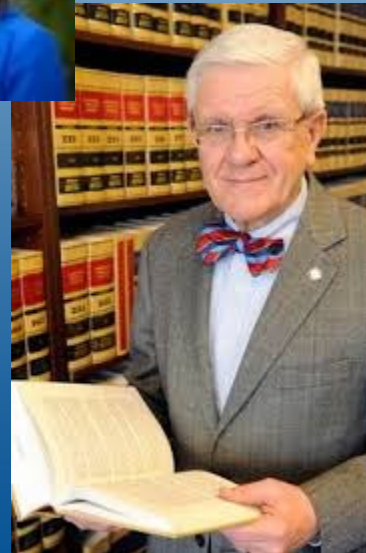
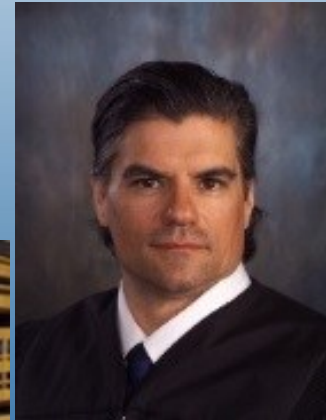




# The Western States Water Council

**Alf W. Brandt, Executive Director**  
*Dividing the Waters* Program  
The National Judicial College

# Who We Are





# Who We Are

## Education & Training

- General Conferences – Every 18 Months
- Workshops – Focus on Specific Topic

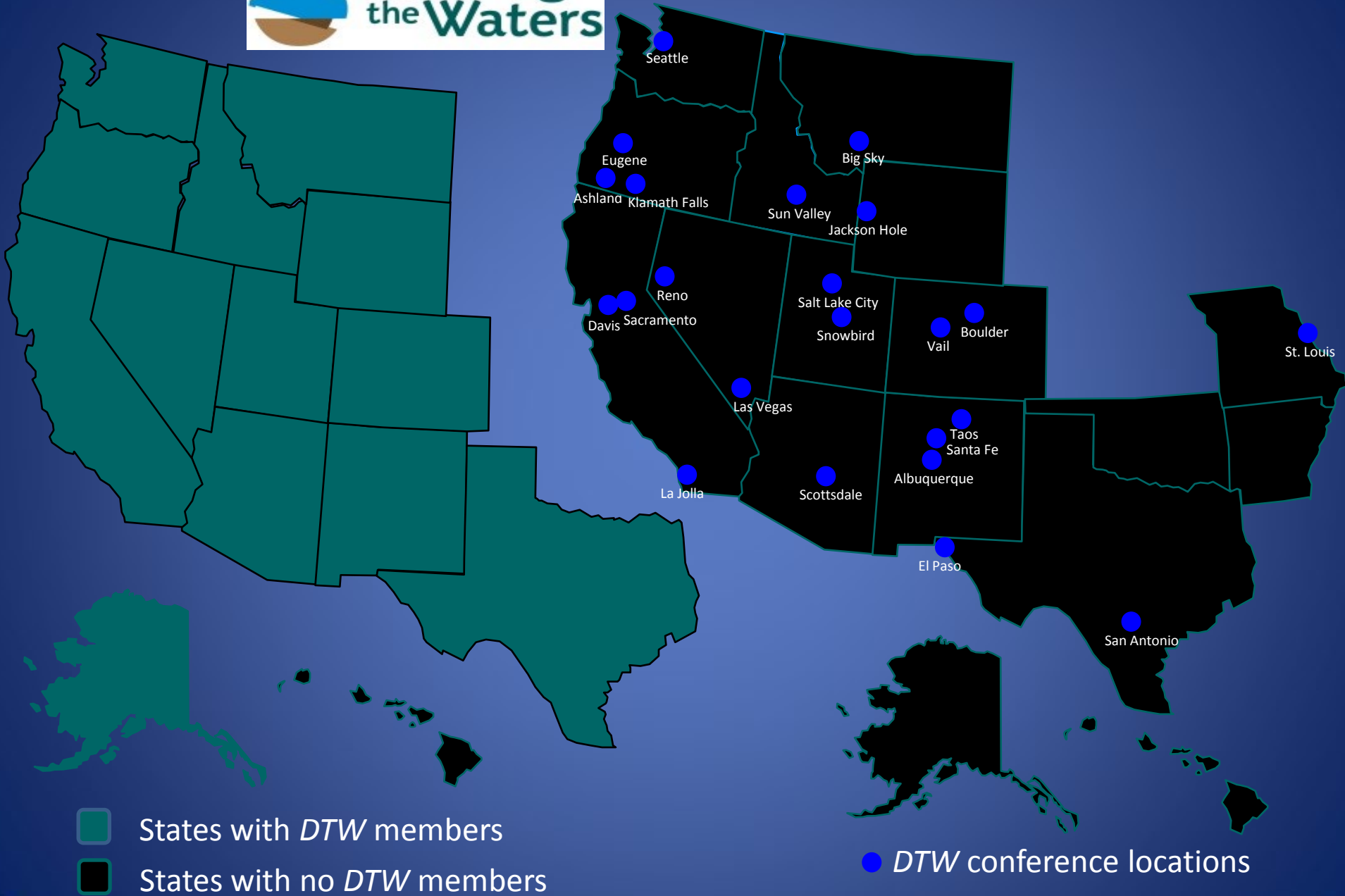
## Information Resources

- Original Publications
- Conference Materials
- *Network Note*

## Knowledge Network

- Judicial Mentoring
- Informal Communications

# Where We Are







# A Brief History

1993: Founded as Forum for Adjudication Judges

- Funded by Ford Foundation
- Operated Out of Arizona Supreme Court

1999: Klamath Conflict Resolution Project

