Water Valuation and its Impact on Decision Making

Amy Hardberger Associate Professor of Law St. Mary's University "When the well is dry, we know the worth of water."

-Benjamin Franklin

"Only what is rare is valuable, and water, which is the best of all things . . . is also the cheapest.

- Plato



The Paradox of Value

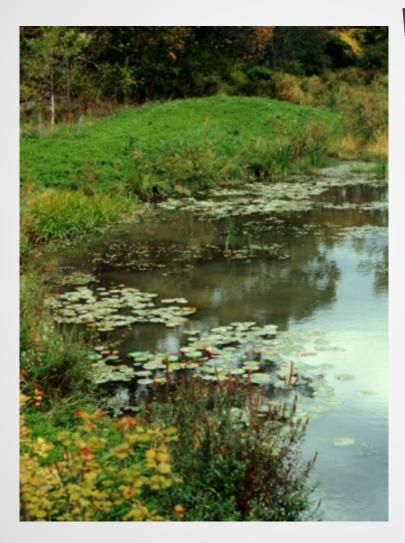
Adam Smith's diamond—water paradox

- Value in use
- Value in exchange





Water = Life





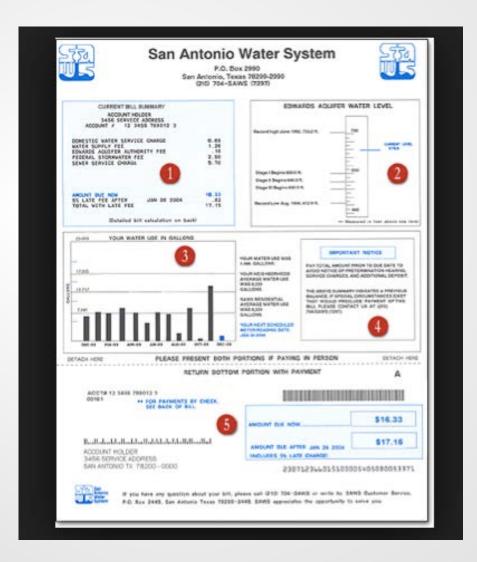
What is the goal?

- Source protection and Resilience?
- Property rights?
- Highest value use?
- Efficiency?

Intrinsic Valuation in Water Law

- Public trust doctrine
- Prior appropriation
 - First in Time
- Beneficial use
 - Based on changing societal values (e.g., recreation, e-flows)
 - Standards of Use
 - Efficient, Reasonable & Non-wasteful
- Prioritization of Use Types
- Rule of Capture

Extrinsic Valuation: Putting a Price on Water



The Potential Power of Markets





Physical Market Challenges

- Marketplace
- Transportability
- Substitutability
 - For itself
 - For something else
- Regulatory limitations
- Reactivity
- Scientific reality

