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Evolving Water Law and Management in the U.S. Introduction

EVOLVING WATER LAW AND MANAGEMENT IN THE U.S.

JOHN C. PECK, BURKE W. GRIGGS,
JAMES R. MAY, AND IRMA S. RUSSELL

INTRODUCTION

JOHN C. PECK

The “vision” of the American Water Resources Association (AWRA) is “to be recognized as the pre-eminent multidisciplinary association for information exchange, professional development and education about water resources and related issues.”¹ Its “mission” is “to advance multidisciplinary water resources education, management and research.”² The AWRA celebrated its fiftieth anniversary in 2014. To commemorate the anniversary and to reflect on the state of water resources management in the U.S., the AWRA dedicated its annual conference held in Tysons Corner, Virginia, November 3-6, 2014, to the overall subject of the history of water management over the past fifty years. The four authors of this journal article participated in one of the conference’s “special sessions.” The title of the special session was “Fifty Years of Evolving Water Law and Management in the U.S.” The authors live in various parts of the country and work in various facets of water law.

The special session program, like this article, was broken down into four presentations. First, Professor May discussed water allocation issues in the state of Delaware, a small eastern state having a high population density and unique water issues due in part to the large interstate Delaware River which enters the state from the north and runs into Delaware Bay and then the Atlantic Ocean. Professor Peck discussed Kansas water management issues. A large state, part of the Great Plains, Kansas has a small population density, a largely-irrigation-based agricultural economy, and water resources supplied by rivers in the east and the High Plains Aquifer in the west. Still larger geographically is Montana in the West, which has mountains and plains, much federal land and many Indian reservations, a population density smaller than that of Kansas, and various types of water resources—rivers formed by mountain runoff, large federal reservoirs, and groundwater. Professor Russell, former professor and Dean of the University of Montana School of Law, discussed Montana water resources development. Finally, Professor Griggs, then Kansas Assistant Attorney General Griggs, summarized the law of interstate water conflicts over the last fifty years. He has worked on the two recent interstate water cases Kansas has filed

1. AM. WATER RES. ASS'N, VISION, MISSION, OBJECTIVES, AND BRAND PROMISE (2016), <http://awra.org/about/Vision-Mission-Objectives-Brand-Promise.pdf>.

2. *Id.*

in the U.S. Supreme Court.

The title to this article exaggerates its contents. Obviously, a short article in a law journal cannot provide an exhaustive portrayal or analysis of U.S. water management practices over the last half century nor could it do so for any of the three states or for interstate water issues. Instead, it provides a glimpse of the disparate problems and issues three representative states have faced as well as an overview of interstate water disputes. Three parts of the article appear in this issue. The fourth part on interstate issues will appear in a future issue. The authors have written independent, stand-alone pieces, using their own chosen formats.