No. 142, Original

IN THE
SUPREME COURT OF THE UNITED STATES

STATE OF FLORIDA,
Plaintiff,

v.

STATE OF GEORGIA,
Defendant.

Before the Special Master
Hon. Ralph I. Lancaster

AMICUS CURIAE BRIEF OF THE GEORGIA MUNICIPAL ASSOCIATION, THE ASSOCIATION COUNTY COMMISSIONERS OF GEORGIA, THE GEORGIA ASSOCIATION OF WATER PROFESSIONALS, AND THE GEORGIA CONSERVANCY

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TABLE OF CONTENTS

The Georgia Municipal Association ("GMA"), the Association County Commissioners of Georgia ("ACCG"), the Georgia Association of Water Professionals ("GAWP"), and The Georgia Conservancy (the "Conservancy") file this Amicus Curiae brief to provide the Special Master with information regarding the role of conservation in equitable apportionment jurisprudence and the significant efforts that Georgia's cities and counties have made to preserve precious water resources in the Apalachicola-Chattahoochee-Flint River Basin ("ACF basin").

IDENTITY AND INTERESTS OF AMICI

The Georgia Constitution grants home rule to counties and municipalities. Ga. Const. art. IX, § II, ¶¶ I–II. Pursuant to that authority, Georgia's local governments provide essential services to their citizens, including police and fire protection, solid waste management, zoning, health and safety codes, and water and sewer services in a manner that is efficient and effective for each unique jurisdiction. The responsibility for water development, storage, treatment, purification and distribution, as well as storm water and sewage collection and disposal, is vested by the Constitution in Georgia's cities and counties. *See* Ga. Const. art. IX, § II, ¶ III(a). Thus, the water utilities operated by Georgia's cities and counties are essential to millions of Georgians who depend on the ACF basin for their daily water supply. These local governments have a strong interest in ensuring an adequate and sustainable water supply for municipal and industrial consumption. Recognizing the importance of those responsibilities, Georgia's cities and counties have made water management and conservation a top priority.

GMA is the only state organization that represents municipal governments in Georgia. GMA's membership currently totals 521 municipal governments, 162 of which are wholly or partially in the ACF basin. ACCG, created in 1914, represents all of Georgia's 159 counties, of which 61 are in the ACF basin. The core mission of both GMA and ACCG is to assist their

members in providing public services in a manner that is responsible, efficient, and cost effective. In particular, GMA and ACCG have decades of experience in providing their member governments with training, materials, and resources directed at water conservation efforts.

GAWP is a professional association of over 4,000 individual members and more than 200 utilities and companies working in the field of water supply, water treatment, and water conservation. GAWP assists state and local governments in providing technical training and education in the development of water conservation programs. GAWP spends approximately one-third of its annual $2 million budget on water conservation and efficiency efforts.

The Conservancy is a statewide member-supported conservation organization that works to promote water conservation efforts in Georgia, including in the ACF basin. The Conservancy is strongly committed to protecting both the quality and quantity of water resources for the long-term benefit of people and natural systems.

Amici are particularly concerned with the potential impact of water restrictions on the financial viability of local governments in Georgia because water and sewer infrastructure is funded through fees for service, revenue bonds and general obligation bonds, property taxes, or special purpose local option sales taxes—all of which are issued or imposed at the local level. Of equal concern is the impact that higher water rates generated by water restrictions would have on Georgia citizens, particularly low-income consumers. Consistent with equitable apportionment jurisprudence, Amici believe that the Special Master should consider local efforts to conserve precious water resources and to curtail wasteful water practices as well as the impact that reduced water availability would have on local governments and their citizens.

ARGUMENT

I. Georgia's Robust Conservation Measures Should Be Given Substantial Weight in the Equitable Apportionment Analysis

In this case, Florida seeks to apply the Supreme Court's equitable apportionment jurisprudence to interfere with and disrupt Georgia's economy and the quality of life of its citizens by capping Georgia's water use in the ACF basin. Such a result would be neither equitable nor a proper application of the law. In particular, in deciding whether Florida has met its burden of proof to alter the status quo, the Special Master should consider the substantial efforts that Georgia and its local governments have made in managing and conserving the water resources in the ACF basin.

The Supreme Court's most recent equitable apportionment decisions discuss the important role of conservation as a factor in the decisional process. In *Colorado v. New Mexico*, 459 U.S. 176 (1982) (*Colorado I*), Colorado brought an original action against New Mexico seeking to divert water from the Vermejo River for potential future use. While the river originated in Southern Colorado, users in New Mexico had appropriated the entire flow of the river. A Special Master recommended that Colorado be permitted to divert 4,000 acre-feet per year. In its first opinion, the Court remanded the case to the Special Master for additional findings, including "the extent to which reasonable conservation measures in both states might eliminate waste and efficiency in the use of water from the Vermejo River." *Id.* at 190. The Court noted that "an important consideration is whether the existing users could offset the diversion by reasonable conservation measures to prevent waste." *Id.* at 188.

On remand, the Special Master made additional factual findings and then reaffirmed the earlier recommendation that Colorado be permitted a diversion. The Court rejected the Special Master's findings and dismissed the case. *Colorado v. New Mexico*, 467 U.S. 310 (1984)

(*Colorado II*). The Court noted that "only conservation measures that are 'financially and physically feasible' and 'within practicable limits'" are required. *Id.* at 319 (citing *Colorado I*, 459 U.S. at 192; *Wyoming v. Colorado*, 259 U.S. at 484); *see also Idaho v. Oregon*, 462 U.S. 1017, 1025 (1983) ("States have an affirmative duty under the doctrine of equitable apportionment to take *reasonable* steps to conserve and even to augment the natural resources within their borders for the benefit of other States.") (emphasis added). The Court concluded that Colorado had failed to establish by clear and convincing evidence that reasonable conservation efforts would mitigate the injury that New Mexico would suffer as a result of a diversion. *See Colorado II*, 467 U.S. at 320; *see also id.* at 321 ("A State can carry its burden of proof in an equitable apportionment action only with specific evidence about how existing uses might be improved, or with clear evidence that a project is far less efficient than most other projects.").

In this proceeding, the Special Master will be required to determine, in addition to the other factors considered in the apportionment analysis, whether Florida has established by clear and convincing evidence that Georgia has failed to implement feasible and practical water conservation measures that, if adopted, would mitigate the injury that Georgia will suffer if water consumption is capped. As discussed below, however, Georgia's water conservation efforts are a model of success, not failure. Georgia's cities and counties, working in cooperation with the State and with non-governmental organizations such as the Conservancy and GAWP, have engaged in, and will continue to engage in, substantial and comprehensive water conservation efforts. These measures have successfully reduced per capita and overall water consumption.