Other "Values" in the Mix

Environment

- Endangered Species
- Environmental Flows

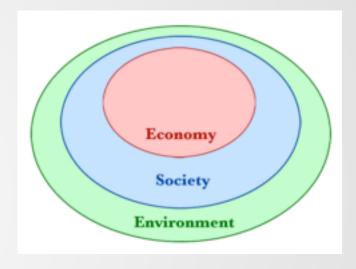
Aesthetic

Recreation

Cultural/Religious

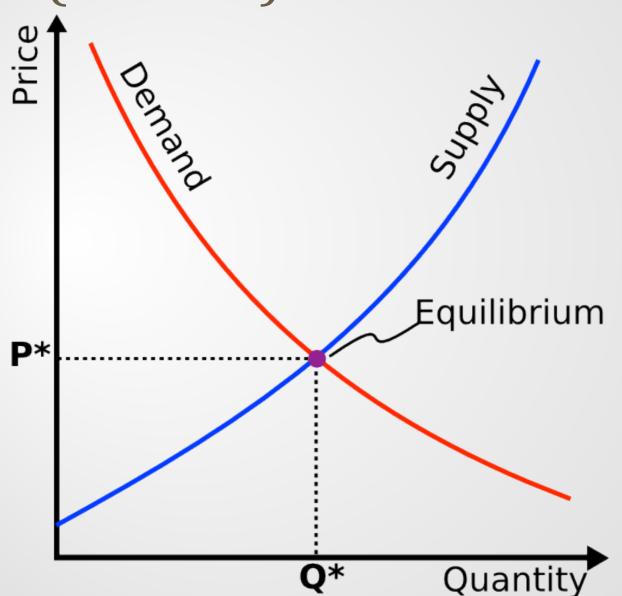
Scarcity

Climate change/drought

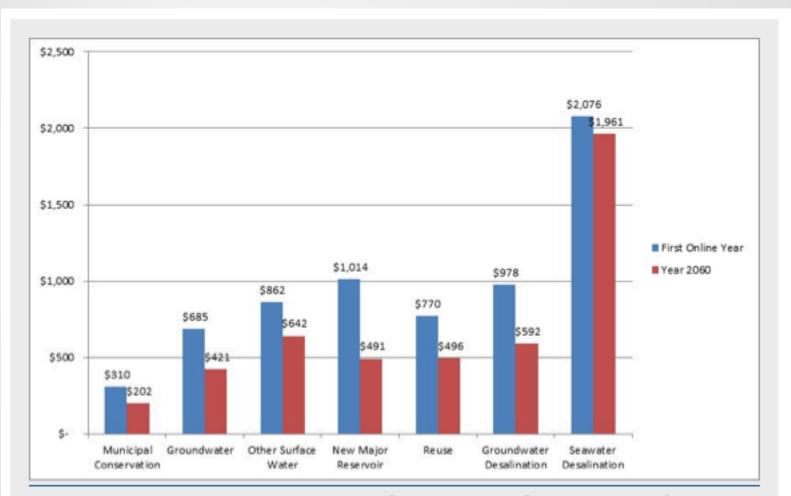


The waters in the sky, the waters of rivers, and water in the well whose source is the ocean, may all these sacred waters protect me.

