

TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law and Policy
November 15, 2016

Battle of the Potomac

Hopefully TUWaterWays is your preferred method to try to keep tabs on water-related disputes around the world, and especially those in the US. There's the [long-running legal battle](#) between Florida, Georgia and Alabama. And there's [Mississippi's challenge to Memphis' use of a shared aquifer](#). Now add another dispute to the list of eastern states fighting over H₂O. [Earlier this month](#), the Attorney General of West Virginia sent a letter to his counterpart in Maryland over the latter state's control of the Potomac River. The message: share, or we'll see you in the Supreme Court.

Thanks to some [quirks of history](#), Maryland owns much of the submerged land beneath the Potomac, but all of the states along its banks have the right to use the water. Things went swimmingly until 2003, when Maryland refused a permit from Virginia (the non-western version) for a drinking water intake. Virginia sued and [the Supreme Court held](#) that Virginia's right to the use of the river was not subject to Maryland's regulatory authority.

Now, West Virginia is in a similar situation, as Maryland has again declined to permit a neighboring state's withdrawals. West Virginia seeks to increase its water use in anticipation of a [new Proctor & Gamble facility](#) set to open in 2017. The precedent set in the Virginia case might compel Maryland to negotiate, but water law can be a turbid beast. What is clear is that Eastern states, often thought to be 'water-rich', are increasingly butting heads over water supply. Perhaps the time is right for some kind of [integrated river basin management](#)?

Liquid Liabilities

It's taken for a given that water is essential to all life on the planet. What's maybe less apparent is the way the economy (a [subset](#) of life on this planet) depends on an abundant supply of clean water. For a long time, many businesses have operated under the assumption that plentiful water would be available for little or no cost. The impacts of climate change, however, are turning that assumption on its head.

A [new report](#) out from [CDP](#) concludes that companies faced \$14 billion of water-related risk in 2016, five times higher than what was reported in 2015. The risks stem from a changing distribution of the world's water and the unpredictability of that shift. Some businesses are [pinched by scarcity](#): Gold Fields Limited, a South African mining concern,

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:

[Breakfast with the Newsmakers](#)

New Orleans, LA

November 17, 2016

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

New Orleans, LA

December 10-15, 2016

Water jobs:

[Water Program Senior Research Associate](#)

The Pacific Institute

Oakland, CA

[Attorney, Water Enforcement Division](#)

US EPA

Washington, D.C.

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)

was forced to spend \$92 million dollars to run diesel generators after a drought reduced the output of Ghanaian hydro-electric facilities. In other parts of the world, overabundance threatens industries. In South Louisiana, for example, [\\$100 billion of energy infrastructure](#) could be wiped out by rising seas. The true value of water as a resource may never be fully monetized. But, as investors start to evaluate these risks, and hedge against them, expect a change in the way the world prices water.

The Elephant in the House

Last Tuesday there was an election in the United States. You might have heard about it. When the dust settled, the GOP held on to a slender majority in the House and Senate. Over in the executive branch, Donald J. Trump, real-estate mogul, reality TV star, and [ersatz litterateur](#) was elected President of the United States. The surprising result has further divided an already polarized country. Some Baldwins are really [happy](#), some Baldwins are really [mad](#), and a lot of people are wondering what comes next.

It's hard to know for sure just what changes the Trump administration will usher in. The President-elect has, at one time or another, been on [both sides](#) of a number of issues. On top of that, many of the campaign's marquee promises are [already being walked back](#). For water-related topics like coastal restoration and drinking supply, the future is similarly unclear. Curbing carbon emissions probably won't ever be the administration's priority, but Trump has called for [\\$1 trillion in infrastructure investment](#) that would include money for ports, waterways, flood control projects, and water treatment plants.

From a broader perspective, the Constitution was designed to limit the power of government by diffusing authority. For better or worse, it's hard for one man to change the fundamental inertia of the system, especially when a plurality of the country opposes it. And, [Newton's third law](#) of physics often applies to politics; the pendulum will assuredly swing back. If the president-elect's promises have you really excited right now, that's ok, but don't be shocked if you're disappointed. And if you're shocked and disappointed right now, that's ok too, you'll find something to be excited about again -- promise.

When the Volcano Blows

The Bolivian Altiplano is a foreboding, windswept environment largely devoid of water -- at least on the surface. Scientists studying the Uturuncu Volcano discovered evidence of [a staggering amount of water](#) (possibly around the [volume of Lake Superior](#)) locked in a geologic formation below the ground. Scientists were trying to understand the conductive properties of the magma plume 9 miles below the surface. Under pressure, they mixed rocks from the volcano's last eruption with water. They found that a mixture of 10% water and partially molten [magma](#) mirrored the seismic and electrical anomalies found in the plume, leading to the conclusion that the massive underground formation is likely one-tenth water. The scientists believe such waterlogged formations could be a common feature of large volcanoes and hope studying the plume will provide [more insight](#) on the formation of continental crust rocks and maybe even clues on how to predict eruptions.