



A resource for judges resolving water conflicts

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THE NATIONAL
JUDICIAL COLLEGE

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The Network Note May 2024

Webinar: Great Salt Lake Conference Friday, June 28, 2024 – 12:30 PM PDT

After a successful conference on the Great Salt Lake, *Dividing the Waters* will offer its network a glimpse into some of the insights gained in Salt Lake City. *DTW* Convener Debra Stephens will interview MT Water Master Anna Stradley and Bradley Parry (NW Band of the Shoshone Nation) about lessons learned and the ideas presented at the conference.

Read more and register now, on [NJC's WebEx link](#).

UT Senior Judge Kate Appleby Chosen as Executive Chair

In light of the retirement of *Dividing the Waters* Executive Director Steve Snyder, the Conveners chose to appoint UT Senior Judge Kate Appleby as "Executive Chair," to lead the Program now that NJC has incorporated it into its curriculum. She will drive programming, frame decisions for Conveners, and represent *DTW* to the public. NJC will staff the Program with Alf W. Brandt, a former *DTW* Executive Director.

Navajo Nation Settles Water Right Claims

After the 2023 SCOTUS decision, the Navajo Nation returned to discussions with the US Government, the State of AZ, other tribes, AZ water agencies, and AZ landowners on their water right claims. (SCOTUS held that the Federal Government had no obligation to ensure that the Navajo Nation has access to water.) The Tribe had negotiated water right settlements with NM (2005) and UT (2020), but had not completed an AZ settlement until now.

The COVID pandemic underscored the crisis in water access for the Navajo people. Some estimate that a third of Navajo people do not have access to running water. Groundwater provides drinking water to 99% of communities served by a public water system, according to the Navajo Nation EPA.

The proposed settlement addresses Navajo water access. On May 23, 2024, the Navajo Nation Council approved the settlement of their water rights, which also includes settlement for the Hopi and San Juan Southern Paiute Tribes. The Navajo hold a unique position, with lands in both the Upper and Lower Colorado River basins. The water for settlement comes from Colorado River (upper & lower basins), Little Colorado River, Gila River, groundwater, springs, Hopi Cibola water, and effluent developed on the Hopi Reservation.

The settlement includes approximately \$5 billion in federal funding for water infrastructure, including \$1.75 billion for a water pipeline from Lake Powell. The Navajo Nation is working to get Congressional approval by the end of the year.

Online Course on Water Law Fundamentals

Dividing the Waters has begun development of the next online course, on water law. Working with U of NM Professor Reed Benson, the next module will set a framework of the water law fundamentals, particularly the Prior Appropriation Doctrine. It will identify both common principles and the issues where state laws differ. Over time, the course may include modules that address state-specific water laws, depending on interest from state courts. If you have interest in or ideas for this next course, please contact [Alf W. Brandt](#) at NJC.

IN FOCUS: Senior Water Master Anna Stradley (MT)

Few *DTW* participants can draw a clearer line between water and their childhood than MT Senior Water Master Anna Stradley. She grew up working with her grandfather to irrigate his ranch in MT's "Golden Triangle" just south of Canada. Her father flew crop dusters and survey flights for wildlife biologists, and her mother was a hydrogeologist. Her childhood led her directly to joining the water community.

In college, Stradley studied econ and ag business at MT State. When she moved to U of OR for law school, she chose Ocean & Coastal Law because it gave her the most education in water law. She returned to MT to join the MT Water Court in 2006, first as a law clerk and then as Water Master.

Dividing the Waters has drawn Stradley's participation since she joined the Water Court, when she came to her first *DTW* conference, in Santa Fe. She remains thankful that *DTW* could fund her participation in the early years and MT paid this year. She hopes to see the MT judiciary join and contribute to *DTW* in the years ahead.

Stradley particularly appreciates how she learns from *DTW* colleagues and from her experiences in the very different watersheds where *DTW* convenes. This year, she proposed that participants share their contact information, so she can follow up to learn more.

When *DTW* invited her to join the June webinar, Stradley readily accepted. Reflecting on the Great Salt Lake (GSL), two ideas remain with her: *cooperation* and *ingenuity*. The collaboration among federal, state, and local agencies, as well as tribes and landowners impressed her. Incredible changes, including recognizing water for GSL as a beneficial use, showed her the importance of ingenuity. The GSL community identified the problem, the need for change, and created and implemented new solutions for GSL water management.

Read [NJC Statement on DTW and the new Consortium](#).

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