

Water Laws

(Acts, Compacts, Contracts, Conventions,
Laws, Regulations, and Treaties)

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“Legal Gavel.

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Introduction: Three Stages of Water Laws

Laws concerning water have evolved in response to the times. Therefore, representative legal and regulatory instruments are listed by date, with links to texts. Following the timeline, water laws follow three stages:

Stage One: —> ongoing

Rights to use a natural resource such as water.

Stage Two: —> ongoing

Rights of natural resources themselves for protection and sustainability.

Stage Three: —> ongoing

The above two continue, but now laws appear concerning **rights of access to natural resources** such as water in conditions of change or crisis.

Stage One: Rights to Use Water

1908

Winters v. United States, 207 US 564 (1908).

<https://supreme.justia.com/cases/federal/us/207/564/>

1922

Colorado River Compact of 1922.

<https://www.usbr.gov/lc/region/pao/pdfiles/crcompct.pdf>

1922-1974 inclusive

Law of the River. Compacts, contracts, guidelines, laws ranging from 1922 to 1974, collectively known as the “Law of the River.” United States Bureau of Reclamation. <https://www.usbr.gov/lc/region/g1000/lawofrvr.html>

1944

Utilization of the Waters of the Colorado River and Tijuana Rivers and of the Rio Grande Treaty between the United States of America and Mexico. 3 February 1944.

https://www.usbr.gov/lc/phoenix/AZ100/1940/mexican_water_treaty.html

1952

Right to Exploit Freely Natural Wealth and Resources. United Nations. 523 (VI) and A/RES/626 (VII). <https://digitallibrary.un.org/record/211441>

1962

Permanent Sovereignty over Natural Resources.

United Nations, General Assembly Resolution 1803 (XVII).

https://legal.un.org/avl/pdf/ha/ga_1803_ph_e.pdf

1963

Arizona v. California, 373 US 546 (1963).

<https://supreme.justia.com/cases/federal/us/373/546/>

Stage Two: Rights of Water Itself, For Protection and Sustainability

1972

Declaration of the United Nations Conference on the Human Environment.

<file:///C:/Users/MyPC/Downloads/6471.pdf>

1973

Endangered Species Act of 1973.

<https://www.fws.gov/law/endangered-species-act>

1974

Colorado River Basin Salinity Control Act.

Public Law 93-320, June 24, 1974. An Act to authorize the construction, operation, and maintenance of certain works in the Colorado River Basin to control the salinity of water delivered to users in the United States and Mexico.

<https://www.congress.gov/bill/93rd-congress/house-bill/12165>

1982

United Nations “World Charter for Nature.”

<https://digitallibrary.un.org/record/39295?ln=en>

United Nations Convention on the Law of the Sea.

https://www.un.org/Depts/los/convention_agreements/texts/unclos/unclos_e.pdf

1983

La Paz Agreement between the United States of America and Mexico. 14 August 1983. <https://www.epa.gov/sites/production/files/2015-09/documents/lapazagreement.pdf>

1992

Grand Canyon Protection Act, H.R. 814 -102nd Congress (1991-1992).

<https://oac.cdlib.org/findaid/ark:/13030/kt2n39r8jd/dsc/?dsc.position=5001>

United Nations “Rio Declaration.”

https://www.un.org/en/events/pastevents/UNCED_1992.shtml

1997

Convention on the Law of the Non-navigational Uses of International Watercourses.” United Nations General Assembly, 1997, entered into force in 2014.

https://legal.un.org/ilc/texts/instruments/english/conventions/8_3_1997.pdf

1998

European Union Council Directive 98/83/ED of 3 November 1998 on the quality of water intended for human consumption.

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A31998L0083>

2000

EU Water Framework Directive.

Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for the Community action in the field of water policy, or, for short, the EU Water Framework Directive (WFD).

https://ec.europa.eu/environment/water/water-framework/index_en.html

Stage Three: Rights of Access to Water in Times of Change or Crisis

2007

Colorado River Interim Guidelines for Lower Basin Shortages and the Coordinated Operations for Lake Powell and Lake Mead.

<https://www.usbr.gov/lc/region/programs/strategies/RecordofDecision.pdf>

2008

Constitución Política de la República del Ecuador.

<https://pdba.georgetown.edu/Parties/Ecuador/Leyes/constitucion.pdf>

2010

Ley de Derechos de La Madre Tierra. Estado Plurinacional de Bolivia.

<https://www.scribd.com/document/44900268/Ley-de-Derechos-de-la-Madre-Tierra-Estado-Plurinacional-de-Bolivia>

2011

Loi No. 2011-835 du 13 juillet 2011 visant à interdire l'exploration et l'exploitation des mines d'hydrocarbures liquides ou gazeux par fracturation hydraulique de à abroger les permis exclusifs de recherches comportant des projets ayant recours à cette technique.

République Française Légifrance.

<https://www.legifrance.gouv.fr/loda/id/JORFTEXT000024361355/>

2012

Minute 319. International Boundary and Water Commission: United States and Mexico. 12 November 2012.

http://www.ibwc.gov/Files/Minutes/Minute_319.pdf

No. 152. An Act relating to hydraulic fracturing of wells for natural gas and oil production. (H. 464) General Assembly of the State of Vermont, 2012.

<http://www.leg.state.vt.us/docs/2012/Acts/ACT152.pdf>

Rule § 3.29 Hydraulic Fracturing Chemical Disclosure Requirements. Texas Administration Code. Title 16: Economic Regulation. Part 1: Railroad Commission of Texas. Chapter 3: Oil and Gas Division. Rule § 3.29 Hydraulic Fracturing Chemical Disclosure Requirements. January 2012.

