



Colorado **Law**
UNIVERSITY OF COLORADO **BOULDER**

GETCHES-WILKINSON CENTER

FOR NATURAL RESOURCES, ENERGY, AND THE ENVIRONMENT

Newsletter | Fall 2023

WESTERN WATER POLICY

GWC's Western Water Policy Program Looks to the Future



The Getches-Wilkinson Center for Natural Resources, Energy, and the Environment is thrilled to announce a major investment in our Western Water Policy Program (WWPP) from the Walton Family Foundation. The recent grant will position the GWC and the WWPP to deepen our leadership in western water policy and to build on our legacy of research and innovation.

The Western Water Policy Program has been working at the cutting edge of water policy for decades. Since convening our first major water conference in 1981 (*Water Resources Allocation: Laws and Emerging Issues*), WWPP has convened over 20 multi-day water conferences and produced over 100 major reports and books. Much of the work was done under the skilled leadership of Doug Kenney, who joined Colorado Law in 1996 and since that time has served as a leading voice on western water issues, including management of the Colorado River.

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To the Friends and Supporters of GWC –

As I sit down to write my first letter to our community, a fresh blanket of early-November snow is quickly melting off of the Flatirons, the east-facing sandstone fins that rise up over Boulder. The snow fell overnight, and the brief storm gave way to a warm fall morning. This juxtaposition of sun and snow, red stone and golden light, is a familiar sensation and something I embrace here in Colorado at this time of the year. The seasons are changing, and the sun is shining and maybe that's a good metaphor for our current work at the Getches-Wilkinson Center as we look at an exciting future for an organization with such a storied past.

After almost four months on the job, I am energized for the work ahead and incredibly grateful for the support of our community during my onboarding process. I was drawn to this position because I care deeply about the environment and the communities of people and wildlife that depend on our shared natural resources. We are facing monumental challenges, and I believe we have a responsibility to step up, to create positive change, and to reimagine how we relate to the world around us and to each other so that future generations can experience the deep connection to the natural world that has inspired and impacted all of us in such profound ways.

Colorado Law School and GWC are incredibly well positioned to take the lead in securing a sustainable future and creating the kind of progress we need in the years to come. The field of natural resources and energy law will become ever more important as we grapple with the impacts of climate change and depletion of natural resources, and the strength of our program at Colorado Law School positions us as leaders in the field.

But I also believe that many of the most impactful solutions will emerge at the intersection of climate change, public lands and waters, American Indian law, and environmental justice. And it is here in this interdisciplinary environment where Colorado Law School truly stands out and where GWC excels. The vision of David Getches and Charles Wilkinson – and their dedication to justice - have laid out the path before us.

I hope that this update will give you the same sense of momentum and possibility that we feel day in and day out at GWC. In the pages that follow, we offer exciting updates about the future of our Western Water Policy Program, which is thriving under the renewed leadership of Doug Kenney. You will read about the impressive work of our two water law fellows – Frannie Monesterio and Andrew Teegarden. And you will be introduced to many of the promising, emerging student leaders who we are mentoring through scholarships, fellowships, research positions, and the rest of our programming.

This is only a small window into our work and where we are headed in the years to come. If you have questions, please reach out to me anytime. I would welcome the opportunity to connect with you and to learn about your motivations and hopes and dreams for this work. Thank you for your support and your partnership and thank you for being such an important part of our community.

Chris Winter, GWC Executive Director



GWC Team Hike



Environmental Law Networking Event



Hike with ELS and Faculty

GWC's Western Water Policy Program Looks to the Future

(Continued from page 1)

The Walton Family Foundation has made a two-year, \$400,000 investment in the WWPP, \$200,000 of which is a matching opportunity to support the Water Law Fellows Program. This comes at an especially pivotal time as we sharpen our focus on the rapidly evolving management framework in the Colorado River Basin and endeavor to support and amplify the work of our Tribal partners. Moreover, we are thrilled to welcome Doug Kenney back into the fold as the Director of the Western Water Policy Program moving forward.

