

Water Law Review

Volume 19 | Issue 2

Article 1

1-1-2016

Vol. 19, no. 2: Front Matter

Water Law Review

Follow this and additional works at: <https://digitalcommons.du.edu/wlr>

Custom Citation

19 U. Denv. Water L. Rev. [i] (2016).

This Front Matter is brought to you for free and open access by the University of Denver Sturm College of Law at Digital Commons @ DU. It has been accepted for inclusion in Water Law Review by an authorized editor of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, dig-commons@du.edu.

K
25
.N364
v.19
no.2
2016



UNIVERSITY OF DENVER
WATER LAW REVIEW

ARTICLES

New Opportunities for Small-Scale Hydropower in Colorado

Christopher Ainscough

St. Jude Revisits: Commentary on the Interplay of Ditch Rights, Prior Appropriation Water Rights, and Colorado's Disavowal of Riparian Rights

Justice Gregory J. Hobbs, Jr.

Reconciling Water Law and Economic Efficiency in Western Water Administration

Charles W. Howe, Ph.D. and John D. Wiener, Ph.D., J.D.

Embracing the Water-Energy Contradiction: The Pebble Mine Conflict and Regulatory Implications Associated with Renewable Energy's Dependence on Non-Renewable Copper

Brett A. Miller

A Proper Seat at the Table: Affirming a Broad Winters Right to Groundwater

Dale Ratliff

Tenth Update to Colorado Water Law: An Historical Perspective

Justice Gregory J. Hobbs, Jr.

BOOK NOTE

SCREENING NOTE

COURT REPORTS

SYMPOSIA

RECEIVED

JAN 11 2017

University of Denver
Law Library

Univ. of Denver Law Library



018602 0285840

Volume 19/Issue 2/Spring 2016

Copyright © 2016 by the
WATER LAW REVIEW
University of Denver (Colorado Seminary)
Sturm College of Law
WATER LAW REVIEW
is published twice annually
at the University of Denver, Sturm College of Law

Annual Subscriptions:

Institution/professional rate	\$40.00
Student rate	\$20.00

Please address subscriptions to:
Business Editor
Water Law Review
University of Denver Sturm College of Law
2255 East Evans Avenue
Denver, Colorado 80208 USA
Telephone: (303) 871.6223
Facsimile: (303) 871.6503
<http://www.duwaterlawreview.com>
wlr@law.du.edu

Subscriptions will renew automatically unless timely notice of termination is received. The Water Law Review welcomes inquiries concerning its tax-deductible donor program.

Single Issues:

Institution/professional rate	\$25.00
Student rate	\$15.00

For single volumes, bound sets, and microfilm, contact:
William S. Hein & Company, Inc.
1285 Main St., Buffalo NY 14209-1987 USA
Telephone: (800) 828.7571

The opinions and conclusions expressed in this volume are solely those of the authors and do not necessarily reflect the views of the University of Denver Sturm College of Law or the Water Law Review. This publication is presented with the understanding that neither the publishers nor the authors are engaged in rendering legal or other professional services. In no event, including negligence on the part of the authors, reviewers, or the publisher, will the authors, reviewers, or the publisher be liable for any direct, indirect, or consequential damages resulting from use of this material.

ISSN # 1521 - 3455

Cover and logo by Lee Demary

MANUSCRIPT SUBMISSION GUIDELINES FOR AUTHORS

EDITORIAL POLICY

The *Water Law Review* welcomes the submission of articles of timely interest to the water law community. Articles should discuss topical issues in water law and related areas, such as environmental and natural resource law, and land use. They should provide an original, analytical, and in-depth treatment of the issue rather than a summary of previous research efforts. Anonymous peer review of articles is available upon request. In addition to articles, the *Water Law Review* also invites submissions of shorter works, such as book reviews, commentaries, and bibliographies.

STYLE

Articles should be well organized, concisely written, and presented in an articulate and scholarly manner. Accordingly, authors should minimize their use of direct quotes.

FORMAT

Manuscripts considered for publications must be typed, double-spaced, and formatted to fit on 8½ x 11 paper. The text should be broken into appropriate headings and subheadings and should conform to the *Chicago Manual of Style* (16th ed. 2010). Citations to references and authorities should be contained in footnotes. Footnotes may also include elaboration on points raised in the text or references to research sources pertaining to points peripheral to those discussed in the text. Footnotes must conform with *The Bluebook: A Uniform System of Citation* (19th ed. 2010), published by the Harvard Law Review Association. Footnotes should be current as of the date of submission. Send hardcopy submissions to: University of Denver Water Law Review, 2255 East Evans Avenue, #447, Denver, Colorado, 80208. Email electronic submissions, as an attached file in Microsoft Word format, to wlr@law.du.edu.

