

Water Law Review

Volume 21 | Issue 2

Article 1

1-1-2018

Vol. 21, no. 2: Front Matter

Water Law Review

Follow this and additional works at: <https://digitalcommons.du.edu/wlr>

Custom Citation

21 U. Denv. Water L. Rev. [i] (2018).

This Front Matter is brought to you for free and open access by the University of Denver Sturm College of Law at Digital Commons @ DU. It has been accepted for inclusion in Water Law Review by an authorized editor of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, dig-commons@du.edu.

K
25
.N364
2018
v.21 no.2



NON-CIRCULATING

UNIVERSITY OF DENVER

WATER LAW REVIEW

ARTICLES

The Emerging Human Right to Water in
International and Domestic Law

Dr. Waseem Ahmad Qureshi

Realising the Human Right to Water: A Conflict
Between Realisation and Implementation—
The South African Experience

Hadrian Tulk

A Report Card: Progress Under California's
Sustainable Groundwater Management Act (SGMA)

Lynn M. Forsythe, Ida M. Jones, and Deborah J. Kemp

The Fog Catchers: The Rise of Property Beyond the
Cost-Benefit Approach

Guillermo Arribas Irazola

BOOK NOTE

Let There Be Water: Israel's Solution for a
Water-Starved World

CASE NOTE

New Rules in the Land of Cool Sunshine

LEGISLATIVE REPORTS

CONFERENCE REPORTS

COURT REPORTS

RECEIVED

AUG 09 2018

University of Denver
Law Library

Volume 21/Issue 2/Spring 2018

Univ. of Denver Law Library



018602 3107033

Copyright © 2018 by the
WATER LAW REVIEW
University of Denver (Colorado Seminary)
Sturm College of Law
WATER LAW REVIEW
is published twice annually
at the University of Denver, Sturm College of Law

Annual Subscriptions:

Institution/professional rate \$40.00
Student rate \$20.00

Please address subscriptions to:
Business Editor
Water Law Review
University of Denver Sturm College of Law
2255 East Evans Avenue
Denver, Colorado 80208 USA
Telephone: (303) 871.6223
Facsimile: (303) 871.6503
<http://www.duwaterlawreview.com>
wlr@law.du.edu

Subscriptions will renew automatically unless timely notice of termination is received. The Water Law Review welcomes inquiries concerning its tax-deductible donor program.

Single Issues:

Institution/professional rate \$25.00
Student rate \$15.00

For single volumes, bound sets, and microfilm, contact:
William S. Hein & Company, Inc.
2350 North Forest Road, Getzville, NY USA
Telephone: (800) 828.7571

The opinions and conclusions expressed in this volume are solely those of the authors and do not necessarily reflect the views of the University of Denver Sturm College of Law or the Water Law Review. This publication is presented with the understanding that neither the publishers nor the authors are engaged in rendering legal or other professional services. In no event, including negligence on the part of the authors, reviewers, or the publisher, will the authors, reviewers, or the publisher be liable for any direct, indirect, or consequential damages resulting from use of this material.

ISSN # 1521 – 3455
Cover and logo by Lee Demary

MANUSCRIPT SUBMISSION GUIDELINES FOR AUTHORS

EDITORIAL POLICY

The Water Law Review welcomes the submission of articles of timely interest to the water law community. Articles should discuss topical issues in water law and related areas, such as environmental and natural resource law, and land use. They should provide an original, analytical, and in-depth treatment of the issue rather than a summary of previous research efforts. Anonymous peer review of articles is available upon request. In addition to articles, the Water Law Review also invites submissions of shorter works, such as book reviews, commentaries, and bibliographies.

STYLE

Articles should be well organized, concisely written, and presented in an articulate and scholarly manner. Accordingly, authors should minimize their use of direct quotes.

