

In the
Supreme Court of the United States

STATE OF FLORIDA,
Plaintiff,

v.

STATE OF GEORGIA,
Defendant.

ALABAMA’S MOTION FOR LEAVE TO FILE PRETRIAL *AMICUS CURIAE* BRIEF

The State of Alabama respectfully seeks permission to file a pretrial *amicus curiae* brief by October 21, 2016. In support of this motion, Alabama offers the following considerations.

I. Interest of amicus

As Alabama stated in its previous *amicus* filing in this case, Alabama has substantial interests in the Alabama-Chattahoochee-Flint River Basin. *See* Ala. Amicus Br. Regarding Non-Joinder at 2-7 (filed May 1, 2015). The Chattahoochee River sits on Alabama’s eastern border, downstream from metropolitan Atlanta, and water from that river basin flows through Alabama’s sovereign territory. *See id.* Alabama has not needed to intervene as a party here because neither Georgia nor Florida has asserted any claim against Alabama. *See id.* at 10-11. Of particular importance, neither has sought to require Alabama to satisfy any minimum-flow requirement in the

Chattahoochee River in this forum. *See id.* at 8. Yet if Florida obtains a cap on Georgia's withdrawals from the Chattahoochee River Basin in this case, Alabama likely would benefit from the enhanced flows that would result. Alabama's experience may provide the Court with helpful context as it assesses Florida's claims against Georgia and the proper scope of relief.

II. Proposed content of pre-trial amicus brief

Alabama's brief would offer factual, historical and legal context about disputes over the ACF Basin. First, Alabama would recount its interests in the Chattahoochee River and the uses to which it has put the basin's waters. Second, Alabama would offer its perspective on the history of disputes over the Chattahoochee River. That history includes the litigation involving Alabama, Florida, and Georgia that has implicated not only the ACF Basin but also the Alabama-Coosa-Tallapoosa River Basin. Third, Alabama would provide its perspective about the current state of the Chattahoochee River and recent developments that have affected Alabama's interests. Those developments include the Corps' publication of a draft manual for the ACF basin, the Corps' proposed allocation of water from Lake Lanier for Georgia's water supply, and the respective objections of both Georgia and Alabama to the draft manual. Fourth, building on this Court's ruling that Alabama is not a required party in this case, Alabama's proposed brief would describe how

the Court could apply equitable-apportionment principles and fashion relief that would not impair Alabama's interests in the Chattahoochee River Basin.

III. Conclusion

Alabama respectfully requests leave to submit its proposed *amicus* brief on or before October 21, 2016.

Respectfully submitted,

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Before the Special Master
Hon. Ralph I. Lancaster

CERTIFICATE OF SERVICE

This is to certify that the foregoing Motion for Leave to Submit Amicus Brief has been served this 16th day of September, 2016, in the manner specified below:

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