The two-year award from the Walton Family Foundation will allow GWC and the WWPP to execute on several priority initiatives in the years to come, including:

- Organizing our annual summer Colorado River Conference, which convenes Tribes, policy makers, conservation groups and other leaders from across the Colorado River Basin;
- Under Doug Kenney's leadership, reinvigorating the Colorado River Research Group, a body of 14 active and 4 emeritus Colorado River scholars established in 2014 to bring scientific insights to Colorado River system management; and
- Mentoring and developing a new generation of water leaders in the region, including through our innovative post-JD Water Law Fellows program.

We are grateful for the long-term support and partnership from the Walton Family Foundation. Please save the date for our next Colorado River Conference – June 6-7, 2024. And stay tuned for ways that you can support and contribute to this important work.



Getches-Wilkinson Center

UNIVERSITY OF COLORADO BOULDER

UNIVERSITY OF COLORADO LAW SCHOOL



CONSCIENCE BAY
C O M P A N Y

GWC and Conscience Bay Company Announce Exciting New Fellowship in Water Law

The Getches-Wilkinson Center is thrilled to announce a new fellowship in water law made possible by the generosity of the Conscience Bay Company, a longtime and dedicated supporter of GWC and innovations in western water law. The fellowship will be awarded to a rising Colorado Law School 3L who has demonstrated a commitment to western water law, and the funding will enable the student to work with GWC throughout their third year to develop their scholarship and expertise in the field. In addition to mentorship and support, the student will have access to a network of water professionals across the west and the opportunity to publish and present on their areas of interest. Colorado Law Students who are interested in the opportunity should visit the GWC website for more information including how to apply for the fellowship.

15th Annual Schultz Lecture Features Pilar Thomas

On October 5, 2023, the Getches-Wilkinson Center was proud to host Pilar Thomas for the 11th Annual Schultz Lecture in Energy. Entitled “The Road to Tribal Clean Energy Transition is Paved with Sovereign Action”, Pilar’s lecture provided a hopeful and practical view into Tribal development of renewable energy projects. Pilar is a partner with Quarles & Brady’s Environmental and Natural Resources Practice Group, and she has a long track record of public service with the Department of Energy, the Department of Interior, the Department of Justice, and as general counsel for numerous Tribes and related business entities.

Earlier in the day, GWC hosted a lunch and learn for the law students, and Pilar shared her professional experiences and offered advice and guidance to students who are interested in working with Tribes and promoting renewable energy. Almost 50 students turned out for the event, which included an interesting and engaging Q&A session.

Thank you to Pilar for sharing her wisdom and expertise with the Colorado Law School community! The Schultz Energy in Lecture was made possible by the generosity of John H. and Cynthia H. Schultz, and we are grateful for their family’s continued commitment to GWC and Colorado Law School.



Pilar Thomas



Pilar Thomas Student Lunch & Learn



Pilar Thomas Schultz Lecture

Getches-Green Natural Resources, Energy, and Environmental Law Clinic

by Sarah Matsumoto

The ten students in the Getches-Green Natural Resources, Energy, and Environmental Law Clinic are representing clients on a wide variety of environmental issues. Their cases range from federal litigation challenging a BLM planning-level decision in Southwest Oregon, investigation and organizing work on behalf of a community impacted by odors from an industrial facility, supporting a Colorado community as they engage with their county’s oil and gas rulemaking, and working with legal experts to research and draft an amicus brief concerning the interpretation of the Antiquities Act.

NREE clinic students and Professor Matsumoto



GWC Hosts Wyss Scholars Panel: Public Interest Careers in Public Lands

by Adam Fisher

CU Law is one of six leading institutions to host the Wyss Scholars Program, which supports the graduate-level education of emerging leaders in U.S. land conservation by providing scholarships, mentorship, and community. Early this semester, the GWC partnered with the Wyss Scholars Program to present a panel discussion on "Careers in Public Lands and Why They Matter." The event featured three distinguished CU Law alumni working in public land conservation: Scott Miller '98, Senior Regional Director for the Southwest Region at the Wilderness Society; Michelle White '17, Staff Attorney at Southern Utah Wilderness Alliance; and Roger Flynn '91, founding Director at the Western Mining Action Project. The discussion was moderated by Adam Fisher, a 3L and CU Law's 2023-24 Wyss Scholar.

