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CU-Boulder law school studies possible reforms to Colorado River management

Yearlong project seeks to avoid political pitfalls

By **Laura Snider**, Camera Staff Writer
Posted: 01/17/2010 06:09:44 PM MST

Correction: Douglas Kenney's name was misspelled in the original version of this article.

It's become increasingly clear that the demands put on the Colorado River by the seven thirsty states in its basin are not sustainable.

A complex web of treaties, compacts, laws and court decisions govern who can use the once-mighty river's water and when. But over the last several decades, those rules have not kept the yearly demand for water from exceeding the average flow.

"People have known since the 1940s, if not earlier, that this river was over-allocated and that, at some point, it's going to be a major problem," said Douglas Kenney, senior research associate at the University of Colorado's Natural Resources Law Center.

"The demand on the river has grown slowly and steadily," he said. "That, combined with recent understanding of what climate change is going to do to this region, all of a sudden has opened people's eyes. Improvements need to be made to how we manage this river."

Kenney and two of his colleagues have now begun an ambitious, yearlong project called the Colorado River Governance Initiative to evaluate options for reforming the laws of the river.

"The initiative is designed to develop a blueprint for future management that will allow for managing the river basin's resources more holistically and in a manner that preserves wildlife resources and habitats while ensuring the availability of water supplies for humans," said Mark Squillace, director of the Natural Resources Law Center.

David Getches, dean of CU's law school, is also working on the project.

While "almost everyone who looks at the Colorado River" realizes that changes are necessary, Kenney said, suggesting reforms to current management strategies can be politically toxic.

For example, when then-presidential candidate John McCain was quoted in the Pueblo Chieftan in August 2008 saying that the Colorado River Compact of 1922 -- which divvied up the water between seven Western states -- should be renegotiated, he touched off a firestorm. Within the week, he reversed his position.

So part of the project's goal is to do the background policy work, and ask the questions, that public officials are often afraid to, eventually creating a ready-made list of possible changes that may be easier for government leaders to handle.

"If you're an elected official and you talk about changing the management of the Colorado River, you have to tread very carefully," Kenney said. "We're going to study the options that they cannot safely talk about publicly. If we come up with some really good solutions, then they can think about supporting them."

Contact Camera Staff Writer **Laura Snider** at 303-473-1327 or sniderl@dailycamera.com.

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 [da2ago_Deelzhah](#)

Sounds like some McCain PAC is paying for this 'research' so he can disassociate from the issue, which doesn't surprise me coming from Getches' office. He drew his line in the sand when he spearheaded the Churchill witch hunt, clearly identifying his political biases in contrast with the neutrality one would expect from a distinguished dean of a law school. Just another Brown/Benson/Horowitz plant.

Looks like just another attempt to take more water from Coloradoans and pass it down river...

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 [desman_tutu](#) · 1 day ago

+1

You can be sure if McCain wants to see the Compact renegotiated it's to take more water from the upstream states. Although I don't see anything in the article about a McCain PAC funding the study, the DC needs to find out who's paying for the study and why. From his past rep, I would expect integrity from Getches on natural resources issues.

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