

**Barton H. Thompson, Jr.**

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**Professional Background**

Stanford Law School

*Robert E. Paradise Professor of Natural Resources Law* (1995-present)  
*Faculty Director, LLM Program in Environmental Law & Policy* (2012-present)  
*Vice Dean* (1999-2004)  
*Professor of Law* (1993-1995)  
*Associate Professor of Law* (1986-1993)  
Principal subjects: water resources, natural resources, property, environmental conflict resolution, and environmental law

Stanford Doerr School of Sustainability

*Professor, Environmental Behavioral Sciences* (2022-present)

Stanford Woods Institute for the Environment

*Perry L. McCarty Director* (2004-2016)  
*Senior Fellow* (2004-present)  
*Faculty Program Director, Water in the West* (2010-present)

Supreme Court of the United States

*Special Master, Montana v. Wyoming* (2008-2018)

O'Melveny & Myers, Los Angeles

*Of Counsel* (2016-present)  
*Partner* (1984-1986)  
*Associate* (1978-1983)

Sustainable Water Impact Fund

*Member, Technical Advisory Committee* (2019-present)

Freeman-Spogli Institute for International Studies at Stanford University

*Senior Fellow (by courtesy)* (2001-2016)

Emmett Interdisciplinary Program on Environment and Resources  
*Executive Committee* (2002-present)  
*Core Faculty* (2002-present)

Hoover Institution for War, Revolution, and Peace, Stanford University  
*Visiting Fellow* (Spring 1999)

University of California at Los Angeles  
*Instructor* (1980-1983: water resources)

United States Supreme Court  
*Law clerk to Justice William H. Rehnquist* (1977-1978)

United States Court of Appeals, San Francisco  
*Law clerk to Judge Joseph T. Sneed* (1976-1977)

### **Educational Background**

Stanford Law School, J.D. 1976

Stanford Business School, M.B.A. 1976

Stanford University, A.B. 1972 (Economics and Political Science)

### **Books**

LIQUID ASSET: HOW BUSINESS AND GOVERNMENT CAN PARTNER TO SOLVE THE FRESHWATER  
CRISIS (Stanford University Press 2024)

LEGAL CONTROL OF WATER RESOURCES (6<sup>th</sup> ed. 2019) (West Academic Publishing) (with John  
D. Leshy, Robert H. Abrams, & Sandra B. Zellmer)

ENVIRONMENTAL LAW AND POLICY: CONCEPTS AND INSIGHTS (5th ed. 2019) (Foundation Press)  
(with James Salzman)

- Published in both English, Japanese, and Standard Chinese

NATURAL RESOURCES LAW AND POLICY: CONCEPTS AND INSIGHTS (2017) (Foundation Press)  
(with Josh Eagle & James Salzman)

PROPERTY: OWNERSHIP, USE, AND CONSERVATION (2d ed. 2013) (Foundation Press) (with Paul  
Goldstein)

MANAGING CALIFORNIA’S WATER: FROM CONFLICT TO RECONCILIATION (2011) (Public Policy Institute of California) (with Ellen Hanak, Jay Lund, Ariel Dinar, Brian Gray, Richard Howitt, Jeffrey Mount, Peter Moyle)

### **Edited Books**

ENDANGERED SPECIES PROTECTION & FEDERALISM (2011) (with Kaush Arha)

UNITED STATES AGRICULTURAL POLICY AND THE 2007 FARM BILL: PROMOTING THE ECONOMIC RESILIENCE AND CONSERVING THE ECOLOGICAL INTEGRITY OF AMERICAN FARMLANDS (2007) (with Kaush Arha, Tim Josling, and Daniel A. Sumner)

### **Articles & Book Chapters**

*Dynamic Conservation* (forthcoming)

*The Legal Rapids of Interstate Waters* (forthcoming)

*Water Markets Agonistes*, in A RESEARCH AGENDA FOR WATER LAW 237 (Venessa Casada Perez & Rhett Larson, eds. 2023).