The discussion provided students with insights into the panelists' careers and the breadth of public land law and conservation. The panelists also spoke on both the impact and meaningful nature of their work, for example, by safeguarding endangered species, collaborating with Indian Tribes to better protect key resources, or blocking inappropriate mineral development. One highlight of the conversation came when the panel discussed their efforts to establish and protect both the Bears Ears and Grand Staircase-Escalante National Monuments, emblematic battlegrounds for public land conservation.

Student interest in the subject was evident, with a full room and ample questions for the panelists. Post-event, this enthusiasm has continued, with strong student engagement in a variety of other GWC events, including at an information session on the 2024-25 Wyss Scholars Program and other opportunities available through the GWC. In sum, a shared dedication to preserving the nation's natural and cultural resources remains palpable among students, faculty, and alumni—fostering an atmosphere at CU Law where interest in public land law continues to flourish.



Panelists (L-R) Roger Flynn, Scott Miller and Michelle White and moderator Adam Fisher

GWC Co-Hosts Environmental Law Networking Event with Environmental Law Society and Career Development Office



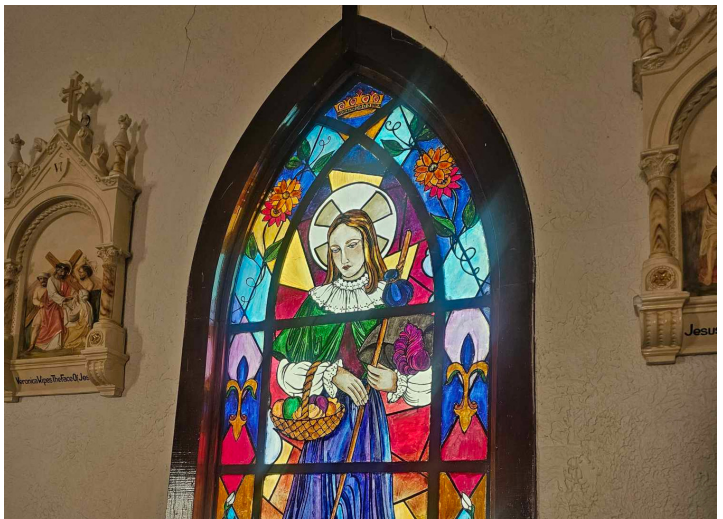
Acequia Assistance Project

by Gregor MacGregor

The Acequia Project recently completed its training for new volunteers, more than 30 1Ls, LLMs, and MENV students in all. This year students will finish identifying all potential acequias in the state to strengthen advocacy efforts, complete a wide-ranging water rights decree audit for Costilla County acequias, take on several bylaws cases, and complete a major title search case. In a Project first, student attorneys and GWC Water Law Fellow Andrew Teegarden (LLM '23) will also host clinics to help acequias unlock federal infrastructure dollars through the NRCS EQIP program.

Project leaders have been working hard to highlight our partner community and share expertise. Director Gregor MacGregor ('19) guided Colorado Politics through the valley for a front-page story highlighting the challenges and opportunities around San Luis. Student Deputy Directors Ellen Beckert ('25) and Oliver Skelly ('25) participated in Trinidad's Water Festival earlier in the summer, providing water law education for K-12 students, before returning to campus to present at CU's Graduate Students and Community-Engaged Scholarship symposium.

"I had a wonderful time presenting at the symposium," says Skelly. "Explaining the histories and inherent conflicts of the prior appropriation and acequia systems with a five minute budget takes a bit of fast talking. But the audience really resonated with the work the Project is doing in the San Luis Valley. The coolest part took place after the event, when everyone was able to chat and draw connections between their respective community outreach work."



