

TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy
November 11, 2022

Hey! We're Looking For...

The top water songs of 2022 and we need your help because, despite our best efforts to do nothing but sit around listening to music and watching TikTok videos, work keeps getting in the way. That's where you come in. What do you think were the best water songs of the year? And by "best" we don't necessarily mean good--you get the picture. Our [panel of experts](#) will review all submissions and compile the definitive playlist, a top 14 list and maybe even bestow a [meaningless award](#) to the top tune. Besides, what else do you have to do? Vote early, vote often!

To Everything, There is a Season

But has the time really come for desalination to [step into the spotlight](#)? With droughts, desiccated lakes and rivers, and tapped out aquifers seemingly everywhere you look, [maybe this a good time to ask](#). Let's start with the fact that only [about 3% of the water on Earth is fresh and most of that is bound up in persistent ice and snow](#). Add to that the fact that there are more people on Earth than ever before and more are on the way and they all need water. Need we point out that more people are living (or [hosting world events](#)) in arid and semiarid places as well? Finally, there is the fact that large scale desalination is expensive, energy intensive and produces lots of toxic brine. Put all that together and you get the answer: Desal is an important option that will be—and is—workable for some places and not for others. The simple fact is [it costs a lot and the backend pollution problem \(brine\) is proving to be worse than many had thought](#). It won't go away, but expect it to play more of a supporting role than a starring role.

If They Come, Will You Build It?

One way to bring desalination to the table is to promise more water than you have to lure businesses to your town. In that case you need to find water fast, which is where Corpus Christi Texas finds itself. A while back [Exxon and Steel Dynamics were looking for a place to expand and Corpus said "why not us"?](#) [One reason might be the amount of water the industries would need was more than the City could provide.](#) Cue the desalination option, irate citizens, and political machinations. Aside from the political question of who should/could do the desalination, there is the question of who pays for it and just how much saltier the brine discharges will make Corpus Christi Bay, [a bay already facing salinity problems](#). Does it have play out this way? Maybe not. One thing is certain about desalination proposals, [they have a way of making other ways of getting fresh water—especially by conservation—look affordable](#). At least for a while. On a grander

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.

Coming Up:

[LA Water Resources Commission Meeting, November 30; Baton Rouge, LA](#)

[Center for Planning Excellence, 2022 Louisiana Smart Growth Summit; December 7-8; Baton Rouge, LA](#)

[Restore America's Estuaries, 2022 Coastal and Estuarine Summit; December 4-8; New Orleans, LA](#)

[Tulane Environmental and Energy Law Summit; March 17-18; New Orleans, LA](#)

Water jobs:

[Project Manager, Louisiana Political Affairs; Environmental Defense Fund; Remote](#)

[Assistant Professor of Marine Affairs: Fisheries Management and Policy; University of Rhode Island; Kingston, RI](#)

[Restoration Programs Director; Coalition to Restore Coastal Louisiana; New Orleans, LA](#)

[Regional Watershed Coordinator; Capitol Region Planning Commission; Baton Rouge, LA](#)

[Water Quality Technician; Pontchartrain Conservancy; Metairie, LA](#)

[Clinical Instructor; Tulane Environmental Law Clinic; New Orleans, LA](#)

[Attorney III; State Water Resources Control Board; Sacramento, CA](#)

[Office of Resilience and Sustainability – Communications Coordinator; City of New Orleans/AmeriCorps VISTA Program; New Orleans, LA](#)

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scale, Israel and Jordan may be pointing the way to approaching the desalination/energy conundrum. At the [COP27 meeting in Egypt](#) the two countries announced a [deal that has Jordan delivering solar generated electricity to Israel in exchange for Israel delivering desalinated \(fresh\) water to Jordan](#).

Colorado Promises

The check's in the mail. Let's do lunch. I'll call you in the morning. We all know these for what they are. [Lies](#). Lies to get us out of awkward situations that we took advantage of. Here's another: Stay here on this plot of desolate land, leave us alone, and we will make sure you are taken care of. Was that a lie or a promise? That question may answered by [the US Supreme Court this term when it hears the complaint of the Navajo Nation against the US](#). [Specifically, the question is whether the treaties between the Navajo Nation and the U.S. come with some quantifiable water rights to the Colorado River](#). Previous Supreme Court [decisions make it clear that treaties with Native Americans come with at least implicit water rights](#)* but it has never been made clear just what those reserved water rights include or how much water they cover. Until now, maybe. Since the US has taken on a trustee relationship with the Nation it may seem a no brainer that the Nation's rights be built into some River water budget. If only. While there is a water budget of sorts for the Colorado it is based on a mix of presumption, exclusion, hazy information, politics, and bias. Hardly what one would call a great management tool. On the other hand it is a whale of a lot more than we have for most rivers in this country. You don't have to be Colorado River partisan to have reason to keep an eye on this one. [Fasten your seat belts, it is going to be a bumpy ride](#).

* [Other Supreme Court decisions](#) also clearly say that Congress can abrogate those treaties whenever it wants to, though the tribes should presume it was being done in their best interests. Coherence and commitment have never been hallmarks of our nation's dealings with Native Americans so how there really is no telling what could happen here.