

Comments of Senator Phil Williams

Water management is something that has to be dealt with. I am an attorney and in the law we have a thing called riparian rights. Riparian rights are the rights of the people who are downstream as the waters flow. In other words, an upstream owner cannot just shut off or diminish the flow of water to the detriment of those who are downstream. Real property law is one of the oldest forms and practices of law that we have in the world today. The reality is that riparian rights predate this country in terms of legal standards. And yet, here we are today dealing with a years-old problem between Georgia and Alabama where we, as downstream owners of Coosa River waterfront or Neely Henry Lake or Weiss Lake, are literally looking at a potential for damage to us on the downstream side.

I was not aware until this year that Alabama has no firm water usage plan. If you go to court, you have to have two things. You have to have your cause of action, which in this case is riparian rights, but you have to be able to show your damages. You can say you are mad about something but you haven't lost anything therefore you can't go to court yet. The reality is, if we cannot clearly explain the loss that we would experience and what we would have done had the water not trickled down, we are already at a loss if this ever comes to litigation and we have to fully explain to the court why Alabama is being harmed. It is not enough for us to be able to say, "Well, what if, judge..." We have to be able to say, "Here is what our plan is and we can no longer accomplish our plan." It hits us in a variety of ways. One of the most significant things that drives a lot of my senate district, which includes all of Etowah County, almost all of Cherokee County, and will soon include southern Dekalb County and northern St. Clair County, is agriculture. Agriculture is a huge industry. Many people do not realize that it is the second largest industry in the state of Alabama. It is huge in my district alone. Agriculture cannot happen without water. This past senate session we passed a bill that became law that allowed for certain tax credits for farmers if they are willing and able to irrigate their fields. One of the things that we found in the course of researching that bill was that Alabama is one of the most under-irrigated states in the nation. So here we are advancing the ability of farmers to increase their crop load and their productivity, which affects our economy, at the same time we have offered them the opportunity to do more on irrigation, yet at the same time we are seeing a diminishing capability if we do not have a water usage plan and if Georgia is allowed to continue what it is doing on that side of the border.

The second thing that really hits me is tourism, one of the driving forces of our local economy. We had some serious discussions lately, and I appreciate ADEM working with us, on tourism issues in the Weiss Lake area, especially related to fishing and most specifically crappie fishing. Weiss Lake is the "Crappie Capital of the World." If you have a diminishing capability to drive tourism in the water around this area, you are going to wind up hurting the economy severely. The very idea that a report came out that seemed to report things that we did not think were true, and later on we were able to see some revisions to that report, pretty much struck a fearful chord in folks in Cherokee County, because the lake is the lifeblood of the county.

Another thing is the quality of life. The truth is that we have a lot of property around here that went up in value when the dam was built. We don't want to see those values diminish. I've lived in the Neely Henry Lake area for twenty years and can remember when they lowered the water levels every year and people who had waterfront property suddenly had mud-front property. We don't have that any more. The last thing that I would want to see is the

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diminishing flow or an inability to keep the levels at not only a level for tourism, but a level that would impact the property values in this area. It is hard when you bring people as a realtor, or bring people as just a guest, to see your beautiful area and they get to walk out on your dock and look down at the mud. I don't want to see that happen anymore. Now that we have it at levels that keep us competitive in terms of the economy and keep us competitive in terms of other areas of the state where someone might want to relocate, we don't need to see that changed.

The reality is that we have to be able to explain what we do. If we are going to be able to say that we need our water and our riparian rights to remain intact, we have to be able to explain fully why. I hope these comments lead towards a useful water plan that one day, if we need to, we can put on the table say, "That's why."