Frannie Monasterio, Water Law Fellow

Frannie has spent much of her time as a Water Law Fellow with the Universal Access to Water initiative, which strives towards universal access to clean, safe drinking water for all Native communities in the United States. Earlier this year, she co-authored an amicus brief to the Supreme Court on behalf of DigDeep, a nonprofit organization dedicated to water accessibility, in the case of *Arizona v. Navajo Nation*. She also contributed to portions of the written testimony submitted to the Senate Committee on Indian Affairs in preparation for the September 27, 2023, hearing: *Water as a Trust Resource: Examining Access in Native Communities*. In October, she submitted recommendations to the White House Environmental Justice Advisory Council on how to better facilitate Tribal water access and involvement in decision-making processes. Frannie also contributes to other research efforts as they surface, such as identifying and analyzing relevant EPA assistance opportunities and identifying allies for proposed legislation, including the Tribal Access to Clean Water Act of 2023, that would improve support for Tribal water access.



Frannie brings her knowledge on Tribal water access into other groups, including the Clean Water for All Coalition, which advocates for improved clean water protections, and the Next 100 Colorado, a network of Colorado-based diverse members seeking to expand from their initial focus of equity and inclusion in conservation and public lands into water and the Colorado River Basin.

Andrew Teegarden, Water Law Fellow

One of Andrew's first projects involved a partnership between the Getches-Wilkinson Center and Western Resource Advocates, which examined conditional water rights within the state of Colorado. The research Andrew completed for the project with WRA evolved into a presentation titled, "Uncertain Future: How Conditional Rights Can Impact the Prior Appropriation System" He presented in Grand Junction, CO during the Upper Colorado River Basin Water Forum and demonstrated the impact of conditional water rights on other users within Colorado and the Colorado River Basin.

Andrew has also been leading GWC's work of analyzing how the *Sackett* decision will create a gap of waters that are no longer regulated by the Clean Water Act. This work looks at how Colorado is responding to this gap and what elements need to be included to help protect the ecological, economical, and social values those waters provide. Andrew is serving as an advisory attorney for the Acequia Assistance Project's EQIP funding division where he and a group of CU Law students will meet with acequia members to fill out financing forms for water conservation and infrastructure development projects.





James Anaya

University Distinguished Professor and Nicholas Doman Professor of International Law

Professor Anaya will be at COP 28 in Dubai to present at a joint CU/UN press conference announcing the “Human Rights Climate Commitments” they’re jointly producing with the Office of the UN High Commissioner on Human Rights. This is a follow up to the Human Rights Climate Summit held last year on campus.



Sarah Matsumoto

Clinical Associate Professor and Director, Environmental Law Clinic

In addition to supervising the clinic students, Professor Matsumoto traveled to Vermont Law School for its 14th Colloquium on Environmental Scholarship, where she presented a work-in-progress about community-driven responses to groundwater contamination.

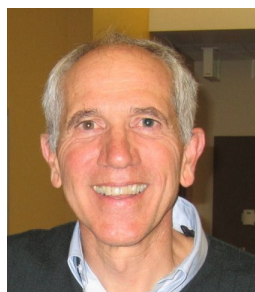


Michael Pappas

Professor of Law

The Structure of U.S. Climate Policy, *Maryland Law Review* (Forthcoming, February 2024)
Insurance Retreat, *Georgia Law Review* (with Mark Nevitt) (Invited Symposium Contribution) (Forthcoming, March 2024)

Pappas has also made presentations on climate change related projects to the faculties at Emory Law School and Marquette Law School and to the Colorado Department of Transportation.



Mark Squillace

Raphael J. Moses Professor of Law

Accounting for Climate Impacts in Decisionmaking is scheduled for publication in *Environmental Law* early next year.

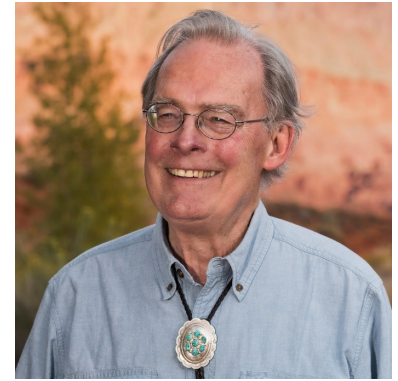
The Minerals Challenge for Renewable Energy will be published in the *Environmental Law Institute's Environmental Law Reporter*.

