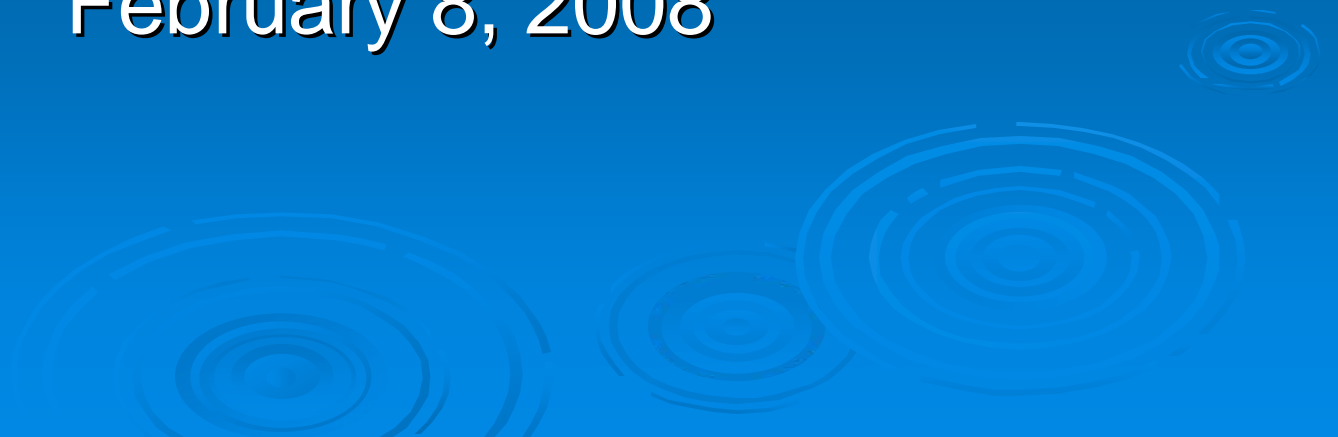


# **Interstate water conflicts**

## **Catawba-Wateree RBC**

Neil Grigg  
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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)



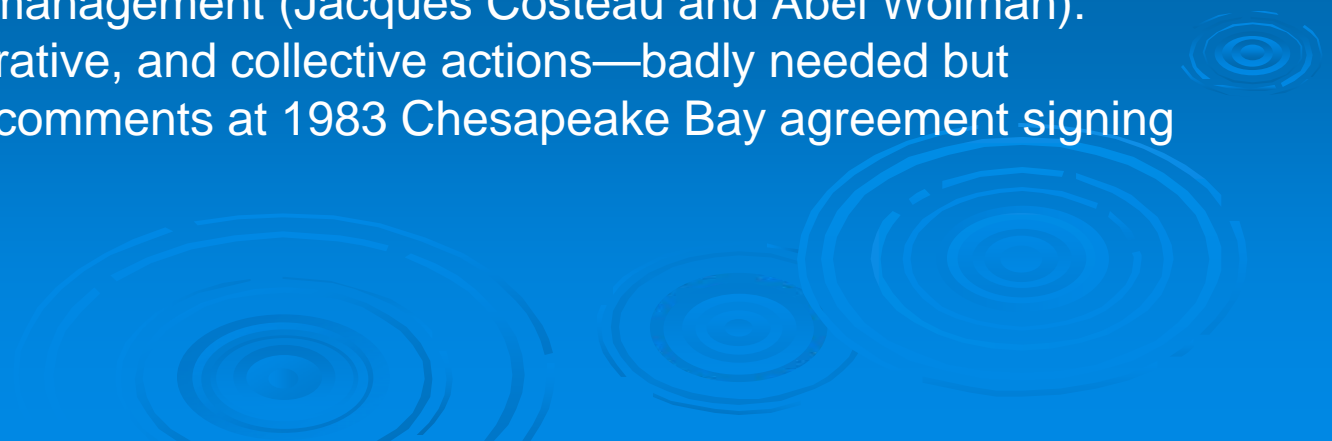
# Examples of broad issues

- 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 may 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