<https://casetext.com/regulation/texas-administrative-code/title-16-economic-regulation/part-1-railroad-commission-of-texas/chapter-3-oil-and-gas-division/section-329-hydraulic-fracturing-chemical-disclosure-requirements>

South Georgia and South Sandwich Islands Marine Protected Area.

Marine Protected Areas Order 2012. S.R. & O. No: 1 of 2012, February 2012.

<https://www.gov.gs/docsarchive/Legislation/SGSSI%20Marine%20Protected%20Areas%20Order%202012.pdf>

2015

Microbead-Free Waters Act of 2015. U.S.

An Act to amend the Federal Food, Drug, and Cosmetic Act to prohibit the manufacture and introduction or delivery for introduction into interstate commerce of rinse-off cosmetics containing intentionally-added plastic microbeads. H.R. 1321, 2015. <https://www.govinfo.gov/content/pkg/BILLS-114hr1321enr/pdf/BILLS-114hr1321enr.pdf>

Microbead-Free Waters Act. New York, U.S.

An Act to amend the environmental conservation law, in relation to prohibiting the distribution and sale of personal cosmetic products containing microbeads. State of New York, Senate Bill S3932, February 2015. <https://legislation.nysenate.gov/pdf/bills/2015/S3932>

Microbead Elimination and Monitoring Act of 2015. Canada.

Bill 75/*Projet de loi 75*. An Act with respect to microbeads/*Loi concernant les microbilles*. 2015. <https://www.ola.org/en/legislative-business/bills/parliament-41/session-1/bill-75>

2016

Sentencia T-622/16.

Principio de precaucion ambiental y su aplicacion para proteger el derecho a la salud de las personas – Caso de comunidades étnicas que habitan la Cuenca del río Atrato y manifiestan afectaciones a la salud como consecuencia de la actividades mineras ilegales. Republic of Colombia Constitutional Court (Sixth District) 2016. Judge Jorge Ivan Palacio. Case T-622 of 2066. Proceeding T-5.016.242, regarding the Atrato River. <https://www.corteconstitucional.gov.co/relatoria/2016/t-622-16.htm>

2017

Salim v. State of Uttarakhand. Writ Petition (PIL) No. 126 of 2014, decision 20 March 2017. Reserved judgment in the High Court of Uttarakhand at Nainital. <https://elaw.org/resource/salim-v-state-uttarakhand-writ-petition-pil-no126-2014-december-5-2016-and-march-20-2017> See also: <http://www.ielrc.org/content/e1704.pdf>

Ley No. 19.585. Prohibese del uso del procedimiento de fractura hidráulica para la explotación de hidrocarburos no convencionalis.

Normative y Avisos Legales del Uruguay, IMPO, Centro de Información Oficial. <https://www.impo.com.uy/bases/leyes/19585-2017>

Ley No. 10477 – Prohibición de la prospección, exploración y explotación de hidrocarbures líquidos y gaseos. Poder Legislativo Provincial 2017. La legislature de la provincial de Entre Ríos, Argentina.

<https://argentinambiental.com/legislacion/entre-rios/ley-10477-prohibicion-la-prospeccion-exploracion-explotacion-hidrocarburos-liquidos-gaseosos/>

Title: Environment – Hydraulic Fracturing – Moratorium and Referenda.
Maryland General Assembly 2017.

<https://mgaleg.maryland.gov/mgaweb/gaweb/legislation/details/sbo862?ys=2017rs>

Te Awa Tupua (Whanganui River Claims Settlement Bill). 20 March 2017.

<https://www.legislation.govt.nz/act/public/2017/0007/latest/whole.html>

2019

An Act to amend the environmental conservation law, in relation to prohibiting horizontal drilling and high-volume fracturing, December 2019.

Title 29: Horizontal drilling and high-volume hydraulic fracturing. Section 23-2019: Prohibition on horizontal drilling and high-volume hydraulic fracturing.

New York State. <https://legislation.nysenate.gov/pdf/bills/2019/S6906>

Colorado River Drought Contingency Plan Authorization Act. H. R. 2030, Public Law 116-14. <https://www.congress.gov/bill/116th-congress/house-bill/2030/text?overview=closed>

2020

Review of the Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead: Upper and Lower Colorado Basin Regions. U.S. Department of the Interior. December 2020.

https://www.usbr.gov/ColoradoRiverBasin/documents/7d/7.D.Review_FinalReport_12-18-2020.pdf

Lake Erie Bill of Rights. Drewes Farm Partnership and State of Ohio v. City of Toledo. Case No. 3:19 CV 434. 02/27/20. Page ID# 822.

<https://www.utoledo.edu/law/academics/ligl/pdf/2019/Lake-Erie-Bill-of-Rights-GLWC-2019.pdf>

2021

An Act relating to water; prohibiting, with certain exceptions, the use of water from the Colorado River to irrigate nonfunctional turf on certain properties. (Note: this is the first permanent U.S. law of its kind. Previously, there have been injunctions or temporary restrictions. This is permanent: residents have until 1 January 2027 to get ready.)

Southern Nevada Water Authority. Assembly Bill No. 356, 22 March 2021.

<https://www.leg.state.nv.us/SpecialActs/59-ConservationColoradoRiverWater.html#:~:text=CONSERVATION%20OF%20COLORADO%20RIVER%20WATER%20ACT>

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