FORMAT

Manuscripts considered for publications must be typed, double-spaced, and formatted to fit on 8½ x 11 paper. The text should be broken into appropriate headings and subheadings and should conform to the Chicago Manual of Style (16th ed. 2010). Citations to references and authorities should be contained in footnotes. Footnotes may also include elaboration on points raised in the text or references to research sources pertaining to points peripheral to those discussed in the text. Footnotes must conform with *The Bluebook: A Uniform System of Citation* (20th ed. 2016), published by the Harvard Law Review Association. Footnotes should be current as of the date of submission. Send hardcopy submissions to: University of Denver Water Law Review, 2255 East Evans Avenue, #447, Denver, Colorado, 80208. Email electronic submissions, as an attached file in Microsoft Word format, to wlr@law.du.edu.

The Water Law Review will accept submissions at any time. For consideration for publication in the spring journal, submissions should be received by November 1 of the prior year. For consideration for publication in the fall journal, submissions should be received by August 1.

UNIVERSITY OF DENVER
WATER LAW REVIEW

VOLUME 21

ISSUE 2

SPRING 2018

EDITORIAL BOARD

Editor-in-Chief

SARAH RICE

Managing Editors

VANN ELLERBRUCH

STEPHEN KLEIN

Production Editor

JOSH ODÉN

Symposium Editor

LINDSEY RATCLIFF

Business Editor

KOLE KELLEY

Sources Editor

CONNOR PACE

Online Content Editor

JOSH BOISSEVAIN

Articles Editors

TUCKER ALLEN

ALICIA GARCIA

TREVOR LAMBIRTH

ERICA MONTAGUE

TRAVIS PARKER

Legislative Reports Editor

N. RIOUX JORDAN

Court Reports Editors

MARGARET CASEY

TINA XU

Outreach Editor

REBECCA SPENCE

SENIOR STAFF EDITORS

GIA AUSTIN
KRISTINA ELLIS
JEREMY FRANKEL

RYAN HULL
MICHAEL LARRICK
MEGAN MCCULLOCH
CHRISTOPHER MCMICHAEL

KATE MAILLIARD
GRACEN SHORT
ALEXANDRA TRESSLER

STAFF EDITORS

CAMILLE AGNELLO
KATHLEEN ARSENAULT
JULIA BOWMAN
JOSEPH CHASE
SYDNEY DONOVAN

ANDREA HAGLER
ALIA HALEY
JOSHUA HORMAN
GARRETT KIZER
HALEY MCCULLOUGH

ELAINE NOLEN
NATALIE NORCUTT
GIANNI PUGLIELLI
ELIZABETH TROWER

FACULTY ADVISORS

TOM I. ROMERO, II, ASSOCIATE PROFESSOR, ASSISTANT PROVOST OF IE RESEARCH AND CURRICULUM INITIATIVES

JUSTICE GREGORY J. HOBBS, JR., CO-DIRECTOR, ENVIRONMENTAL AND NATURAL RESOURCES LAW
PROGRAM AND DISTINGUISHED JURIST IN RESIDENCE

JUSTIN PIDOT, ASSOCIATE PROFESSOR WITH TENURE

ADVISORY BOARD

2017–2018

ALLISON ALTARAS, Esq.
Otten Johnson Robinson
Neff & Ragonetti

AMY W. BEÁTIE, Esq.
Previous Executive Director,
Colorado Water Trust

WILLIAM H. CAILE, Esq.
Holland & Hart, LLP

JAMES CORBRIDGE
Professor Emeritus
University of Colorado,
School of Law

JOHN J. CYRAN
Panorama Water Law, LLC

JOHN M. DINGESS, Esq.
Hamre, Rodriguez,
Ostrander & Dingess, PC

HARRISON C. DUNNING
Professor of Law Emeritus
University of California at Davis
School of Law

BARBARA J.B. GREEN, Esq.
Sullivan Green Seavy,
LLC

SCOTT GROSSCUP, Esq.
Balcomb & Green, PC

STEPHEN LEONHARDT, Esq.
Burns, Figa & Will, PC

JIM LOCHHEAD
CEO/Manager Denver Water

RYAN MCLANE, Esq.
Franz & Discroll, PLLP

DAVID ROBBINS, Esq.
Hill & Robbins, PC

SUSAN RYAN, Esq.
Water Referee
Colorado Water Division Five
– Colorado River Basin