The *Water Law Review* will accept submissions at any time. For consideration for publication in the spring journal, submissions should be received by November 1 of the prior year. For consideration for publication in the fall journal, submissions should be received by August 1.

UNIVERSITY OF DENVER
WATER LAW REVIEW

VOLUME 19

ISSUE 2

SPRING 2016

EDITORIAL BOARD

Editor-in-Chief

JENNIFER NAJJAR

Managing Editors

EMILY MILLER

ALLISON ROBINETTE

Production Editor

AUBREY BERTRAM

Symposium Editor

BLAINE BENGTSON

Business Editor

ASHLEY BASTA

Sources Editor

GREG PALSBO

Assistant Business Editors

LANNA GIAUQUE

DANA SHOWALTER

Articles Editors

JOSH BOISSEVAIN

GARRETT DAVEY

VICTORIA HAMBLEY

MATTHEW KILBY

BRUCE WALTERS

Court Reports Editors

CHRISTOPHER AINSCOUGH

KYLIE WYSE

Online Content Editor

LAUREN BUSHONG

SENIOR STAFF EDITORS

TIMOTHY BERRIER

LAUREN COLLINS

NEILLIE FIELDS

DAPHNE HAMILTON

D. PATRICK MAYFIELD

ROBERT MONTGOMERY

JOSHUA MURPHY

KATY RANKIN

W. JAMES TILTON

KOBI WEBB

STAFF EDITORS

TUCKER ALLEN

HEATHER CAMPBELL

K.C. CUNILIO

VANN ELLERBRUCH

BRIAN HINKLE

JANA HOUGHTELING

STEPHEN KLEIN

MONICA C. KRETZSCHMAR

KELLY LEDOUX

MEGAN LIVINGSTON

CHRISTOPHER MCGOWNE

REGINALD NORRIS

JOSHUA ODEN

CONNOR PACE

ROBERT PETROWSKY

WHITNEY PHILLIPS

SARAH RICE

JACKSON ZOELLNER

FACULTY ADVISORS

TOM I. ROMERO, II, ASSOCIATE PROFESSOR, ASSISTANT PROVOST OF IE RESEARCH AND CURRICULUM INITIATIVES

FEDERICO CHEEVER, PROFESSOR, CO-DIRECTOR OF ENVIRONMENT AND
NATURAL RESOURCES LAW PROGRAM

JUSTIN PIDOT, ASSOCIATE PROFESSOR WITH TENURE

ADVISORY BOARD

2015-2016

ALLISON ALTARAS, Esq.
Ottens Johnson Robinson
Neff & Ragonetti

AMY W. BEATIE, Esq.
Executive Director
Colorado Water Trust

WILLIAM H. CAILE, Esq.
Holland & Hart, LLP

JAMES CORBRIDGE
Professor
University of Colorado,
School of Law

JOHN J. CYRAN
Attorney at Law

JOHN M. DINGESS, Esq.
Hamre, Rodriguez,
Ostrander & Dingess, PC

HARRISON C. DUNNING
Professor
University of California at Davis
School of Law

BARBARA J.B. GREEN, Esq.
Sullivan Green Seavy,
L.L.C.

DAVID HALLFORD, Esq.
Balcomb & Green, PC

RET. JUSTICE GREGORY HOBBS
Distinguished Jurist in Residence
and Co-Director of the
Environment and Natural
Resources Law Program,
University of Denver Sturm
College of Law

STEPHEN LEONHARDT, Esq.
Burns, Figa & Will, PC

JIM LOCHHEAD
CEO/Manager Denver Water

RYAN MCLANE
Montana Department
of Natural Resources
and Conservation

DAVID ROBBINS, Esq.
Hill & Robbins, PC

SUSAN RYAN, Esq.
Ryley Carlock & Applewhite

JANICE SHEFTEL, Esq.
Bradford, Shipp & Sheftel, LLP

HOLLY STRABLIZKY
Water Referee Division 5 Colorado
Water Court
Magistrate, Colorado 9th Judicial
District

