



# TUWaterWays

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

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## **Feeling Way Down Now**

It feels so firm and dependable - that soil beneath your feet, but guess what? It isn't, at least in many US cities. [Sure, everybody knows New Orleans is sinking, but it turns out that NOLA is not the only major US city with a subsidence problem. It isn't even the worst case—Houston](#) gets the nod for that, but the news is not good for a number of cities on the Gulf Coast and along the Atlantic seaboard. All of that is bad news for places already challenged by sea level rise but the water connection does not end there. [A major culprit in many locales is the removal of underground fluids—mainly oil and water.](#) That should not come as a surprise to anyone who has seen the difference between a grape and a raisin. That difference is water. In fairness to Houston, [the problem is worse in some parts of the metro area than others.](#) In fact, the [Harris-Galveston Subsidence District](#) has been managing subsidence in much of the area for years but growth and water management are not always on the same page.

## **Taking Water with a Grain of Salt**

There is so much going on it is hard to keep up. What with the Celtics being eliminated, Succession and Ted Lasso wrapping up, the debt ceiling, and Taylor Swift dating somebody (or not) you may not have noticed that a [fair bit of South America and the Caribbean is drying out](#), and has been for some time. [In Uruguay, the water shortage is not just something you read and hear about but that you can taste.](#) With its principal reservoir is down to 5% of capacity, officials have augmented it with water from the Rio de la Plata. So far, so good, but the Rio is more than a rio (river), it is an estuary. So, its waters are a mixture of fresh and salt water. That means the reservoir now has water that is only kind of fresh and as a result the salt content of drinking water is now more than 50 times the previously authorized level. [The water does not taste very good](#) but it is safe, say officials, except for people for whom it isn't. You know, people with hypertension, kidney disease and such. Those folks can actually get prescriptions for bottled water. Other measures are being taken as well such as importing desalination equipment and eliminating duties on imported bottled water. But for a generally prosperous country with a reputation for excellent water this, dare we say it, is a watershed moment. Here's to hoping more than Uruguay learns from this.

## **Looking for Water**

News Flash: Water Matters. Okay, you knew that, but when a person looks at the ways we regulate and manage its use, they could be forgiven for thinking otherwise. For the better part of century, great strides were made making water more available, more affordable, safer, and shared between people and nature. It was far from perfect, but it was impressive. Those things largely came from the public sector and [public law](#), two sectors not in high cotton these days. Before cynicism and nostalgia take too firm a root, remember that this era grew out of necessity more than wisdom and necessity is increasingly in ample supply. The evidence of need is everywhere and there is evidence that need is rekindling public and private sector action. First there was the multi-state deal announced last week about the Colorado River (see TUWW from last week), and this week comes news that [Texas plans to commit \\$1 billion to water infrastructure and water supply improvements](#). It comes with the stated recognition that it will take a lot more than that, and Texas does not have enough water to keep growing as it has. It still has to be signed by Governor Abbott and pass a public referendum, but it is a step. And where government can't/won't act, the private sector is on the move. Case in point, D.R. Horton, one of the nation's biggest homebuilders. It used to be that you could build a house (or lots of them) and count on water service to follow along. Not anymore, and Horton came to the realization that houses without water are sculptures, not homes. So, in 2022 it acquired Nevada-based water broker [Vidler](#) to help it match water to homes and communities. [State water laws are not generally kind to this sort of water wheeling and dealing \(as Vidler knows\) but water law is nothing if not accommodating of growth](#). Vidler is not alone in pushing the boundaries of how and where water rights can be used so a reckoning is coming about which way water breaks, but clearly the private sector sees the risk-reward arching toward reward. If state laws are not accommodating, there are other opportunities for those willing to raise their sights. Saturn's moon [Enceladus](#), for example, that is [practically begging for someone to come and get it](#). Paging Elon Musk... (hopefully not).

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### Coming Up:

[River Days of Action](#); June 8-18; Mississippi River

### Water jobs:

[Staff Attorney, Clean Water Program](#); Environmental Integrity Project; multiple locations

[Multiple Associate Positions, Mitigation Program](#); Georgetown Climate Center; Washington, D.C.

[Policy Coordinator](#); The Water Collaborative; New Orleans, LA

[Legislative Director, Healthy Communities](#); Earthjustice; Washington, D.C.

[Drinking Water Policy Coordinator](#); National Wildlife Federation; various Great Lakes offices

[Lead Policy Advocate](#); James River Association; Richmond, VA

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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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