



Universidad del Desarrollo

**FIRST CHILE – US WEST
CONFERENCE ON WATER LAW
AND POLICY / 1^a CONFERENCIA
CHILE-OESTE DE LOS ESTADOS
UNIDOS SOBRE LEYES Y
POLÍTICAS DE AGUAS**

SESSION DESCRIPTION

July 6th, 12:00 hours.

Session 1: Comparative Analysis of Water Law in Chile and the US West: Limits to Private Property

This session will discuss constraints that water law places on transitioning to more sustainable water resources management. Specifically, the session will focus on legal constraints that limit endeavors to (1) correct past overallocation and overexploitation of groundwater; (2) transition to more efficient water markets; and (3) otherwise adapt to climate change and growing water demands. Possible areas of focus include takings law related to water rights, background legal principles that may blunt the effect of takings claims (e.g., public trust doctrine, inherent state law limits on water rights), adjudications, various administrative challenges to new management approaches, and related topics. One speaker will discuss these issues under Chilean water law and another speaker will focus on these issues in the US West, with a focus on California. Both speakers will present for 40 minutes and their presentations will be followed by Q&A.

July 6th, 16:00 hours.

Session 2: Future challenges for water law and water markets: Environmental water management

This session will discuss market and non-market mechanisms for reserving water for freshwater ecosystems in Chile and the western U.S. First, the session will evaluate how Chile has managed environmental flows for freshwater ecosystems to date as well as potential legal, economic, and environmental vulnerabilities Chile might face in future decades if it does not more proactively set aside water for ecosystems. Then, focusing on the U.S., the session will evaluate regulatory and market responses to environmental flows management in the western U.S. Because the U.S. initially reserved no water for ecosystems and fully appropriated many rivers, many freshwater ecosystems are on the verge of collapse, creating major legal conflicts and imposing substantial costs under environmental laws. Unique legal approaches have been implemented in California, Oregon, Washington, Colorado, and other states to preserve and restore water for freshwater ecosystems, such as the public trust doctrine, new water rights for the environment, environmental water marketing, and major environmental water rights for Native American tribes. Both speakers will present for 40 minutes and their presentations will be followed by Q&A.

SESSION DESCRIPTION

July 8th, 12:00 hours.

Session 3: Comparing Water Markets in Chile and California: Adaptation, Efficiency, and Market Segmentation

Chile and California each host some of the most prominent water markets in the world. This session will identify distinct and shared legal, institutional, environmental, and economic features that have enabled water market development in Chile and California as well as barriers that have limited or segmented markets. The session will highlight whether water markets in each location have promoted long-run (as opposed to temporary short-run) reallocation of water, how infrastructure investment (or lack thereof) impacts achieving this long-run reallocation, successful strategies for keeping land in agricultural production while also providing dry-year supplies for cities, and the role of politics in water markets. The session will also discuss how legal, institutional, or regulatory features yield segmented water markets in Chile and California, whether price transmission happens across those segmented markets, and how market participation--the number and behavior of market participants on the supply and/or demand side--has evolved over time. Each speaker will present for 30 minutes followed by Q&A.

July 6th, 16:00 hours.

Session 4: Water and the Chilean Constitutional Convention

Chile's Constitutional Convention has the potential to change water law and water markets for years to come. This session will evaluate modifications to current Chilean water law that have been suggested for the Constitutional Convention, such as establishing a human right to water, deprivatizing or reducing private property protections for water rights, and Indigenous community water rights. The session will also discuss U.S. experience with each of these topics, including California's human right to water, impacts of reduced private property protections for water rights in some U.S. states, and reserved water rights for Indigenous communities. Both speakers will present for 40 minutes and their presentations will be followed by Q&A.



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