

Florida v. Georgia, 138 S. Ct. 2502 (2018)

Florida Prevails in Water Fight Against Georgia at United States Supreme Court

The United States Supreme Court recently [issued an opinion](#) that revived Florida's claims against Georgia to a fair share of water flowing into the Apalachicola Bay from the Apalachicola, Chattahoochee, and Flint Rivers. Florida and Georgia have long disputed the apportionment of water each state could use from the rivers, leading Florida to file its current lawsuit in 2013.

The three rivers essentially form a "Y," with the Chattahoochee River forming the northwesterly branch and the Flint River forming the northeasterly branch. The Chattahoochee and Flint Rivers meet at Lake Seminole, where the water flows south through the Apalachicola River and in to the Apalachicola Bay. Florida has long argued that Georgia was consuming more than its fair share of the water, causing low levels of water flow into the Apalachicola Bay. As a result, the low water flows from the Apalachicola River threaten the viability of key species in the Apalachicola Bay, like oysters. Georgia argued it should not have to cap its consumption because it simply isn't consuming too much water.

The Supreme Court appointed a Special Master to preside over the case, who ultimately issued a report recommending the Court dismiss Florida's complaint in 2017. By then, the parties had generated 7.2 million pages of documents and conducted nearly 100 depositions. Florida challenged the Special Master's recommendation and the Court reversed, siding with Florida. In doing so, the Court held the Special Master failed to make key factual findings in its recommendation and report, and that the Special Master had applied "too strict a standard" when he determined the Court would not be able to fashion an appropriate remedy.

While the Court handed Florida a partial victory in sending the case back to the Special Master, it did not definitively decide the case. Rather, the Court sent the case back to the Special Master to determine whether a cap on Georgia's water consumption in the Flint River would appreciably benefit Florida, leaving the final outcome to be decided on a later day.