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## CONFERENCE REPORTS

### UNIVERSITY OF DENVER WATER LAW REVIEW ANNUAL SYMPOSIUM 2017: AT THE CONFLUENCE: THE PAST, PRESENT, AND FUTURE OF WATER LAW

Denver, Colorado

April 7, 2017

#### “TO BE A COLORADAN, WHAT WATER MEANS?” KEYNOTE PRESENTATION BY KEN SALAZAR, FORMER U.S. SECRETARY OF THE INTERIOR AND U.S. SENATOR

At the 2017 University of Denver Water Law Review Symposium in Denver Colorado, former United States Secretary of the Interior, Ken Salazar, offered his insight into what water means as a Coloradan.

Secretary Salazar began with how his history has defined what water means to him. His family has farmed and ranched the soils of the Rio Grande and its tributaries in the San Luis Valley since 1598. His family had priority number twenty-three out of the Rio San Antonio, and good and bad years affected his family's crop. Secretary Salazar said he did not grow up rich, but he grew up surrounded by the Sangre de Cristo and San Juan mountains and the Rio Grande and Rio San Antonio. A lot of the divine providence that guided him through the experiences of serving the people of Colorado and the United States he said started in the San Luis Valley where he learned about the nexus between humans and the planet on which we survive.

Secretary Salazar applauded Colorado for being a pioneer in dealing with water issues, but warned that the state still has a long way to go. Colorado pioneered the doctrine of Prior Appropriation, which, despite criticism, has changed and evolved to become a working system. Other historic examples of where Colorado led the way include Colorado's efforts to integrate ground and surface water uses in the 1960s and Colorado's creation of the Instream Flow Program in the 1970s.

Secretary Salazar next identified two major water-related challenges facing Colorado: population growth and climate change. Colorado's population is expected to nearly double in the next forty years. The challenge Colorado faces is how to supply those additional people and still preserve the open spaces its citizens have come to love. Secretary Salazar also briefly addressed climate change. According to projections, the Colorado River and the Rio Grande basins can expect to see a significant reduction in precipitation. So, as environmental demands increase, Secretary Salazar is hopeful that society will continue to recognize the importance of protecting and restoring America's ecosystems.

In the face of such challenges, Secretary Salazar said it is important to look

back on stories where Colorado has been successful. For example, he recounted a story from 1990 when he was head of Colorado's Department of Natural Resources. California, in the midst of a severe drought, was preparing to litigate some of the miscalculations made during the drafting of the Colorado River Compact hoping to get a greater share of the water supply. Secretary Salazar oversaw a group of Colorado officials tasked with responding to California. Just when all hell seemed ready to break loose, Secretary Salazar and the group decided to send an olive-branch in the form of a letter. In that February 21, 1991 letter, which Secretary Salazar authored and Governor Roy Romer sent to Governor Pete Wilson of California, Colorado offered to collaborate. It said Colorado understood California's needs, and that it was willing to work with the other Colorado River basin states and the federal government to assure that California would make it through the drought. However, the letter also indicated that Colorado wanted to be sure that any ensuing agreements were addressed within the Law of the River and that the framework of the law not be changed. A quarter century later, the February letter has stood the test of time and set a precedent for collaboration among the Colorado River basin states, the federal government, and the nation of Mexico. So, if collaboration was possible on such a litigated river, then it is possible that the tradition of collaboration might continue in the future.

"In the West, when you touch water, you touch everything," concluded Secretary Salazar, quoting the late Congressman from Colorado, Wayne Aspinall. This is true today, and will remain true in the future. So, in looking for solutions, Secretary Salazar urged the audience to look back at the past to provide lessons for the present.

After sharing his insight, Secretary Salazar provided the symposium with an opportunity for questions, during which time the symposium raised four matters: the Sangre de Cristo mountains; the 1872 Mining Law; the Senate's recent decision to exercise the "nuclear" option for confirming Supreme Court nominee Neil Gorsuch; and, Secretary Salazar's opinion of current Secretary of the Interior, Ryan Zinke.

Secretary Salazar finished his keynote address with a message of hope. He said that even though nothing is certain because of the current presidential administration, the United States is a strong nation and a strong democracy. Time will pass and there will be new leaders. Climate change is not going away, it is an existential issue with which someone will have to grapple. Secretary Salazar pointed to energy innovation by the private sector and explained that he is not despairing. There will be a 2020 and a 2024. The United States of America has the capacity to grapple with these tough issues that affect Colorado, the nation, and the planet.

*Trevor C. Lambirth*