2002: Hired Science Consultant - Dan Luecke

2007: Affiliated with NJC . . . and FJC

2011: Received Bechtel Foundation Grant

2012: Adopted New Strategic Plan



# Program Development

## Conferences on Conflicts

- Klamath, The Delta, Rio Grande, The Missouri, Snake River

## Water Conflicts Evolved > Program Evolved

- Endangered Species, Water Quality, Land-Water

## Developed Publications

- Adjudications, Climate Change, Hydrologic Modeling, Experts

## Workshops on Science for Judges

- Hydrology, Biology, Climate Change, Chemistry, Modeling

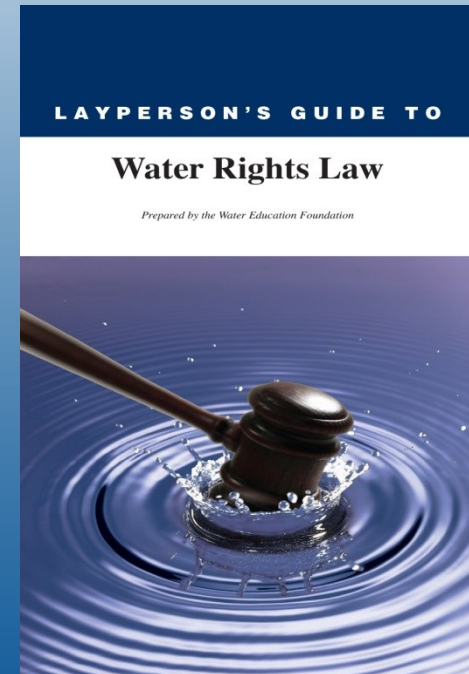
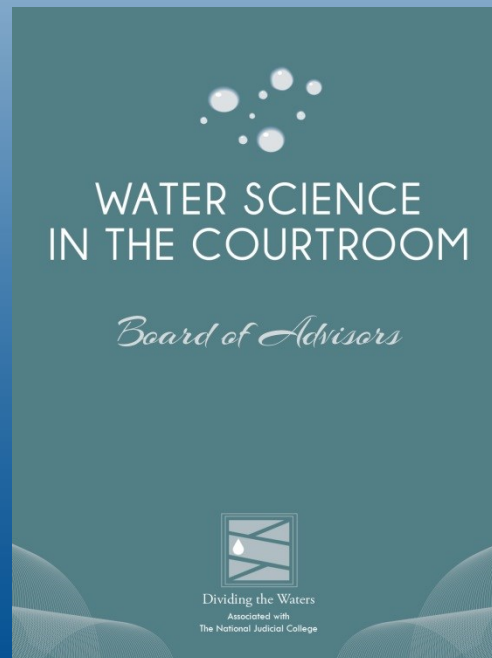
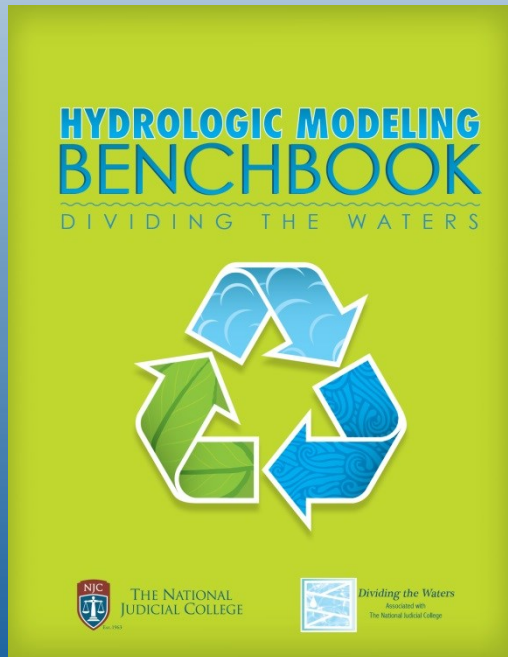
## New Directions – Webinars, The East, Basics