II. Georgia Has Been at the Forefront of Statewide Water Conservation and Management Efforts

Georgia has demonstrated a long-term commitment to water conservation and responsible water management. In fact, the State's water conservation efforts go back nearly 40 years.[1] In 1978, Georgia enacted statutory water efficiency requirements for plumbing fixtures. 1978 Ga. Laws 914. The law prohibited the construction of buildings where toilets, showers or faucets use more than 3.5 gallons per minute. Maximum water-use levels were further reduced in 1990 and were made applicable to all residential construction after 1991 and commercial construction after 1992. 1990 Ga. Laws 2012. The law also required counties and cities to adopt ordinances enforcing the new standards in order to be eligible for loans, grants and permits.

In 1992, Georgia enacted the River Basin Management Planning Act, which required the Environmental Protection Division ("EPD") of the Georgia Department of Natural Resources to develop river basin management plans for the major rivers in Georgia, including the Chattahoochee and Flint rivers. 1992 Ga. Laws 1277. The Act set forth minimum requirements for the plans, which include current and projected uses and water quality standards.

The General Assembly created the Metropolitan North Georgia Water Planning District ("Metro Water District") in 2001 and charged it with developing comprehensive plans for water supply and conservation in the Atlanta area. O.C.G.A. § 12-5-570 *et seq.*[2] The Metro Water District serves as the water planning organization for 15 counties, most of which are in the ACF basin. More than 4 million people live in the Metro Water District.

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[1] *See* Don R. Christy, Georgia Water Resources: An Overview 42–50 (2015) (summarizing Georgia's statewide water conservation efforts since 1978).

[2] *See, e.g.*, Metro Water District, Water Supply and Water Conservation Management Plan, at ES-1 (2009), http://northgeorgiawater.org/wp-content/uploads/2015/05/Water_Supply_Water_Conservation_Plan_May2009.pdf.

Three years later, Georgia enacted the Comprehensive Statewide Water Management Planning Act, 2004 Ga. Laws Act 571, which mandates the development of a state water plan to ensure that "Georgia manages water resources in a sustainable manner to support the state's economy, to protect public health and natural systems, and to enhance the quality of life for all citizens." O.C.G.A. § 12-5-522(a). One of the guiding principles used in developing the plan is that "[a]ll citizens have a stewardship responsibility to conserve and protect the water resources of Georgia." *Id.* § 12-5-522(b)(3).

The state water plan, which was adopted in 2008, provides for ten water planning regions, along with the previously created Metro Water District. The planning districts in the ACF basin start in the North Georgia mountains with the Coosa-North Georgia Region, continue south to the Atlanta area with the Metro Water District, to the Middle Ocmulgee,[3] Middle Chattahoochee and Upper Flint Regions, and finish with the Lower Flint-Ochlocknee Region.[4] Each region is overseen by a planning council that tailors water management practices to meet that region's unique needs.

The 2004 Act also requires Georgia's EPD to make all water withdrawal permitting decisions in accordance with the statewide and regional conservation plans. O.C.G.A. § 12-5-522(e). Any political subdivision or local water authority that fails to comply is ineligible for state grants or loans for water projects (unless the project is designed to cure non-compliance). *Id.* Notably, these "robust permitting requirements" have been recognized by independent conservation organizations as a model for other states to follow. *See* Alliance for Water Efficiency & Envtl. Law Institute, The Water Efficiency and Conservation State Scorecard: An

[3] The Middle Ocmulgee planning district is only partially in the ACF basin.
[4] *See, e.g.*, Georgia Water Planning Regions Map (2009), http://www.georgiawaterplanning.org/documents/water_basin_map.pdf.

Assessment of Laws and Policies 22 (2012), http://www.allianceforwaterefficiency.org/AWE-State-Scorecard.aspx (providing "top points" to Georgia, California, and Massachusetts for their requirements that conservation activities be part of the water permitting process).[5]

Georgia recently adopted another robust conservation law—the Georgia Water Stewardship Act of 2010. 2010 Ga. Laws 732. The 2010 Act overhauls Georgia's plumbing code by requiring the installation of high-efficiency toilets, urinals, shower heads, and faucets in all new construction and renovations.[6] It also requires local governments to adopt or amend ordinances to restrict outdoor irrigation. In addition, sub-metering is required for new multi-unit residential buildings and certain retail and light industrial buildings.

One major piece of the 2010 Act is a requirement that all utilities serving populations of 3,300 and above submit annual water loss audits using the methodology developed by the International Water Association ("IWA") and American Water Works Association ("AWWA"). Public water systems must also implement a water loss detection and infrastructure leak program. The success of this requirement has been hailed as "an effective blueprint for other states and agencies in how to begin providing support to their utilities in moving forward with best practices in water loss management." Center for Neighborhood Tech., Stepping Up Water Loss Control: Lessons from the State of Georgia, Feb. 2014, at 4, http://www.cnt.org/sites/default/files/publications/CNT_GeorgiaWaterStewardship.pdf. Similarly, the River Network, a Colorado-based organization committed to water protection and restoration, recently commended Georgia's water loss policies as a model for other states. As the River Network explained, while

[5] The Alliance for Water Efficiency awarded Georgia three out of three possible points in this area, while Florida received zero. *Id.* at 47. Overall, the Alliance gave Georgia a "B" for its laws and policies related to water efficiency and conservation (18.5 total points), while Florida received a "C" (11 total points). *Id.* Only four states (California, Rhode Island, Texas, and Washington) received a higher score than Georgia. *Id.* at 5.
[6] *Id.* at 19.

southeastern states often have deficient policies in this area, "Georgia's water loss policy is an exception as it is considered one of the strongest in the country."[7]

Another component of Georgia's legal framework to support water conservation is the Georgia Environmental Finance Authority ("GEFA"). Initially created in 1984, GEFA has a multi-decade record of assisting local governments with water and sewer financing and with numerous water conservation efforts. *See* O.C.G.A. § 50-23-1 *et seq.* To date, GEFA has provided more than $3.5 billion in low-interest loans to local governments throughout Georgia for improvements to water, sewer and solid waste systems.[8]

Lastly, Georgia's EPD has issued rules pursuant to the Water Stewardship Act of 2010, imposing standards for public water systems to improve the efficiency of water supply by developing and improving water loss abatement programs and implementing best practices for controlling water loss. *See* Ga. Comp. R. & Regs. 391-3-33-.01 (2015). EPD has also established rules and regulations for drought management and pre-drought mitigation strategies. Ga. Comp. R. & Regs. 391-3-30-.01 (2015).