Professor Squillace will be publishing an essay in the *Brown University Journal of World Affairs* that describes A Bold Plan for Saving the Colorado River. The Plan that he envisions does not require significant changes to western water law but it does require the seven Colorado River Basin states to work together to modernize their laws in ways that would reduce waste, and incentivize shifts in water use towards crops and irrigation practices that consume less water. The paper is largely drawn from the presentation that he gave at the GWC's Summer Water Conference held in June of this year.

Finally, Professor Squillace participated in a symposium on the Supreme Court's decision in *Sackett v. EPA*. His presentation was titled, SWANNC: The Original Sin that Gave us *Sackett* and he argued that it was really the Supreme Court's decision in *Solid Waste Authority of Northern Cook County v. U.S. Army Corp of Engineers* that is to blame for the Supreme Court's extreme narrowing of the federal government's authority under the Clean Water Act in the *Sackett* decision.

Celebrating the Life of Charles Wilkinson

On Saturday, September 23rd, the community came together to celebrate Charles Wilkinson, the Moses Lasky Professor of Law Emeritus and Distinguished Professor at Colorado Law School. On the lawn of the Wolf Law Building, under sunny skies, hundreds of people gathered to hear stories of Charles that touched on his role as a father, colleague, mentor, and friend. The speakers took us on a journey from Stanford Law School, to the salmon bearing streams of the Pacific Northwest, to the Colorado Plateau. We heard tales of greenback cutthroat trout in Rocky Mountain National Park, chess tournaments, and basketball camps. And we gathered after the event to reconnect with old friends and new acquaintances.



For all of us here at the Getches-Wilkinson Center, the message from Bruce Babbitt, former Secretary of the Interior, struck an especially poignant note. "I think we commemorate him here today and honor his memory by continuing his work and moving it into the future in his honor and his memory." We believe that will always be an important part of GWC's mission.

The event was recorded, and you can watch it online. If you would like to make in gift in memory of Charles, please consider a donation to the [Charles F. Wilkinson Memorial Fund](#), which will benefit the work of GWC.

Read more about Charles' legacy here: <https://www.colorado.edu/center/gwc/>



Johnsie Wilkinson (Law '22)

CU Law Alum and 2021 Wyss Scholar Johnsie Wilkinson has had a successful public lands career post-graduation. The GWC reached out to Johnsie to learn more about her journey to public lands based work.

What inspired you to pursue a career in public lands? And, what keeps you interested in the work?

I was initially inspired to pursue a career in public lands by my childhood spent backpacking in the national forests in North Carolina. After a cross country road trip through NPS and BLM lands and focusing on land use planning in my undergraduate studies, I knew I needed to translate those skills to the vast network of public lands. The public lands field keeps me interested everyday because, despite many of the authorizing statute's ages, there is always a nuanced question to answer. Everything is interconnected and it's incredible to see that displayed in our public lands.

How has the Wyss Scholars Program influenced your career path, and how was it beneficial during your time as a 3L and post graduation? More generally, how do you feel the Wyss Program set you up for success?

The Wyss Scholars Program helped me immensely by allowing me to take unpaid internships with both government and nonprofit organizations during law school and government post-graduate. Further, the program connected me with legal and environmental scholars from other schools, exposing me to new perspectives and opening the door for collaboration on Western public lands issues.

What advice would you give to students considering a career in public lands?

