

## Court Rejects Overly Strict Standard Used By Special Master In State Dispute Over Water Rights

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In an original proceeding brought by Florida against Georgia in a dispute over water apportionment from an interstate river basin, the Court referred the matter to a Special Master for evidentiary proceedings. Florida, as the downstream state, argued that Georgia was using more than its fair share of the water from the basin, thereby harming wildlife in Florida. Ultimately the Special Master recommended that the Court dismiss Florida's suit on the basis that the Court would not be able to fashion an appropriate equitable decree. The Court, in a 5-4 decision by Justice Breyer, reversed, holding that the Special Master applied too strict a standard in coming to that conclusion. Instead of requiring Florida to prove with specificity the details of a workable decree by clear and convincing evidence, Florida only needed to show, under the principles of flexibility and approximation, that it is likely to prove possible to fashion such a decree. The Court declined to opine on how the case should ultimately be disposed, sending the case back to the Special Master for further findings. Justice Thomas, joined by Justices Alito, Kagan, and Gorsuch, dissented, arguing that the Special Master's conclusion was well-supported by the evidence presented at trial, and thus should have been upheld. A link to the opinion in *Florida v. Georgia* is [here](#).

**TAGGED:** [scotus](#), [Strict Standard](#), [Special Master](#), [Water Rights](#), [Original Proceeding](#), [Florida v. Georgia](#)