



# The Getches-Wilkinson Water Law Fellowship Program

GETCHES-WILKINSON CENTER  
for Natural Resources, Energy, and the Environment



Colorado **Law**  
UNIVERSITY OF COLORADO BOULDER

Program Report Fall 2020

## **Fellowship Program Status**

We are pleased to report that we have officially launched the Getches-Wilkinson Fellowship Program, a first-of-its-kind initiative that will train the next generation of natural resource leaders. This intensive two-year program is immersing our two inaugural Water Fellows, Jaime Garcia and Chelsea Colwyn, in the real world challenges of water law and policy. The Fellows are helping address the most pressing issues affecting our environment, natural resources, public lands, tribal resource management, clean energy development, and climate change around the Colorado River and beyond. They will address critical issues affecting western watersheds, conduct reform-oriented research on pressing issues in the field, and interact with public and private sector leaders to inform policymaking. Jaime and Chelsea will be actively engaged in water law reform in the public interest and will hone their leadership, communication, advocacy, and research skills. The Fellows are already working with partner organizations, such as the Colorado River Water & Tribes Initiative, Western Resource Advocates, the Native American Rights Fund, and the Grand Canyon Trust. Our goal is to create an exceptional educational opportunity that provides insights into how government agencies, policy makers, related NGOs and businesses interact — and how to affect change.

## **Institutional Support for the Water Fellows: Western Water Policy, Water Desk, and Beyond**

Housed in the Getches-Wilkinson Center at Colorado Law, the Fellows have full access to the extraordinary resources within the Law School, including the Western Water Policy Program. Each Fellow has a faculty mentor. Charles Wilkinson is working with Chelsea Colwyn and Sarah Krakoff is working with Jaime Garcia. Alice Madden, the GWC Director, is directly managing their work. GWC faculty and staff are also actively involved. There will be formal and informal brainstorming sessions both internally and with outside experts to provide exchanges of views and experiences, and feedback on the Fellow's work.

To encourage multi-disciplinary solutions, the Water Fellow will be able to draw upon the expertise in departments across the University, including the Water Desk at the College of Media, Communication, and Information. Mitch Tobin, the Director of the Water Desk, envisions our Fellows as partners, becoming guests on the Water Desk's podcast, as well as serving as a committee member on the advisory panel to decide on the Water Desk's larger grants to journalists.

## The Inaugural Getches-Wilkinson Water Law Fellows

**Chelsea Colwyn**

***Start Date: October 1, 2020***



Chelsea Colwyn fell in love with rivers the first time she went rafting on the Arkansas River in Colorado. Since then, she has turned her love for rivers into an academic and career focus. Chelsea has worked as a Fulbright Scholar in Adelaide, South Australia, studying environmental water buybacks, a Research Fellow with Vermont Law School's Water and Justice Program, studying the history of the US Forest Service and California water law, a Hansard Society Research Fellow at the London

School of Economics, studying England's privatized water sector, and for American Rivers. She currently works as a tribal staff attorney, and teaches a public land management summer law course. Chelsea graduated from Dartmouth College in 2004, earned a master's in environmental law and policy from Vermont Law School in 2011, and a J.D. from Yale Law School in 2018, where she was selected as a Wyss Scholar for western conservation. In her free time, she loves being outdoors with her husband and two young daughters.

**Jaime Garcia**

***Start Date: August 3, 2020***



Jaime Garcia is excited to join the Getches-Wilkinson Center as one of its newest fellows. Prior to accepting this position, Mr. Garcia was working as a litigation attorney for the Texas Commission on Environmental Quality in Austin, Texas. He received his Bachelor's Degree from the University of Texas at Austin and received his law degree from the Wake Forest University School of Law. Mr. Garcia is also an adjunct faculty member for Wake Forest's Masters in the Studies of Law program. He is excited to bring his experience and passion for preserving our natural resources to this fellowship. His love of outdoor pursuits drives his support and passion for increasing access and conservation of public lands and waters. When not

practicing law, Mr. Garcia enjoys hiking and kayaking with his wife and their three dogs. In addition to their own dogs, he and his wife foster for local animal rescues.