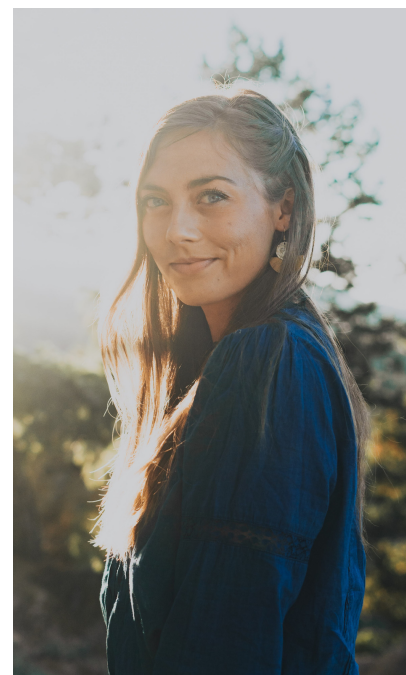
For those pursuing a career in the public lands, I would suggest to never forget the lands for which you are working or are inspired by--make sure to get outside in them! And to take a broad variety of courses-- you can work on public lands from a myriad of avenues.

Who inspires you to pursue this work? Who are your role models?

Germaine Jenkins always comes to mind when someone asks about my role models. Germaine is the co-founder and CFO of Fresh Future Farm, a non-profit farm and grocery store, in South Carolina. I had the honor of interning on the farm and found Germaine's dedication and gumption awe-inspiring. While Germaine doesn't work with the federal public lands per se, she does work with land and offer space and opportunities for the public. Conversations with her about my interconnected interests with land, people, water, wildlife, etc. inspired me to pursue public lands work.

My understanding is that you have been working as an Honors Attorney with the Office of the Solicitor for the Department of the Interior. What does that work look like for you?

Yes, for the past year I was rotating through different divisions of the Department of the Interior-Office of the Solicitor as an Honors Attorney. I had the opportunity to work in six of our headquarters divisions and one regional office. During my rotations, I was exposed to the work and attorneys in each division, providing an understanding of most of the Office. I was able to work on a myriad of issues, including national monuments, water law, and Tribal agreements. I have recently placed in our Pacific Northwest Regional Office, located in Portland, Oregon, representing BLM in matters. I look forward to developing my career with the team!



Research Assistants Added to the GWC Team



Sierra Meggitt



Sidney Williams



Valentin Gutierrez

The GWC is thrilled to have recently added an expanded team of student Research Assistants (RA's) to our existing cadre of Fellows, Scholars and volunteers. Valentin Gutierrez, an LL.M student, comes to us from Argentina, where he was part of a broadly focused family law practice. In the USA, Valentin is focused on pursuing his passion in natural resources law, in part fueled by his "side gig" as a world class kayaker. He's currently helping GWC develop projects focused on the Colorado River and, additionally, wetlands regulation. Sidney Williams (3L) is also working on the GWC's Colorado River efforts, focusing currently on the EIS process for post-2026 operating rules for Glen Canyon and Hoover Dams. She's also prepping to enter a Ph.D. program next Fall. Sierra Meggitt (2L) has transitioned from being our Woodruff Fellow, to being an RA looking at the intersection of water resources and public land management. Next summer, Sierra will be a Summer Law Clerk with Advocates for the West defending the West's public lands, water, fish, and wildlife in the federal court of law, defending bedrock environmental statutes and conservation values. When combined with our current Fellowship and Scholarship holders (Woodruff, Harrison, Wyss, and soon, the Conscience Bay Foundation), and our two existing Water Law Fellows, we are creating a mentorship ladder of young professionals, from 2L to early legal career scholars, able to assist the GWC and each other in a variety of projects and career development efforts.

Addy Stearns Named Charles N. Woodruff Fellow

University of Colorado Law student Aidan (Addy) Stearns (Law '25) was awarded the Charles N. Woodruff Fellowship. The Charles N. Woodruff fellowship was established in memory of Charles Woodruff, a highly successful water resources lawyer, to promote excellence in the practice of natural resources law.

As a Colorado Law student, Addy is currently serving as the Co-President of the Public Interest Student Association, a law school senator in CU Student Government, and a student attorney in the Sustainable Community Development Clinic. She is a member of the Barrister's Council Transactional Law Team and recently traveled to Arizona to compete in the NBA Mock Trade Deadline Competition at the Sandra Day O' Connor College of Law and is an active member of the Environmental Law Society. She has also worked on policy research regarding mayordomos for the New Mexico Acequia Association as part of the Acequia Assistance Project.