The above described legislation and rulemaking demonstrates Georgia's statewide commitment to water management and conservation, the majority of which is implemented and generally funded at the local government level.

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[7] Katherine Baer & April Ingle, River Network, Protecting and Restoring Flows in Our Southeastern Rivers: A Synthesis of State Policies for Water Security and Sustainability 4 (2016), https://www.rivernetwork.org/wp-content/uploads/2016/09/River-Network-Protecting-Restoring-Flows-in-SE-Rivers.pdf; *see also id.* at 64 ("Georgia has a strong water loss policy, and implementation has been improved by technical support and training for local utilities.").

[8] Ga. Envtl. Fin. Auth., 2015 Annual Report, at 9 (2016), https://gefa.georgia.gov/sites/gefa.georgia.gov/files/related_files/document/GEFA-AR-2015.pdf; Ga. Envtl. Fin. Auth., About Us, http://gefa.georgia.gov/about-us (last visited Oct. 21, 2016).

III. Equitable Apportionment Must Take Into Account the Diversity within the ACF Basin

A hard cap on water consumption is particularly inappropriate for an area as large and diverse as the Georgia portion of the ACF basin. The 166 cities and 61 counties within this area vary substantially in terms of location, size, resources and economies. For example, the cities range in estimated 2015 population from 66 for Rest Haven to 463,878 for Atlanta.[9] The counties range from 2,302 for Quitman to over 1 million for Fulton.[10]

The land use and water demands of the ACF basin also vary significantly from region to region.[11] For example, the percentage of land used for urban purposes is 32% in the Metro Water District, but only 16% in the Coosa-North Georgia, 8% in the Middle Chattahoochee and Middle Ocmulgee, 6% in the Lower Flint Ochlockonee, and 5% in the Upper Flint region. The percentage of land used for forest, row crops and pasture exceeds 70% in the Coosa-North Georgia, Lower Flint Ochlockonee, Upper Flint, Middle Ocmulgee and Middle Chattahoochee regions, but is less than 55% in the Metro Water District. And the percentage of water demand used for municipal purposes ranges from 54% in the Metro Water District to only 15% in the

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[9] *See* U.S. Census Bureau, Subcounty Resident Population Estimates: April 1, 2010 to July 1, 2015, Georgia, http://www.census.gov/popest/data/cities/totals/2015/files/SUB-EST2015_13.csv (last visited Oct. 21, 2016).

[10] U.S. Census Bureau, Annual Estimates of the Resident Population for Counties: April 1, 2010 to July 1, 2015, Georgia, http://factfinder2.census.gov/bkmk/table/1.0/en/PEP/2015/PEPANNRES/0400000US13.05000 (last visited Oct. 21, 2016). Other sizable counties and cities in the ACF basin outside of the metropolitan Atlanta region include the City of Griffin at 23,211; the City of LaGrange at 30,695; the City of Albany at 74,843; the consolidated government of Columbus-Muscogee at 200,579; Houston County at 150,033; and Dougherty County at 91,332. *See id.*; Subcounty Resident Population Estimates, *supra* note 9.

[11] All data cited in the paragraph above are from these sources: Coosa-North Georgia Regional Water Plan, at 2-1, 2-11, and fig. 4-5, Sept. 2011, http://www.coosanorthgeorgia.org/documents/CNG_Adopted_RWP.pdf; Lower Flint Ochlockonee Regional Water Plan, at ES-3, figs. 2-2 and 4-1, Sept. 2011, http://www.flintochlockonee.org/documents/LFO_Adopted_RWP.pdf; Metro Water District, Watershed Management Plan, tbl. 2-1 (2009), http://northgeorgiawater.org/wp-content/uploads/2015/05/Watershed_Plan_May2009.pdf; Metro Water District, Water Supply and Water Conservation Management Plan, *supra* note 2, at 5-14; Middle Chattahoochee Regional Water Plan, at fig. 2-2 and fig. 4-3, Sept. 2011, http://www.middlechattahoochee.org/documents/MCH_Adopted_RWP.pdf; Middle Ocmulgee Regional Water Plan, at 2-5 and fig. 4-6, Sept. 2011, http://www.middleocmulgee.org/documents/MOC_Adopted_RWP.pdf; Upper Flint Regional Water Plan, at 2-1 and fig. 4-1, Sept. 2011, http://www.upperflint.org/documents/UFL_Adopted_RWP.pdf.

Upper Flint and 6% in the Lower Flint Ochlockonee region.

In light of these local and regional differences, reasonable efforts at conservation take different forms throughout the ACF basin. Accordingly, a rigid "one size fits all" cap on water consumption as requested by Florida would be inappropriate and detrimental to Georgia's cities and counties as well as their residents, businesses, and other water users. Amici respectfully submit that the blunt instrument of an across-the-board cap would be neither just nor equitable. *See Colorado I*, 459 U.S. at 184; *Idaho v. Oregon*, 462 U.S. 1017, 1026 (1983); *New Jersey v. New York*, 283 U.S. 336, 343 (1931).

IV. Georgia's Counties and Cities Have Made Substantial Investments of Money and Resources in Eliminating Wasteful Use and Reducing Consumption

As discussed above, in addition to proving the other elements of its case, Florida bears the burden to prove by clear and convincing evidence that Georgia has failed to adopt feasible and practical conservation measures that would mitigate the harm imposed by a consumption cap. *See Colorado II*, 467 U.S. at 319. Amici suggest that in determining whether Florida has met its burden of proof, the Special Master should consider the fact that Georgia's cities and counties—through rigorous water management, education, pricing and infrastructure improvements—have been prudent stewards of water resources in the ACF basin.

The cities, counties and local authorities that operate water, sewer and stormwater management systems in Georgia have committed substantial money and resources to water conservation efforts. Recognizing the variation in population, natural resources, land use, economic drivers, and topography among the water planning regions that make up the Georgia ACF basin, local governments have adopted a wide array of measures to improve water conservation. As illustrative examples of the contributions being made in the Georgia ACF basin, the following sections highlight some of the initiatives that have been implemented in the

Metro Water District, the Middle Chattahoochee Basin, the Upper Flint Region, and the Lower Flint-Ochlockonee Region.

