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CASES AND MATERIALS ON
WATER LAW

Eighth Edition



Douglas L. Grant
Gregory S. Weber

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■ ■ ■

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Preface

The lineage of this casebook goes back to Frank G. Trelease, Harold S. Blumenthal & Joseph R. Geraud, *Cases and Materials on Natural Resources Law* (1965), followed by Frank G. Trelease, *Cases and Materials on Water Law* (2d ed. 1974). George A. Gould joined Frank Trelease as a coauthor of the Fourth Edition. Douglas L. Grant joined George Gould beginning with the Fifth Edition, and Gregory S. Weber joined the two of them for the Seventh Edition. With the retirement of George Gould in 2008, Douglas Grant and Gregory Weber prepared the Eighth Edition.

Users of prior editions will find the Eighth Edition familiar. Like preceding editions, it is a traditional casebook built around cases and supplemented by notes and statutory materials. It examines water law largely through the perspective of private water rights. Public rights, water quality protection, and other environmental regulation are covered extensively, but primarily in the context of how they affect long-established systems of private water rights—the appropriation doctrine and the riparian doctrine for streams, and various doctrines for groundwater. This approach illuminates the tension between affording stability of water rights and accommodating change, tension that lies at the heart of modern water law and policy. Interstate allocation, federal-state relations, and water distribution organizations are also extensively examined.

New principal cases and statutory materials have been added to reflect recent developments in the law. New notes have been added, and existing notes have been updated and rewritten for brevity. Despite the additions, the Eighth Edition is only eleven pages longer than the Seventh Edition, the increased length coming primarily from new materials in the chapters on federal water law and public rights and environmental protection.

Case and statutory citations, as well as footnotes, of courts and commentators have been omitted without so specifying. Numbered footnotes are from the original materials and retain the original numbering; lettered footnotes within the cases are those of the authors. Occasionally, paragraph structure has been altered from the original materials and headings and other organizational features have been omitted.

The authors thank Crystal D'Souza, Louinda V. Lacey, and Jessica Warne, Pacific McGeorge students, for their assistance in research, proofreading, cite checking, and similar editorial tasks. With-

out their skill and diligence, preparation of the book would have been much more difficult.

DOUGLAS L. GRANT

GREGORY S. WEBER

January 2010

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