A. DAN TARLOCK
Professor
Chicago-Kent School of Law
Illinois Institute of Technology

JASON TURNER, Esq.
Attorney
Colorado River Water
Conservation District

DICK WOLFE, P.E.
State Engineer
Colorado Division of Water
Resources

DR. PATRICIA WOUTERS
IWRA Board of Directors
Director, Water Law and Policy
Programme, University of Dundee,
Scotland

THE UNIVERSITY OF DENVER STURM COLLEGE OF LAW FACULTY

2015–2016

ADMINISTRATIVE OFFICERS

Rebecca Chopp, B.A., M.Div., Ph.D., Chancellor
Gregg Kvistad, B.A., M.A., Ph.D., Provost and Executive Vice Chancellor
Armin Afsahi, B.A., M.B.A., Vice Chancellor for Advancement
Eric Bono, B.A., J.D., Assistant Dean for Career Opportunities
Peg Bradley-Doppes, B.A., M.A., Vice Chancellor for Athletics and Recreation
Kevin Carroll, B.S., M.B.A., Vice Chancellor of Marketing & Communications
Paul H. Chan, B.A., J.D., Vice Chancellor for Legal Affairs
Iain Davis, M.S., Assistant Dean of Student Financial Management and Admissions
Laura E. Dean, B.A., M.P.S., Assistant Dean of Alumni Relations
Clinton R. Emmerich, B.S., M.B.A., Assistant Dean of Finance and Administration
David Greenberg, B.S., J.D., Vice Chancellor of Institutional Partnerships
Meghan S. Howes, B.A., B.F.A., Assistant Dean of Communications
Martin Katz, B.A., J.D., Dean of the Sturm College of Law and Professor of Law
Ricki Kelly, B.S., J.D., Assistant Dean of Development
Amy King, B.S., M.P.S., Vice Chancellor of Human Resources
Viva Moffat, B.A., M.A., J.D., Associate Dean of Academic Affairs and Professor of Law
Liliana Rodriguez, B.A., M.S., Ph.D., Vice Chancellor of Campus Life and Inclusive Excellence
Joyce S. Sterling, B.A., M.A., Ph.D., Associate Dean of Faculty Development and Professor of Law
Catherine E. Smith, B.A., M.A., J.D., Associate Dean for Institutional Diversity and Inclusiveness and Professor of Law
Barbara J. Wilcots, B.A., M.A., M.A., Ph.D., Associate Provost for Graduate Studies
John R. Wilson, B.S., J.D., Director Graduate Tax Program and Lecturer
Thomas Willoughby, B.S., M.A., Vice Chancellor of Enrollment
Craig Woody, B.B.A., M.Acc., Vice Chancellor for Business & Financial Affairs

FACULTY

Robert Anderson, B.A., J.D., Professor of the Practice of Law
Rachel S. Arnow-Richman, B.A., J.D., LL.M., Professor of Law and Director, Workplace Law Program
Debra Austin, B.M.E., J.D., Ph.D., Associate Professor of the Practice of Law
Rebecca Aviel, B.A., J.D., Associate Professor of Law and Director, Constitutional Rights & Remedies Program
Tanya Bartholomew, B.A., J.D., Associate Professor of the Practice of Law
Brad Bartlett, B.A., J.D., Visiting Assistant Professor
Arthur Best, A.B., J.D., Professor of Law
Jerome Borison, B.S., J.D., LL.M., Associate Professor of Law
Stacey Bowers, B.S., J.D., MLIS, Ph.D., Assistant Professor of the Practice of Law
J. Robert Brown, Jr., B.A., M.A., Ph.D., J.D., Professor of Law and Director, Business & Commercial Law Program
Teresa Bruce, B.A., J.D., Visiting Associate Professor of the Practice
Phoenix Cai, B.A., J.D., Associate Professor of Law and Director, Roche International Business LL.M. Program