A. Metro Water District

Nearly three quarters of the population in the ACF basin lives in the Atlanta metro area.[12] In order to provide a sustainable water supply to millions of people, the Metro Water District has developed one of the most robust conservation programs in the United States. In fact, the Metro Water District is the only major metropolitan area in the country with more than 100 jurisdictions implementing a comprehensive long-term water management program that is required and enforced by the state.[13] Many of these jurisdictions have been recognized as WaterFirst communities,[14] a designation that reflects a local government's commitment to responsible water stewardship beyond what is required by law.[15]

The 15 counties, 92 municipalities and 55 water utilities within the District have implemented a broad slate of water conservation measures.[16] These include a toilet rebate program in which 110,000 inefficient toilets have been replaced with reduced water flow models,

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[12] Stephen J. Lawrence, U.S. Geological Survey, Water Use in the Apalachicola-Chattahoochee-Flint River Basin, Alabama, Florida, and Georgia, 2010, and Water-Use Trends, 1985–2010, at 44 (2016), https://pubs.er.usgs.gov/publication/sir20165007.

[13] Metro Water District, Activities & Progress Report 7 (2011) http://northgeorgiawater.org/wp-content/uploads/2015/09/2011_FINAL_Annual_Report2.pdf (hereafter "2011 Metro Water District Report").

[14] The WaterFirst Communities in this region include Fulton County, Coweta County, Henry County/Henry County Water and Sewerage Authority, Forsyth County, City of Roswell, Douglasville-Douglas County Water and Sewer Authority, City of Gainesville, Town of Braselton, Cobb County, Cobb/Marietta Water Authority, and Gwinnett County. Currently working towards the designation are the cities of Austell, Fairburn, and McDonough. Ga. Dep't of Cmty. Affairs, WaterFirst Communities, http://www.dca.state.ga.us/development/PlanningQualityGrowth/Water%20First/WaterFirst_Designated_Communities.pdf (last visited Oct. 21, 2016).

[15] There are seven major components of the WaterFirst program: watershed assessment, stormwater master planning, water supply planning, water supply protection, water conservation, wastewater treatment systems and management, and water reclamation and reuse. Ga. Dep't of Cmty. Affairs, Water Resources Technical Assistance, http://www.dca.state.ga.us/development/PlanningQualityGrowth/programs/WaterResourcesTechnicalAssistance.asp (last visited Oct. 21, 2016).

[16] *See, e.g., id.* (describing 19 conservation measures in the Metro Water District).

saving more than 2.6 million gallons per day.[17] Tiered conservation pricing has been adopted throughout the District, creating a financial incentive for consumers to conserve water.[18] Water systems are also implementing aggressive leak detection and repair processes, including the use of sonar to inspect pipes.[19] For example, the Clayton County Water Authority's leak detection efforts have saved 6.5 billion gallons of potable water since 2000.[20] Sixteen other conservation measures have also been adopted, including replacement of inefficient plumbing fixtures, sub-metering in multi-family buildings, installation of high efficiency toilets and urinals, rain sensor shut-off switches on new irrigation systems, and car wash water recycling.[21]

As a result of these conservation efforts, total water use since 2001 has *declined* by more than 10%—despite a population increase in the Atlanta metropolitan area of more than 1 million.[22] Per capita water demand has declined by 30% since 2000.[23] By comparison, per capita water use in the Metro Water District is lower than Tallahassee, Tampa, and Miami-Dade, Florida.[24] Of particular significance to the ACF basin is the fact that the Metro Water District *returns* roughly 70% of the water that it withdraws back into the Chattahoochee Basin.[25]

As shown by the following examples, these accomplishments are the result of a commitment to conservation by the jurisdictions within the Metro Water District.

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[17] Metro Water District, 2015 Activities & Progress Report 5 (2015), http://northgeorgiawater.org/wp-content/uploads/2015/05/MNGWPD_AnnualReport_2015.pdf (hereafter "2015 Metro Water District Report").
[18] 2011 Metro Water District Report, *supra* note 13, at 7.
[19] *See id.* at 8; Metro Water District, Metropolitan North Georgia Water Planning District Wins Inaugural Southface Fulcrum Award, Mar. 18, 2016, http://northgeorgiawater.org/metropolitan-north-georgia-water-planning-district-wins-inaugural-southface-fulcrum-award.
[20] Metro Water District, Did You Know?, http://northgeorgiawater.org/conserve-our-water/did-you-know (last visited Oct. 21, 2016).
[21] 2011 Metro Water District Report, *supra* note 13, at 7.
[22] Metro Water District, Did You Know?, *supra* note 20.
[23] 2015 Metro Water District Report, *supra* note 17, at 5.
[24] 2011 Metro Water District Report, *supra* note 13, at 7.
[25] *See* Metro Water District, Water Metrics Report 34–35 (2011), http://northgeorgiawater.org/wp-content/uploads/2015/09/2010_Water_Metrics_Report_FINAL1.pdf.

1. City of Atlanta

The City of Atlanta has incurred significant financial obligations in recent years to improve its aging water system so as to prevent water loss, improve water conservation, and ensure the provision of water to its growing population. In 2015, for example, the city received a $51.4 million GEFA loan to improve the RM Clayton Water Reclamation Center, which collects, treats and returns water to the Chattahoochee River for downstream reuse.[26] Atlanta voters also recently reapproved a municipal option sales tax to pay for water and sewer improvements.[27] This tax can only be utilized in conjunction with water and sewer projects. O.C.G.A. § 48-8-212. From its original imposition date in 2004 to 2011, the tax has generated more than $700 million in revenue for water and sewer projects in the city.[28]

In 2011, as part of the federal Better Buildings initiative, Atlanta made a commitment to reduce water use in government and non-government buildings by 20% by the year 2020.[29] Four years later, Mayor Kasim Reed announced that Atlanta's Better Buildings Challenge had received commitments from the owners of 100 million square feet of building space to reduce energy and water usage—the largest commitment of any local government partner in the country.[30] The program achieved a 20% water savings by 2015, five years early.[31]

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[26] Ga. Envtl. Fin. Auth., Georgia communities receive infrastructure loans totaling $61 million, Aug. 25, 2015, http://gefa.georgia.gov/press-releases/2015-08-25/georgia-communities-receive-infrastructure-loans-totaling-61-million.

