

# TUWaterWays

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

[December 18, 2020](#)

## [Seven out of Eight Supreme Court Justices Agree: Neil S. Grigg is the Rootinest Tootinest Hombre North, South, East, AAAAND West of the Pecos!](#)

US Supreme Court original jurisdiction cases where one state sues another state are often disputes over water. Although the justices might not enjoy them (see: [Justice Breyer begging Kansas and Nebraska to work it out](#)), they're always interesting for the rest of us. This week, the Court handed down a decision on a suit Texas filed against New Mexico over the accounting of water under the Pecos River Compact. River apportionment compacts, you'll remember, are contracts between two or more states to manage waters and divvy them up in a fair manner so that desperate and thirsty people don't feel the need to cross state line seeking water and/or [satisfaction](#). The problem with compacts, though, is that they don't end the argument or the limited and variable nature of water supply. They just move the argument to what the compact itself says. Still, it's better than [the alternative](#).

Well, the arguing over the [Pecos River Compact](#) led to so much arguing between New Mexico and Texas that the Supreme Court [appointed a River Master](#) for the Pecos in 1988 (that's that Neil S. Grigg guy). Apparently they've only done that in one other river in the country. If anyone knows what river it is, let us know. This is noteworthy because the jurisprudence created by this case is limited: a River Master's decision on the river's management was upheld.

The specifics of the case are interesting but only slightly more widely applicable. There was a tropical storm in 2014 that dumped a lot of water in the basin. Texas negotiated with New Mexico to store it's portion of the water (as determined by the Compact and the [Master's River Manual](#)) in a reservoir in New Mexico since Texas didn't really have anywhere to put all that water. Seems that everyone agreed that letting it flow down to the Rio Grande to replenish that river wasn't an option. But here's the thing about water in a reservoir: it evaporates. And in an arid climate like that, it can evaporate pretty darn fast. Texas wanted that evaporated water counted against New Mexico's apportionment. New Mexico and the River Master disagreed. Texas sued. [The Supreme Court said "the Master is our guy."](#) The end. All in all, not a great week for [Texas at the Supreme Court](#).

## [Well Done, First Battalion of The United States Army Corps of Engineers Speed Readers!](#)

Remember [back in November](#) when the Corps of Engineers was accepting public comments for thirty days on its just-released environmental impact statement on the resurrected Yazoo Pumps

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:

Check back next year for new events!

### Water jobs:

[Operations Manager](#); National Wildlife Federation; St. Petersburg, FL

[Associate Attorney](#); Earthjustice; Seattle, WA

[Water Conservation Administrator](#); City & County of San Francisco; Bodie, CA (no, not really)

[Assistant Director](#); Virginia Coastal Policy Center, William & Mary Law School; Williamsburg, VA

[Director of Conservation, Texas](#); The Nature Conservancy; *Insert-City-Here*, TX

[Senior Specialist \(Water Stewardship\)](#); Gap, Inc.; San Francisco, CA

[Watershed Specialist](#); Bayou City Waterkeeper; Houston, TX

[Environmental Specialist](#); Metropolitan Water District of Southern California; Parker Dam, CA

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project that the EPA vetoed years ago but now the Corps brought it back, but [said the veto didn't count](#) because it had moved the site seven miles away and this one was better? Sure you do! After all, the comment period just closed on November 30<sup>th</sup>, and the Corps received over 50,000 comments! Well, you're never going to believe this, but the Corps was able to issue its [final decision](#) on the project just 11 days after the comment period closed! Seriously. All those speed readers at the Corps deserve whatever honors the women who did the math for the Apollo Program got. Because if they didn't read them, then moving ahead with this project just a few days after the comment period closed would be a pretty grotesque violation of the Administrative Procedure Act. At least one agency, the Fish and Wildlife Service, has [outlined its concerns](#) with the project and the speed with which the Corps has pushed it through. Even if every single one of those 50,000 comments except for the EPA's comment and the single joint conservation group one that the Corps chose to [respond](#) to in its documentation of the decision were simply a form letter without any substance, surely someone had to read them all to find that out, right? Once again, let's hear it for the speed readers! Otherwise, there could be a very embarrassing day or two in court for the Corps coming really soon.

### **If You Get New Appliances and Your Water Bill Goes Up, Thank [President Cosmo Kramer](#)**

You may not have noticed this, but President Trump is particular about his hair. At campaign rallies and such, he's talked about how he's suffered because shower heads don't release as much water as they used to. Well, in response to this most pressing of problems, the [Energy Department has finally done something to help the people of this country](#). Back in 1992, those monsters in Congress set efficiency standards for showers, and [hair has never, ever been the same](#). Now, all you good Americans with showers that have multiple showerheads will not be limited to the tyranny of a cumulative 2.5 gallons of water per minute. No! You'll be able to get 2.5 gallons of water per minute per showerhead! This, paired with a new rule that created a class of washers and dryers that don't have limitations on the amounts of water and energy they can use, surely means nothing but [blue skies](#) from now on.

### **See You in 2021**

Tulane is closing down for a couple of weeks, so this will be our last TUWaterWays until January. Thank you for reading, reaching out, and any contact at all that you've had with our shop in this utterly ridiculous year. Through it all, you've been greatly appreciated by this group. May your next couple of weeks and New Year be as safe and happy as can be hoped for!