

No. 142, Original

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**IN THE  
SUPREME COURT OF THE UNITED STATES**

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STATE OF FLORIDA,  
*Plaintiff,*

v.

STATE OF GEORGIA,  
*Defendant.*

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Before the Special Master  
Hon. Ralph I. Lancaster

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**THE GEORGIA MUNICIPAL ASSOCIATION, THE ASSOCIATION COUNTY  
COMMISSIONERS OF GEORGIA, THE GEORGIA ASSOCIATION OF WATER  
PROFESSIONALS AND THE GEORGIA CONSERVANCY'S MOTION FOR LEAVE  
TO FILE A BRIEF AS AMICUS CURIAE**

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Pursuant to Case Management Order No. 20, the Georgia Municipal Association, the Association County Commissioners of Georgia, the Georgia Association of Water Professionals and the Georgia Conservancy move the Special Master for leave to file an Amicus Curiae brief to provide the Special Master with information regarding the significant efforts of Georgia's cities and counties to preserve the precious water resources in the ACF basin. The Movants believe that information will assist the Special Master in resolving the equitable issues present in this case.

### **THE MISSION AND INTERESTS OF THE MOVANTS**

In Georgia, the responsibility for water development, storage, treatment, purification and distribution, as well as storm water and sewage collection and disposal, is vested in Georgia's cities and counties. *See* Ga. Const. Art. IX, Sec. II, Para. III. This function is largely funded at the local level through a variety of revenue methods including property taxes, special purpose local option sales taxes, fees for service, revenue bonds and general obligation bonds. Both cities and counties operate public water systems that provide the vast majority of the drinking water for Georgia's citizens. Georgia's counties and municipalities have engaged in a range of concerted water management and conservation efforts, including leak detection and repair, conservation pricing, toilet rebate and replacement programs, and customer education and use reduction programs that have driven down per capita water use substantially in the Metropolitan North Georgia Water Planning District. As a result, the cities and counties, and the associations that represent them, are critically interested in this litigation.<sup>1</sup>

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<sup>1</sup> While Movants recognize that proceedings before the Special Master are governed by the Federal Rules of Civil Procedure, they note that under Supreme Court Rule 37, no motion for leave to file an Amicus Curiae brief is required when submitted on behalf of a city or county.

Georgia Municipal Association (“GMA”): Created in 1933, GMA is the only state organization that represents municipal governments in Georgia. GMA’s membership currently totals 521 municipal governments. 157 municipalities that are GMA members are wholly or partially in the ACF basin. The mission of GMA is to anticipate and influence the forces shaping Georgia cities and to provide leadership, tools and services that assist municipal governments in Georgia in becoming more innovative, effective and responsive. GMA and its members have engaged in concerted and sustained efforts to reduce water consumption.

The Association County Commissions of Georgia (“ACCG”): ACCG is a non-profit instrumentality of Georgia’s county governments. ACCG was founded in 1914. All 159 Georgia counties are members. The ACF basin includes 63 of Georgia’s counties. ACCG’s mission is to promote the ability of Georgia counties to provide public services responsibly, efficiently and cost-effectively, including through the provision of quality member services, technical assistance and public awareness. ACCG provides training and tools to assist in the implementation of policies, programs, practices and outreach which promote the wise use of water resources.

Georgia Association of Water Professionals (“GAWP”): 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. Since 1932, GAWP has provided training, education, professional development and promoted sound public policy in the water resources field. GAWP members include those that operate treatment plants and water systems, maintain infrastructure, conduct lab tests and serve Georgians in the delivery of safe drinking water, including in the ACF basin. GAWP assists state and local governments in providing technical training and education in the development of water conservation

programs, including loss control and leak abatement, water system audits, water use efficiency programs, advanced water loss prevention, technical conferences and public education focused on water conservation and water efficiency. GAWP promotes the conservation of Georgia's water resources, including in the ACF basin.

The Georgia Conservancy (the "Conservancy"): The Conservancy is a statewide, member-supported conservation organization. It works for land conservation, environmental advocacy, coastal protection, sustainable growth and outdoor stewardship in recognition of the connection between the environment, the economy and quality of life. Its mission is to protect and serve Georgia's natural resources through advocacy, engagement and collaboration. 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. The Conservancy recognizes that water is a public resource that should be used efficiently and properly managed. The Conservancy works to promote water conservation efforts in Georgia, including in the ACF basin.

### **CONTENTS OF THE PROPOSED BRIEF**

If granted leave to file, the Movants' brief would provide the Court with the following to ensure a complete presentation of the issues:

1. Information and data on conservation efforts at the local government level in the ACF basin. Georgia's cities and counties understand the importance of wise water management and, therefore, purposefully invest in water conservation and efficiency efforts which, as will be discussed in the brief, include leak detection and abatement, conservation pricing, infrastructure investments, public education and water use reduction initiatives and other measures that have been recognized as best-in-class water conservation strategies. These public resources are spent

in spite of the fact that decreasing water use also decreases the revenue available for cities and counties to pay the debt on water infrastructure bonds and loans;

2. Information regarding the positive impact of water conservation and efficiency programs on the ACF basin, including substantial reductions in per capita water use and total water withdrawn even as population in the ACF basin has significantly increased. In metropolitan Atlanta in particular, per capita water use has dropped by more than 30 percent since 2000. Since 2001, total water withdrawn has decreased by more than ten percent, despite a twenty percent increase in population; and

3. Information on the specific impact that a cap on Georgia's water use would have on cities and counties and their citizens in the ACF basin. In particular, local governments have significant bonded indebtedness tied to water supply infrastructure and a consumption cap would jeopardize those investments.

Movants respectfully submit that these issues are properly considered by the Special Master in this equitable apportionment proceeding. Movants therefore respectfully request that the Special Master grant them leave to file an Amicus Curiae Brief.

Respectfully submitted this 16<sup>th</sup> day of September, 2016.

*/s/ Robert B. Remar*

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**CERTIFICATE OF SERVICE**

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This is to certify that the foregoing The Georgia Municipal Association, The Association County Commissioners of Georgia, the Georgia Association of Water Professionals and the Georgia Conservancy's Motion For Leave To File A Brief As Amicus Curiae has been served this 16<sup>th</sup> day of September, 2016 in the manner specified below:

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