Interstate water conflicts

Catawba-Wateree RBC

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Greetings from Colorado, where water is so important it is etched in murals and poetry in the state capitol

Colorado River flowing toward the Gulf of California (Pacific Basins)

Examples of Eastern Water Conflicts and solutions

Interstate water issues

How broad do you want to be?

Narrow focus on one issue

Comprehensive perspective

Narrow perspective

- Water quantity and rights with exact formulas for delivery of water at state line

Broad perspective

- Take into account many potential situations, in the same manner that was anticipated in the Water Resources Planning Act of 1965

Pros and cons

- Narrow perspective is easier, more focused, more defined, more measurable, can be assigned to staff functions
- Broad perspective is more difficult, with issues not always well defined and taking more time and expenditure to deal with. Usually requires policy leadership as well as staff effort.
- (like other negotiated agreements)

Examples of broad issues

- Water quantity management—changes in amount, timing, place of water use; groundwater users; new uses like power plants, industries, farms; groundwater issues; environmental flows; climate change.
- Water quality management—point sources like WWTP; NPS like nutrients, impacts like eutrophication, etc.
- Environmental water—estuaries, wildlife, habitat
- Relicensing involves broad issues

IBT introduces important issues of water management

- Follow political boundaries?
- Or natural boundaries?

Wise men of water management (Jacques Costeau and Abel Wolman): Coordinated, cooperative, and collective actions—badly needed but extremely difficult—comments at 1983 Chesapeake Bay agreement signing

Examples by Doug Kenney

Additional examples if needed

- Lake Gaston
- ACF/ACT details
- Pecos
- Everglades

SC Supreme Court Brief citations

- AZ v CA (1963 and 1983)
- AR v TX (1953)
- Milw v IL (1981)
- CO v KS (1943)
- CO v NM (1982, 1984)
- CT v MA (1931)
- Hinderlider v LP and CC (1938)
- ID v OR (1983)
- IL v Milw (1972)
- KS v CO (1907)
- NE v WY (1945, 1993)
- VA v MD (2003)
- WY v CO (1922)

Caveat

- No matter what the coordination mechanism, if proceedings are not inclusive enough to head off lawsuits, the process many not work except in official regulatory or court decisions
- (Example: Two Forks)

Possible solution

- How does water allocation work for instate users?
- Stage 1: Laissez Faire
- Stage 2: Permits, loose administration
- Stage 3: Permits with active capacity use plans (or water rights systems)
- (Principle is to determine yields and allocate on a permit system)

How could it work for interstate situation?

- Determine and negotiate yield among states (principle of equitable apportionment but not decided by court, could be by compact)
- Once states have apportionments with needed detail, allocations are within states