[27] *See, e.g.*, Carla Caldwell, Atlanta voters approve tax for water, sewer, *Atlanta Bus. Chron.*, Mar. 2, 2016, http://www.bizjournals.com/atlanta/morning_call/2016/03/atlanta-voters-approve-tax-for-water-sewer.html; Arielle Kass, Atlanta voters appear to approve water and sewer tax extension, *Atlanta Journal-Const.*, Mar. 1, 2016, http://www.myajc.com/news/news/atlanta-voters-appear-to-approve-water-and-sewer-t/nqbnF; *see also* O.C.G.A. 48-8-200 *et seq.*

[28] City of Atlanta, Dep't of Watershed Mgmt., MOST: What Is It? What Does It Do?, Jan. 2012, http://www.atlantawatershed.org/default/?linkServID=65F5DB46-E1A7-46B5-AE8F6D2EAE3C58FF&showMeta=2&ext=.pdf.

[29] *See* Atlanta Better Buildings Challenge, 2015 Annual Report 2 (2016), http://www.atlantaga.gov/modules/showdocument.aspx?documentid=7445.

[30] City of Atlanta, City of Atlanta Leads the Country with Commercial Buildings Committed to Reducing Energy and Water Use, Aug. 20, 2015, http://www.atlantaga.gov/index.aspx?recordid=3823&page=672.

[31] *Id.*; *see also* Atlanta Better Buildings Challenge, *supra* note 29, at 2.

Atlanta's water conservation efforts have contributed to a significant downward revision in long-term forecasts of water usage in the region, which now predict that metro residents will use 25 percent less water in 2050 than was initially projected in 2009.[32]

2. Gwinnett County

Gwinnett County provides water services to nearly 900,000 residents and is one of the fastest growing areas in the United States.[33] In light of that rapid growth, Gwinnett has invested tremendous resources into the responsible management of water resources. Most notably, the county has spent more than $1 billion to construct the F. Wayne Hill Water Resource Center ("WRC"), which is capable of returning 20 million gallons per day of highly treated wastewater back to the Chattahoochee River and 40 million gallons per day to Lake Lanier.[34] WRC is one of the most technologically advanced water treatment facilities in the world, as it actually returns water to the source cleaner than it was removed originally.[35] At the facility, "water undergoes a stringent treatment process that returns it to an almost pristine state."[36] In 2008, WRC received the National Clean Water Act Recognition Award and the Region IV National Clean Water Act Recognition Award from EPA.[37]

Gwinnett County has also excelled in other aspects of water conservation. It provides customers with a $100 rebate for replacing toilets with WaterSense certified toilets that use only

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[32] Metro Water District, Metro Water District Issues Long-Range Water Demand Forecast, Aug. 26, 2015, http://northgeorgiawater.org/metro-water-district-issues-long-range-water-demand-forecast/.

[33] U.S. Census Bureau, Resident Population Estimates for the 100 Fastest Growing U.S. Counties With 10,000 or More Population in 2010: April 1, 2010 to July 1, 2015, http://factfinder.census.gov/bkmk/table/1.0/en/PEP/2015/PEPCUMGRC.US06.

[34] *See, e.g.*, Metro Water District, Water Supply and Water Conservation Management Plan, *supra* note 2, at 7-4.

[35] Metro Water District, Wastewater in Our Region and Plan, http://northgeorgiawater.org/protect-our-water/wastewater-in-our-region-and-plan (last visited Oct. 21, 2016).

[36] Gwinnett County, 2030 Water and Wastewater Master Plan 32 (2012), https://www.gwinnettcounty.com/static/departments/planning/pdf/2030_water_and_wastewater_master_plan.pdf.

[37] Gwinnett County, Department of Water Resources Annual Report 8 (2008), https://www.gwinnettcounty.com/static/departments/DWR/pdf/FY08_AR_DWR.pdf.

1.28 gallons per flush or less.[38] Since the single family toilet rebate program began in 2008, the county has rebated almost 19,000 toilets (at a cost of over $1.5 million) for an estimated water savings of over 393,000 gallons per day.[39]

Gwinnett maintains a substantial conservation education campaign, targeting residential and business users, as well as children.[40] In 2003, Gwinnett became the first county to be designated as a WaterFirst Community.[41] And it has received national and state awards for water conservation materials and public outreach programs, as well as over 100 awards from the National Association of Clean Water Agencies and GAWP since 2001.[42]

From 2006 to 2015, due to the county's conservation efforts, Gwinnett's average daily water usage went from 87.4 million gallons per day to 68.4 million gallons per day—a decline of more than 20%—despite the county's substantial population increase during that period.[43]

3. City of Gainesville

The City of Gainesville has a population of approximately 38,712 people,[44] and its water

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[38] Gwinnett County, Toilet Rebate Program, https://www.gwinnettcounty.com/portal/gwinnett/Departments/PublicUtilities/WaterConservation/ToiletRebateProgram (last visited Oct. 21, 2016).

[39] Gwinnett County Water Resources, Water Quality Report 3 (2016), https://www.gwinnettcounty.com/static/departments/publicutilities/pdf/2016WaterWords.pdf.

[40] *See, e.g.*, Gwinnett County, Public Education Programs, https://www.gwinnettcounty.com/portal/gwinnett/Departments/PublicUtilities/WaterConservation/PublicEducation (last visited Oct. 21, 2016); Gwinnett County, Water Conservation for Kids, https://www.gwinnettcounty.com/portal/gwinnett/Departments/PublicUtilities/WaterConservation/WaterConservationforKids (last visited Oct. 21, 2016); Gwinnett County, Water Science With Wade Videos, https://www.gwinnettcounty.com/portal/gwinnett/Departments/PublicUtilities/WaterConservation/WaterScienceWithWadeVideos (last visited Oct. 21, 2016).

[41] Ga. Dep't of Cmty. Affairs, WaterFirst Communities, *supra* note 14.

[42] *See* Gwinnett County, State of the County 1 (2015), https://www.gwinnettcounty.com/static/departments/boc/pdf/State_of_the_County_2015_WEB.pdf (Awards of Excellence from National Association of County Information Officers for water conservation brochures; Public Education Award/Best Direct Media from GAWP on water conservation materials); Gwinnett County, Official Statement for Gwinnett County Water and Sewer Authority Series 2011 Bonds, at 27 (June 29, 2011), http://emma.msrb.org/ER482913-ER375706-ER773694.pdf.