*Socio-Hydrological Impacts of Rate Design on Water Affordability during Drought*, 19 *Env’tl Res. Letters* 124027 (2023) (with Adam Nayak, Benjamin Rachunok, and Sarah Fletcher)

*Climate Change Challenges of Land Conservation: Rethinking Conservation Easements, Strategies, and Tools*, 95 *DENV. L. REV.* 727 (2018) (with Jessica Owley, Frederico Cheever, Adena Rissman, M. Rebecca Shaw, & W. William Weeks)

*Pawee Ke Kai a’o Ha’ena: Creating State Law Based on Customary Indigenous Norms of Coastal Management*, 30 *SOC. & NAT. RES.* 31 (2017) (with Mehana Blaich Vaughan & Adam L. Ayer)

*Defragging: Overcoming Fragmentation in United States Water Governance*, in *TRANS-JURISDICTIONAL WATER LAW AND GOVERNANCE* 120 (Janice Gray, Cameron Holley, & Rosemary Rayfuse, eds. 2016)

*Barriers to Innovation in Urban Wastewater Utilities: Attitudes of Managers in California*, *ENVTL. MANAGEMENT*, March 18, 2016, DOI 10.1007/s00267-016-0685-3 (with Michael Kiparsky, Christian Binz, David L. Sedlak, Lars Tummers, and Bernhard Truffer)

*Assessment of Human–Natural System Characteristics Influencing Global Freshwater Supply Vulnerability*, 10(10) *ENVTL. RESEARCH LETTERS* 104014 (2015) (with Julie C Padowski,

Steven M Gorelick, Scott Rozelle, and Scott Fendorf)

*The Role of the Courts in Water Law*, 66 S.C. L. REV. 581 (2015)

*Understanding and Managing Urban Water in Transition*, in UNDERSTANDING AND MANAGING URBAN WATER IN TRANSITION (Quentin Grafton et al., eds, Springer Science, 2015) (with Rebecca Nelson, Heather N. Bischel, and Richard G. Luthy)

*Water Institutions and Agriculture* in THE EVOLVING SPHERE OF FOOD SECURITY (Rosamond L. Naylor, ed., Oxford University Press, 2014)

*Adapting Conservation Easements to Climate Change*, CONSERVATION LETTERS (2014) (with Adena Rissman, Jessica Owley, & M. Rebecca Shaw)

*The Sentinels of Yosemite*, in CARLETON WATKINS: THE STANFORD ALBUMS 212 (2014)

*The Innovation Deficit in Urban Water: The Need for an Integrated Perspective on Institutions, Organizations, and Technologies*, 30 ENVTL. ENGINEERING SCI. 395 (2013) (with Michael Kiparsky, David Sedlak, & Bernhard Truffer)

*The Natures and Causes of the Global Water Crisis: Syndromes from a Meta-Analysis of Coupled Human-Water Studies*, 48 WATER RESOURCES RESEARCH (2012) (with V. Srinivasan, E. Lambin, S. Gorelick, and S. Rozelle)

*A Federal Act to Promote Integrated Water Managheement: Is the CZMA a Useful Model?*, 42 ENVIRONMENTAL L. 201 (2012)

*Water as a Public Commodity*, 95 MARQUETTE L. REV. 17 (2011)

*EcoFarming: A Realistic Vision for the Future of Agriculture*, 1 U.C. IRVINE L. REV. 1167 (2011)

*Beyond Connections: Pursuing Multidimensional Conjunctive Management*, 47 IDAHO L. REV. 265 (2011)

*Federalism under the Endangered Species Act*, in THE ENDANGERED SPECIES ACT AND FEDERALISM: EFFECTIVE CONSERVATION THROUGH GREATER STATE COMMITMENT 3 (Kaush Arha & Barton H. Thompson, Jr., eds., RFF Press, 2011) (with Kaush Arha)

*Toward Greater State and Local Commitment*, in THE ENDANGERED SPECIES ACT AND FEDERALISM: EFFECTIVE CONSERVATION THROUGH GREATER STATE COMMITMENT 307 (Kaush Arha & Barton H. Thompson, Jr., eds., RFF Press, 2011) (with Kaush Arha)

