



RESOLUTION
of the
WESTERN STATES WATER COUNCIL
regarding
THE *DIVIDING THE WATERS* PROGRAM
Washington, DC
March 14, 2024

WHEREAS, the *Dividing the Waters* Program of the National Judicial College has served western judges overseeing complex water litigation since 1993, providing information and training resources on water law and water conflicts to state, tribal, and federal judges; and

WHEREAS, five judicial officers with extensive experience in water adjudication lead *Dividing the Waters* for the benefit of their colleagues in the judiciary, making it a program by judges for judges; and

WHEREAS, the Program includes participating judicial officers from 12 western states who adjudicate a wide range of water cases, from statewide water right adjudications to conflicts over endangered species and water quality; and

WHEREAS, *Dividing the Waters* received funding from public interest foundations for 22 years, but after foundation funding for education programs dwindled the program sought support from state governments, its Board of Advisors, and regional foundations; and

WHEREAS, it is in the interest of the executive branch water agencies of the western states to ensure that the judicial officers who adjudicate water cases in their states have an understanding of the fundamentals of western water law and the latest information on water adjudication; and

WHEREAS, many states have limited funding for judicial branch education, particularly for water and related natural resource topics; and

WHEREAS, *Dividing the Waters* provides a critical link between the executive branch water agencies and the judicial branch that adjudicates water conflicts in the western states;

NOW, THEREFORE, BE IT RESOLVED, that the Western States Water Council supports *Dividing the Waters* and urges public interest foundations and other interested entities to provide funding for the program; and

BE IT FURTHER RESOLVED, that the Western States Water Council supports and strongly encourages judges, masters and referees who adjudicate or preside over water litigation in the member states to participate in the *Dividing the Waters* Program; and

BE IT FURTHER RESOLVED, that the Western States Water Council supports consideration by member states of support for the *Dividing the Waters* Program through funding or other means that supports judicial education on water resource management disputes.

Revised and Readopted
(see former Positions No. 467, March 25, 2021, No. 457, October 15, 2020,
No. 415, October 20, 2017, and No. 374, October 10, 2014)