



A resource for judges resolving water conflicts

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THE NATIONAL
JUDICIAL COLLEGE

Hon. Benes Z. Aldana (Ret.)
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Great Salt Lake Conference: May 15-18, 2024

The Conveners have firmed up the agenda for the upcoming Salt Lake City conference, entitled *The Great Salt Lake: A Case Study of One of the West's Emerging Conflicts Over the Use of Water*. Focused on the challenge of water management upstream from terminal lakes, the conference will hear from experts on the Great Salt Lake and UT water leaders. Experts studying other terminal lakes also will share their knowledge of other states' terminal lake management. **Register [here](#).**

NV: State Engineer May Combine Basin Management

The NV Supreme Court held that the NV State Engineer has authority to combine multiple basins into one hydrographic "superbasin" based on a shared source of water. In *Sullivan v Lincoln County Water District*, the Court reversed the district court and affirmed the Engineer's decision to combine several groundwater basins for conjunctive water management.

In 2001, the NV State Engineer held several groundwater appropriation applications from several valleys north of Las Vegas. He opined that groundwater in these basins originated from the same carbonate rock aquifer system, so pumping from one basin might reduce flow to other basins. He ordered investigation and, as he learned more, he determined that all the basins shared the same perennial yield and no more groundwater was available. Even vested pre-1913 water rights could be affected. In 2019, the Engineer combined basins into a "joint administrative unit," to manage groundwater and surface water conjunctively. He determined that the basin could support no more than 8,000 acre-feet of groundwater extraction without adversely affecting the fully-appropriated Muddy River and the Moapa Dace, an endangered fish.

Water right holders petitioned the district court for judicial review of the Engineer's decision, alleging that the Engineer lacked authority to combine and conjunctively manage several basins. The district court granted their petitions and held the Engineer lacked authority on both issues and had deprived the petitioners of their due process rights.

The NV Supreme Court reversed the district court, holding that the NV State Engineer had implied statutory authority to combine and conjunctively manage the several basins. It noted the Engineer's duty to use best available science and a reasonable interpretation of his statutory authority. Nor did the Engineer violate petitioners' due process rights. Given the Court's reversal, the attorney fee issue was moot.

Pre-Conference Workshop: General Stream Adjudications

Convener Judge Eric Wildman and former Convener Ramsey Kropf will lead a pre-conference workshop on judicial practice in "General Stream Adjudications in Theory and Practice." Come early to learn from the judge for the Snake River Basin Adjudication (ID) and the special master for the Big Horn River Adjudication (WY). It starts early on May 15.

Stephen Snyder Led DTW Through COVID & Will Retire

Stephen Snyder, *Dividing the Waters* Executive Director, has led the Program through challenging times, and toward the creation of the Western Judicial Consortium on Water Law. He recently told the Conveners that he plans to step back from his leadership after he completes the upcoming Great Salt Lake Conference.

Snyder has a long history with *DTW*, as a teacher, special master, and Executive Director. In 1999, he and a colleague led a course on mediation, interest-based negotiation, and complex case management, in the Klamath River context. In 2004, the NM District Courts appointed Snyder Special Master for the Pecos, Lower Rio Grande, San Juan, and Animas water basins. Upon retirement, he accepted the Conveners' appointment as Executive Director and led the 2018 workshop on water law and science fundamentals.

DTW thrived under Snyder's leadership, despite the challenge of COVID. He organized one of *DTW*'s most successful conferences, at Stanford in 2019. When *DTW* cancelled the 2020 SLC conference due to COVID, Snyder worked with the Conveners to organize webinars, which attracted large audiences, far beyond the West. He recognized the opportunity that emerging online technology could offer, and helped develop a proposal for an online water law and science education program. After one foundation suggested that *DTW* work with more partners, the idea for the Consortium developed. Snyder organized another successful conference in Santa Fe, which was followed by a meeting of state supreme court justices, who created the Consortium.

NM and the Program will continue to benefit from Snyder's insight on water. His roots and retirement lie in NM, where he got his BA and an MBA from U of NM. He got his JD from U of TX and practiced in CO and NM, before his special master appointment. He looks forward to the upcoming conference and plans to remain engaged in *DTW*.

Ideas for Network Note? Court Decision on Water? Contact alfb@judges.org