*Comprehensive Planning, Dominant-Use Zones, and User Rights: A New Era in Ocean Governance*, 86 BULLETIN OF MARINE SCI. 273 (2010) (with James N. Sanchirico, Josh

Eagle, & Stephen R. Palumbi)

*Sustainable Product Indexing: Navigating the Challenge of Ecolabeling*, 15(3) ECOLOGY & SOCIETY 8 (2010) (with J.S. Golden, K.J. Dooley, J.M. Anderies, G. Gereffi, & L. Pratson)

*Myths of California Water – Implications and Reality*, 16 WEST-NORTHWEST J. ENVTL. L. 3 (2010) (with Ellen Hanak, Jay Lund, Ariel Dinar, Brian Gray, Richard Howitt, Jeffrey Mount, & Peter Moyle)

*Ecosystem Services & Natural Capital: Reconceiving Environmental Management*, 17 NYU ENVTL. L.J. 460 (2008)

*Promoting the Public's Interest*, 14 WEST-NORTHWEST J. ENVTL. L. 22 (2008)

*Institutional Incentives for Managing the Landscape: Inducing Cooperation for the Production of Ecosystem Services*, 64 ECOLOGICAL ECONOMICS 333 (2007) (with Rebecca Goldman & Gretchen Daily)

*Managing for Ecosystem Services on U.S. Agricultural Lands*, in UNITED STATES AGRICULTURAL POLICY AND THE 2007 FARM BILL 5 (2007) (with Rebecca Goldman & Gretchen Daily)

*Conserving Ecosystem Services Across Agrarian Landscapes*, in UNITED STATES AGRICULTURAL POLICY AND THE 2007 FARM BILL 207 (2007) (with Kaush Arha, Tim Josling, and Daniel A. Sumner)

*The Public Trust Doctrine: A Conservative Reconstruction & Defense*, 15 SOUTHEASTERN ENVTL. L.J. 47 (2006-2007)

*The Environment and Natural Resources*, in 3 STATE CONSTITUTIONS FOR THE TWENTY-FIRST CENTURY 307 (2006)

*Chief Justice William H. Rehnquist: Prizing People, Place, and History*, 58 STAN. L. REV. 1695 (2006)

*Watershed Protection: Capturing the Benefits of Nature's Water Supply Services*, 29 NATURAL RESOURCES FORUM 98 (2005) (with Sandra Postel)

*Conservative Environmental Thought: The Bush Administration and Environmental Policy*, 32 ECOLOGY L. Q. 307 (2005)

*Uncertainty and Markets in Water Resources*, 36 MCGEORGE L. REV. 117 (2005)

*Water Management and Land Use Planning: Is It Time for Closer Coordination?*, in WET GROWTH: SHOULD WATER LAW CONTROL LAND USE? (Craig Anthony (Tony) Arnold, ed. 2005)

*The Trouble with Time: Influencing the Conservation Choices of Future Generations*, 44 NAT. RESOURCES J. 601 (2004)

*What Good Is Economics?*, 37 U.C. DAVIS L. REV. 175 (2003)

*Answering Lord Perry's Question: Dissecting Regulatory Overfishing*, 46 OCEAN & COASTAL MANAGEMENT 649 (2003)

*Constitutionalizing the Environment: The History and Future of Montana's Environmental Provisions*, 64 MONT. L. REV. 157 (2003)

*Providing Biodiversity Through Policy Diversity*, 38 IDAHO L. REV. 355 (2002)

*Conservation Options: Toward a Greater Private Role*, 21 VA. ENVTL. L.J. 245 (2002)

*Protecting Ecosystem Services: Science, Economics, and Law*, 20 STAN. ENVTL. L.J. 309 (2001) (with James Salzman and Gretchen C. Daily)

*Markets for Nature*, 25 WM. & MARY ENVTL. L. & POL'Y REV. 261 (2000)

*Tragically Difficult: The Obstacles to Governing the Commons*, 30 ENVTL. L. 241 (2000)

