Dates Set for Drought Webinars – January 9 and 23
Water adjudicators from California, Nevada and Idaho are set to share “lessons learned” from recent efforts to address the serious drought conditions in their states. Dividing the Waters will present two webinars on responding and enforcing water rights during drought. The first one will address the science and the law of drought. The second one will discuss preparing for the next year/drought. Mark your calendar now for these two 2-hour webinars on January 9 and 23 at 11 am PST.

Supreme Court Water Cases: FL v GA and TX v NM
The United States Supreme Court allowed Florida to sue Georgia for equitable apportionment of the waters of the Apalachicola-Chattahoochee-Flint (ACF) River basin. Florida moved for leave to file a complaint in original jurisdiction in October 2013, and Georgia responded that the suit was premature. It argued that, until the Corps of Engineers set flow rates out of its dam near the border, Florida could not allege sufficient injury. The Solicitor General asserted that Florida had alleged a sufficient case, but sought deferral until after the Corps of Engineers completed its revision of its “Master Manual” for operating the ACF basin. In a brief November 3 order, the Court granted leave for Florida to file its complaint and gave Georgia 30 days to respond. That same day, the Court appointed A. Gregory Grimsal (New Orleans) as the Special Master in the Texas v. New Mexico.

NV: Federal Court Revises Truckee River Decree

TROA developed out of the 1990 “Settlement Act” that required the “sovereign parties” (Federal Government, California, Nevada) to negotiate a new agreement to operate upstream storage to satisfy a number of issues – flood control, water rights, fishery needs, and interstate water allocations. River management now focuses more on fishery and urban needs, and less on hydroelectricity generation (TRA’s focus).

The court rejected objections from the Truckee-Carson Irrigation District (TCID) and its allies. They had argued that the court had limited authority to modify the Decree, in part because operational changes required consent of all TRA parties. The court held that legal and factual circumstances had changed, justifying adoption of TROA, which was “suitably tailored” to address those changes.

2015 Conference in SPOKANE – October 14-17, 2015
After reviewing potential sites, the Conveners decided to locate next year’s conference in Spokane, which is near Coeur D’Alene, but has better access to the airport. The two communities share a watershed, an aquifer and a river. The day in the field will be in and around Lake Coeur D’Alene.

Board of Advisors to Convene in 2015
The Conveners have asked the Board of Advisors, which currently includes leading water lawyers from across the West, to advise the Program on how judicial officers should address efforts to mitigate water rights with habitat restoration. The West has seen increased use of habitat restoration efforts to compensate for reduced flows in rivers due to diversions.

In Focus: Stephen Snyder (New Mexico)
Steve Snyder serves as a special master who hears water rights disputes for the State of New Mexico courts. The presiding judge in the Pecos and Lower Rio Grande water rights adjudications referred these disputes to him.

The Dividing the Waters leadership also has called on Snyder to play leading roles in the development of its programs and projects. Before he became a special master, Snyder helped the Program develop several mediation and case management workshops that focused on the unique problems of water rights adjudications. When the Program convened the Klamath Basin stakeholders in 1999 to discuss resolving some of their conflicts, Snyder developed the workshop format the Program used to facilitate the stakeholder’s discussions. When the Conveners met to discuss a new strategic plan in 2012, they asked Snyder to prepare and facilitate the discussion. The Conveners adopted the strategic plan he helped draft.

Snyder has played a role similar to his role with the Program in other water conflicts in the West. For example, he facilitated a policy dialogue for the Western Governors Association on the regulation of effluent-dependent waters, and for Idaho on modifying water quality standards.

Snyder obtained his undergraduate degree and an MBA from the University of New Mexico. He crossed the border to get his JD from the University of Texas. Before his work on mediation and water rights conflicts, he was a business and Chapter 11 litigator in Denver. He now lives in Santa Fe.

Profile on you? Recent court decision? Something to share? ALFIIII@sbcglobal.net
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