[43] *See* Gwinnett County, Water Production Over Time 2 (2016), https://www.gwinnettcounty.com/static/departments/publicutilities/pdf/Water_Production_Over_Time.pdf.

[44] U.S. Census Bureau, Subcounty Resident Population Estimates, *supra* note 9.

utility serves about 133,000 customers.[45] Despite this relatively small size compared to some of its neighboring cities, Gainesville has $125 million in outstanding revenue bonds for water and sewer improvement projects.[46]

This commitment to improving its water system dates back at least to the 1980s, when Gainesville instituted a program to replace 2-inch galvanized water pipes. More than 125 miles of this pipe have been replaced, reducing leaks and the need for flushing. In 2002, Gainesville initiated a meter replacement program, and over 99% of the city's water meters are now automated—at a total cost in excess of $27 million.[47] Since 2003, Gainesville has employed a customer advocate who will troubleshoot problems, including residential water leaks. Gainesville has also employed a dedicated water conservation specialist since 2007.

Gainesville maintains a toilet retrofit program for residential, multi-family, and commercial customers. And it conducts annual water loss audits for the overall system and offers water audits to residential and commercial customers.[48] As a result of these efforts, among others, the city received the 2009 Fox McCarthy Water Wise award from the GAWP in recognition of its outstanding water efficiency program.

4. Cobb County and the Cobb County-Marietta Authority

Cobb County has invested in its water supply infrastructure to ensure water use efficiency and conservation. A formal leak detection program was initiated in 2008, which saved 31

[45] *See* City of Gainesville Public Utilities Department, Annual Report FY15, at 3 (rev. 2016) http://www.gainesville.org/fullpanel/uploads/files/fy15-annual-report-final-web.pdf (hereafter "Gainesville Annual Report").
[46] City of Gainesville, FY2017 Budget, at 171 (2016), http://www.gainesville.org/fullpanel/uploads/files/combined--complete-compressed.pdf.
[47] Gainesville Annual Report, *supra* note 45, at 12.
[48] *Id.* at 30, 43.

million gallons of water in 2014 alone.[49] Cobb County spends between $7 million and $15 million annually in water line replacements and upgrades. In 2010, the county also completed a large-meter replacement program, and efforts to replace smaller meters are ongoing.

The Cobb County-Marietta Authority hired a water conservation specialist in 1988, and instituted a water conservation rate charge in 1992. Cobb County established a tiered pricing structure for residential water customers in 2006, and irrigation is billed at the top tier in an effort to reduce discretionary outdoor water use.

Cobb County has an indoor efficiency program, offering indoor water audit kits, retrofit kits that can save up to 20% on a water user's indoor use, single family and multi-family/lodging toilet rebates; and the "Pick 10 Campaign," which encourages users to choose simple tips that add up to a savings of 10 gallons of water per day.[50] Since 2005, approximately 45,000 kits have been distributed. And, from 2009–2015, Cobb County spent $2.1 million on toilet rebates.

To encourage residents to conserve water for outdoor uses in the spring and summer, the County offers an outdoor efficiency program that includes an Inspect, Direct and Connect to More Efficient Irrigation Program, outdoor tips to reduce water, at home irrigation system audits, best practices for swimming pool water conservation, and an irrigation calculator.[51] Between 10,000 and 15,000 kits have been distributed since 2006.

From 2006–2016, Cobb County has budgeted $5.5 million for conservation and education. The Cobb County Water System Efficiency Program has two full-time staff positions and one part-time position devoted to water efficiency. Cobb County is also an active

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[49] Cobb County Water System, 2014 Implementation Survey 2 (2015), http://documents.northgeorgiawater.org/2014-implementation-report/WSWC_Cobb_County_Water_System.pdf.

[50] *See* Cobb County Water System, Indoor Efficiency, http://cobbcounty.org/index.php?option=com_content&view=article&id=2396 (last visited Oct. 21, 2016).

[51] *See* Cobb County Water System, Outdoor Efficiency, http://cobbcounty.org/index.php?option=com_content&view=article&id=2408 (last visited Oct. 21, 2016).

Environmental Protection Agency ("EPA") WaterSense Partner, participating in activities such as Fix a Leak week, Sprinkler Spruce Up, Shower Better Month, and other campaigns.

These water conservation efforts have been remarkably successful. The average Cobb County resident uses only 70 gallons of water per day.[52] Cobb County also maintains a successful water reclamation effort. For example, the annual average reuse (purple pipe) due to the Northwest Water Reclamation Facility exceeds 32 million gallons per year.[53]

In light of these efforts, Cobb County's efficiency program has earned numerous awards and recognitions. In 2006, it received the National Association of Counties Program of Excellence Achievement Award. The EPA's WaterSense program has identified Cobb as a Promotional Partner of the Year five times since 2009. And in 2015, Cobb received a Gold Designation on the Alliance for Water Efficiency's Water Conservation Program Operation and Management Leaderboard.

B. Columbus Water Works (Middle Chattahoochee Basin)

Columbus Water Works ("CWW") is located within the Middle Chattahoochee Water Planning Region and its sole source of water supply is the Chattahoochee River. CWW provides water collection, treatment, and distribution to a population of more than 250,000 in the area, including Fort Benning, our nation's premier Army training facility.[54]

CWW has demonstrated a substantial and long-term commitment to water conservation efforts. It employs conservation pricing with an increasing block rate for residential water use. Annual water audits are performed using the AWWA and IWA standards. In 2011, CWW began

[52] Cobb County, Indoor Efficiency, *supra* note 50.
[53] *See* Kendall M Jacob & Steven D. Nestor, Leading by Example: Water Recycle and Reuse Opportunities in our Facilities, presented at 2015 GAWP Spring Conference, at 30 (2015).
[54] Columbus Water Works, Who We Are, https://www.cwwga.org/plaintext/aboutus/whoweare.aspx (last visited Oct. 21, 2016).

an $8.4 million project to replace older water meters with automatic read meters (also known as "smart meters"), which help identify sources of water loss.[55] CWW also conducts a variety of water conservation outreach activities, including an annual "Fix-a-Leak" week in which CWW partners with plumbing vendors to promote leak detection and repair.[56]

CWW's water conservation efforts have been remarkably successful. Over the past five years, per capita consumption in the Columbus area has declined 18%.[57] In addition, CWW maintains a high return rate of water withdrawn from the Chattahoochee River. On average over the past ten years, CWW has returned more than 90% of that water back to the river.[58]

These efforts—and their impressive results—have earned CWW accolades from numerous conservation-oriented organizations. Since 2004, CWW has been designated a WaterFirst Community. In 2015, CWW received the National Association of Clean Water Agencies Excellence in Management Platinum Award. This award recognizes water utilities that "have implemented and sustained, for a continuous three-year period, successful programs that address the range of management challenges," including efficiency and environmental protection.[59] And, in 2014, CWW received the Association of Metropolitan Water Agencies ("AMWA") Sustainable Water Utility Management Award. AMWA specifically recognized that

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[55] Mike Owen, *Columbus Water Works customers to see one-month spike in bill*, LEDGER-ENQUIRER (COLUMBUS, GA.), Mar. 18, 2015, http://www.ledger-enquirer.com/news/local/article29434477.html.

