



A resource for judges resolving water conflicts

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THE NATIONAL
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NV Commission Proposes Rule on Water Law Cases

The NV Commission to Study the Adjudication of Water Law Cases proposed, to the NV Supreme Court, a new rule requiring the NV Chief Justice to assign district judges to adjudicate water law cases in their district or in other districts. The rule would require parties to give notice of the need for a water judge. It would *mandate* assignment to a water judge for judicial review actions and adjudication of pre-statute water rights. The presiding district judge would have *discretion* to assign a water judge in other cases.

US: Interior Analyzes Alternatives for CO River Ops

The US Department of the Interior's Bureau of Reclamation released a draft Supplemental EIS analyzing alternatives for revising the interim operating guidelines for Glen Canyon and Hoover Dam operations. The SEIS analyzed two alternatives to taking no action, appearing to set book-ends for change:

- 1) Increase shortages based on **priority of water rights**, with increasing shortages in each year.
- 2) Reduce Glen Canyon Dam releases and **apply shortages equally** to all Lower Colorado River users.

The release emphasized the Biden-Harris Administration's commitment "to protect the stability and sustainability of the Colorado River System now and into the future." It reaffirmed the importance of working together, "leading with science and a shared understanding that unprecedented conditions require new solutions."

The SEIS alternatives reflect the division between the Basin's states, with CA proposing the water rights approach and the 6 other states proposing cuts shared among Lower Basin states. The [NY Times reported](#) that the water right priority approach would cut NV and "force disastrous reductions on Arizona," but Interior Deputy Secretary Tommy Beaudreau responded: "Those are consequences that we would not allow to happen."

SCOTUS: *AZ et al. v. Navajo Nation* Oral Argument

Two decades after the Navajo Nation filed a claim for the US Government to provide sufficient water for its reservation, the US Supreme Court recently heard oral arguments. The Tribe argues that the 1868 US Treaty promised both land and water sufficient for the Navajo reservation. In 2021, the 9th Circuit ruled that the Tribe's claim for breach of trust could proceed. Lower CO River states filed a *cert* petition arguing that the Court apportioned the Lower CO River to other tribes in 2006. AZ also argues, and the US agrees, that the US did not accept any trust responsibility for water supply in the 1868 Treaty.

Help Build the NJC *Dividing the Waters* Network

DTW and its network can support your colleague with a water case, as water judges support each other. Please encourage your colleagues to [contact Executive Director Steve Snyder](#).

In Focus: Justice Ron Parraguirre (NV)

When you derive from a pioneering Nevada ranching family, you cannot help but have an interest in water. When your father, uncles and a great aunt are all law school graduates, the law sets the framework for family discussion. NV Supreme Court Justice Ron Parraguirre enjoys just those roots in water and the law. His Basque family immigrated to western NV in the 1870's, and he grew up on family ranches in the East Walker River Basin. He moved to CA to get his law degree from the University of San Diego.

After law school, Parraguirre moved to Washington DC to work in the US Senate. Two years later, he returned to NV to practice law with his father. When the Governor appointed his father to the bench in rural NV, he took over the practice. In 1991, Parraguirre won a seat on the Las Vegas Municipal Court. Gov. Kenny Guinn appointed him to the District Court in 1999, where he served on more than a dozen committees and as Presiding Judge. He won his first election to the NV Supreme Court in 2004.

In his first years on the Supreme Court, he got assigned several complex water cases, almost like his colleagues were "hazing" him. Since then, the Court has decided several landmark water cases. When former Chief Justice Hardesty created the Commission to Study Water Adjudication Law Cases, Parraguirre joined the effort, as he understood the growing need for NV judges to understand water and its complexity in their state.

Joining the *Dividing the Waters* conference, and then the state supreme court justice colloquy, in Santa Fe seemed a natural outgrowth. Parraguirre thought the conference offered judges "the opportunity to understand a bigger picture perspective." The post-conference colloquy with colleagues from other states, however, impressed him most. He found common interest with other states, whose courts had taken steps to address complex problems, awkward procedures and limited funding for adjudicating water management and allocation conflicts. "I discovered allies in other courts, some who had obtained funding to improve judges' understanding of water. Now I can call any number of Chief Justices, to discuss how we can work together on water education for judges."

Ideas for Network Note? Court Decision on Water? Contact ALFIII@sbcglobal.net