. Vigil partially concurred, noting that the “collaborative piece has been important,” but that Tribes are still “not included in any governance structures.” This lack of inclusion goes beyond formal involvement in decision-making; it is also expressed by the unwillingness (and inability) of the status quo to acknowledge the values of Tribal communities, and the existential threats facing those sovereigns from the twin challenges of limited

“Our inclusion has been very very very very recent.”

- Daryl Vigil

access to water and limited opportunities to express Tribal sovereignty—with one notable exception being CRIT’s personhood designation.

Question 2. What has not worked in the process of developing the post-2026 operating guidelines?”

Vigil’s remarks provided the natural segue of the conversation to “what’s not working.” Eklund drew both on academic writings and personal experience to conclude that the governance systems on the Colorado have evolved (or devolved) in a way that has emphasized procedural compliance and the avoidance of political pain, resulting in processes lacking “the ability to build, decide, and execute at a scale and with the sense of urgency that are required.” One element of that is the tradition that decisions are reliant on unanimous decision-making, which Eklund notes “has to change.”

Barncastle built on those points, lamenting how the basin has been drifting toward siloing and legal posturing, and noting that thirteen years of litigation on the Rio Grande failed to create a drop of water. The “us versus them” mentality was also flagged by Berggren, as was the formidable barriers in hydrology and politics that have stalled negotiations. Referencing Becky Mitchell’s earlier remarks, he noted that the “hydrology is changing faster than our governance is changing.”

Question 3. “When you think about Colorado River management beyond the post-2026 guidelines, which suggestions do you have for procedural improvements, particularly with respect to (1) which types of parties are engaged, and (2) how processes are designed?”

“What kind of river are we going to plan for?”

- John Berggren

***"You can take every city out of the basin,
and you still have a mass balance problem."***

- James Eklund

At this point in the conversation, moderator Robison skillfully read the room and urged the panelists to directly address changes to the system, inviting Vigil to kick off a particularly interactive discussion by returning to his earlier critique of the status quo. Vigil eagerly complied, referring to the "continued perpetuation of the status quo" as "silly," and arguing instead for transformative change reoriented around "equity, justice, and inclusion." Two ideas prompted the most thoughtful deliberation. The first was his assertion that the basin needed to move away from large-scale agriculture in the basin. On this point Barncastle urged caution, noting that both food and water security were priorities. Eklund offered further nuance, noting that agricultural demand management, in the form of compensated conservation, is the "only tool in the bag" to really address the mismatch between supply and demand. The other idea sparking a nuanced discussion from the panel was the notion that greater inclusion—particularly for the 30 Tribes—in decision-making was a needed reform. Fellow panelists noted the salience of how that inclusion is structured, acknowledging the need to significantly improve opportunities for sharing ideas and values, but in a way that does not overwhelm decision-making processes that require something close to unanimous agreement.

Among the other ideas raised for discussion, it is worth noting that the two attorneys on the panel both flagged litigation as the wrong

***"We need transformation.
We don't need change."***

- Daryl Vigil



From left to right: Jason Robison, John Berggren, Daryl Vigil, Samantha Barncastle, and James Eklund. Photo by Barb Colombo, 11:11 Productions.

***"We need to be moving a whole lot faster
in terms of funding mechanisms, working
together, tearing down those political barriers."***

- Samantha Barncastle

pathway, with Eklund calling it "an utter failure" and Barncastle noting that we instead "need to ramp up our collaboration." In that vein, both Vigil and Berggren encouraged the parties to use the services of a professional facilitator. Some of the other ideas offered included the expanded use of conservation pools (Berggren), the completion of water settlements (Vigil), moving away from unanimity-based decision-making (Eklund), and the establishment of a river basin commission (Berggren). Overall, there is widespread appetite for reforms that make the governance system more proactive and emphasize shared interests and responsibilities, rather than a further hardening of our isolated silos.

***"It's a fallacy to believe that we're going to
settle this and come up with regulations and
then move on with our lives. This will be a
continuing process forever."***

- Samantha Barncastle



Photo by Barb Colombo, 11:11 Productions

CONCLUSION

The conference adjourned after two days of insightful presentations and spirited discussions. Despite explicitly highlighting several success stories and opportunities for further innovation, the overriding tone of the event was frustration, as the “searching for solutions” framing proved to be a heavy lift in this era of intersecting crises and stalled negotiations. Attendees headed off knowing that the remainder of the summer was sure to yield more drama as the EIS concludes, setting up a new water year dangerously vulnerable to the whims of weather and the limits of operational capacity.

Host and co-organizer Doug Kenney of the Getches-Wilkinson Center closed the event by again thanking the speakers, moderators, attendees, student volunteers, and the sponsors who made it all possible, as well as the master of all things logistical: GWC Assistant Director Annie Carlozzi. Other key contributors not yet highlighted in this summary include co-event organizer Matt McKinney of the Water & Tribes Initiative; and moderators Daniel Anderson (GWC Water Law Fellow), Roger Fragua (Flower Hill Institute), Mark Squillace (Colorado Law Professor), and Jay Weiner (Quechan Indian Tribe Principal Water Attorney). Of course, the glue that held it all together is the shared love of the river and all it provides.

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