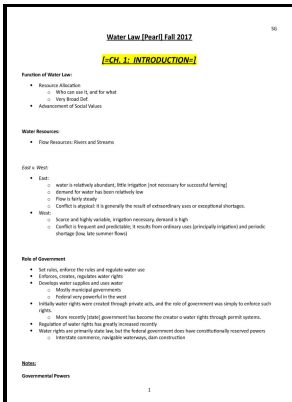


Doctrine of prior appropriation and the changing West

WSWC - Prior appropriation doctrine governs water law in the West



Description: -

Riparian rights -- West (U.S.)

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

-doctrine of prior appropriation and the changing West

Notes: Includes bibliographical references.

This edition was published in 1987



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Prior appropriation doctrine governs water law in the West

In other words, rather than being able to utilize its full water rights as promised under the prior appropriation doctrine, Los Angeles was forced, under the public trust, and over its objection, to submit to the reallocation of its rights to the preservation of the natural habitat of Mono Lake. The beneficial use requirement, in essence, is an anti-speculation provision, prohibiting paper rights filed solely to prevent others from obtaining rights adverse to the filer.

The doctrine of prior appropriation and the changing West (1987 edition)

On the other hand is the doctrine of prior appropriation—individual property ownership interest in water—which organically developed in the nineteenth century out of conflicts among pioneer settlers over scarce water in an arid landscape. The Legislature cannot order the courts to make the doctrine inapplicable.

Public Trust vs. Prior Appropriation: A Western Water Showdown

Over the years, advancing technology has greatly expanded the nature of beneficial use.

Public Trust vs. Prior Appropriation: A Western Water Showdown

See Oklahoma Water Resources Board, Water Law and Management in Oklahoma 2011 at 5. Water, in essence, did not come with the land; it was brought to the land.

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

The trust devolving upon the state for the public. Hoarding water accomplishes little but the enrichment of the hoarder.

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