

# Doctrine of prior appropriation and the changing West

## WSWC - Prior Appropriation and Water in the West



Description: -

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Riparian rights -- West (U.S.)

Water rights -- West (U.S.) doctrine of prior appropriation and the changing West

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### Prior appropriation doctrine governs water law in the West

So, if user A has been diverting water from a particular source since 1850, user B has been diverting from the same source since 1860, and user C likewise since 1870, then user A has the right to all of its water before user B diverts any at all, and B has the right to all of its water before C.

### The Doctrine of Prior Appropriation and Its Impact on Water Development: A Critical Survey on JSTOR

Indeed, throughout the nineteenth century, between the Atlantic and the Mississippi, the water available to almost any parcel of land was—or at least must have seemed—practically inexhaustible.

### Public Trust vs. Prior Appropriation: A Western Water Showdown

Acre-Feet per Year millions % Public Supply 17,341. A canal transporting water to farm fields, or a massive reservoir backed up by a dam, may look no different from a small stream, or a natural lake to the untrained eye.

### Public Trust vs. Prior Appropriation: A Western Water Showdown

As more Euro-Americans began mining and settling the West, small-scale irrigation on personal plots of land became the nucleus of the American Dream. Using water in fear of losing your right to it, leads to waste and inefficient uses of water. As the atmospheric, it is clear there is no stopping human-caused climate change.

### Public Trust vs. Prior Appropriation: A Western Water Showdown

The tug-of-war between the prior appropriation and public trust doctrines, between use and non-use—between private property right and state control—leaves the western water community on a knife edge.

### Public Trust vs. Prior Appropriation: A Western Water Showdown

The court did not stop with this recognition of a recreational right in navigable waters, however, declaring that: The Utah public trust doctrine is

more expansive in two ways. Such right to use water was obtained by local custom and later by state law.

## Related Books

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