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A Tribute

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A TRIBUTE

LEWIS B. JONES*

As a practicing water lawyer, I was both humbled and delighted to be asked to offer a tribute to professor Dan Tarlock on the occasion of his retirement after a long and distinguished career. I can think of no other academic whose work I have consulted as regularly or who has had a greater impact on matters within my immediate experience. It is a remarkable achievement for any lawyer to be so influential both in academia and in the real world.

One reason for my particular affinity for Professor Tarlock is that I practice in the Southeast, having spent most of the past twenty years representing water supply providers in metropolitan Atlanta in the “water wars” between Alabama, Georgia, and Florida. Like many lawyers involved in this and other eastern water disputes, I came to this practice with little grounding in the complexities or traditions of water law. It is in this context that Professor Tarlock and his writings have been invaluable to me. The *Law of Water Rights and Resources*¹ has been a steady companion.

I appreciate Professor Tarlock’s work because it is not only comprehensive and thorough, but also insightful. For example, I first encountered Professor Tarlock many years ago, through his article *The Law of Equitable Apportionment Revisited, Updated, and Restated*,² which discusses *Colorado v. New Mexico*,³ the last major equitable apportionment dispute to be decided by the Supreme Court. Upon rereading this article many years later, as I was preparing an amicus brief to be filed in *Florida v. Georgia*,⁴ I was chagrined to discover that my own hard-won insight into that opinion—an insight that I believe to be clearly correct, but commonly misunderstood—was in fact suggested by Professor Tarlock in that article more than thirty years ago. I had absorbed his analysis so completely that I mistook it for my own.

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1. A. DAN TARLOCK, *LAW OF WATER RIGHTS AND RESOURCES* (2017 ed.).
2. A. Dan Tarlock, *The Law of Equitable Apportionment Revisited, Updated, and Restated*, 56 COLO. L. REV. 381 (1985).
3. 459 U.S. 176 (1982).
4. No. 18-142, 2018 WL 321706 (U.S. oral argument heard Jan. 8, 2018).

Since then, I have had the good fortune of collaborating with Professor Tarlock. He was the ideal sounding board and guide. Without fail, he shaped and improved our positions—always grounding them in the context of other disputes and his deep understanding of the Court’s decisions—and always with his characteristic smile and his practical, balanced, and principled approach to water law.

But Professor Tarlock brings far more than the deep knowledge of state water laws and the Supreme Court’s decisions in interstate water disputes. Indeed, one cannot help but be struck by both the breadth and depth of his knowledge, and the tendency to encounter Professor Tarlock at the leading edge of many different subjects. For instance, in my representation of the National Water Supply Alliance, a membership organization focused on the water supply program and policies of the United States Army Corps of Engineers, I discovered (once again) that Professor Tarlock has played a leading role, in this case through his service to a standing committee of the National Research Council to advise the Corps on multiple issues, including revisions to the *Principles and Guidelines* that federal agencies use to evaluate and prioritize our Nation’s investment in water resources projects. We have all benefited from his generosity in using his unique knowledge and experience to contribute to such efforts, and thus to improve the management of our nation’s resources.

We will miss Professor Tarlock when he retires, but his contributions will be enduring. As the next generation of water lawyers search for innovative solutions to difficult problems—and to adapt old laws to new circumstances and new challenges—I have no doubt that Professor Tarlock’s work will continue to guide their thinking, just as it has mine.