JANICE SHEFTEL, Esq.
Maynes Bradford Shipp & Sheftel,
LLP

HOLLY STRABLIZKY, Esq.
Eagle County Attorney's Office

A. DAN TARLOCK
Professor
Chicago–Kent School of Law
Illinois Institute of Technology

JASON TURNER, Esq.
Colorado River Water
Conservation District

DICK WOLFE, P.E. (Retired)
State Engineer
Colorado Division of Water
Resources

DR. PATRICIA WOUTERS
IWRA Board of Directors
Director,
Water Law and Policy Programme,
University of Dundee, Scotland

THE UNIVERSITY OF DENVER STURM COLLEGE OF LAW FACULTY

2017–2018

ADMINISTRATIVE OFFICERS

Rebecca Chopp, Ph.D., Chancellor
Gregg Kvistad, B.A., M.A., Ph.D., Provost and Executive Vice Chancellor
Craig Woody, B.B.A., M.Acc., Vice Chancellor for Business & Financial Affairs
Barbara J. Wilcots, B.A., M.A., M.A., Ph.D., Associate Provost for Graduate Studies
Renell Wynn, B.A., Vice Chancellor of Communications & Marketing
Paul H. Chan, B.A., J.D., University Counsel
Bruce P. Smith, B.A., M.A., J.D., Ph.D., Dean of the Sturm College of Law
Viva Moffat, B.A., M.A., J.D., Associate Dean of Academic Affairs and Professor of Law
Rebecca Aviel, B.A., J.D., Associate Dean of Faculty Scholarship and Associate Professor of Law
Catherine E. Smith, B.A., M.A., J.D., Associate Dean for Institutional Diversity and Inclusiveness and
Professor of Law
Eric Bono, B.A., J.D., Assistant Dean for Career Opportunities
Jessica Boynton, B.S., J.D., Assistant Dean for Student Affairs
Iain Davis, M.S., Assistant Dean of Student Financial Management and Admissions
Clinton R. Emmerich, B.S., M.B.A., Assistant Dean of Finance and Administration

FACULTY

Robert Anderson, B.A., J.D., Professor of the Practice
Rachel S. Arnow-Richman, B.A., J.D., LL.M., Director, Workplace Law Program and Chauncey Wilson
Memorial Research Professor
Debra Austin, B.M.E., J.D., Ph.D., Professor of the Practice
Rebecca Aviel, B.A., J.D., Associate Professor of Law
Tanya Bartholomew, B.A., J.D., Associate Professor of the Practice
Jerome Borison, B.S., J.D., LL.M., Associate Professor of Law
Stacey Bowers, B.S., J.D., MLIS, Ph.D., Associate Professor of the Practice
J. Robert Brown, Jr., B.A., M.A., Ph.D., J.D., Director, Business & Commercial Law Program and
Professor of Law
Phoenix Cai, B.A., J.D., Associate Professor of Law
John Campbell, B.A., J.D., Assistant Professor of the Practice
Bernard Chao, B.S., J.D., Associate Professor of Law
Alan K. Chen, B.A., J.D., William M. Beaney Memorial Research Chair and Professor
Roberto L. Corrada, B.A., J.D., Mulligan Burseson Chair in Modern Learning and Professor of Law
Patience Crowder, B.A., J.D., Associate Professor of Law
Susan D. Daggett, B.A., J.D., Executive Director, Rocky Mountain Land Use Institute and Assistant
Professor of the Practice
K.K. DuVivier, B.A., J.D., Professor of Law
Nancy S. Ehrenreich, B.A., J.D., LL.M., Professor of Law
Ian Farrell, L.L.B., L.L.M., Associate Professor of Law
Alexi Freeman, B.A., J.D., Director, Externships and Public Interest Initiatives and Associate Professor
of the Practice
Samantha Galvin, B.A., J.D., LL.M., Assistant Professor of the Practice of Taxation
César Cuauhtémoc García Hernández, A.B., J.D., Assistant Professor of Law
Rashmi Goel, B.A., LL.B., J.S.M., J.S.D candidate, Associate Professor of Law
Robert M. Hardaway, B.A., J.D., Professor of Law

Gregory J. Hobbs, Jr., B.A., J.D., Co-Director, Environmental and National Resources Law Program and Distinguished Jurist in Residence

