



TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy

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Courts in Western States Allowing Water Regulatory Agencies to Actually Regulate Groundwater

There's a lot of news lately about federal courts, especially SCOTUS itself, making agencies' jobs more difficult than they already are – either by changing what type of language they require Congress to put in the statutes or (potentially) lessening the amount they defer to agencies' expertise. However, there seems to be a bit of a different [trend developing in state courts](#) with their groundwater regulation. Specifically, the Nevada Supreme Court [affirmed](#) that the state has [broad authority over groundwater](#) and needs to balance wildlife and public interest with vested water rights. Then the Idaho Supreme Court found that the state has the authority to ask farmers to limit their groundwater pumping. And finally, a judge in Montana [ruled](#) that [the state is obligated to manage its groundwater](#), even if it means limiting housing developments. All the states' rights Justices in DC must be so proud!

A Major World City is Facing a Water Crisis, Who Could Have Imagined Such a Thing?

Anyone who's been through one of 80 such crises in the past couple of decades, probably. Just in the past few years, there have been severe water shortages in [Cape Town](#), [Sao Paulo](#), [Montevideo](#) (and all of Uruguay), and more. The most recent metropolis to deal with this is [Mexico City](#). Seems like a good time to revisit the fact that [Mexico City](#) is built on top of the Aztec capital of Tenochtitlan, once a wet area of high-altitude lakes joined by bridges and canals. Once it was drained and paved over by the Spaniards, a reliance on groundwater and expensive, inefficient far-flung water sources became the city's future (not that 16th Century Spaniards could have imagined the valley being home for more than 22 million people). Anyways, residents are upset and protesting the inability of the government and the utilities to prevent a disaster. And [perhaps they should be upset](#). Research shows that [this century's four-score urban water crises](#) are made worse by unsustainable and highly inequal water consumption by the cities' elite. As these crises are expected to become more and more common, let's hope authorities (over resources, economic interests, and more) are [learning lessons](#). Actually, no. Hoping isn't good enough. We all need to do all we can to make sure those lessons are learned and the solutions are implemented. If not, what's the point in writing (or reading) this newsletter week after week? Now that we've got that off our chest, back to [our regularly scheduled programming](#).

Want Ecosystem Services? All You Need is an Ecosystem

A [new study](#) out of the UK analyzed over 100 ecosystem rewilding projects and found that rewilding – large-scale restoration at the scale where the re-established ecosystem is able to sustain itself – [mitigates the effects of both flood and drought](#). In the US, at least, there are outstanding questions of [who is able to take on such rewilding projects](#) and where the room can be made, especially along waterbodies. Creating [room for rivers](#) has already yielded success in the Netherlands, as well. Where the authorities, duties, and funding can line up could yield huge water management results. Hmm, wonder if they could yield [insurance](#) savings for nearby communities...

Coming Up:

[Coastal Law In Louisiana CLE](#); New Orleans, LA;
April 18-19,2024

[WWNO Sea Change live at The Broadside](#); New
Orleans, LA; March 19, 2024

Water jobs:

[Gulf of Mexico Campaign Manager, Offshore Wind Energy](#); National
Wildlife Federation; Gulf Region

[Policy Manager, Mississippi River Water Initiative](#); National Audubon
Society; Holly Springs, MS

[National Environmental Leadership Fellow](#); Rachel Carlson Council;
Washington, DC

[Law Associate Post-Graduate Fellow](#); Center for Water Law & Policy,
Texas Tech University; Lubbock, TX



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 legal stewardship of water.

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