

TUWaterWays

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

October 5, 2016

Watching and Waiting for Matthew

As Hurricane Matthew leaves behind destruction and [several deaths](#) in Haiti, Cuba, and other Caribbean countries, it [makes it way towards Florida and the Bahamas](#) and the Atlantic seaboard we wish the people in its path the best. This will also be a test of what lessons have actually been learned and how ready people are to apply them. Here is to hoping for the best.

Back Away from the Water and Nobody Gets Hurt

[Weed, California](#), a proud logging town in the shadow of beautiful Mt. Shasta, has counted on its fresh spring water as a civic asset. Sure, the spring was on the property of Oregon-based Roseburg Forest Products, but what's a boundary between friends? That problem was handled by series of \$1 per year water access deals. But one day, it happened (or at least according a [story](#) in The Seattle Times), Roseburg figured out that water might be worth more than a \$1 a year. Roseburg's plan are unclear but local speculation is that it plans to expand its deal with [Crystal Geyser Alpine Spring](#) water to bottle the water and maybe even send it to Japan. Crystal Geyser already has a bottling plant in Weed. This much is clear, Roseburg has told the town to find a new source of water, the town doesn't like it, and Crystal Geyser has told the town it will "blow up the bottling plant" (metaphorically we trust/hope) if the town keeps it from getting more water. Weed counters that Roseburg's predecessor transferred the water rights to it and that what it doesn't own it just might condemn. The lesson taught (re-taught) here is that just like the old days, when it comes to water it's still comes down to [lawyers, guns \(metaphoric we hope\) and money](#).

Upstream, Downstream

Once upon a time, the rules that spelled out what river folks could expect from each other were clear and simple. The "[natural flow doctrine](#)" said that rivers and stream were shared by those who owned the lands next to them. Everybody could use, but not diminish, the water. You owed your downstream neighbor the same quality and quantity of water that you got and you had a right to expect the same of the guys up stream. You didn't need any fancy laws to protect the water quality, wildlife, or one state's priorities vis-a-vis

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:

[CRCL Coastal Issues Forum: 2016 Senate Race](#)

Baton Rouge, LA

October 6, 2016

[Anba Dlo Water Symposium](#)

New Orleans, LA

October 13, 2016

[Anba Dlo Halloween Festival](#)

New Orleans, LA

October 15, 2016

[CPEX 2016 Louisiana Smart Growth Summit](#)

Baton Rouge, LA

November 1-2, 2016

[The 19th Annual Conference on Litigating Takings Challenges to Land Use and Environmental Regulations](#)

New Orleans, LA

November 4, 2016

[RAE/The Coastal Society Summit on Coastal and Estuarine Restoration](#)

New Orleans, LA

December 10-15, 2016

Water jobs:

[Executive Director](#)

Galveston Baykeeper

Houston, TX

[Energy and Climate Program Director](#)

Coastal Conservation League

Charleston or Columbia, SC

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)

another's. Of course, you couldn't have irrigated agriculture, major industry, or most big cities either. So things changed, water law evolved, and we find ourselves today wrestling with the question of just how clean our waters should be and who's responsible for making them fit for downstream users. Case in point: nutrients and the Mississippi River watershed.

As the use of fertilizers and irrigation spread, so did the problem of nutrient runoff, and today it has become a significant limiting factor on how those waters can be used. It has been linked to the hypoxic "Dead Zone" in the Gulf of Mexico, it is cited as a limiting factor how river waters can be used to conserve and enhance the wetlands and estuaries of coastal Louisiana, and it is behind a lawsuit filed by Des Moines, Iowa, which is tired of paying to remove the nutrients from its drinking water supply. Don't expect any quick or easy (much less effective) actions on this stuff, but occasionally we come across items that summarize or add context that might be useful to our readers. Today is just that kind of day thanks to a series of items from [KBIA](#), a public radio station in Columbia, Missouri.

The Best Darned Takings Conference Around—November 4 at Tulane Law School

Admit it, you wish you knew more about the "takings law" and how it fits with land use and environmental programs. Thanks to the [19th Annual Conference on Litigating Takings Challenges to Land Use and Environmental Regulations](#) you can. The conference, coordinated by Vermont Law School and hosted by Tulane Law School, is a must attend event for governmental lawyers, practitioners, scholars and advocates who work in the environmental and land use areas. It will also make you the envy of everyone at the family Thanksgiving table. Don't miss it.

Bingo! U of Iowa, Montana, and California-Berkeley Score NSF Water Trainee Grants

If there is one thing we understand here it is that it is a whole lot easier to do work if you have the money to do it. So, champagne [corks are popping](#) at the Universities of [Iowa](#), [Montana](#), and [California-Berkeley](#) (at least we assume they are, we know they would be here) to celebrate the news that the National Science Foundation has awarded them each roughly \$3 million in National Research Traineeship grants to develop multidisciplinary (but only Iowa calls out law by name) water sustainability programs. Kudos to all.

Will You Anba Dlo on October 13 and 15?

Now entering its ninth year, the [Anba Dlo festival](#) at the New Orleans healing center is a unique community festival that celebrates the artistic and cultural heritage of the crescent city. Anba Dlo (pronounced Ahn-BAH-dlo) is Haitian Kreyol for "beneath the waters." The name alludes not just to the tragic aspects of the city's history with water, but also to cultural links running beneath the waters around us, connecting the city to the vast Mississippi valley, the Caribbean, Africa, and beyond.

Included in the program this year is a [Water Symposium](#) on Thursday, Oct. 13 at 5:30 PM. The Water Symposium brings together a group of scientists, policymakers, educators, and even this Institute's director, Mark Davis, to discuss the future of water in New Orleans and coastal Louisiana. After the discussion, stick around for a community pot luck dinner (and [bring a dish!](#)).