*The Continuing Innovation of Citizen Enforcement*, 2000 U. ILL. L. REV. 185

*The Allure of Consequential Fit*, 51 ALA. L. REV. 1261 (2000)

*Water Allocation and Protection: A United States Case Study*, in EARTH SYSTEMS: PROCESSES AND ISSUES (W.G. Ernst ed., 2000)

*People or Prairie Chickens: The Uncertain Search for Optimal Biodiversity*, 51 STAN. L. REV. 1127 (1999)

*Endangered Species*, in THE NEW PALGRAVE DICTIONARY OF ECONOMICS & LAW (1998)

*Water Law as a Pragmatic Exercise: Professor Joseph Sax's Water Scholarship*, 25 ECOLOGY L.Q. 363 (1998)

*Water Federalism: Governmental Competition and Conflict Over Western Waters*, in ENVIRONMENTAL FEDERALISM (Terry L. Anderson & Peter J. Hill eds. 1997)

- The Endangered Species Act: A Case Study in Takings & Incentives*, 49 STAN. L. REV. 601 (1997)
- Environmental Policy and State Constitutions: The Potential Role of Substantive Guidance*, 27 RUTGERS L.J. 863 (1996)
- Resource Use and the Emerging Law of "Takings": A Realistic Appraisal*, 42 ROCKY MT. MIN. L. INST. 2-1 (1996)
- Water Markets and the Problem of Shifting Paradigms*, in WATER MARKETING--THE NEXT GENERATION (Terry L. Anderson & Peter J. Hill, eds. 1996)
- Legal Disconnections Between Ground and Surface Water*, in MAKING THE CONNECTIONS: PROCEEDINGS OF THE TWENTIETH BIENNIAL CONFERENCE ON GROUND WATER (Univ. Cal. Water Resources Center Report No. 88, June 1966)
- Foreword: The Search for Regulatory Alternatives*, 15 STAN. ENVTL. L.J. viii (1996)
- Environmental Policy and the State Constitution*, in CONSTITUTIONAL REFORM IN CALIFORNIA: MAKING STATE GOVERNMENT MORE EFFECTIVE AND RESPONSIVE (Institute of Governmental Studies Press, University of California 1995)
- Takings and Water Rights*, in WATER LAW: TRENDS, POLICIES, AND PRACTICE (American Bar Assn. 1995)
- Foreword*, in STRATEGIES FOR ENVIRONMENTAL ENFORCEMENT (Stanford Environmental Law Society 1995)
- Institutional Perspectives on Water Policy and Markets*, 81 CALIF. L. REV. 671 (1993)
- A History of the "Judicial Impairment Doctrine" and Its Lessons for the Contract Clause*, 44 STAN. L. REV. 1373 (1992)
- A Comment on Economic Analysis and Just Compensation*, 12 INT'L REV. L. & ECON. 141 (1992)
- Judicial Takings*, 76 VA. L. REV. 1449 (1990)
- Water Law and the Development of Geothermal Resources*, 14 NAT. RESOURCES LAW. 635 (1982) (with Owen Olpin)
- Income From the Discharge of Indebtedness: The Progeny of United States v. Kirby Lumber*, 66 CALIF. L. REV. 1159 (1979) (with Boris I. Bittker)
- Injunction Negotiations: An Economic, Moral, and Legal Analysis*, 27 STAN. L. REV. 1563

(1975)

### **Monographs**

STORING WATER FOR THE ENVIRONMENT: OPERATING RESERVOIRS TO IMPROVE CALIFORNIA'S FRESHWATER ECOSYSTEMS (Public Policy Institute of California 2021) (with Sarah Null and others)

MIND THE GAPS: THE CASE FOR TRULY COMPREHENSIVE SUSTAINABLE GROUNDWATER MANAGEMENT (Stanford Water in the West Program 2021) (with Melissa M. Rohde, Jeanette K. Howard, & Sandi Matsumoto)

EVALUATING THE USE OF DATA PLATFORMS FOR WATER MANAGEMENT DECISIONS (Stanford Water in the West Program 2020) (with Janet Martinez, Tara Moran, Anthony Saracino, & Zachary Sugg)

