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Tom Bahr

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FOREWORD

*Tom Bahr**

In May 1991, the Western Governors' Association (WGA) and Western States Water Council (WSWC) organized the first in a series of three workshops, held in Park City, Utah, to address changing needs in water management in the West. Attendees included a broad, representative mix of water managers (federal, state, Indian, local and private), water interest groups, and academics. The outcome of this effort was agreement on a set of six principles which should be considered in western water resources management and policy development. These have come to be known as the "Park City Principles" among the water resources community. These principles and the process leading to their development is the subject of the first paper in this series.

Following the three Park City workshops, the WGA at their June 23, 1992 conference passed a resolution endorsing the Park City Principles, and issued a document entitled *Pioneering New Solutions: Directing our Destiny*. This report contained several recommendations, one of

* Tom Bahr is a past president of the Powell Consortium and was an active participant in each of the Park City Workshops. He is currently the director of the New Mexico Water Resources Research Institute.

which asked cooperation with the university-based water research institutes to analyze federal statutes and clarify public interest requirements as they related to the Park City Principles.

The university-based water research institutes were authorized by Congress under the Water Resources Research Act of 1964 and comprise a nationwide network of institutes in each state, usually located at the land grant institution. Seven western institutes from the states of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming formed a consortium in the early 1970s to work on water resources problems of the Colorado River/Great Basin region and other areas of the west. This group, named the Powell Consortium, has an important research focus: to analyze water law and policy as vehicles for finding creative solutions to water planning and management in the region.

The Powell Consortium, as a participant in the Park City workshops, followed up on the WGA recommendation and began further discussions with staff of the WGA and WSWC to plan a study to examine federal statutes and their relationship to the Park City Principles. The project, titled the "Park City Federal Water Law Project," began in the fall of 1992 and was designed to prepare concise overviews of selected federal water policies and display their impact on the ability of states to manage and resolve conflicts by and between themselves.

The Powell Consortium project examined selected federal statutes, regulations and court decisions that impact the ability of non-federal entities (state and local government, interstate organizations, etc.) to manage water resources and resolve water conflicts involving competing interests. During the Park City workshops some participants observed that solutions to water conflicts which might make sense at the local, state, or regional level sometimes conflict with federal policy. Identifying these conflicts was an important task for the project. The project was not designed as a comprehensive analysis of all relevant water programs, but rather as a diverse sampling which might produce provocative talking points for focusing future discussion and debate in a workshop setting similar to those held in Park City.

The Powell Consortium selected a group of five legal scholars to prepare separate "White Papers" examining the following: 1) interstate issues; 2) water supply issues; 3) water quality; 4) hydropower; and 5) species protection. The study team included: Charles DuMars, University of New Mexico; Brian Gray, University of California; Lawrence MacDonnell, University of Colorado; George William Sherk, former Justice Department trial lawyer; and Mark Squillace, University of Wyoming. Frank Gregg of the University of Arizona provided valuable assis-

tance in the design of the overall study. Funding for the Powell Consortium "Park City Water Law Project" was provided by member institutes of the Consortium.

The five papers were presented by their authors at a WGA-sponsored workshop held in Newport Beach, California on February 18 and 19, 1993. Chuck DuMars presented three semi-hypothetical scenarios concerning interstate allocation of water specifically highlighting how present conflict resolution stacks up against the Park City Principles. Brian Gray put forth a provocative case study on the implications of transferring the Bureau of Reclamation's Central Valley Project to the State of California. Larry MacDonnell discussed the Clean Water Act and suggested ways for states to pursue their own objectives without the need to change federal law. George Sherk discussed conflicts between states and the Federal Energy Regulatory Commission. Finally, Mark Squillace covered the Endangered Species Act and suggested areas where states might become more involved. The papers and presentations sparked lively discussion and several participants were gratified to see the Park City Principles moving from "motherhood and apple pie" statements to something that could find application to the real world. This series includes four of the papers, updated to reflect developments in law and policy since the presentations.

These articles and the issues that they address are perhaps even more relevant today than when originally developed and discussed in 1993. Of course, recognizing the value of the Park City Principles to water resource management does not assure that these principles will be honored on the ground. But it is a necessary precondition. Recently, the Western Water Policy Review Advisory Commission began an analysis of federal water policy in the West, and this should offer an important opportunity for carrying the Park City Principles to a logical next step—the development of specific regulatory and legislative proposals that reflect those principles.

As the debate over the devolution of authority and responsibility to states continues, the Park City Principles offer a solid base upon which new approaches can be built. We hope that they help lead to constructive solutions to western water policy problems.