

# Water Law Review

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Brian L. Martinez

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## EDITOR'S NOTE

In this, the *Water Law Review's* seventh year, we publish our first issue from our new home: the spectacular \$60 million, 181,000 square foot law school. This new building—the first “green,” soon-to-be-LEED (Leadership in Energy and Environmental Design) certified law school in the country—reminds us of the arid environment in which we live, as do the articles we publish in this symposium issue focusing on drought.

In our lead article, Justice Hobbs reviews the history of the West, and how our dry climate has shaped the very institutions governing water law to which this journal is devoted. As Justice Hobbs discusses, we now know that those peoples who preceded us in this region also dealt with drought. From those early Native American communities to Colorado's first judicial decisions, drought has preoccupied Colorado's inhabitants, and shaped our current system of water administration.

Melinda Kassen, in our second article, looks to the more recent past, the present, and the near future. In her article, Ms. Kassen discusses this recent drought's impact on our present system of water administration. Specifically, Ms. Kassen reviews the Colorado General Assembly's 2003 Session, during which our legislature passed several bills addressing the drought. In a state that historically vested water administration with the courts, and that left water development to local and federal entities, the legislature granted our executive department, and specifically the state engineer, increased authority to administer its water. Our legislature also took an interest in entering the water development business by exploring and funding storage projects.

In our final symposium piece, Janet Neuman looks to the future. In “Drought Proofing Water Law,” Ms. Neuman highlights our eternal optimism by pointing to our tendency to treat droughts as unexpected emergencies. Although we have limited mechanisms in place to handle drought when it occurs, we often return to our old habits once a drought ends, having done nothing to ensure we do not enter “crisis mode” when the next, inevitable drought arrives. Ms. Neuman suggests means by which we can ensure we are prepared for the next drought by implementing drought-proofing measures, and be prepared when the next drought hits.

In a separate article, William Fronczak explores Colorado “designated ground water.” As was true of many states, Colorado originally did not regulate groundwater. With time, and increasing demand for the resource, the State realized its ground water supply was diminishing at an alarming rate, and that it must take a more proactive approach to ensure the resource's continuing vitality. Mr. Fronczak reviews the management system chosen by our legislature, and how that system, despite criticism and controversy, has endured.

Despite our tendency to forget that we live in a dry climate, the *Water Law Review* is proud that our new law building reflects our environment. With the oldest natural resource law program in the country, our administration would have been remiss to build a new facility and forget our surroundings. They did not. Our new home is designed to use 40% less energy and water than a traditional building of its size. The school will use recycled groundwater to irrigate water efficient landscaping. Our storm water system is designed to reduce and sand-filter run-off. Thankfully, our administration practices what it teaches, and reminds us that water is our most precious natural resource.

Brian L. Martin  
*Editor-in-Chief*