



LOUISIANA WATER LAW WORKING TOWARDS A COMPREHENSIVE WATER CODE

CHRISTOPHER J. DALBOM
PROGRAM MANAGER

DECEMBER 14, 2016

Tulane Institute

on Water Resources Law & Policy

WHO ARE WE?

- www.tulanewater.org
- www.tulanewater.org/#!/rwa/ee97d
- Tulane Law School
- Public service shop – no clients
- Members:
 - Louisiana Water Resources Commission
 - LSLI Water Code Committee

SR 171 (2014)

"The time has come for water law reform in Louisiana. It is recommended that a Louisiana State Law Institute Water Code Committee be created and invested with the responsibility of continuing to study Louisiana's current treatment of running surface water and ground-water, with a view towards the development of a comprehensive Water Code that integrates all of Louisiana's water resources".

LOUISIANA STATE LAW INSTITUTE WATER CODE COMMITTEE

- **12 Members**
- **Tasks:**
 - **How Much Water Does Louisiana Have?**
 - **What is It Needed For?**
 - **Where is It?**
 - **Whom Must We Share it With?**
 - **How Does Water Law Work Elsewhere?**
 - **What Should Louisiana Water Law Be?**

GUIDING PRINCIPLES:

- Management of Louisiana's waters is at a point of decision.
- The hydrologic system is less-dependable.
- Natural processes & cycles must be hewed-to as closely as possible.
- Limited availability of water must be acknowledged.
- The code will seek to achieve ecosystem sustainability and diversity.
- Future rising sea level and climate change must be acknowledged and planned for.
- Displacement and dislocation of resources, infrastructure, and possibly communities may be avoidable under some scenarios, but sensitivity must be shown to those who may be adversely affected.
- The rehabilitation of the Louisiana hydrologic system will be an ongoing and evolving process.
- Coordination needs to be done with other states and Federal interests to insure that the code will be most conducive to maximizing effectiveness.

THE BIG QUESTIONS:

1. Can Louisiana Limit or Restrict Withdrawals of Surface Waters?
2. Can Louisiana Limit or Restrict Groundwater Withdrawals?
3. Can Louisiana prohibit out of state water transfers?
4. Should it do any of these things?
5. Does Louisiana have a “water surplus”?

COMPREHENSIVE WATER MANAGEMENT—WHAT IS IT?

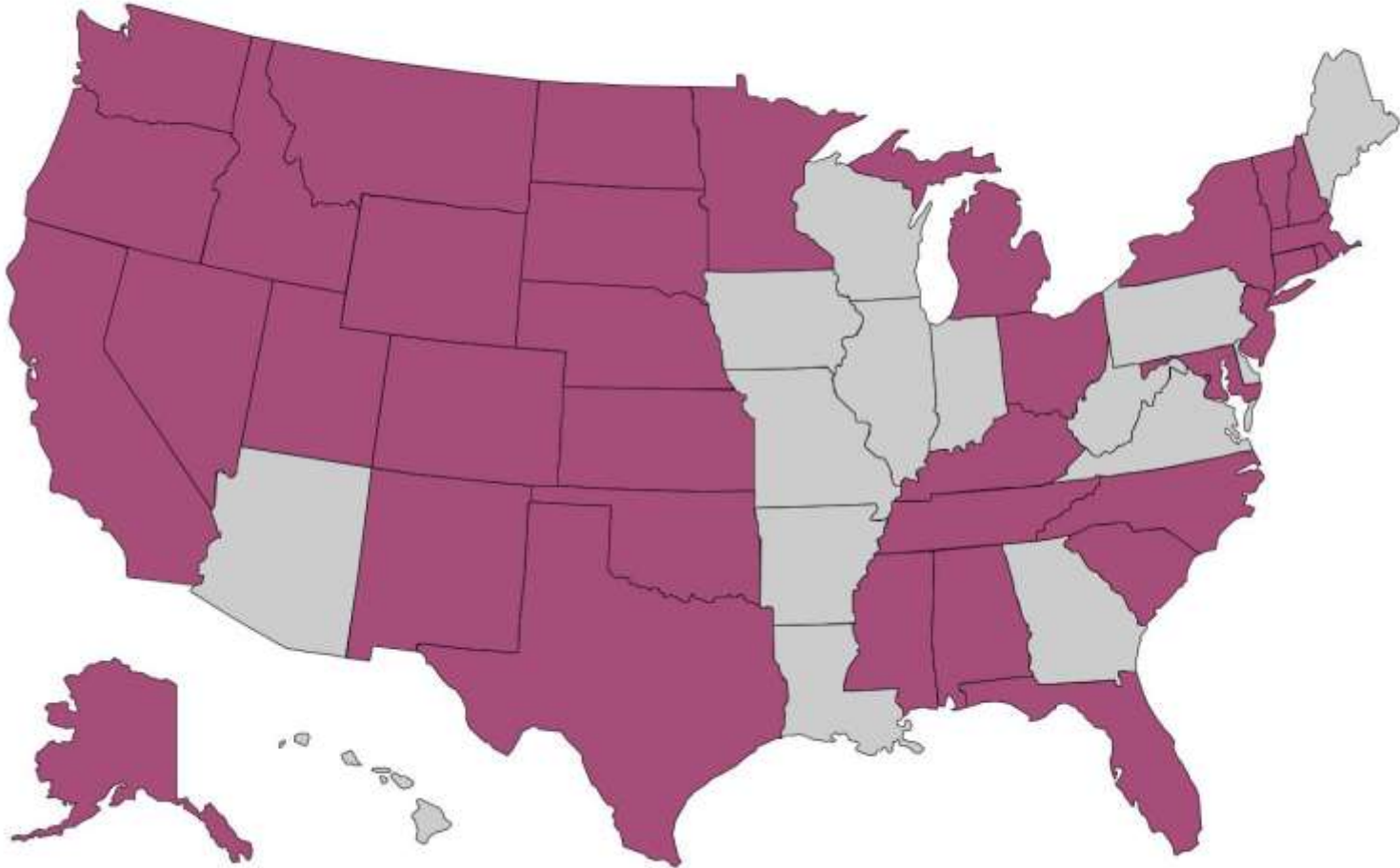
Define and distinguish/reconcile the following terms

- Conjunctive Water Management
- Comprehensive Water Management
- Integrated Water Management

WATER CODES—WHO'S GOT THEM



CONJUNCTIVE(?) WATER MANAGEMENT—WHO DOES IT



LAW, SCIENCE AND COMMUNITY:

- Maybe the three should meet!
- Partner organizations
 - Louisiana State Law Institute
 - The Nature Conservancy
 - Tulane University
 - Louisiana State University
 - The Water Institute of the Gulf
 - Others
- Current efforts
 - **Law—How Might LA Do It?**
 - Public Rights
 - Private Rights
 - Human Rights
 - **Science**
 - Building Water Budget Framework
- Future efforts

THE WATER CODE PROJECT

- What is the end goal?
- When will it be done?
- Why are we doing it?

Tulane Institute

on Water Resources Law & Policy

Christopher J. Dalbom

Program Manager

cdalbom@tulane.edu

www.tulanewater.org/#!/rwa/ee97d