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January 6, 2015

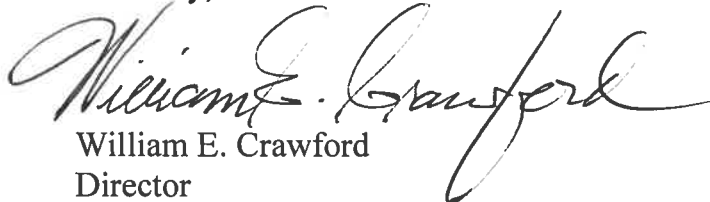
Senator John A. Alario, Jr.
President of the Senate
P.O. Box 94183
Baton Rouge, LA 70804

RE: SR 171 of 2014

Dear Mr. President:

The Louisiana State Law Institute respectfully submits herewith its annual report to the legislature in response to 2014 Senate Resolution No. 171, relative to the creation of a Water Code Committee.

Sincerely,


William E. Crawford
Director

WEC/puc

Enclosure

cc: Senator Dan Claitor

email cc: David R. Poynter Legislative Research Library
drplibrary@legis.la.us
Secretary of State, Mr. Tom Schedler
admin@sos.louisiana.gov

LOUISIANA STATE LAW INSTITUTE

WATER CODE COMMITTEE

**ANNUAL REPORT TO THE LEGISLATURE
IN RESPONSE TO S.R. 171
OF THE 2014 REGULAR LEGISLATIVE SESSION**

Relative to the creation of a Water Code Committee

January 6, 2015

Baton Rouge, LA

**ANNUAL REPORT TO THE LEGISLATURE
IN RESPONSE TO SENATE RESOLUTION NO. 171
OF THE 2014 REGULAR LEGISLATIVE SESSION
RELATIVE TO THE CREATION OF A WATER CODE COMMITTEE**

Senate Resolution No. 171 of the 2014 Regular Session (attached) requested the Louisiana State Law Institute "to create a Water Code Committee in order to develop proposed legislation establishing a comprehensive Water Code that integrates all of Louisiana's water resources." Further, the resolution requires the committee to "provide annual reports to the Legislature not later than February first of each year indicating its status in developing a comprehensive Water Code for Louisiana" This report provides the status of the committee's work to date.

S.R. 171 (2014) was introduced in response to a Louisiana State Law Institute report, submitted on April 4, 2014, in response to S.R. 53 of the 2012 Regular Session, which requested the Law Institute "to study legal issues surrounding groundwater and surface water law and any needs for revision to current law." In its extensive 87-page report, the Water Law Committee of the Louisiana State Law Institute, under the guidance of its Reporter, Professor Dian Tooley-Knoblett, recommended that a further and more comprehensive study of the state's water law be conducted, stating the following on page 87:

Current Louisiana law provides insufficient guidance on the rules that govern the nature and scope of riparian and groundwater rights. Louisiana needs a Water Code that integrates all of its water resources, a Water Code that will enable Louisiana to successfully manage and conserve its water resources as it prepares to face the inevitable challenges that lie ahead. Therefore, it is recommended that the legislature implement the foregoing recommendations and that it entrust this important project to the Louisiana State Law Institute.

In response to S.R. 171 (2014), the Louisiana State Law Institute has appointed Prof. Tooley-Knoblett to serve as the Reporter for the Water Code Committee. Members of the Water Code Committee will include members of the Water Law Committee, as well as other stakeholders as identified in S.R. 171 (2014). Preliminary constitutional law research is being conducted by the Reporter and Law Institute staff. The committee plans to hold its first meeting in the first quarter of 2015. Extensive research is ongoing. As directed, the Law Institute will continue to report the status of the study.

SENATE RESOLUTION NO. 171

BY SENATOR CLAITOR

A RESOLUTION

To urge and request the Louisiana State Law Institute to create a Water Code Committee.

WHEREAS, Senate Concurrent Resolution No. 53 of the 2012 Regular Session of the Legislature requested the Louisiana State Law Institute to conduct a study on surface water and groundwater law in Louisiana; and

WHEREAS, on April 4, 2014, the Louisiana State Law Institute submitted its report to the Legislature in response to Senate Concurrent Resolution No. 53; and

WHEREAS, such report discusses at length the issues, problems, and questions arising from the present state of Louisiana law concerning surface water and groundwater, and concludes by stating:

"The time has come for water law reform in Louisiana. It is recommended that a Louisiana State Law Institute Water Code Committee be created and invested with the responsibility of continuing to study Louisiana's current treatment of running surface water and groundwater, with a view towards the development of a comprehensive Water Code that integrates all of Louisiana's water resources.

The Louisiana State Law Institute recommends that the proposed Water Code Committee be an interdisciplinary committee, composed of academicians, practitioners, scientists with expertise in hydrology, and government representatives with expertise in Louisiana's water resources and the state's existing administrative system of water management.

Current Louisiana law provides insufficient guidance on the rules that govern the nature and scope of riparian and groundwater rights. Louisiana needs a Water Code that integrates all of its water resources, a Water Code that will enable Louisiana to successfully manage and conserve its water resources as it prepares to face the inevitable challenges that lie ahead. Therefore, it is recommended that the legislature implement the foregoing recommendations and that it entrust this important project to the Louisiana State Law Institute."

THEREFORE, BE IT RESOLVED that, in accordance with the above recommendation, the Senate of the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to create a Water Code Committee in order to develop proposed legislation establishing a comprehensive Water Code that integrates all of Louisiana's water resources.

BE IT FURTHER RESOLVED that such Water Code Committee shall be an interdisciplinary committee and shall include academicians, practitioners, landowners, scientists with expertise in hydrology, and government representatives with expertise in

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Louisiana's water resources and the state's existing administrative system of water management.

BE IT FURTHER RESOLVED that such Water Code Committee shall provide annual reports to the Legislature not later than February first of each year indicating its status in developing a comprehensive Water Code for Louisiana, and including as appropriate, specific recommendations in the form of proposed legislation to achieve establishment of a comprehensive Water Code that integrates all of Louisiana's water resources.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the director of the Louisiana State Law Institute.

PRESIDENT OF THE SENATE