The (Current) Power of Price



Flipping the Economic Model

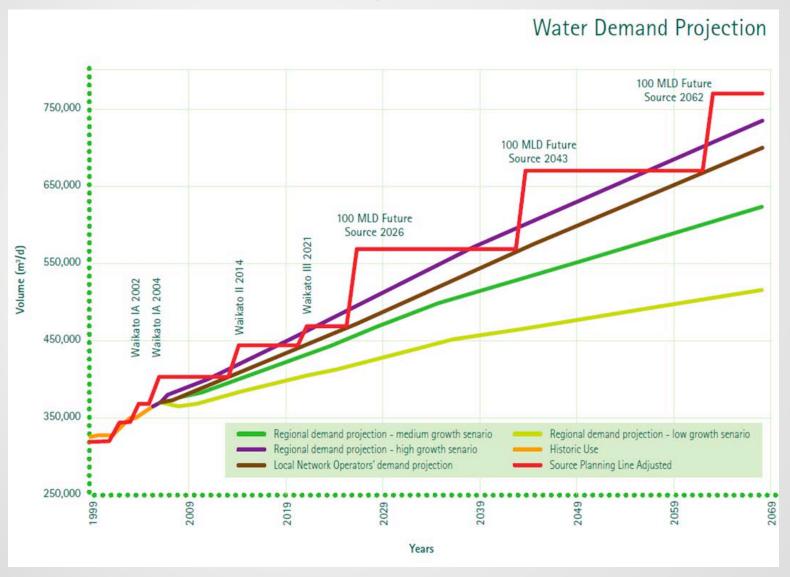


-source 2012 Texas Water Development Board State Water Plan

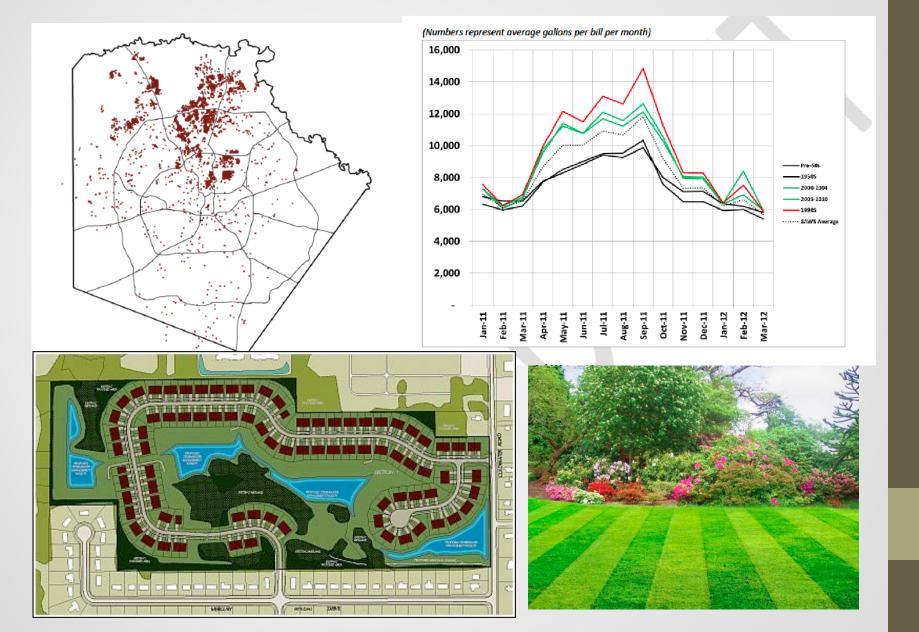
Alternatives



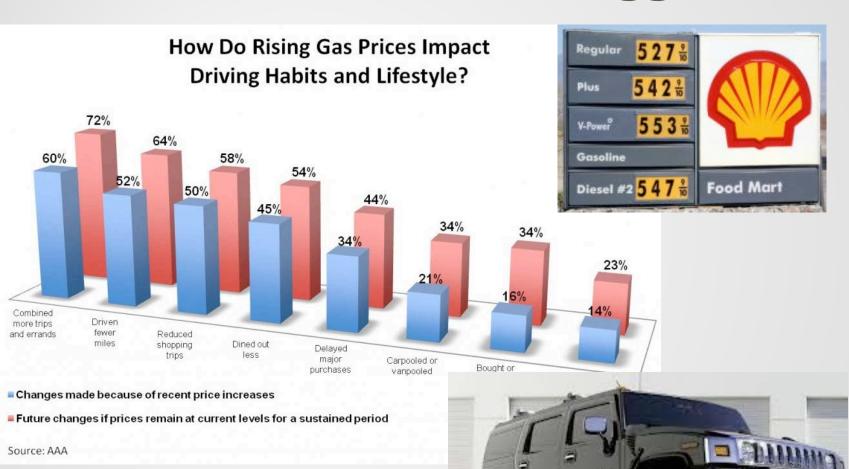
Understanding Demand



Land Use and Elasticity of Demand

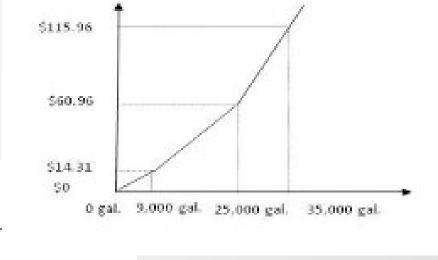


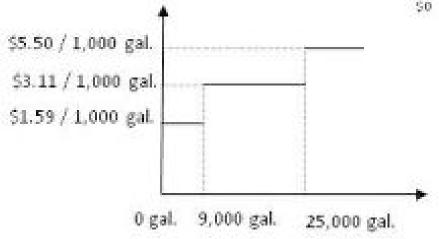
Price as a Behavior Trigger



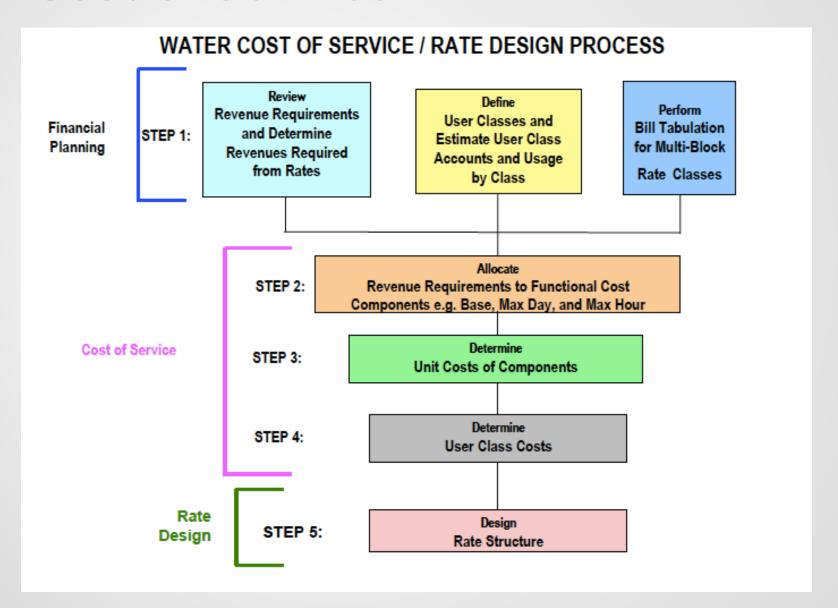
"Conservation Oriented" Pricing

- Double Supply Curve
 - Infrastructure
 - Supply





Cost of Service



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