



Herbert H. Slatery III Attorney General & Reporter

FOR IMMEDIATE RELEASE
November 22, 2021
#21-46

CONTACT: Samantha Fisher
615.741.5860
Samantha.Fisher@ag.tn.gov

AG SLATERY PRAISES UNANIMOUS SUPREME COURT RULING IN FAVOR OF TENNESSEE IN GROUNDWATER DISPUTE

Nashville- Attorney General Herbert H. Slatery III released the following statement in response to a unanimous ruling this morning from the United States Supreme Court in *Mississippi v. Tennessee, et al.* in favor of Tennessee:

“Private lawyers in Mississippi started this water fight - claiming, in a rather novel theory, that its portion of an aquifer spanning eight states was an *intrastate* resource it owned exclusively. And because it owned the water, Tennessee and the other defendants owed Mississippi over \$600 million in damages for pumping water from the aquifer. We appreciate the unanimous ruling from the Court. We now have some finality. It’s a clear victory for Tennessee on all issues, and for all states who share underground water resources. We appreciate the countless hours invested in this case from attorneys in our Office and especially those we called upon with special expertise in this particular area of the law.”

Mississippi initiated the lawsuit against Tennessee, the City of Memphis and Memphis Light, Gas & Water (“MLGW”) for damages related to the pumping of groundwater by the City of Memphis from the Middle Claiborne Aquifer, which lies beneath eight states. It has been making these claims since 2005 in one form or another.

In the lawsuit, Mississippi rejected any equitable apportionment solution, which is the normal, recognized way for handling water disputes between states. Equitable apportionment was long ago established by the U.S. Supreme Court when water resources like rivers cross state lines and are shared by multiple states. But Mississippi just sought damages, over \$600 million in amount.

The Court rejected Mississippi’s claims, saying that while “each State has full jurisdiction over the lands within its borders...such jurisdiction does not confer unfettered ‘ownership or control’ of flowing interstate waters themselves.”

To read the Court’s ruling, click here:

https://www.supremecourt.gov/opinions/21pdf/143orig_1qm1.pdf

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