California Water Rights Guide Available
California’s Water Education Foundation has just published a new Layperson’s Guide to Water Rights Law, and Dividing the Waters offers it free to Program members. The Program collaborated with the Foundation in producing the new Guide, providing funding and editorial assistance. To get your copy mailed to you, just ask Rebecca Bluemer@judges.org.

OR Appeals Court Overturns City Water Right Extension
In Water Watch of OR v. OR Water Resource Dept. (OWRD), the Oregon Court of Appeals overturned OWRD’s issuance of a water right certificate to the City of Cottage Grove because WRD had not considered its effect on protected fish species in granting an extension of time to perfect the City’s water right.

The City applied for a new extension in 2007, after completing a new water treatment plant. OWRD granted the extension in 2008 and issued a water right certificate in 2010, following administrative litigation. Water Watch filed suit.

The Court of Appeal overturned OWRD’s grant of an extension and its water right certificate. It rejected OWRD’s argument that the challenge to the extension was moot because it already had issued the certificate. The court required OWRD to reconsider the City’s extension request in light of the needs of protected fish species in affected waterways.

Fracking/Water Webinar Now Available On-Line
Judges from coast-to-coast took part in this month’s 2-part webinar on fracking and water resources. The webinar, by Professor Jim May, is now available for review by Dividing the Waters members. The first part offers the fundamentals on the facts and law of fracking. The second part, which was live on December 12, responds to judges’ questions as to those fundamentals. To get access to this program, please contact Rebecca Bluemer@judges.org.

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

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