CALIFORNIA'S WATER (Public Policy Institute of California 2018) (with Ellen Hanak and others)

CALIFORNIA'S WATER: CLIMATE CHANGE AND WATER (Public Policy Institute of California 2018) (with Jeffrey Mount, Alvar Escriva-Bou, Ellen Hanak, Daniel Cayan, Frank Davis, Jay Lund, Daniel Swain, Paul Ullrich, Joshua Viers, and Robert Wilkinson)

CALIFORNIA'S WATER: MANAGING DROUGHT (Public Policy Institute of California 2018) (with Jeffrey Mount et al.)

MANAGING DROUGHT IN A CHANGING CLIMATE: FOUR ESSENTIAL REFORMS (Public Policy Institute of California 2018) (with Jeffrey Mount et al.)

MANAGING CALIFORNIA'S FRESHWATER ECOSYSTEMS: LESSONS FROM THE 2012-2016 DROUGHT (Public Policy Institute of California 2018) (with Jeffrey Mount et al.)

ALLOCATING CALIFORNIA'S WATER: DIRECTIONS FOR REFORM (Public Policy Institute of California 2015) (with Brian Gray, Ellen Hanak, Richard Frank, Richard Howitt, Jay Lund, and Leon Szeptycki)

POLICY PRIORITIES FOR MANAGING DROUGHT (Public Policy Institute for California 2015) (with Jeffrey Mount, Catlin Chappelle, Brian Gray, Ellen Hanak, Jay Lund, and Peter Moyle)

CALIFORNIA'S WATER: MANAGING DROUGHT (Public Policy Institute for California 2015) (with Jeffrey Mount, Ellen Hanak, Jay Lund, Richard Frank, Greg Gartrel, Brian Gray, and Peter Moyle)

CALIFORNIA'S WATER: STORING WATER (Public Policy Institute of California 2015) (with Jay



Lund, Jeffrey Mount, Ellen Hanak, Sarge Green, Jason Gurdak, Thomas Harter, Josué Medellín-Azuara, Samuel Sandoval, and Joshua Viers)

THE PATH TO WATER INNOVATION (Hamilton Project of the Brookings Institute and Stanford Woods Institute for the Environment 2014) (with Newsha K. Ajami and David J. Victor)

STRESS RELIEF: PRESCRIPTIONS FOR A HEALTHIER DELTA ECOSYSTEM (Public Policy Institute of California 2013) (with Ellen Hanak, Jay Lund, Jeffrey Mount, and others)

INTEGRATED MANAGEMENT OF DELTA STRESSORS: INSTITUTIONAL AND LEGAL OPTIONS (Public Policy Institute of California 2013) (with Brian Gray, Ellen Hanak, Jay Lund, and Jeffrey Mount)

WATER AND THE CALIFORNIA ECONOMY (Public Policy Institute of California 2012) (with Ellen Hanak, Jay Lund, and others)

CALIFORNIA WATER MYTHS (Public Policy Institute of California 2009) (with Ellen Hanak, Jay Lund, Ariel Dinar, Brian Gray, Richard Howitt, Jeffrey Mount, & Peter Moyle)

OPTION CONTRACTS IN PRACTICE: CONTRACTUAL AND INSTITUTIONS DESIGN FOR CALIFORNIA WATER TRANSFERS (Stanford Woods Inst. 2008) (with Claire D. Tomkins, Thomas A. Weber, David L. Freyberg, James L. Sweeney)

MANAGING WATER SUPPLY UNCERTAINTY: OPTION CONTRACTS AND SHORT-TERM WATER TRANSFERS (Stanford Woods Inst. 2008) (with Claire D. Tomkins, Thomas A. Weber, David L. Freyberg, James L. Sweeney)

TAKING STOCK OF THE REGIONAL FISHERY MANAGEMENT COUNCILS (Pew Science Series 2003) (with Josh Eagle & Sarah Newkirk)

REGULATION OF WATER USE AND TAKINGS: A GROWING BATTLEFIELD (U. Colo. 1994)

THE RELEVANCE OF WATER “OWNERSHIP: TO WATER MARKETS AND OTHER ISSUES (U. Colo. 1993)

### **Studies and Reports**

*Valuing the Protection of Ecological Systems and Services: A Report of the EPA Science Advisory Board* (United States Environmental Protection Agency, May 2009) (chair of the report committee)

*A Model Water Transfer Act for California* (California Business Roundtable, May 1996) (with Brian E. Gray, Richard Howitt, Lawrence J. MacDonnell, & Henry J. Vaux, Jr.)