[56] Ga. Water Planning & Policy Center at Albany State Univ., *Middle Chattahoochee Regional Water Plan: Assessment of Implementation Status*, June 2014, at 4, http://h2opolicycenter.info/index_htm_files/2014-06-15%20MIDDLE%20CHATTAHOOCHEE%20Regional%20Water%20Plan%20Assessment%20of%20Implementation%20Status.pdf.

[57] CWW Board Review, FY 2016-17 Rate Update, at 9 (2016), https://www.cwwga.org/documentlibrary/488_CWW%20Board%20Presentation_2016_Final_Print_Version.pdf.

[58] *See, e.g.*, Steve Davis, CWW, An Overview of the Columbus Regional Water Systems: Past, Present, Future, Oct. 12, 2016, at 6, https://www.cwwga.org/documentlibrary/489_USACE%20Commander%20Tour%20October%2012,%202016.pdf.

[59] Nat'l Ass'n of Clean Water Agencies, Excellence in Management Award Program, http://www.nacwa.org/index.php?option=com_content&view=article&id=128&Itemid=64 (last visited Oct. 21, 2016). In 2014, the Gwinnett County Department of Water Resources was a silver honoree for this award. *Id.*

CWW "employs active water resource management planning with other stakeholder interests in its basin, tight operational controls, performance measures and a community-wide sewer system to yield a high rate of returned flow, allowing for limited consumptive use."[60]

C. Upper Flint Region

The water management plan adopted in 2011 includes the goal of enhancing public understanding of water resources and improving water quantity.[61] Water management practices for the region include landscape irrigation limits, even–odd watering restrictions for non-irrigation outdoor water uses, public car wash facility regulation, rate structure modifications, and adoption of IWA standards and practices for drinking water providers.[62] In 2012, thirteen large and small public water systems in this region performed water loss audits.[63] At least nine water providers in the region already use tiered water pricing to promote conservation, including five providers that adopted such measures during 2011–2014.[64]

Water providers in the region have installed automated meter reading and advanced metering infrastructure systems.[65] These projects were financed by local funds and with approximately $4 million in Drinking Water State Revolving Fund and Georgia Fund loans.[66] For example, Webster County sought and received a $201,500 GEFA loan for this project,[67]

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[60] AMWA, 2014 Sustainable Water Utility Management Award, http://www.amwa.net/susutainable-water-utility-management-award (last visited Oct. 21, 2016).
[61] Upper Flint Regional Water Plan, at ES-2 and 1-4, Sept. 2011, http://www.upperflint.org/documents/UFL_Adopted_RWP.pdf
[62] *See id.* at 6-3, 6-4, 7-8; Ga. Water Planning & Policy Center at Albany State Univ., *Upper Flint Regional Water Plan: Assessment of Implementation Status*, June 2014, at 3–4, http://h2opolicycenter.info/index_htm_files/2014-06-15%20UPPER%20FLINT%20Regional%20Water%20Plan%20Assessment%20of%20Implementation%20Status.pdf (hereafter "Upper Flint Implementation Report").
[63] Upper Flint Implementation Report, *supra* note 62, at 4.
[64] *Id.*
[65] *Id.* at 3.
[66] *Id.*
[67] Ga. Envtl. Fin. Auth., GEFA Approves Environmental Infrastructure Projects Totaling $3 Million for Five Georgia Communities, Sept. 20, 2011, https://gefa.georgia.gov/sites/gefa.georgia.gov/files/related_files/press_release/092011%20GEFA%20General%20Press%20Release.pdf.

even though Webster has the third lowest county population in the state at 2,648 and has a relatively modest annual budget of $2.3 million.[68]

The Upper Flint region is also home to the Clayton County Water Authority's innovative water reuse program, which discharges treated wastewater into a network of constructed treatment wetlands as the final stage of water reclamation.[69] This program recharges and recycles up to 17.4 million gallons per day and has received several industry awards.[70]

D. Lower Flint-Ochlockonee Region

Since 2011, water conservation projects, such as "smart" water meter installations, water audits, tiered water pricing, and agricultural water efficiency practices have improved water demand management in this region.[71] Although the primary water user in this district is agriculture, local governments are committed to water conservation efforts in their water systems. In 2012, fourteen public water systems in this region performed water loss audits.[72] Four of the small water systems participated in the GEFA technical assistance program in an effort to provide water meter testing, customer meter testing and pilot leak detection.[73] Smart meters that can be used to help identify sources of water loss have been installed by six cities in the region.[74] This project was financed by $7 million in GEFA loans.[75] In addition, at least nine water providers in the region already use tiered water pricing as a demand management tool,

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[68] *See* U.S. Census Bureau, Annual Estimates of the Resident Population for Counties, *supra* note 9; Unified Government of Webster County, Approved 2015 Budget, https://ted.cviog.uga.edu/financial-documents/sites/default/files/Webster%20County%20FY2015%20Approved%20Budget.pdf.
[69] *See* Clayton County Water Authority, Water Reuse, http://www.ccwa.us/water-use (last visited Oct. 21, 2016).
[70] *Id.*
[71] Georgia Water Planning and Policy Center at Albany State University, *Lower Flint-Ochlockonee Regional Water Plan: Assessment of Implementation Status*, June 2014, at 1, 3. http://h2opolicycenter.info/index_htm_files/2014-06-15%20LOWER%20FLINT%20OCH%20Regional%20Water%20Plan%20Assessment%20of%20Implementation%20Status.pdf.
[72] *Id.* at 4.
[73] *Id.*
[74] *Id.* at 3.
[75] *Id.* at 3–4.

