Foreword to Water Law in a Changing Climate

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Without water, life is not possible. And due to climate change, water is changing, and life along with it. In 2010, the United Nations acknowledged the importance of water by adopting the human right to water and sanitation. It also declared access to water “essential for the full enjoyment of life and all human rights.” Recognizing water’s importance, the U.N. has declared 2018–2028 as the decade of “Water for Sustainable Development” and stated that “[c]limate change is primarily a water crisis.” Climate change impacts all aspects of water from precipitation, river flow, groundwater, and sea levels, resulting in increased droughts and extreme weather events. Once predictable and stable resources have become uncertain in a changing climate. As a result, our laws face new challenges and must answer new questions, and they need to adapt. The William & Mary Environmental Law and Policy Review symposium “Water Law in a Changing Climate” highlighted the various issues and challenges facing our legal system when it comes to water. Our symposium consisted of experienced panelists and presenters with diverse expertise who each elaborated on the various issues and challenges facing water law in a changed climate.

Our first panel discussed how water is impacted by climate change and what potential issues our legal system will have to address. Climate change is changing the practice of law.
change has resulted in less predictable, less available, and more polluted water sources.10 Our panelists discussed these and other new challenges that our laws were not crafted to handle, which is reviewed at greater length in Fights over Continuity—in Life and Law11 and Adapting Seasonal Water Rights.12 This panel consisted of a variety of environmental and water law professors who highlighted various issues the United States faces and what our laws are currently doing to address them.

During our symposium, we also held multiple presentations on environmental justice that highlighted different groups specifically affected by the change in water.13 While climate change is broadly felt, its burdens fall on some more than others. It is therefore important to establish and build in equitable safeguards to water management, detailed in greater length in Environmental Justice, Resilience Justice, and Watershed Planning.14 In particular, Native Americans have historically been excluded from discussions regarding water law.15 Tribes each bring unique perspectives when addressing climate change and face unique challenges in accessing water, detailed in more depth in Quantifying

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10 Water and Climate Change, supra note 4.
Winters Rights\textsuperscript{16} and Tribes and Water in the Wake of Navajo Nation and Sackett: Treaties, Winters, Montana, and Rights of Nature.\textsuperscript{17}

Our second panel focused on groundwater management.\textsuperscript{18} Groundwater is a major source of U.S. drinking water and is essential for mitigating the impact of droughts.\textsuperscript{19} However, in many parts of the country, groundwater is being depleted faster than it can be replenished.\textsuperscript{20} Panelists, all of whom have worked on various groundwater legal issues, emphasized the difficulty in passing conservation legislation when the science surrounding groundwater is sometimes inaccurate and difficult to quantify.

This year’s symposium examined the various issues facing a crucial resource for human survival, water, and what legal solutions are available. “Water Law in a Changing Climate” also emphasized the importance of water as a resource and the need for our laws to adapt to a changed climate. It is the hope of the Editorial Board to bring attention to the various issues currently facing water law and do our part in this international decade for action.

\textsuperscript{16} Rhett B. Larson, Quantifying Winters Rights, 48 WM. & MARY ENV’T L. & POL’Y REV. 659 (2024).
\textsuperscript{17} Robin Kundis Craig, Tribes and Water in the Wake of Navajo Nation and Sackett: Treaties, Winters, Montana, and Rights of Nature, 48 WM. & MARY ENV’T L. & POL’Y REV. 687 (2024).
\textsuperscript{20} See, e.g., id.