*An Economic Analysis of Water Availability in California Central Valley Agriculture* (Stanford University, Center for Economic Policy Research, February 1992) (with Sandra Archibald)

### **Scientific Panels**

CALFED Bay Delta Authority, Environmental Water Account Technical Review Panel, 2001-2008

EPA Science Advisory Board, 2005-2011

Committee on Valuing the Protection of Ecological Systems and Services, 2003-2009  
Chair, 2005-2009

### **Boards of Non-Profit Organizations**

American Farmland Trust

Board of Directors, 2005-2013, 2014-2020

Chair, 2014-2018

Vice-Chair, 2010-2013

Chair, Strategic Planning Committee, 2006-2008

Environmental Volunteers

Board of Directors, 1994-1998

Natural Heritage Institute

Board of Directors, 1997-2011

Chair, 2000-2007

Vice-Chair, 2007-2011

Treasurer, 1999-2000

The Nature Conservancy

California Trustee, 2004-present

Chair, California Conservation Committee, 2009-2015

Chair, Water Committee, 2015-present

Resources Legacy Fund

Board of Directors, 2003-present

Chair, 2007-present

Rocky Mountain Mineral Law Institute

Trustee, 1990-2007

Chair, Teaching Committee, 1995-1997  
Co-chair, Environmental Program, 1995-1996

Santa Lucia Conservancy  
Board of Directors, 2011-2023  
Executive Committee, 2011-2023

Sonoran Institute  
Board of Directors, 2011-2021

Stanford Habitat Conservation Board  
Board of Directors, 2013-present  
President, 2013- present

Sustainable Conservation  
Advisory Board, 2012-present

Water Solutions Network  
Advisory Board, 2017-present

### **Selected University Service**

Advisory Board on Hiring & Promotions  
Counsel, 1998

Earth Systems Program  
Faculty Steering Committee, 1992-2012

Environmental Health & Safety Committee  
Member, 1994-96, 2000-2005  
Chair, 2002-2005

Haas Center for Public Service  
Faculty Steering Committee, 1993-2005  
Chair, 2002-2005

Emmett Interdisciplinary Program on Environment and Resources (E-IPER)  
Faculty Advisory Committee, 2002-present  
Executive Committee, 2002-present

Provost's Committee on Environmental Studies  
Member, 1995-2004

Provost's Committee on Sustainability  
Member, 2013-2019

Stanford Faculty Club  
President, 1995-97  
Board of Directors, 1994-2010

University Budget Committee  
Member, 1998-2014

University Capital Planning Committee  
Member, 2022-present

University Fellows  
Member, 1993-95

### **Other Organizations & Associations**

American Bar Association  
Committee on Appellate Skills Training, 1984-1985

California Bar

Water Strategist  
Advisory Legal Editor, 1999-2001

### **Honors, Awards, and Lectureships**

Morrison Prize, Arizona State University (2019)

Elinor Ostrom Lecturer, University of Indiana (2018)

Distinguished Gifford Lecture, University of Hawaii (2012)

CPR Institute for Dispute Resolution, Award for Innovation in the Teaching of Problem Solving  
(2001)

Distinguished Lecturer, Florida State University School of Law (2000)

Distinguished Visitor, Northwestern School of School of Lewis & Clark College (1999)

Hurlburt Award for Excellence in Teaching, Stanford University (1993)

Robert E. Paradise Fellowship for Excellence in Teaching and Research (1993-94)

Order of the Coif

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