This past summer, she was a Judicial Intern in the 5th Judicial District of Colorado as part of the Greater Colorado Law Student Experience. As part of that program, she was also a Legal Intern for Eagle Valley Land Trust, analyzing conservation easements, researching and developing communication materials for landowners on new IRS Safe Harbor Provisions, and examining private landowner liability issues. This fall, as the Charles N. Woodruff Fellow, she is working with the Getches-Wilkinson Center's Water Law Fellows on issues with permitting gaps in Colorado resulting from the recent *Sackett* decision. Next summer, Addy will continue pursuing her interests in water and environmental law in rural Colorado as a Summer Associate at Johnston Van Arsdale Martin in the Roaring Fork Valley.

2023 Match Challenge for the Getches-Wilkinson Center

Right now, we all have a unique opportunity to support the Getches-Wilkinson Center by making a donation before the end of the year. Thanks to the generosity of Dean Lolita Buckner Inniss and Don Brown, Chair of the Advisory Council, and his wife Karen, every donation up to \$20,000 that is made between now and December 31, 2023 will be matched.

Your gift will go twice as far in supporting GWC's cutting edge research on water law and natural resources, mentorship for the next generation of diverse environmental leaders, and convening important conversations on how to protect our shared natural resources.

Please make a gift online at <http://giving.cu.edu/gwc> or reach out to Annie Carlozzi (annie.carlozzie@colorado.edu).



GWC New Website

We are thrilled to announce that we have a new and improved website. We hope you take it for a spin to catch up on the latest news and upcoming events. Many thanks to Julia Roth for her time and energy to make this transition a reality.



2024 Conference on the Colorado River



2024 Student Scholarship & Fellowship Student Opportunities

**Wyss Scholars Program for U.S.
Land Conservation**

**Harrison Fellowship in
International Water Law**

**Conscious Bay Company
Western Water Policy
Fellowship**

**APPLICATIONS DUE
Friday, January 19th**

Learn more:



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President
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Rocky Mountain Mineral Law
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Michael Gheleta (Emeritus)

Senior Water Attorney
Western Resource Advocates

Clay Parr (Emeritus)

Of Counsel, Parr, Brown, Gee
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Senior Fellows

Marilyn Averill

Center for Science and
Technology Policy Research
University of Colorado, Boulder

Britt Banks

Former Executive Vice
President
Newmont Mining Corporation

Anne Castle

U.S. Commissioner, Upper
Colorado River Commission
Former Assistant Secretary for
Water and Science, U.S.
Department of Interior

Lynn Guissinger

RTD Director, District O RTD

Robert Hallman

Former Deputy Secretary for
Energy and Environment
State of New York

Larry MacDonnell

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Karin Sheldon

President
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Senior Water and Climate
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Former U.S. Senator
State of Colorado
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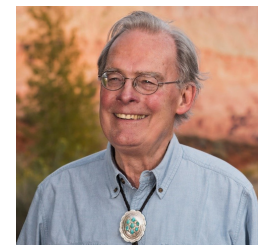
Acequia Assistance Project
Director

Adam Fisher

Colorado Law Wyss Scholar

Addy Stearns

Charles N. Woodruff Fellow



Charles Wilkinson

1941 - 2023

Charles Wilkinson passed
away surrounded by family
on June 6, 2023.



Getches-Wilkinson Center

UNIVERSITY OF COLORADO **BOULDER**

UNIVERSITY OF COLORADO LAW SCHOOL

2450 Kittredge Loop Road
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Founded in 1982 as the Natural Resources Law Center (NRLC) and now known as the Getches-Wilkinson Center for Natural Resources, Energy and the Environment, the Center is the oldest and preeminent law school institute in the country dedicated to natural resources law. The Getches-Wilkinson Center has expanded upon the legacy of the NRLC with a broader agenda and aspirations for deeper influence in law, policy and practice. We proudly support our mission:

Serving the people of the American West, the nation, and the world through creative, interdisciplinary research; bold, inclusive teaching; and innovative problem solving in order to further true sustainability for our lands, waters and environment.

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