# *Dividing the Waters* Conferences





# *Dividing the Waters* Information Resources







# Supporting Networks

## *Board of Advisors*

- David Aladjem (CA)
- John Draper (NM)
- Eric L. Garner (CA)
- Adam Gravley (WA)
- Thomas Jensen (DC)
- Sarah Klahn (CO)
- James Lochhead (CO)
- Douglas MacDougal (OR)
- Maria O'Brien (NM)
- TC Richmond (WA)
- Irma Russell (MT)
- Paul Simmons (CA)



# Supporting Networks

## *Law School Network*

- Adell Amos, U of Oregon
- Amy Kelley, Gonzaga
- Barb Cosens, U of Idaho
- Buzz Thompson, Stanford
- Brian Gray, UC Hastings
- Dan Tarlock, Chicago-Kent
- Denise Fort, U of New Mexico
- Lawrence McDonnell, U of Wyoming
- Mark Squillace, U of Colorado
- Noah Hall, U of Michigan
- Reed Benson, U of New Mexico
- Reed Marbut, Willamette
- Richard Frank, UC Davis
- Bo Abrams, Florida A&M
- Robert Adler, U of Utah
- Robert Anderson, U of Washington
- Sandra Zellmer, U of Nebraska



# Why Western States Need *DTW*

## Address The Common Issues of Western Water

- Establishing Water Rights Systems
- Emerging Conflicts – Ag/Urban, Instream, Land-Water

## Judges Encounter Common Challenges/Issues

- Competing Uses – ag, urban, environmental
- Differences Between Federal and State Governments

## New Judges Gain from Experienced Judges

- Meet at Conferences, Develop Relationships





# **The Challenges for *Dividing the Waters***

## **Growing Water Conflict in the West**

- New Issues – Quality, Fishery, Tribal

## **More New Judges in Water**

- Limited Experience in Civil/Water Law

## **Dependence on Foundation/Private Funding**

- Dwindling Foundation Interest in Judicial Education



# The Challenge: New Judges

*DTW* Origin: State Adjudications

New Water Law Issues Arise

- Endangered Species Act
- Water Quality – Clean Water Act
- USBR Reforms & Operations – Interaction with State Law

Varying Methods of Judicial Assignments

Varying Levels of Understanding

Varying Needs for Water Law Training



# **The Challenge: Limited Training**

Judges with Experience in the Criminal Bar  
Traditional Judicial Education – States/NJC

- focus on process and criminal law
- education through litigation

Federal Judicial Center

Recession Cuts Judicial Education Budgets





# The Challenge: Limited Funding

## 20 Years of Foundation Funding

- Ford Foundation
- Hewlett Foundation
- Bechtel Foundation
- Other Foundations (Compton)

## Recession: Environmental Foundations Shift

- Quantified Environmental Improvements
- Less Support for Education Programs



# **The Challenge: Limited Funding**

## **Dwindling Foundation Funding (Last 5 Years)**

- 2010: Hewlett – \$125K
- 2011: Hewlett – \$125K
- 2012: Bechtel – \$100 K
- 2013: Bechtel – \$99K (\$17.5K – CA Publication)
- 2014: Bechtel – \$89.5K

**2012 State Justice Institute – \$27K (fracking)**

**2013 Board of Advisors Contributions – \$33.5K**



A resource for judges resolving water conflicts



FORD FOUNDATION

THE WILLIAM AND FLORA  
HEWLETT  
FOUNDATION



S. D. BECHTEL, JR.  
FOUNDATION  
STEPHEN BECHTEL FUND





# Ethical Limitations on Fundraising

## Judicial Independence

- Lawyers Can't Give; Judges Can't Accept

## No Connection To Fundraising

- Judges Can't Ask for Themselves

## Response: The NJC Water Justice Fund

- Keep Judges Away from Fundraising



# **The Opportunity: The National Judicial College**

## **Only Nationwide Training Resource for Judges**

- States Have Their Own Training Programs
- Improves Judicial Consistency Among States

## **Relationship with Federal Judicial Center**

- Federal Judges Participate in NJC Programs
- No Ethics/Reporting Issues for Federal Judges



# The Future With Western States Water Council

## **Collaboration Between Executive & Judiciary**

- Executive Branch Expertise & Recognition
- Judiciary Engaging Executive Branch Expertise

## **Working Together to Resolve Water Conflicts**

- Both Branches Engaged in Water Conflicts
- Identifying Water Issues & Conflicts





# The Questions

What Water Cases Have You Seen?

Do You Have Judges Who Are New to Water?

Have You Tried to Assist Judges?

Do You Have Administrative Law Judges?



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