Drought Response & Enforcement Webinars – January

The Dividing the Waters Conveners plan to present a series of webinars on drought response and enforcement. Members from California, Nevada and Idaho will discuss legal issues, the factual information necessary to reach a decision, and effective methods to address the public conflict and debate. Look for specific dates/times for these webinars in the November issue of The Network Note.

CA: New Groundwater Law; Expedited Adjudication?

Last month, Governor Jerry Brown signed three landmark bills to establish California’s first statewide groundwater management system. The bills’ passage followed decades of debate about how California should manage its groundwater. Information as to the recent substantial decline in Central Valley groundwater – the state’s largest aquifer – led the Governor to call for groundwater management in his Water Action Plan and State of the State address, in January. Brown had declared a drought emergency just before his address.

California currently has a patchwork of groundwater management schemes. In Southern California, many aquifers were adjudicated, starting in the 1950’s. In the Central Valley, some communities cooperated in developing a voluntary management plan, while other communities resisted oversight of their pumping and use of groundwater. California adopted the first statewide groundwater elevation monitoring system in 2009. That monitoring information showed serious declines.

The new system relies on local agencies to develop sustainable groundwater management plans for medium and high-priority basins. The State sets standards and reviews those plans. If a basin does not adopt a plan or the local agency adopts an insufficient plan, the State Water Resources Control Board provides a “backstop” by adopting an interim plan. The legislation exempts basins that a court has adjudicated.

During the legislative process, the issue of how to expedite groundwater adjudications arose. Some called for new legislation to provide expedited adjudication of groundwater aquifers. The Brown Administration, the Association of California Water Agencies and the California Farm Bureau Federation all have been discussing how to expedite adjudications, considering issues like service of process and submission of groundwater use data. The Senate Natural Resources & Water Committee plans a November 2014 hearing on groundwater adjudication, when it will hear more from stakeholders, and from DTW’s own Justice Ron Robie.

Coeur D’Alene Conference Planning Begins

With Convener Eric Wildman taking the lead, Dividing the Waters has begun planning its next general conference for October 14-17 in or near Coeur D’Alene, Idaho. While the new Coeur D’Alene-Spokane River Basin adjudication will feature prominently, the Conveners invite your ideas for conference topics. The list of potential topics already is quite long, including drought, groundwater management, and interstate rivers. More information? Contact Alf Brandt.

In Focus: Barton “Buzz” Thompson (Stanford)

Stanford Law Professor Barton “Buzz” Thompson holds a unique position within Dividing the Waters – the only person in TWO of the Program’s networks. As a Special Master for the U.S. Supreme Court in Montana v. Wyoming, he participates in the judicial network. As a leading water law professor, he participates in our Law School Network.

Thompson plays critical roles in many networks connected to water law and policy. At Stanford, he founded the law school’s environmental program and teaches water law. He leads Stanford’s Woods Institute for the Environment and participates actively in its “Water in the West” Program. Most recently, he organized a stellar program on “New Directions in U.S. Water Policy,” which introduced several publications that may help DTW participants. Outside Stanford, Thompson chairs the board of the Resources Legacy Fund. He serves as a trustee for The Nature Conservancy, chairs the American Farmland Trust, serves on the board of the Sonoran Institute, and formerly served on the USEPA Science Advisory Board.

Thompson participated in his first DTW conference soon after his appointment as Special Master in 2008. "The conference was exceptionally valuable," according to Thompson, "both for the substance of the presentation and for the opportunity to network with judges also dealing with complex water disputes.” In 2011, the Supreme Court upheld his decision on the effect of sprinkler irrigation on return flow for downstream water users. A few months later, he led a Special Master discussion on writing decrees at another DTW conference.

Before joining the Stanford faculty in 1986, Thompson lectured at the UCLA School of Law while in private practice. He clerked for the late Chief Justice William H. Rehnquist and 9th Circuit Judge Joseph T. Sneed. He has co-authored several leading water law/policy publications, including the latest water law casebook. His Stanford roots go deep, receiving all his degrees – BA, MBA and JD – from Stanford.

Profile on you? Recent court decision? Something to share? ALFIL@sbglobal.net

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