

MODERN WATER LAW

PRIVATE PROPERTY,
PUBLIC RIGHTS, AND
ENVIRONMENTAL PROTECTIONS

ROBERT W. ADLER

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NOAH D. HALL

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UNIVERSITY CASEBOOK SERIES®

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by

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PREFACE

Modern Water Law: Private Property, Public Rights, and Environmental Protection provides a comprehensive text to study the range of legal issues and doctrines that affect water resources in the United States. The field of water law has evolved considerably in recent decades, expanding well beyond historic common-law doctrines of riparian reasonable use and prior appropriation. Modern Water Law thus offers a new conceptual approach to the field of water law as an integration of (1) private property (the common-law doctrines for riparian reasonable use and prior appropriation, as well as groundwater rights and the statutory schemes for administering water use rights), (2) public rights (navigation, the public trust doctrine, federal reserved rights, and interstate water management), and (3) environmental protections (the energy-water nexus, water pollution, and endangered species conflicts). The modern practice of water law requires attorneys to understand the interactions between different legal doctrines and regimes and how potential conflicts among them can be resolved in practice. Modern Water Law will prepare students and practitioners for the challenges of 21st century water law.

As authors, we have decades of practical water law experience in diverse settings and regions of the country. We have advised governments and private sector clients, directed public interest conservation organizations, and litigated precedent-setting cases nationwide, from the Pacific Coast states and the Rocky Mountain West to the Great Lakes, the Southeast, and the Atlantic seaboard. At a personal level, we have a love and passion for freshwater that motivates our teaching and legal work.

Many people made valuable contributions to this book. Prepublication drafts were used to teach water law classes at the University of Michigan Law School, University of Utah S.J. Quinney College of Law, and Wayne State University Law School. Students in these courses provided important comments and feedback that will benefit future law students. In addition, the following individuals made significant contributions to this book and we are grateful for their assistance: Alan J. Alexander, Aaron Berman, Benjamin L. Cavaturo, Stephanie Karisny, Kelsi Marie Johnson, Katherine L. Morris, Landon Corey Newell, Yariv Pierce, Julia Stuebing, Molly M. Watters, and Zach Zollinger.

R.W.A.
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