

## *The Network Note* February 2022

### **Remembrance for Justice Gregory Hobbs**

**SAVE THE DATE: April 7, 2022 at 11 AM MST**

*Dividing the Waters* will hold a celebration of the life of the late CO Supreme Court Justice Gregory Hobbs. The *DTW* Conveners will lead the remembrance. Hobbs served on the Court for 19 years and as a Convenir since 1998. The water community has mourned his death on November 30, 2021.

Stay tuned for more information in the next *Network Note*, or contact [DTW Executive Director Steve Snyder](#). You may register now on this [NJC-DTW webpage](#).

### **CA: Watermaster Has No Standing to Appeal**

The CA Court of Appeal held that a watermaster has no standing to appeal a decision of the trial court that entered the original water right decree. The court therefore granted the motion to dismiss the appeal, in *Dow v. Lassen Irrigation Co.*

The Lassen County Superior Court issued a water right decree for the Susan River and an order for watermaster supervision in 1940. The CA Supreme Court upheld the decree and order the next year. In 2007, the court appointed Honey Lake Resource Conservation District as the water master, which appointed a deputy water master.

A party to the decree asked the deputy watermaster to allow it to divert water until June 2019, based on a 1931 judgment, and divert it downstream from the point of diversion in the decree. The party asserted that the 1940 decree allowed the changes based on the decree's savings clauses for pre-decree rights and use of multiple ditches. The deputy watermaster denied both requests because they would interfere with other parties' rights and the savings clauses were not clear.

The party appealed first to the district's watermaster advisory committee and then to the trial court, and the watermaster filed objections. The trial court denied the objections and signed the orders as proposed by the trust. The watermaster and an irrigation company appealed the trial judge's decision and the party moved to dismiss the watermaster's appeal.

The Court of Appeal granted the party's motion to dismiss. It held that the watermaster had no standing to appeal because it was an "arm of the court," not an aggrieved party. It rejected arguments that the watermaster had filed objections as a party of record and its decree administration would be harmed.

### **CA: Judicial Education Bill (AB 2313) Introduced**

Assemblymember Richard Bloom, the CA Assembly's appointee to the Judicial Council, has introduced Assembly Bill 2313. It would: create a judicial education program on water; provide technical/legal experts to assist judges on water cases; and allow the Chief Justice to assign certain water cases to judges who had training on water. For more information, visit the [Legislative Information System](#).

### **In Focus: Judge Roland Candee (Ret./CA)**

Sacramento Superior Court Judge Roland Candee (Ret.) fortunately had some awareness of water law before being assigned a big water case, *State Water Resources Control Board Cases*, in 2000. Before he took the bench, he worked as a litigator for Kronick Moskovitz, a major Sacramento firm with leading CA water lawyers. While not a water law expert, he litigated cases for multiple water agencies.

When the Chief Justice consolidated cases challenging the State Water Board's Delta Decision 1641 and assigned the case to Candee, he did not hesitate in accepting the challenge. It involved 2/3 of the state's drinking water. Fortunately, the CA Judicial Council hired *DTW* Founder John Thorson as a court research attorney, to help him work through the 200,000-page administrative record and its complex water law issues.

Candee found Thorson's assistance invaluable, and simply could not have done his independent review of the record without it. On appeal, the case's 2006 appellate decision became one of the state's leading water law precedents. He thinks the new bill is a good idea, adding value with water law training for judges, and water law attorneys at the Judicial Council to assist judges with complex water law cases.

Although born in Portland, OR, Judge Candee has deep roots in CA, growing up in South San Francisco. On an ROTC scholarship, he got his bachelor's degree in math, and then his JD, from U. of San Francisco. As a lawyer, he joined the US Army JAG Corps. In 1986, after 7 years of active-duty legal work, Candee transferred to the National Guard and joined Kronick. He continued his military career as a judge, becoming Commanding General of the State Military Reserve.

Gov. Pete Wilson appointed Candee to the Sacramento court in 1992. As a judge, he served on many committees and authored several judicial publications. His colleagues elected him presiding judge in 2006 and 2007. He retired in 2013 and still lives in the Sacramento area.

**Ideas for Network Note? Court Decision on Water? Contact [ALFIII@sbcglobal.net](mailto:ALFIII@sbcglobal.net)**