

Environmental Law Seminar - Water Wars Class

Reading Assignments

1. Review the Water Wars Summary by ARC at:
<https://atlantaregional.org/natural-resources/water-wars/tri-state-water-wars-back-ground-and-history/>
2. Read pages 1-34, 51-76 and skim pages 34-50 of the 11th Circuit Opinion in *In Re: MDL-1824 Tri-State Water Rights Litigation*, available at:
<http://cases.justia.com/federal/appellate-courts/ca11/09-14657/200914657-2011-06-28.pdf?ts=1411118793>
3. Skim the ACF Compact legislation at:
<http://www.gpo.gov/fdsys/pkg/PLAW-105publ104/pdf/PLAW-105publ104.pdf>
4. Read Florida's complaint and brief in support of motion for leave to file a complaint (but not the appendices) in *Florida v. Georgia*, available at:
<http://sblog.s3.amazonaws.com/wp-content/uploads/2014/03/FLORIDA-v.-GEORGIA-Original-Action-Complaint.pdf>

Questions to Consider for Class

1. For what purposes do Georgia, Alabama and Florida use the waters in the ACF Basin and how do their uses conflict?
2. What were the purposes for which Buford Dam was constructed in the 1950s?
3. To what extent has the Corps of Engineers agreed, or refused to agree, to authorize Atlanta and the metropolitan Atlanta communities to withdraw water from Lake Lanier to serve the water supply needs of those communities. Have those decisions been challenged in court? If so, by whom?
4. What is an interstate compact and how does it work?
5. What was the major substantive question that the 11th Circuit had to resolve in that case and what did the court hold?
6. How does Florida's lawsuit against Georgia in the Supreme Court differ from the prior 11th Circuit litigation?
7. What injuries has Florida suffered and what relief is it seeking in the Supreme

Court action?

8. Should the Supreme Court have jurisdiction to hear Florida's lawsuit against Georgia? Is jurisdiction mandatory? What is the position of the United States regarding whether the Court should hear the case? What law would the Court use to apportion water rights between the states if it ultimately decides to apportion those rights?
9. Procedurally, how will Florida's lawsuit against Georgia differ from other lawsuits in a typical Supreme Court term?