

TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law and Policy
September 20, 2017

Stop Me if You've Heard This One Before. Eight Mayoral Candidates Walk Into a Jazz Market...

Last week, eight mayoral candidates gathered at the Flood Risk and Adapting to a Changing Environment Forum. They discussed New Orleans' role in Louisiana's coastal land loss crisis and restoration efforts, the City's flood protection and the future of living with water, and the City's role in committing to climate change adaptation and the principles delineated in the Paris Climate Accord. If you missed it, you can watch it [here](#).

Nations That Conserve Together, Stay Together...

Next week, the U.S. and Mexican governments [will be signing](#) a Colorado River deal that will establish rules for [sharing](#) water over the next decade. The new agreement, which is an addition to a 1944 [Treaty with Mexico](#), replaces the expiring 5-year agreement. Although the final language of the deal has not yet been released, Arizona locals [have expressed](#) hope that the new deal will preserve the existing allowance for restoration water, called a pulse flow, to be delivered to the Colorado River Delta, in order to restore the once-rich habitat.

Among other things, the agreement will establish a "binational water scarcity contingency plan," in which Mexico will join U.S. states in temporarily taking less water out of Lake Mead to reduce the risks of the reservoir reaching critical levels. To complete the deal, U.S. water agencies and states needed to sign off on agreements including a U.S.-funded program to invest [\\$31.5 million](#) in water conservation projects in Mexico. Those projects will include infrastructure upgrades such as concrete lining for [leaky](#) canals and other improvements to reduce water losses from distribution systems. Water agencies that financially contribute will receive a portion of the water freed up through conservation in Mexico. After the U.S. water districts receive the remainder of that water, Mexico will be able to use the additional water supplies made available through the conservation projects.

... Unless We Build a Wall

The proposed U.S.-Mexico border wall [may violate](#) another treaty the U.S. has with Mexico governing the shared waters of the Rio Grande. [The 1970 Boundary Treaty](#) lays out the precise border between the U.S. and Mexico and sets rules for the

The Tulane Institute on Water Resources Law and Policy is a program of the Tulane University Law School.

The Institute is dedicated to fostering a greater appreciation and understanding of the vital role that water plays in our society and of the importance of the legal and policy framework that shapes the uses and stewardship of water.

Coming up:

September 27, 2017

Louisiana Water Resources Commission
11:00 a.m.

LaBelle Room, LaSalle Building, 617 N. 3rd St
Baton Rouge, LA

October 27, 2017

[Rights of Nature Symposium](#)
8:30 a.m.

Tulane University Law School
6329 Freret Street

Water jobs:

[Senior Policy Advisor, Intl. Climate Policy](#)

The Nature Conservancy
Washington, DC

[Conservation Director](#)

Friends of the Mississippi River
St. Paul, MN

[Manager, Coastal Projects and Programs](#)

Environmental Defense Fund
New Orleans, LA or Washington, DC

Tulane Institute
on Water Resources Law & Policy

6325 Freret Street, 1st Floor
New Orleans, LA 70118
504-865-5982

tulanewater.org

TWITTER: [@TulaneWaterLaw](https://twitter.com/TulaneWaterLaw)

riverside regions. The treaty states both U.S. and Mexican officials on the International Boundary and Water Commission, or IBWC, must agree if one side wants to build any structure that would affect the flow of the Rio Grande or its floodwaters. The chief Mexican engineer on the IBWC stated “a concrete wall that blocks trans-border water movement is a total obstruction. If they plan that type of project, we will oppose it.” If Mexico protests, the fate of the wall could end up in an international court.

While the wall provides a new threat to water management along the U.S.-Mexico border, residents of unincorporated, underserved communities in the region called *colonias* struggle with [decades old water issues](#). In these *colonias*, 840,000 low-income, immigrant Latinos live without basic infrastructure such as water and sewage systems. An estimated 30 percent of *colonia* residents don’t have access to safe, clean drinking water. Just as the real estate sales that created many of these neighborhoods didn’t bother with environmental regulations, expect the wall effort to seek exemptions from as many regs as possible, as well. Policies toward the region are a mess with a [wide variety of potential victims](#).

The Ripple Effect

Have you even wondered what it would feel like to move through a vacuum? Apparently, because of something called the [Unruh effect](#), moving through a vacuum at a constant speed would feel cold while accelerating through a vacuum would be hot. [Researchers](#) are looking at the patterns in the waves of rippling water because they appear to re-create the this effect. The Unruh effect hinges on the fact that in quantum physics, empty space is never truly empty. Instead, chaotic swirls of particles and antiparticles are constantly being created and annihilated. If the analogy of rippling water to the Unruh effect holds up to further scrutiny, it would be the first time a version of the Unruh effect has ever been spotted. Okay, that was a lot of science, [here](#) is a video of Benedict Cumberbatch doing a magic trick with a bottle of water.

Reduce, Re-use, Recycle, Raise Rates

Australia has been called a world-leader in water recycling. Achievements like this require not merely the right technology, but the right policies. Until July, consumers that recycled water were awarded a “wholesale” reduced rate for freshwater and sewerage access. However, the independent Pricing and Regulatory Tribunal [recently ruled](#) that recyclers would no longer receive these wholesale rates in order to maintain the [profits](#) of the for-profit water utility. This means that a housing development in Sydney, which has reduced its water return from 90% to just 3%, may end up paying 10 times more for the same services. This new policy is said to have perverse incentives, which discourage sustainable practices that both save water and money.

You Gotta Fight for Your Right

Is water a public good or a private commodity? As a nation, we don’t have a consistent answer to that question but let’s stay tuned. A Detroit state Senator has sponsored a [bill](#) that would confer to all individuals in the state a right to “safe, clean, affordable, and accessible water for human consumption, cooking, and sanitary purposes.” The wording of the bill is nearly identical to California’s human right to water [law](#). [Changes](#) that occurred in California after this law was passed include: the consolidation of responsibility for drinking water into a single agency, increased voter approved bonds and state budgets for water projects in poor communities, and a more democratized decision making process. On the other hand, interest in [selling off publicly owned drinking and waste water systems](#) among mayors and public officials is growing. A 2016 [report](#) found that for-profit private water companies, charge 58 percent more than publicly owned ones. Yet these companies are expanding. For example, Aqua America Inc., a for profit water utility company, is planning to acquire six public water utilities worth [\\$125 million](#) this year.