

# TUWaterWays

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

[June 18, 2020](#)

## Things are Looking Up for Ground Water

Well - looking up at what's looking down. No, this is not a deep dive down the rabbit hole or a synopsis of the latest happenings in the [Upside Down](#). What we are talking about is way cooler than any of that. It seems the folks at the Department of Energy's Lawrence Berkley Lab have come up with a [new way of tracking groundwater by combining satellite based imaging with computer modeling](#). The idea is that you can learn about ground water movement by tracking land deformations using satellites. Will knowing this make you [more popular](#)? Probably not, but if you are in the water management game, it could be a very useful tool. And these days when science can take a back seat to intuition and opinion, that could be a very good thing to have.

## More Mountain, Less Glacier

Dateline: Glaciers. Here in New Orleans, news about melting glaciers translates into more worries about rising sea levels. But for those a bit farther inland the long term risk of glacial retreat is not more water, but less. Less water in streams; less water for groundwater recharge; and less water for people, agriculture, and other things that depend on water for life. And the word on the glacier front is not good. [Glacial decline spells trouble for 270 million \(or so\) people in South Asia](#) who depend on glaciers to provide them with water. Of course that means they depend on melting glaciers but when the pace of melt passes a certain point the game changes, which is where things are headed. For our non-South Asian readers, don't think this isn't your story too. Similar things are playing out in the Andes and the mountains of the western United States (been to Glacier National Park lately?). Even if your water comes from someplace else, the ripple effects of these changes are coming your way too.

## Well, Well, Well

Once upon a time, if a feller wanted to build a few houses for families to call home all he had to do was build'em, sink a well or two to serve them, and sell them. That is pretty much how the West was won, at least the suburban West. But what if there isn't enough water for those new wells for those new homes? Should those who built their homes there first get first dibs? Under the prior appropriation laws that govern most of the western USA, [including Nevada](#), that is exactly how it's supposed to work. But what if that earlier homesteader was fish? Welcome to Coyote Springs, NV, where that is the question of the day. Actually Coyote Springs is less of a place than a place in the making, a proposed "master planned" community for

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 less stewardship of water.

### Coming up:

[Water Resources: Access to Clean and Safe Water](#); June 18

[From the Tap to Treatment: Compliance Issues in Water Resource Management](#); June 18

[CPRA Facebook Live Webinar Wednesday: Coastwide Reference Monitoring System \(CRMS\)](#); June 24

[Webinar: Water Reuse for Agricultural Purposes](#); June 24

[California Water Data Science Symposium](#); June 29

[PFAS Webinar: TOP Assay: One Way to Look at Future Risk from Precursors](#); June 30

[Drinking Water Webinar: AWIA Risk and Resilience Checklist and AWIA Lessons Learned](#); June 30

[CPRA Facebook Live Webinar Wednesday: Restoration of the Terrebonne Basin Barrier Islands](#); July 1

[Council on Watershed Management Meeting](#); July 2

[Public Comment Deadline re: NOAA's proposed rulemaking to expand Flower Garden Banks National Marine Sanctuary](#); July 3

### Water jobs:

[Senior Legislative Counsel/ Representative](#); Earthjustice; DC  
[Policy Director](#); Environmental and Energy Study Institute; Washington, DC

[Beveridge & Diamond Diversity Law Clerk; Jim Rubin International Fellow](#); or [Law Clerk](#); Environmental Law Institute; Washington, DC

[Environment Reporter](#); The Texas Tribune; Austin, TX

[Resilience Planner](#); Dewberry; Fairfax, VA

[Water Program Associate](#); Freshwater Future; Detroit, MI

[Erosion Control / LakeSmart Coordinator](#); 7 Lakes Alliance; Belgrade Lakes, ME

[Public Policy and Justice Organizer](#); Waterspirit; Rumson, NJ

[Senior Conservation Project Manager](#); The Freshwater Trust; Sacramento, CA

[Drinking Water Data Research](#); EPA; Cincinnati, OH

[Vice President \(Global Operations\)](#); Lifewater International; Bentonville, AR

[Climate Resilience Specialist](#); Adaptation International; Austin, TX

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around 150,000 people. It seems things have gotten to the point that new wells would likely impact the spring-fed Muddy River that the Moapa dace, an endangered but plucky fish, as well as other water users, call home (Readers: Please note the connection between groundwater and surface water). Concerns about too little water to go around led the Nevada state engineer to conclude that it was unlikely to issue permits to Coyote Springs Investments (the developer), which prompted CSI to sue. In a new opinion the State Engineer has concluded [that restrictions on ground water pumping are needed, effectively killing the dream of Coyote Springs, subject of course to appeal.](#)

### **Less Than Critical Protection for Critical Infrastructure**

Remember those prison movies where criminals sentenced to hard labor for the worst crimes against society formed a hierarchy of [litterers](#), crooks, murders, and [gangsters](#)? Remember how at the top of that [pyramid of evil](#) was the worst of the worst—people who showed up at a “critical infrastructure” facility without permission? Yeah, we don’t either but Louisiana just dodged the chance make that fever dream a possibility. Louisiana already has [a law that allows for the possibility by making unauthorized entry to critical infrastructure \(chemical plants, refineries, ports, rail yards, pipelines, etc.\) a crime punishable by up to 5 years in prison](#) (not necessarily at “hard labor”), but a bill passed by the Louisiana Legislature would have gone way beyond that. [HB 197](#) would have added “water control structures” to the list of critical infrastructure and made it an enhanced felony to enter critical infrastructure [without authorization](#) during a time of emergency, such as COVID 19 or a hurricane. The penalty? A hefty fine and a mandatory 3-15 year prison term at hard labor. Of course this could turn just about anybody into a felon since South Louisiana is pretty much an endless series of public and private water control structures and is almost always in or about to be in some state of emergency, many of which would have nothing to do with a given type of infrastructure. Aside from the fact that HB 197—and the pre-existing law—were at best solutions in search of a problem, HB 197’s failure to define what a water control structure is or what public presence constituted any risk (think picnicking on a jetty or some teenagers having a late night beer in a park located on a levee) set it up to be source of confusion, selective enforcement and constitutional challenge. At least that is how we saw it here, and [we pointed those concerns out to Governor John Bel Edwards and suggested he veto the bill.](#) And it turns out, that is [what he did.](#)