

THE NATIONAL JUDICIAL COLLEGE
FACULTY AND COURSE EVALUATIONS
DIVIDING THE WATERS
MISSOULA, MONTANA
SEPTEMBER 25-27, 2025
29 Participants of 33

**Exploring the Headwaters, Part 2: Assessing Non-Tribal Reserved Water Rights Doctrine,
Hon. Maria Berkenkotter**

	Avg
The presenter demonstrated expertise in the topic.	6.79
The presenter was engaging, clear, and enthusiastic.	6.71
The PowerPoints, handouts, and other materials were helpful in learning the topic.	6.30

Comments about the presenter or the presentation(s):

I love that Berkenkotter is working in water rights! She is super excited.

What do you consider to be the most important thing(s) you learned from the course?

learning similarities and differences between jurisdictions, and an opportunity for collaboration with my jurisdiction.

How tricky climate change will be in the future. I was a bit shocked about how no one had any good thoughts on how to address it.

I re-learned reserved water rights.

A better appreciation for tribal and federal reserved rights, as well as insights about the future of the prior appropriation doctrine.

I think the commentary and discussions on the evolution of the prior appropriation doctrine, the session on tribal reserved water rights, and the session on instream flow protections were all very fascinating and gave me a lot to think about and bring back with me. Getting to hear the variety of perspectives on these topics provided new avenues and topics for me to explore moving forward.

Status and issues in Tribal reserved water rights and status of Canadian-US treaty negotiations on Columbia River.

I think delving deep into federal reserved and tribal rights and settlement was the most important thing to me. But as always, the value is in the collaboration and discussion between the practitioners and participants. Adjudications and settlements vary from state to state but still present many of the same challenges. There is much to be learned from each other.

The breadth of Winters and how broadly it impacts the waters of the western states.

Perspectives and processes from other jurisdictions.

How to find resources and expertise to assist in these cases when I have questions.

I was able to start from little knowledge and move through the presentations, gaining information, so that by the end, I felt like I could put the pieces together.

Historical context and experience testimonials.

Understanding we are all dealing with similar issues.