

## The Network Note February 2023

### CA Chief Justice “Retires” to Policy/Judicial Education

After retiring as CA Chief Justice on December 31, Tani Cantil-Sakauye took up the reins of the Public Policy Institute of CA (PPIC), whose Water Policy Center has provided speakers for *DTW* over the years. She plans to expand the audiences for PPIC’s policy research, polling, and reports. She recently expressed pride in her creation of the water/climate education program at the CA Judicial Council and support for NJC’s new interstate water program. She also joined NJC’s Board of Trustees, where she can lead on judicial education.

### Colorado River Update

Since *Dividing the Waters* convened in Santa Fe in December to consider issues on the Colorado River, developments in this water conflict have continued to arise. The conference considered the science and law, and the near-term risks to loss of hydropower and water coming out of the River’s dams. The Department of the Interior and the states reported on their progress toward resolving the River’s challenges.

**States at Odds.** Interior gave the Basin states until January 31 to propose a new plan for operating the River that could be considered in Interior’s Supplemental EIS (SEIS). On that day, the states submitted two very different plans. [According to the NY Times](#), Interior would “consider ‘equity, and public health, and safety’ as it weighs how to spread the reductions.”

**Six states** submitted “a set of modeling assumptions for an alternative to be evaluated as a potential consensus-based set of actions.” The 6-state alternative proposed specific cuts to each Lower Basin state, triggered by reservoir elevation levels. It would apportion reservoir evaporation losses, and cut CA’s take by 350,000 acre-feet to 614,000 acre-feet.

CA submitted a separate alternative focused on “upholding” the Law of the River (*i.e.*, its senior water rights) and building on CA’s offer to reduce its diversions by 400,000 acre-feet. Without identifying specific cuts to each state, it proposes reducing Lake Mead releases up to 950,000 acre-feet at certain elevations. If additional reductions are needed, the Law of the River’s priorities would apply, given the lack of consensus.

**Press Coverage.** In reporting on the alternatives, [CNN reported that CA had proposed modeling a cut-off of River deliveries to cities](#). One conference speaker, John Fleck, offered his opinion: [“California Wants to Keep \(Most of\) the Colorado River for Itself.”](#) Former Interior Secretary Bruce Babbitt [suggested review of the Basin’s agricultural water use](#).

### Do YOU Have Something to Share with the Network?

The *Network Note* relies on information gathered from the *Dividing the Waters* network of water judges and others who support the NJC water program. Do you know a recent court decision or other news on water? Please [email the editor](#).

### In Focus: Judge Yvette Palazuelos (CA)

While new to water cases, Los Angeles Superior Court Judge Yvette Palazuelos brings decades of public service and leadership to her work on the public’s water resources. She has spent her years on the bench encouraging the next generation of lawyers, whether as an adjunct law professor or advisor to a new inn of court. Her leadership has garnered awards from her community, including her presiding judge and bar associations for Latino and Korean attorneys.

Palazuelos’ community work started from the beginning. Even as a 1<sup>st</sup>-year associate at a downtown LA law firm, she founded the Latino Lawyers Association, to promote the advancement of Latinos in the legal profession. After practicing civil litigation, Palazuelos moved to the US Attorney’s office, where she spent a decade prosecuting a wide range of crimes, particularly narcotics trafficking.

Gov. Gray Davis appointed her to the Superior Court in 2000, where she tries civil cases in the Complex Litigation unit. She has served on nine court committees, while also teaching law and serving on boards for legal and community organizations.

The Judicial Council assigned a groundwater adjudication case from a neighboring county to Palazuelos. The groundwater adjudication statute bars judges where the case is filed from trying the case, and CA generally treats water cases as “complex” cases. So, Palazuelos got the Cuyama Valley case.

The recent *Dividing the Waters* conference in Santa Fe gave Palazuelos her first exposure to the Program. She particularly appreciated the complexity of the Colorado River debate, and the way panels addressed the range of water expertise. Her participation in the pre-conference fundamentals course gave her grounding to engage in the full conference. She hopes future programs address groundwater rights, as *DTW*’s bench book, *Adjudicating Groundwater*, is so helpful.

Palazuelos observed: “The conference’s most valuable part was talking informally to other water judges. We learned from each other.” Some judges liked CA’s “out-of-county” assignment system, which may allow judges to avoid local water politics. She looks forward to the next program.

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