

Water Law Review

Volume 9 | Issue 2

Article 2

1-1-2006

Vol. 9, no. 2: Editor's Note

Ryan D. Phillips

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



Part of the [Law Commons](#)

Custom Citation

Ryan D. Phillips, Editor's Note, 9 U. Denv. Water L. Rev. [viii] (2006).

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.

Vol. 9, no. 2: Editor's Note

EDITOR'S NOTE

As westerners, we are fortunate to have expansive land and mineral resources, but we must be mindful of water—the limited resource that ultimately controls our growth and prosperity. We must be aware that when the next drought occurs, we may have more industry to sustain, more people to feed, and more lawns to water. Accordingly, the articles in this issue of the *Water Law Review* are focused on water issues in the American West.

Barbara Cosens shares her valuable experience in negotiating Indian water rights settlements in her keynote address given at the 2005 Indian Water Rights Settlement Conference in Moscow, Idaho. In this address, reprinted in this issue, Ms. Cosens provides six key points of guidance gleaned from successes and failures of past settlement negotiations.

In *Dividing Western Waters: A Century of Adjudicating Rivers and Streams, Part II*, John Thorson, Ramsey Kropf, Dar Crammond, and Andrea Gerlak continue their in-depth analysis of general stream adjudications in western states. The authors provide a thorough summary of ongoing general stream adjudications followed by a critique of the adjudications from several perspectives including an evaluation of the costs and benefits throughout the West. Finally, they offer valuable insight on the future of general stream adjudications.

Douglas Grant provides a new evaluation of public interest review in *Two Models of Public Interest Review of Water Allocation in the West*. Mr. Grant posits two models that describe how states review water matters considering public interest. He then evaluates important holdings analyzing them in the context of his two proposed models. Mr. Grant concludes by commenting on the highly political nature of public interest decisions and the importance of legislative guidance in public interest decisions.

Moving to Colorado Law, Casey Funk provides a thorough review of Colorado water storage law in *Basic Storage 101*. Mr. Funk carefully sets out the legal framework for water storage in Colorado including a review of critical statutes and court decisions. He also provides several examples to illustrate how the law applies to the operation of reservoirs.

In September 2005, the Colorado Supreme Court issued their opinion in *High Plains A & M, LLC v. Southeastern Colorado Water Conservancy District*. In this opinion, the court elaborated on the doctrines of beneficial use and maximum utilization in regard to the change of a perfected water right. In our commentaries section, attorneys from both sides of the *High Plains* case present their arguments, policy concerns, and insight into the scope of this important decision.

Also included in this issue is a selection of poems by the Honorable Gregory J. Hobbs, Jr. of the Colorado Supreme Court. Other poems by Justice Hobbs appear in Volume 3/Issue 2, Volume 5/Issue 2, and Volume 7/Issue 2 of the *Water Law Review*.

We hope you enjoy the works in this issue of the *Water Law Review*. The *Water Law Review* values your continued support, and we hope you will share your thoughts and opinions regarding our publication.

Ryan D. Phillips
Editor-in-Chief