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EDITOR'S NOTE

Thank you for your interest in the Fall 2013 Issue of the *Water Law Review*. In the pages that follow, you will find another great collection of articles and student writing highlighting some of the challenges and complexities wise water management presents. The Issue begins with four articles that provide useful and thought-provoking analysis of some of water law's most timely and perennial topics.

In *You Can Lead Livestock to Water...A Survey of Exempt Livestock Wells in the West*, Professor Tiffany Dowell provides us with a valuable analysis of livestock watering exemptions throughout the West. Professor Dowell reviews the statutory frameworks of each state where the prior appropriation doctrine governs groundwater, comparing the extent and implications of exemptions for livestock wells and watering. She concludes with an examination of recent litigation concerning livestock watering exemptions.

Our next two articles do an admirable job highlighting the broad spectrum of opinions surrounding state application of the public trust doctrine. The topic is polarizing for many of us here in Colorado, where initiatives to amend the state constitution to subordinate our historical prior appropriation system to a robust public trust doctrine have been likened to dropping a nuclear bomb on Colorado water rights by Justice Hobbs of the Colorado Supreme Court. But like so much else in the world of water, what draws us in and makes the public trust a frequent and fascinating topic in the *Water Law Review* is how the interplay of geography, history, and culture shapes our perspective. As these two fine articles demonstrate, what seems unwise in Colorado is arguably indispensable in Hawaii.

Marie Kyle contributed our first article focusing on the public trust, *The Four Great Waters Case: An Important Expansion of Wai'hole Ditch and the Public Trust Doctrine*. The article gives us an excellent examination of the historical development of water resources in Hawaii and the Hawaiian Supreme Court's expansion of the state's unique public trust doctrine in recent years. Our second public trust article, *No Fictions Required: Assessing the Public Trust Doctrine in Pursuit of Balanced Water Management*, comes from Russell McGlothlin and Scott Slater. The authors provide us with a well-reasoned and thoroughly researched argument that the public trust is an ambiguous legal fiction no longer required in a modern legal environment where substantive laws and regulations better protect the public's interest in balanced water management.

Jenny Small wrote our fourth and final article, *Renewable Energy on Tribal Land & Water Resources: Jemez Pueblo*. The article highlights just one of the many legal complexities Native Nations face when pursuing renewable energy projects - the application of federal Indian reserved rights for what are often water-intensive operations. Ms. Small points to the challenges Jemez Pueblo faced when trying to develop a solar energy project as emblematic of the opportunities and challenges renewable energy represents for all Native Nations.

We are also proud to bring you another Issue full of excellent student writing, which may be found in the Case Notes, Conference Notes, and Court Reports sections. Notably, *Water Law Review* members Alexander Louden and Holly Taylor each contributed insightful analysis of California's new Human Right to Water statute and the recent United States Supreme Court case, *Tarrant Regional Water District v. Herrmann*, respectively.

We hope you will enjoy reading this Issue as much as we enjoyed putting it together. The *Water Law Review* is fortunate to have the support of outstanding staff, Advisory Board members, and most importantly, readers like you. Thank you for your continued support!

Everette R. Bullard
Editor-in-Chief

