

Case Study: State Government vs. State Government Dispute

Under Article III, Section II of the U.S. Constitution, “*The judicial Power shall extend... to Controversies between two or more States.*” This means the United States Supreme Court is given original jurisdiction (ability to hear a case in the first instance) to settle a dispute between two or more states.

Florida and Georgia have long been at odds over the use of water resources from the Apalachicola-Chattahoochee-Flint river basin. This watershed encompasses large parts of Florida, Georgia, and Alabama, and is a critical source for agricultural and municipal water throughout the region.

The focus of this interstate dispute centers on the Chattahoochee River. This river rises in northern Georgia and flows south. It forms part of the border between Georgia and Alabama before it enters Florida. At the Florida border, the Chattahoochee River joins the Flint River and becomes the Apalachicola River. The Apalachicola continues south and empties into the Apalachicola Bay in the Gulf of Mexico.



Florida is at odds with Georgia over its water consumption from this river system. Florida claims Georgia’s excessive consumption has reduced the freshwater flow to the Apalachicola River and Bay, resulting in lower water quality, loss of aquatic habitat, and the collapse of the region's oyster industry.

Because the two states could not come to an agreement, in 2013, Florida sued Georgia in the U.S. Supreme Court. Florida sought to limit Georgia's water usage to secure a larger share of the river basin's water supply. Florida argued that Georgia's overconsumption of this water was causing irreparable harm to its ecosystems and economy.



After eight years of litigation, in 2021, the Supreme Court ruled in favor of the State of Georgia. The Court explained Florida had not met its burden of proof in claiming that Georgia's water usage was causing irreparable harm to its ecosystems and economy and therefore could not conclude that Georgia’s level of water use was to blame.

Despite the Court’s ruling, Florida and Georgia continue to negotiate for the purpose of finding a suitable compromise on how the river basin’s water should be shared between them.

The Florida-Georgia water rights dispute is an example of how federalism works in addressing challenges that arise between states. Resolving such disputes requires cooperation among the affected states, as well as federal authorities to balance the competing interests between the affected parties.

Adapted from: <https://www.jstor.org/stable/42842886>

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