## Programs and Projects

**Jaime Garcia** joined the GWC in August and is already engaged with several partner organizations. Thanks to GWC Senior Fellow Anne Castle, Jaime is working on *Universal Access to Clean Water Project in the Colorado River Basin* project recently launched by the [Colorado River Water and Tribes Initiative](#) (WTI). Guided by a broad-based leadership team, WTI seeks to enhance tribal capacity and advance sustainable water management in the basin through collaborative decision-making. The coronavirus pandemic has shone a light on disproportionate impact of COVID on reservations and the necessity of having access to safe water sources as a public health imperative. At the same time, the Black Lives Matter movement continues to raise the public consciousness regarding institutional barriers to basic rights most Americans take for granted. In light of this, the WTI launched this clean water access initiative to further raise awareness of the lack of adequate water and sanitation facilities in Native American communities in the Colorado River Basin and to emphasize the federal trust responsibility requiring progress on solutions. Jaime is working with the WTI team to identify past and current efforts by different actors to improve access to clean water in Native American communities. These case studies will help provide a roadmap of obstacles to avoid and best practices for future water access projects. (Learn more about the clean water access initiative here: <http://bitly.ws/9NBU>)

Jaime is also working on a joint project between American Rivers and the Grand Canyon Trust (GCT). The mission of GCT is “to safeguard the wonders of the Grand Canyon and the Colorado Plateau, while supporting the rights of its Native peoples.” American Rivers works “to protect wild rivers, restore damaged rivers and conserve clean water for people and nature.” Jaime is working with this team to explore ways to advance tribal-federal collaborative management in rivers across the West, such as potential application of the Wild and Scenic Rivers Act.

Jaime is joining the *Acequia Project*, a joint effort by the GWC, [Colorado Open Lands](#), and the [Sangre de Cristo Acequia Association](#) to provide low or no-cost legal assistance to acequia communities found in southern Colorado – including four of the state’s poorest counties: Costilla, Conejos, Huerfano, and Las Animas.

An acequia is a physical irrigation system (a ditch), and while treated like other water rights in the prior appropriation system, their governance system makes them unique. All irrigators along an acequia work together to ensure each landowners water needs are met. In times of water scarcity for example, ditches cooperate to ensure an equitable distribution of water, or when that is not physically possible, a sharing of fields. The Acequia Project represents dozens of community



members every year, helping protect traditional and sustainable farming practices. Adding Jaime to the team will be of great value to the project's intrepid pro bono attorneys, the law students they oversee, and to the acequia communities. (Learn more about The Acequia Project here: <http://bitly.ws/9NCH>)



**Chelsea Colwyn** is working with a team led by Professor Charles Wilkinson on a document that was submitted to the Biden transition team, *Bringing Justice to Tribal Treaty Water Rights*, to honor the long-standing obligation, ignored over many generations, to provide adequate water rights to Indian tribes. The team is made up of John Echohawk, long-time Director of the Native American Rights Fund; Mike Connor from the Taos Pueblo and Deputy Secretary of Interior under President Obama; Prof. Bob Anderson, Chippewa, University of Washington Law School and probably the leading expert in Indian water law; Bob Pelcyger, veteran Indian water lawyer; and Prof. Sarah Krakoff. This endeavor, under the name of the *Indian Water Rights Project*, is sponsored by the GWC.

In 1973, the comprehensive final report of the National Water Commission concluded, “In the history of the United States Government’s treatment of Indian tribes, its failure to protect Indian water rights for use on the Reservations it set aside for them is one of the sorrier chapters.”

Despite some progress since then, there are many valid tribal claims that have not been recognized. As a result, for example, today many tribes still lack significant access to water, even for drinking.

The proposal requests that President Biden make it a top priority to fulfill the government’s trust responsibility to provide tribes with access to all of the water resources they need to thrive. And that the President direct the Secretary of the Interior to meet with tribal leaders and the Indian Water Rights Project to put together a comprehensive program to achieve tribal water rights in full.

It is entirely realistic to expect that our *Indian Water Rights Project* will be involved with any ensuing negotiations. This will give Chelsea a chance to advocate for the whole range of Indian water rights—water settlements; flows for fish and wildlife; drinking water; sanitation; agriculture and delivery system infrastructures; and administrative rules requiring that federal agencies fulfill their trust relationship to enhance tribal water rights in all aspects of water policy.

## Additional Thanks

We want to extend our sincere thanks to the external members of our Water Fellows search committee for their dedication and generosity of their time: GWC Senior Fellow **Anne Castle**, **Larry McDonnell** (Larry was the first full-time Director the Natural Resources Law Center-the precursor to the GWC), and GWC Advisory Council member **Michael Connor**-partner, WilmerHale.



## Contact

Please do not hesitate to reach out with any questions or comments.

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*The University of Colorado sits on the traditional lands of the Cheyenne, Arapaho, and Ute Nations.*