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Plenary Presentation #4 The View from Washington

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Plenary Presentation #4 The View from Washington

DAY TWO: FRIDAY, FEBRUARY 24, 2006

PLENARY PRESENTATION #3: FIFTY PLUS WAYS TO DIVIDE THE WATERS: STATES, TRIBES, RIPARIANS, PRIORS AND INTERSTATE ALLOCATIONS TOO

Friday began with a panel discussion including Robert Anderson, Assistant Professor of Law & Director, Native American Law Center, University of Washington School of Law, Seattle WA, and Judith Royster, Professor of Law & Co-Director, Native American Law Center, University of Tulsa College of Law, Tulsa OK. Jerome C. Muys, Muys & Associates, P.C., Washington, D.C. moderated the panel. The discussion centered on the increasing number of disputes between states over water during the last twenty years. In discussing how to reduce the conflicts, the panel looked at the model interstate water compact, Indian water rights, and the Snake River Water Rights Settlement Act.

PLENARY PRESENTATION #4: THE VIEW FROM WASHINGTON

Mark A. Limbaugh, Assistant Secretary for Water and Science, United States Department of the Interior, Washington D.C., gave the second presentation on Friday. Mr. Limbaugh began his discussion by talking about the need to identify and implement water solutions. Mr. Limbaugh stated that we are in the era of limits in the Colorado River Basin. He framed the problem of limits as being between budget restraints and the continued need for water. His proposed solutions were 1) to do less with less by focusing on real water needs and 2) do more with less by measuring performance and expecting results. Mr. Limbaugh observed that things that get measured get done. In dealing with the problems, he also suggested that cooperation and partnership could help leverage scarce dollars.

Mr. Limbaugh then discussed the Water 2025 initiative and its role in solving problems. His talk began by outlining the five realities facing the Water 2025 initiative: 1) explosive population, 2) over-allocated water supplies, 3) aged water supply storage facilities, 4) drought, and 5) increased competition. Mr. Limbaugh suggested that the time to deal with these issues is before a conflict arises. He noted three tools to aid in avoiding future conflicts. First, he examined collaboration and working with stakeholders. Second, he looked at prioritizing scientific studies. Finally, he spoke about becoming more effective at allocation through coordination within various agencies.

Looking to the Colorado River, Mr. Limbaugh stated that management of the river is a priority. He noted the rich legal history of the river and the recent accomplishments to help solve the various problems. Specifically, he discussed the NEPA process used to deal with the droughts of 2000-2004. Mr. Limbaugh was pleased that a lot of states were working together to develop new operation management rules for water levels in the basin by looking at when, how much, and who

will have to reduce consumption. As part of this discussion, he noted Justice Hobbs as saying, "scarcity equals community."

The discussion concluded with a question and answer session. Mr. Limbaugh answered the following questions: 1) Is water management part of Homeland Security? and 2) Is global warming in the plans for the future? He answered the first by discussing the need for water to grow food. The answer to the global warming question was a call for more standards.

Thomas Jantunen