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Introduction

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SYMPOSIUM ON COLORADO WATER LAW

INTRODUCTION

"Every lawyer engaged in general practice in Colorado should have a working knowledge of the elementary principles of water law."

The Honorable Jean S. Breitenstein
Some Elements of Colorado Water Law
22 ROCKY MT. L. REV. 343 (1950)

Water is of primary importance to the economic and social growth of Colorado. Recognizing this fact, Colorado — from its earliest days as a territory — undertook to regulate the use of water. Yet many of the early principles proved inadequate as the population of Colorado increased and as new industries located in the state. Greater needs for water were generated which taxed an already burdened supply. Consequently, laws were changed and new laws were created in an effort to maximize water use and, at the same time, conserve water resources. The principles governing the acquisition, disposition, and administration of water rights which emerged from all of these various legislative enactments and judicial pronouncements form the current body of Colorado water law.

Realizing the importance of water law in Colorado and mindful of its obligation to the practicing bar, in the fall of 1969 the *Denver Law Journal* undertook the task of preparing a concise, documented survey of the law in this area. It was the opinion of the *Journal* Association that there was no general collection of the principles of Colorado water law and of the cases supporting them. Hence, in preparing this Symposium, it was the policy of the *Journal* to try to develop a general reference book which would set forth the elementary principles of the law, describe the interrelationship of the principles, and point the practicing attorney to as many relevant supporting cases as possible. To aid in this task, the *Journal* asked three members of the Colorado bar who have demonstrated considerable water law expertise to write articles which discuss some of the current problems with respect to the existing law in this area.

The article by Mr. Gary Greer, which begins the Symposium, focuses on the recent changes in Colorado water law which have been made by the three branches of state government: the legislature, the executive, and the judiciary. He also notes some of the problems which have yet to be resolved, such as the conflict between federal and state governments with respect to the ownership of water within the state.

Examining this federal-state problem in greater depth, the article by Mr. Raphael J. Moses suggests that the continued development of

water resources in all of the Western States is seriously threatened by the federal claims, because they affect the security afforded by state granted water rights. He indicates the need for a rapid resolution of the matter and states that the recommendations of the Public Land Law Review Commission may provide the necessary solution.

Taking another approach to problems with the current law, the article by Mr. Michael White discusses one of the difficulties which has arisen from the recent Water Right Determination and Administration Act of 1969. Specifically, he notes the complexity of the published tabulation lists authorized by the Act and explains the problem in determining whether a priority listed in the tabulation is accurate. Further, in a very practical manner, he outlines an approach which can be used to reduce the amount of effort necessary to examine the tabulation lists, providing detailed instructions and sample worksheets.

The survey of Colorado water law prepared by the *Journal* Association concludes the Symposium. Divided into three major parts, this study sets forth the basic legal principles which govern the acquisition and use of water in Colorado. By utilizing the cross references within each major division, the practicing lawyer can find rules and cases which might be applicable in solving various aspects of a particular water law problem.

While this Symposium is designed to be a reference source which can be used as an aid in solving particular problems, the *Journal* does not pretend that the issue is complete in every respect; it does not list every Colorado case nor does it reveal all of the legally relevant issues that can arise when dealing with such a complex body of law. The *Journal* Association wanted to present a Symposium which would give lawyers "a working knowledge of the elementary principles of water law"; we hope that this issue fulfills that purpose.

Michael G. Massey
Editor-in-Chief