

TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law and Policy
February 15, 2017

Someone's Missing...But Who?

Oh yeah, the Army Corps of Engineers, that's who. It seems that if you want to settle accounts on a river the Corps helps manage, you'd better invite them to the party. Or, to be more precise, you need to make them a party to your lawsuit. At least that's [according to the special master](#) conducting the trial between Florida and Georgia over the Apalachicola/Flint River. This is not what Florida wanted hear. This case, which is actually a trial in the US Supreme Court, is more complex and deep-seated than we can possibly get into here, but suffice to say Florida is hoping that SCOTUS will divvy up the river between the two states in a way that ensured that Florida's estuaries receive enough water to prosper. The fly in the ointment is the fact [that Congress has authorized a number of Army Corps managed dams and reservoirs](#) in the watershed that, in [previous litigation](#), have been found key to managing the flows among Georgia, Alabama, and Florida. The Corps' absence always struck some observers as conspicuous, and now it seems the special master has joined their ranks. [The saga](#) continues.

Go Hoosiers (and Some Other State)

Indiana is justly famous for many things but true Hoosierosity weighs against actually mentioning them. If they stay on their present course, however, the state may find it hard to dodge credit and admiration for its efforts to authorize a two-state authority to evaluate the ownership of ground water resources shared with neighboring Kentucky. All of this is because of [House Bill 1211](#), which has [cleared the Indiana House of Representatives \(sixth time is the charm\)](#). The ultimate [aim is to avoid the sort of unpleasantness that Florida and Georgia](#) are going through (see previous story) by developing an interstate accord/compact for managing shared aquifers. You can tell this makes perfect sense by virtue of the fact that it has never been done before. We realize that this whole concept demands two amenable states and that the Bluegrass State probably deserves some credit too. We can't do that though because longstanding tradition holds that one can't say something nice about both of these states at the same time. Really, at least that's what we hear. So good luck Hoosiers and to you too State No. 2. (Bonus item: Did you know that until [January 17, 2017](#) the federal government refused to call folks from Indiana "Hoosiers"? Further proof

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 Restoration Road Show](#)

Abbeville, Lafitte, Cameron & Lacombe, LA
February & March, 2017

[Tulane Environmental Law & Policy Summit](#)
New Orleans, LA

March 10-11, 2017

Water jobs:

[Senior Analyst/Water Resources](#)

Abt Associates

Cambridge, MA

[Project Specialist \(Enviro. Initiatives \(Temp\)\)](#)

World Economic Forum

Geneva, Switzerland

[U.S. Government Relations Coordinator for Water Policy](#)

The Nature Conservancy

Washington, DC

[Assistant Analyst \(Climate Finance\)](#)

Climate Policy Initiative

San Francisco, CA

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that the arc of history is long but that it bends toward taking a long time).

Going Rogue, Oroville Dam

Sound familiar? Rising waters threaten to overwhelm the walls designed to contain them leading to mass evacuations. New Orleans 2005? [Mississippi River floods of 2011](#)? Nope, this time we are talking about California's [Oroville Dam](#), America's highest. Winter storms have not only abated a deep drought but have [filled lakes and reservoirs](#) to the brim, which could overflow the dam or even lead to its failure. Fortunately, that was anticipated and a "spillway" was built into the dam (and most others) to safely divert the excess water to someplace else. Unfortunately, that spillway is failing and [waters are finding their own way down](#), choosing paths that have forced more than 188,000 people out of their homes. [As the days go by people are asking, "well, how did we get here](#) and when will it end?" The answer to the second question right now is soon, but with more rain in the forecast, folks are being cautious. The answer to the first question seems to be because it was policy to believe this wouldn't happen, despite [warnings that it could](#). Sound familiar?

Improve Your Mind, Impress Your Valentine—Annual Tulane Summit Environmental Law and Policy

Are you having [trouble thinking](#) of a sure fire way to prove your love to your Valentine? Try this. Bring the object of your affection to the [22nd annual Tulane Summit on Environmental Law and Policy](#) on March 10 and 11 at Tulane Law School. As always, our students are putting together a blockbuster program, the sort that sees you know what's what, who's who, and where the action is. And let's be honest, who couldn't stand some help with that?