Interstate Water Allocation in the United States
Kansas v. Colorado (1907)
First Forty Years of River Compacts

1922: Colorado
1922: La Plata
1923: South Platte
1938: Rio Grande
1943: Bel Fourche
1943: Republican
1944: Costilla Creek
1948: Upper Colorado
1949: Arkansas
1949: Snake
1949: Pecos
1950: Canadian
1950: Yellowstone
1953: Sabine
1955: Bear
1956: Klamath
1962: Upper Niobrara
Problems with Compacts

- Tough to negotiate
- Often duck hard issues
  - E.g., Indian rights
- Silent on other issues
  - E.g., groundwater
- Vague & ambiguous
- Internally inconsistent
- Inflexible
Water Apportionment Compacts (by year)
1963: Arizona v. California
The Important Role of Federal Nudging
Empowering River Coach

• Encouragement, Expertise, and Facilitation

• WaterSMART
  – SECURE Water Act

• Empowerment of States
  – Advanced federal approval
  – Ability to resolve other federal issues & bind federal agencies
  – Opportunity for delegation of federal authority

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Interstate Water Adjudication Board

• New, easier, and more comprehensive system for interstate water apportionments

• Expert administrative board
  – Who makes ultimate decision?

• Water bankruptcy
  – Ability to revise existing compacts and apportionments
Independent River Operators (IROs)

- Independent Service Operators (ISOs)
  - Regional Transmission Organizations
  - Have worked well to meet energy needs
- Start with existing entitlements
  - Interstate markets
- Governance structure is crucial