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Colorado Water Law

COLORADO WATER LAW, Continuing Legal Education in Colorado, Inc., Denver, Colorado (1997); 104pp; \$55 CBA members, \$75 non-members; 3 ring binder.

Divided into six sections, this overview of Colorado water law contains the points and topics taught in a continuing legal education course. The first section, *Successfully Prosecuting Water Augmentation Plans and Changes of Water Rights*, presented by Raymond Petros, Jr., Esq., begins by outlining key definitions and citing relevant Colorado Revised Statutes. This section clarifies the interrelationships between changes in rights and augmentation plans, and summarizes pre- and post-1969 case law regarding adjudications for changes of water rights. A detailed checklist for practitioners covers everything from evaluation of water rights and pre-litigation planning to terms and conditions necessary to avoid injury to other water rights. The final portion of the outline discusses recent developments in case law, including recovery of attorney's fees and costs.

The second section, *Technical Considerations for Changes of Water Rights and Augmentation Plans*, addresses the same topics as above, but from a scientific point of view. As an engineer, George M. Fosha provides the necessary compliment to the litigator's viewpoint provided in the first section. This article explains some of the engineering methodologies and technical issues that need addressing in order to successfully prosecute change of water rights cases. After introducing concepts, such as use and reuse in a stream system, and tributary and non-tributary groundwater, Fosha delves into factors for defining the historic use of a water right for purposes of determining injury to that right. System and evaporation losses, crop consumptive use, Consumptive Irrigation Requirement, irrigation efficiency, and return flows are all implicated. The section includes helpful schematics and exhibits.

Section Three, *Administrative Review of Changes of Water Rights, Augmentation and Substitute Supply Plans*, discusses some of the major concerns that arise in water rights applications. In evaluating the historic use claims, issues such as irrigation and dry up are examined, as well as the limits placed upon the new proposed use. Considerations surrounding adequate measurement provisions and accounting complexities are also summarized. The author, Richard Stenzel, explains how special considerations such as transit losses, exchanges, evaporation rates, modifications to existing structures, and groundwater table maintenance are determined and viewed by the State Engineer's Office. In closing, Stenzel emphasizes that plans for augmentation do not grant a water right to the structures that are being augmented.

Section Four, *Recent Challenges Facing Colorado Water Users—Endangered Species and Compact Demands*, changes direction by outlining the Endangered Species Act ("ESA") and compact administration topics river by river. Beginning with the Colorado River, moving to the Platte, and ending with the Rio Grande, the authors, Jennifer L. Gimbel, Esq. and Wendy Weiss, Esq., encapsulate the various challenges and issues involved in this complex arena. This section ends with the interesting assortment of

letters from the six state heads to the California Department of Water Resources, Bruce Babbitt's 1996 address at the Colorado River Water Users Association annual conference, and a copy of the important ESA case, *Bennett v. Spear*.

The fifth section, *The Intricacies of Administering the Waters of Colorado Rivers*, loses the breadth of the presentation of State Engineer, Hal D. Simpson. However, the outline does delineate the major components involved in water rights administration. Simpson cites the constitutional and statutory authority for water rights administration in Colorado before moving on to a historical perspective of the functions of a water commissioner. He lists the current duties of water commissioners, charts the technology changes and current issues facing them, and concludes with noting some future trends.

Section Six, a panel discussion on cooperative water-sharing plans, contains the outlines of three speeches. The first presentation, given by Lee Rozaklis, targets the areas of conjunctive use, effluent management, system interconnections and Moffat Water Storage and the Chatfield Reservoir. Within each area, Mr. Rozaklis depicts the likely players, the options, the water supply potential, and the issues. The second presentation, given by William R. (Rick) McLoud, outlines the current status of a joint water project by discussing the relevant geographical areas, their common characteristics and the project concept. The third presentation, given by Hamlet J. (Chips) Barry III, Esq., narrates the policy statements of the Denver Water Board ("Board"), issued October 15, 1996, regarding current water supply obligations, long-term strategies, and cooperative actions with metropolitan water suppliers outside the Board's service area.

In the final analysis, this manual provides important points and checklists for the water law practitioner, even in the face of losing some of the richness of the presenters and the courses themselves.

Susan Klopman

JAMES W. CONRAD: ENVIRONMENTAL SCIENCE DESKBOOK, West Group, St. Paul, Minnesota (1999); \$140.00; ISBN 0-8366-1220-5, hardcover/binder.

The *Environmental Science Deskbook* provides environmental practitioners, and anyone interested in environmental issues, an understanding of the technical language, complex processes, and models associated with environmental science. Despite focusing primarily on scientific and technological aspects of environmental practice, each free-standing chapter begins with basic principles and proceeds to more complex issues, with subsequent chapters building on earlier chapters.

The book's editor, James W. Conrad, is well-versed in environmental science and environmental law. In *Environmental Science Deskbook*, Conrad compiles the scientific and technical knowledge of