including five providers that have adopted conservation rate structures since 2010.[76]

V. Given the Significant Conservation Programs Already in Place, Imposing a Cap on Withdrawals Would Have Substantial Negative Impacts on Local Water Systems

One of the factors that the Special Master should consider is the harm that will result from disrupting established uses. *Colorado II*, 467 U.S. at 316. Many of Georgia's local governments have funded conservation improvements to their water systems through the issuance of revenue bonds. *See* Ga. Const. art. IX, § VI, ¶ I; O.C.G.A. § 36-82-1 *et seq.* However, local governments are restricted in the types of funding that may be used to repay these revenue bonds. The Georgia Constitution prohibits them from using tax revenues to make payments on revenue bonds.[77] Instead, the payment of the financed improvement is based exclusively on revenues collected by the local government in connection with the financed improvements.[78] The resolution authorizing the issuance of bonds may also contain covenants regarding the rates to be charged for the services.[79] Typically, this includes a covenant that the local government will maintain rates to cover or exceed the debt service on all outstanding bonds. Because revenue bonds are long-term financing measures, these obligations may remain in place for decades.[80]

Since 2013, the cities, counties and municipal water authorities in the ACF basin have issued hundreds of millions of dollars in bonds for projects to improve water and sewer

[76] *Id.* at 4.
[77] Ga. Const. art. IX, § VI, ¶ I; *see also* O.C.G.A. § 36-82-66.
[78] *See* O.C.G.A. § 36-82-66.
[79] O.C.G.A. § 36-82-65(a)(1).
[80] *See* O.C.G.A. § 36-82-64 (setting 40-year maximum for maturity of revenue bonds).

systems.[81] At least seven of the cities to incur such bonds are under 5,000 people in population, including the tiny city of Woodbury (pop. 909) which issued revenue bonds in excess of $2.5 million in 2016 for water system improvements.[82]

Since the repayment of revenue bonds may be made only from revenue derived from the water system, if the amount of water sold is decreased, then local governments must increase the rates to make the bond payment and avoid default. If increased rates are unable to generate the revenue needed to repay the bonds, then there is the possibility of default.

Higher water rates resulting from a consumption cap would also harm Georgia's low-income residents. "[B]ecause citizens may not have an alternative to the water service they are currently receiving, and water service is necessary for public health, the issue of affordability of water and wastewater rates remains vital." Stacey Berahzer et al., UNC Envtl. Fin. Ctr., Water and Wastewater Rates and Rate Structures in Georgia, Sept. 2016, at 22, http://www.efc.sog.unc.edu/sites/www.efc.sog.unc.edu/files/2016/GA2016WaterSewerRatesReport_2.pdf. In addition, during times of extreme water shortage, low-income residents will suffer the most. This is particularly troubling in the ACF basin, where the average poverty level is significantly higher than the national average.[83]

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[81] *See* Ga. Dep't of Community Aff., Debt Issuances Reported for Calendar Year 2013, http://www.dca.state.ga.us/development/Research/programs/documents/BondIssuesReported_2013_000.pdf; Ga. Dep't of Community Aff., Debt Issuances Reported for Calendar Year 2014, http://www.dca.state.ga.us/development/Research/programs/documents/BondIssuesReported_2014_000.pdf; Ga. Dep't of Community Aff., Debt Issuances Reported for Calendar Year 2015, http://www.dca.state.ga.us/development/Research/programs/documents/BondIssuesReported_2015_000.pdf; Ga. Dep't of Community Aff., Debt Issuances Reported for Calendar Year 2016 as of 9-27-2016, http://www.dca.state.ga.us/development/Research/programs/documents/BondIssuesReported_CurYTD_9-27-16.pdf (hereafter "2016 Debt Issuance")

[82] 2016 Debt Issuance, *supra* note 81, at 3.

[83] The average poverty level in the entire ACF basin is 22%, with a range of 7.1% in Forsyth County up to 46% in Clay County. *See* U.S. Census Bureau, American FactFinder: Community Facts, http://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml (enter counties and select "Poverty" tab). The official poverty rate in 2015 was 13.5%. U.S. Census Bureau, Income and Poverty in the United States: 2015, http://www.census.gov/library/publications/2016/demo/p60-256.html (last visited Oct. 21, 2016).

A cap on water usage would also jeopardize the ability of local governments to adequately maintain their water systems. Water conservation pricing is in place in most of Georgia's water utilities. This pricing model reduces water use but, if taken past economic thresholds, would have a negative impact on a local government's ability to fund its water system. When rates exceed pricing thresholds, consumers fail to pay their utility bills, causing tax liens on property and urban blight, industry relocation, and residential migration. Communities would face a situation where they could not generate enough revenue from the remaining water users they supply to adequately cover the cost of treating and supplying water, potentially resulting in a water crisis similar to Detroit and Flint, Michigan.[84]

CONCLUSION

In deciding whether to grant Florida the extraordinary relief that it seeks, Supreme Court precedent requires the Special Master to determine whether Florida has proven by clear and convincing evidence all of the elements of its case, including whether Georgia's water use has been wasteful. Amici respectfully submit that Florida cannot meet that burden. Georgia and its cities and counties have engaged in substantial and comprehensive water conservation efforts that go above what is "financially and physically feasible" and "within practical limits" in their stewardship of ACF water resources.

Respectfully submitted this 21st day of October, 2016.

/s/ Robert B. Remar
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[84] *See* Ryan Felton, How Flint Traded Safe Drinking Water for Cost-cutting Plan That Didn't Work, *The Guardian*, Jan. 23, 2016, https://www.theguardian.com/us-news/2016/jan/23/flint-water-crisis-cost-cutting-switch-water-supply; Joel Kurth, Detroiters Struggle to Survive without City Water, *Detroit News*, Dec. 14, 2015, http://www.detroitnews.com/story/news/local/detroit-city/2015/12/14/detroiters-struggle-survive-without-city-water/77263784/.

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No. 142, Original

IN THE
SUPREME COURT OF THE UNITED STATES

STATE OF FLORIDA,
Plaintiff,

v.

STATE OF GEORGIA,
Defendant.

Before the Special Master
Hon. Ralph I. Lancaster

CERTIFICATE OF SERVICE

This is to certify that the foregoing Amicus Curiae Brief of the Georgia Municipal Association, the Association County Commissioners of Georgia, the Georgia Association of Water Professionals, and the Georgia Conservancy has been served this 21st day of October, 2016 in the manner specified below:

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