Mark Hughes, A.B., J.D., Assistant Teaching Professor

Danielle Jefferis, B.A., J.D., Visiting Assistant Professor of the Practice

Scott Johns, B.A., J.D., Director, Bar Passage Program and Professor of the Practice

José Roberto Juárez, Jr., A.B., J.D., Professor of Law

Sam Kamin, B.A., J.D., Ph.D., Vicente Sederberg Professor of Marijuana Law and Policy

Martin Katz, A.B., J.D., University Chief Innovation Office and Senior Advisor for Academic Innovation and Design and Professor of Law

Tamara L. Kuennen, B.A., J.D., LL.M., Professor of Law

Margaret Kwoka, B.A., J.D., Associate Professor of Law

Jan G. Laitos, B.A., J.D., S.J.D., John A. Carver, Jr. Professor of Law

Christopher Lasch, B.A., J.D., Associate Professor of Law

Nancy Leong., B.A., B.Mus., J.D., Associate Professor of Law

Isaac Lodico, B.A., J.D., LL.M., Assistant Professor of the Practice of Taxation

Kevin Lynch., B.A., J.D., Assistant Professor of Law

Justin Marceau, B.A., J.D., Animal Legal Defense Fund Professor of Law

Lucy A. Marsh, B.A., J.D., Professor of Law

G. Kristian McDaniel-Miccio, B.A., M.A., J.D., LL. M., J.S.D., Professor of Law

Amy McLellan, B.A., J.D., LL.M., Director, Graduate Tax Online Program and Visiting Assistant Professor of the Practice of Taxation

Viva Moffat, B.A., M.A., J.D., Associate Dean of Academic Affairs and Professor of Law

Suzanna Moran, B.A., M.S., J.D., Associate Professor of the Practice

Ved P. Nanda, B.A., M.A., LL.B., LL.M., Thompson G. Marsh Professor of Law

Stephen L. Pepper, A.B., J.D., Professor of Law

Justin Pidot, B.A., J.D., Associate Professor of Law

Randy Robinson, B.S., J.D., Visiting Assistant Professor of the Practice

Edward J. Roche, Jr., B.B.A., J.D., Professor of Law

Tom I. Romero, II, B.A., J.D., Ph.D., Assistant Provost of IE Research and Curriculum Initiatives and Associate Professor of Law

Laura L. Rovner, B.A., J.D., LL.M., Ronald V. Yegge Clinical Director and Professor of Law

Nantiya Ruan, B.A., J.D., Hartje & Reese LP Chair and Professor of the Practice of Law

Thomas Russell, B.A., M.A., J.D., Ph.D., Professor of Law

David Schott, B.S., J.D., Director, Trial Advocacy Program and Professor of the Practice

Michael Siebecker, B.A., J.D., LL.M., M.Phil., Ph.D., Professor of Law

Catherine E. Smith, B.A., M.A., J.D., Associate Dean for Institutional Diversity and Inclusiveness and Professor of Law

Don C. Smith, B.S., J.D., LL.M., Associate Professor of the Practice

Michael Sousa, B.A., J.D., Associate Professor of Law

Erin Stearns, B.A., M.P.H., J.D., LL.M., Assistant Professor of the Practice of Taxation

Kathryn Stoker, B.A., J.D., Associate Professor of the Practice

Celia R. Taylor, B.A., J.D., Director, International Legal Studies Program, Professor of Law and Nanda Chair

David I. C. Thomson, B.A., J.D., Professor of the Practice and John C. Dwan Professor for Online Learning

Ann Vessels, B.A., J.D., Director, Veterans Advocacy Project and Professor of the Practice

Robin Walker Sterling, B.A., J.D., LL.M., Associate Professor of Law

Eli Wald, B.A., LL.B., LL.M., S.J.D., Charles W. Delaney, Jr. Professor of Law

Lindsey Webb, B.A., J.D., LL.M., Assistant Professor of Law

Annecoos Wiersema, B.A., LL.B., LL.M., S.J.D., Professor of Law

John R. Wilson, B.S., J.D., Director, Graduate Tax Program and Professor of the Practice of Taxation