



TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy
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Just Add Water, Nothing Hard About That

The first rule of mining is you put mines where the stuff you want to mine is found. But what if that location lacks some other essential resources, such as water? That can be tricky. But with ingenuity, capital, and law on your side, odds are there's a path ahead for drilling, digging, and pumping. The law component is critical, since the extent of what you can do on a piece of land depends on who owns it—and owning the right to exploit subsurface minerals is way different (and in many ways more important) than owning the surface. That's because in many places, mineral rights can trump surface rights when it comes to how the land's surface and water can be used. Or as [Peter Garrett](#), former Aussie Minister for Environment, Heritage and the Arts (and frontman for the “easy-listening” band Midnight Oil) put it, “[nothing's more precious than a hole in the ground](#).” With the rapid expansion of the tech and energy sectors, the number of important holes in the ground is only growing, and with them the need for water. When the mine is someplace where water isn't (or isn't in abundance, anyway), say in arid northern Chile, you can begin to see just what lengths people will go to in pursuit of progress and profit. In the case of the [Escondida copper mine, those lengths amount to more than 9,800 feet in elevation and 150 miles in order to get usable water from the sea to the mine, not to mention more than \\$4 billion in desalination infrastructure](#). Of course, there is also the matter of strained relations with indigenous communities, alleged depletion of wells and aquifers, the draining of wetlands, and assessed fines for improper water extraction. One might think that this would discourage mining companies. Think again. Remember the first rule of mining.

Who'll Stop Colorado from Hogging the South Platte River?

[The United States Supreme Court, that's who! Or at least that's what the State of Nebraska is hoping](#). The two states share the South Platte River and also the problem of trying to accommodate growth with increasingly stressed water resources. The river starts in Colorado, runs through Denver and northeastern Colorado into Nebraska, where it joins the North Platte River to form the Platte, before finding its way through Louisiana and into the Gulf by way of the Missouri and Mississippi Rivers. The South Platte, famed in [story](#) and [song](#) (ish), may not be a big river, but it is an important one, so important that over 100 years ago, Colorado and Nebraska had the foresight to work out an agreement addressing the two states' rights and interests. Thanks to the [South Platte River Compact of 1923](#), the two states no longer fight over the river, they fight over what the Compact allows. The Compact guarantees Nebraska certain seasonal flows from the river and the right to build canals in Colorado to facilitate flows into Nebraska. In 2022, [Nebraska announced plans to do just that](#). Since then, things between the states have gone downhill with Nebraska

claiming Colorado is both withholding promised flows and impeding work on the canal and Colorado pretty much saying, “What? Who? Us?”

So it’s [off to the Supreme Court](#), which has original jurisdiction over state versus state disputes—and precious little expertise with things hydrologic. Too bad the Colorado Buffaloes and Nebraska Cornhuskers are not squaring off in football this year; they could have made it winner takes all.

Coming Up:

[New Orleans Hazard Mitigation Meeting](#); New Orleans, LA; July 23

[CRCL Coastal Stewardship Awards](#); Baton Rouge, LA; November 13, 2025
(Nominations due by Aug. 3)

Water jobs:

[Coastal Organizer – Southeast Texas](#); Healthy Gulf; SE Texas (Golden Triangle)

[Communications Director](#); Healthy Gulf; New Orleans or Remote in Gulf states

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

[Assistant Manager – Water Regulation and Policy](#); KPMG; London, UK

[Manager of Sustainability and Resilience Policy](#); Association of Metropolitan Water Agencies; Washington, DC

[Senior Advocate, Adaptation](#); Natural Resource Defense Council; New York, NY or Washington, DC



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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