Dividing the Waters Going Public
You may have noticed the new logo above. This new logo reflects a new effort to make *Dividing the Waters* a more public participant in the water law community. This month, David Aladjem, a member of the DTW Board of Advisors, introduced the Program at the ABA Water Law Conference. Last year, the hydrological modeling panel used the Program’s *Hydrological Modeling Bench Book* as a teaching tool for lawyers. You may see more of DTW in the months ahead.

CA: Exchange Contracts for Senior Water Rights Prevail
In a complex case between Central Valley Project water contractors, U.S. District Judge Lawrence O’Neill rejected the attempt of one set of contractors to stop USBR reservoir releases destined for another set of contractors with senior water rights, in *Friant Water Authority v. Jewell*. The court denied plaintiffs’ motion for a temporary restraining order.

Reclamation serves the eastside of the San Joaquin Valley with water from the San Joaquin River. In exchange for not exercising their senior River water rights, Reclamation “normally” delivers water from the Delta to “Exchange Contractors” on the westside. In this year’s drought, Reclamation could not deliver sufficient Delta water as provided by the Exchange Contract. Reclamation allocated no water to the eastside and planned to release water from Friant Dam to satisfy senior rights and deliver water to westside wildlife/bird refuges. The eastside contractors sued.

The court held that the Exchange Contract required the release of water from Friant, and federal law required delivery of a firm supply to westside wildlife refuges. In a thorough factual analysis, the court explained the Central Valley Project, described the provisions in west/east contracts, and quoted the federal law that required refuge deliveries of “firm water supplies of suitable quality to maintain and improve wetland habitat areas.” It rejected one claim based on standing.

Judge O’Neill concluded with a comment on the water dispute that may be relevant to other water conflicts: “Contrary to the popular synopsis that this case is about overzealous government regulators prioritizing the needs of fish and wildlife over farmers and the economy, this decision is a direct result of the law as Congress has chosen to write it. It is the duty of the Court to uphold the law, regardless of the presence or absence of popularity.”

Dividing the Waters . . . on Twitter
As part of its effort to expand public awareness of the Program, DTW staff will begin posting water law news and events on Twitter. In Eugene, conferees responded positively to the Twitter proposal, as a good potential source of water law information. You can follow the Program on Twitter: @DividingWaters or [https://twitter.com/DividingWaters](https://twitter.com/DividingWaters).

In Focus: Jeremy A. Michael (Montana)
Growing up in Massachusetts, Jeremy Michael appreciated the importance of water through water sports such as surfing, sailing, kayaking, swimming and skiing. Little did he know that his appreciation would ripen into a passion for water law, as a water master for the Montana Water Court. Michael explains: “Through luck or fate, I was able to find water law.”

Michael moved west to attend architecture school in Montana, and returned to Massachusetts for law school. But the West continued to call. He returned to Bozeman, in 2012, to serve as a law clerk for longtime DTW-member Bruce Loble, Montana’s Chief Water Judge. As a law clerk, he assisted the court’s water masters with their basin work and advised Loble. The highlight of his law clerk service was his review and his opinion drafting on a certification case from district court.

Just prior to Judge Loble retiring last summer, the court promoted Michael to Water Master, so he could take over the case load of a master who had left recently. His primary assignment is the Smith River basin, and adjudicates cases in ten other basins as well. His work includes federal reserved and state-based rights, Indian law and public water reserves.

This year, the court selected Michael to attend the *Dividing the Waters* conference in Eugene. He was “thrilled,” and any doubt as to the conference’s value disappeared by the airport shuttle ride with other conferees. While he described the conference curriculum as “excellent,” he valued most the connection to other water judges. As one of our younger members, Michael found it “amazing to get to know and talk with such experienced water law judges.”

Michael received a BA in environmental design and an MA in architecture from Montana State. He got his JD from Western New England School of Law. He lives in Bozeman with his architect-wife and 2-year-old son.

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