

October 31, 2012

Law Faculty

Bennett Bearden
Chair, Alabama Water Agencies Working Group
General Counsel, Geological Survey of Alabama
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VIA EMAIL

William Andreen
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Dear Dr. Bearden:

Professor William Andreen and I write to you in your capacity as the chair of the Alabama Water Agencies Working Group to strongly recommend that the State of Alabama adopt the Regulated Riparian Model Water Code to govern its water resources.

Heather Elliott
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It is clear that Alabama faces a major and expanding water crisis. Population growth and economic development are putting more pressure on water resources already strained by recent droughts, and such droughts are likely to become more frequent and more severe in the future. Disputes with neighboring states over shared water resources threaten Alabama's use of interstate waters to meet future needs.

It is also clear that Alabama's current legal regime is wholly inadequate to meet these challenges. The State's reliance on common-law riparianism for surface water and common-law reasonable use for groundwater inhibits the efficient and economic use of one of Alabama's greatest resources.

The failures of Alabama's state water law could be corrected with one statute. The State Legislature should act swiftly to adopt a comprehensive water management statute based on the Regulated Riparian Model Water Code; the resulting statute should regulate the state's surface and groundwater as one unified resource and should coordinate water quality regulation with water quantity regulation. Adopting such a statute will prepare the state for future water shortages, as well as putting it on a better footing for future negotiations with neighboring states.

Yours sincerely,

/s/

William Andreen
Edgar L. Clarkson Professor of Law

/s/

Heather Elliott
Associate Professor of Law