

1-1-2000

## James N. Corbridge Jr. and Teresa A. Rice, eds. Vranesh's Colorado Water Law

Amy W. Beatie

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



Part of the [Law Commons](#)

---

### Custom Citation

Amy W. Beatie, Book Note, James N. Corbridge Jr. and Teresa A. Rice, eds. Vranesh's Colorado Water Law, 3 U. Denv. Water L. Rev. 404 (2000).

This Book Notes 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](mailto:jennifer.cox@du.edu), [dig-commons@du.edu](mailto:dig-commons@du.edu).

---

James N. Corbridge Jr. and Teresa A. Rice, eds. *Vranesh's Colorado Water Law*

## BOOK NOTES

**JAMES N. CORBRIDGE JR. AND TERESA A. RICE, EDS, VRANESH'S COLORADO WATER LAW, REVISED EDITION**, University Press of Colorado, Niwot, Colorado (1999); 628pp; \$75.00; ISBN 0-87081-543-1, hardcover.

George Vranesh authored the first edition of *Colorado Water Law*. Published in 1987, the three-volume work contained materials current through December, 1985. The long awaited second edition, authored by Professor Jim Corbridge and Teresa Rice, differs from the original. It compiles the numerous new cases, amended statutes, and doctrines into one volume, which is current through July 1, 1999. Where the original contained lengthy excerpts from judicial opinions, the new edition does not. In addition, unlike the first edition, the new edition will include annual supplements.

Chapter One, *An Introduction to Colorado Water Rights*, reviews the basic doctrines of water right determinations, with an emphasis on prior appropriation and its development in this West. No discussion of prior appropriation in the West could occur without some detailing of the settlement of the West, and this chapter provides a concise overview. The chapter also discusses the interplay of federal issues and state water rights, briefly describes Colorado water right administration and enforcement, and examines different states' water allocation systems.

Chapter Two, *The Nature of the Right*, reviews the elements of a water right: diversion, the application of water to beneficial use, the definition of "any natural stream," the right to appropriate, a water right as a property right, and water right limitations. Additionally, the chapter addresses storage rights; ditch rights; groundwater rights (in great detail); conditional decrees; and miscellaneous rights, which include salvaged and developed water, waste water, and foreign water, among others. The chapter provides a brief overview of the right to surface water use and ends by briefly discussing weather modification.

At the outset, Chapter Three, *Water Adjudication and Administration*, surveys the history of Colorado's water allocation system prior to the enactment of the Water Right Determination and Administration Act of 1969 ("1969 Act"). A detailed analysis of the provisions of the 1969 Act follows the historical section. The rest of the chapter explains the roles of the integral parts of the system: the water courts, water administration officials, the Colorado Water Conservation Board, the Colorado Water Resources and Power Development Authority, and county commissioners.

Of timely importance for Colorado's growing urban populations, Chapter Four, *Transfer of Water Rights*, covers the legal aspects of

transfers and changes. The chapter begins with a history and background section, discusses limitations on the right to transfer or change a water right, and, in short form, covers exchanges. The chapter discusses transfer and change procedures and concludes with temporary transfers.

Water use often occurs far from the source. In order to allow for economically feasible delivery, early users joined together to construct large ditches to carry water to their properties. Chapter Five, *Water Organizations*, discusses the different methods used for delivery of water to more than one user. The chapter examines joint ditches, the “primordial form of the private water company;” mutual ditch companies, where individuals unite to share in the construction and management of an irrigation ditch; carrier ditch companies; irrigation districts; water conservancy districts; water conservation districts; municipalities, who are faced with the need to supply ever-growing populations with water; water and sanitation districts; metropolitan districts; groundwater management districts; and flood control conservancy districts.

Chapter Six, *Federal-State Water Relations*, addresses a continuing controversy in Western water law, the conflict between the federal government and the states. The controversy centers around: (1) federal authority under the constitution; (2) the exercise of that authority; (3) the effect of federal laws on state water use and administration laws; and (4) the effect of federal law on state created private property rights. The chapter sections contain the following topics: federal constitutional authority, the Commerce Clause, federal reclamation law, federal regulatory programs, federal reserved water rights, Indian reserved rights, and sovereign immunity.

Chapter Seven, *Protection of Water Quality in Colorado*, covers water quality protection mechanisms ranging from state common law protection and state water quality statutes to federal water quality statutes. Traditionally Colorado water law has not taken water quality into consideration. We will soon see whether or not it will.

Chapter Eight, *Transmountain and Interstate Waters*, reviews the East Slope/West Slope battles over Colorado’s water, followed by a section on interstate issues, two topics appropriately placed together for conceptual reasons. It also addresses the United States’ treaties with Mexico.

Chapter Nine, *Condemnation of Rights*, the final chapter of the treatise, begins by discussing the need to bifurcate a discussion of condemnation into two parts: (1) the right to condemn real property to move water, “clearly present;” and (2) the right to condemn the water itself, “far less so.” The chapter covers condemnation of ditch rights-of-way, condemnation of reservoir sites, condemnation by governmental and quasi-governmental agencies, inverse condemnation, and eminent domain proceedings.

The treatise contains an Appendix, replete with the addresses, phone numbers, and fax numbers for each division engineer, water court, and the relevant state offices. This book is a must-have for the Colorado water lawyer.

*Amy W. Beatie*