

## **Ripple Effect #9**

### **Whose Water Is It?**

In the Red River Basin, where there are three states (North Dakota, Minnesota, and South Dakota), and one province (Manitoba), allocating our water resources, it is understandable that we can expect potential problems to arise, particularly during times of extreme drought. And, as the current summer continues to bring with it one of the more severe droughts that the Great Plains has seen in decades, disputes among the Red River Basin's jurisdictions over allocation of increasingly scarce water resources may begin to arise sooner than later.

To understand why potential conflicts over water allocation may occur, and to impress upon the basin's residents the importance of cooperation among the various jurisdictions, one must first understand the differences that exist in how our water resources are allocated.

Manitoba, North Dakota, and South Dakota all allocate water based on the Prior Appropriation Doctrine. Very simply, prior appropriation can be summed up by the phrase – first in time, first in right. What this means, is that the first person, company, or community etc, to get permitted for a beneficial use of water, has priority over others that are awarded permits after them, or later in time. For example, if there were two irrigators drawing water out of a stream, one who received a permit in 1940 and the other in 1960; the irrigator with the permit from 1960 would be required to stop pumping if the normal flow of the stream was not sufficient enough to provide enough water to the 1940-dated permit holder.

In Minnesota, a very different means of allocating water is recognized, called the Riparian Doctrine. Under this legal framework, only landowners with water flowing through, or adjacent to their own property, and that put the water to beneficial use, may lay claim to the water, and be awarded a permit.

As you can see, the differences between the Prior Appropriation and Riparian Doctrine concepts have the potential to raise the important question of who gets water and when between the Red River Basin's jurisdictions, should our water supplies run short. During past droughts, such as the one that afflicted this region in the late 1980s, all four jurisdictions found ways to cooperate and work together to ensure that there was enough water to go around. Recognizing that this issue still exists today, and even to a greater degree with more people living here than ever, the Red River Basin Commission has encouraged and facilitated

dialogue between Manitoba, Minnesota, North Dakota, and South Dakota, to proactively address these potential conflicts, before they arise.

Until the next Ripple Effect,

The Red River Basin Commission (RRBC)

*The RRBC is a grassroots organization that is a chartered not-for-profit corporation under the provisions of Manitoba, North Dakota, Minnesota, and South Dakota law. Our offices in Moorhead, MN and Winnipeg, MB can be reached at 218-291-0422 and 204-982-7254, or you can check out our website at [www.redriverbasincommission.org](http://www.redriverbasincommission.org).*