

Water Allocation, Management, and Policy in the USA: The Good, The Bad and The Ugly

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"If climate change is a shark, water is its teeth." - Gemma Poag

Abstract

When it comes to freshwater issues, the USA seems to be comprised of 50 individual sovereign nations rather than 50 states. This perception is not unique to foreigners but to some USA citizens as well.

The differences are most striking when it comes to water allocation. The states have the authority to allocate the waters within and beneath their borders. Various mechanisms exist for accomplishing this but there are two major systems in place: the prior appropriation (PA) system, unique to most Western states, and the riparian system, common to the Eastern states.

In the PA system, the mantra is simply "first in time, first in right" and "if you don't use it, you lose it". In its simplest form PA translates to a system where, in a basin, the earliest users have a more senior right as long as they put their water to beneficial use. In times of drought, senior users may get their full allocation while some junior users go dry. The riparian system is based upon English common law and holds that a property owner whose land borders a stream can withdraw water for her use, with some restrictions. Each system may differ slightly from state to state. Groundwater allocation can follow these two systems as well as other ones that apply, and is quite different from surface water allocation. In general, the law regarding groundwater allocation is not as well advanced as that for surface water.

Water management can be accomplished by states, state-authorized agencies, municipalities, the private sector, etc. Integrated Water Resources Management (IWRM), also known as One Water, One Water One Watershed (OWOW) and other catchy titles, is generally practiced.

The USA has no formal water policy. Many states are resistant to such a national policy, as they fear they would lose autonomy.

What about water quality and transboundary water? What happens when states have disputes? Who resolves these?

The author will give a whirlwind tour of what he sees as the good, the bad and the ugly aspects of USA water allocation, management and policy. The ability of USA water institutions to adapt to climate change will also be addressed.