John Campbell, B.A., J.D., Assistant Professor of the Practice of Law
Bernard Chao, B.S., J.D., Associate Professor of Law
Federico Cheever, B.A., M.A., J.D., Professor of Law and Co-Director, Environmental and Natural Resources Program
Alan K. Chen, B.A., J.D., Professor of Law and Director, Constitutional Rights & Remedies Program
Roberto L. Corrada, B.A., J.D., Professor of Law and Mulligan Burleson Chair in Modern Learning
Courtney Cross, B.A., J.D., LL.M., Visiting Assistant Professor
Patience Crowder, B.A., J.D., Assistant Professor of Law
Susan Daggett, Assistant Professor of the Practice and Executive Director, Rocky Mountain Land Use Institute
K.K. DuVivier, B.A., J.D., Professor of Law
Nancy S. Ehrenreich, B.A., J.D., LL.M., Professor of Law
Ian Farrell, L.L.B., L.L.M., Assistant Professor of Law
Alexi Freeman, B.A., J.D., Assistant Professor of the Practice and Director, Public Interest
César Cuauhtémoc García Hernández, A.B., J.D., Visiting Associate Professor of Law
Rashmi Goel, B.A., LL.B., J.S.M., J.S.D. candidate, Associate Professor of Law
Robert M. Hardaway, B.A., J.D., Professor of Law
Jeffrey H. Hartje, B.A., J.D., Associate Professor of Law
Ret. Justice Gregory J. Hobbs, B.A., J.D., Distinguished Jurist in Residence and Co-Director, Environment and Natural Resources Program
Mark Hughes, A.B., J.D., Visiting Assistant Professor
Sheila K. Hyatt, B.A., J.D., Professor of Law
Scott Johns, B.A., J.D., Professor of the Practice of Law and Director, Bar Passage Program
José Roberto Juárez, Jr., A.B., J.D., Professor of Law
Sam Kamin, B.A., J.D., Ph.D., Professor of Law
Martin Katz, A.B., J.D., Dean of the Sturm College of Law and Professor of Law
Hope Kentnor, B.A., MSLA, Ph.D., Assistant Professor of the Practice and Director, MSLA Program and MLS Program
Tamara L. Kuennen, B.A., J.D., LL.M., Associate Professor of Law
Margaret Kwoka, B.A., J.D., Assistant Professor of Law
Jan G. Laitos, B.A., J.D., S.J.D., John A. Carver Professor of Law
CJ Larkin, B.A., M.A., J.D., Visiting Associate Professor of the Practice
Christopher Lasch, B.A., J.D., Associate Professor of Law
Nancy Leong, B.A., B.Mus., J.D., Associate Professor of Law
Kevin Lynch, B.A., J.D., Assistant Professor of Law
Justin Marceau, B.A., J.D., Professor of Law
Lucy A. Marsh, B.A., J.D., Professor of Law
G. Kristian McDaniel-Miccio, B.A., M.A., J.D., LL. M., J.S.D., Professor of Law
Viva Moffat, B.A., M.A., J.D., Associate Dean of Academic Affairs and Professor of Law
Suzanna Moran, B.A., M.S., J.D., Associate Professor of the Practice
Ved P. Nanda, B.A., M.A., LL.B., LL.M., Thompson G. Marsh Professor of Law
Stephen L. Pepper, A.B., J.D., Professor of Law
Justin Pidot, B.A., J.D., Associate Professor of Law
Raja Raghunath, B.A., J.D., Assistant Professor of Law
Paula R. Rhodes, B.A., J.D., Associate Professor of Law
Edward J. Roche, Jr., B.B.A., J.D., Professor of Law
Tom I. Romero, B.A., J.D., Ph.D., Assistant Provost of IE Research and Curriculum Initiatives and Associate Professor of Law
Laura L. Rovner, B.A., J.D., LL.M., Associate Professor of Law and Director, Clinical Programs
Nantiya Ruan, B.A., J.D., Professor of the Practice of Law and Director, Lawyering Process Program

Thomas Russell, B.A., M.A., J.D., Ph.D., Professor of Law
David Schott, B.S., J.D., Professor of the Practice of Law and Director, Trial Advocacy Program
Michael Siebecker, B.A., J.D., LL.M., M.Phil., Ph.D., Professor of Law
Catherine E. Smith, B.A., M.A., J.D., Associate Dean for Institutional Diversity and Inclusiveness and Professor of Law
Don C. Smith, B.S., J.D., LL.M., Associate Professor of the Practice of Law
John T. Soma, B.A., M.A., J.D., Ph.D., Professor of Law
Michael Sousa, B.A., J.D., Associate Professor of Law
Mary Steefel, B.A., J.D., LL.M., Professor of the Practice of Law
Joyce S. Sterling, B.A., M.A., Ph.D., Associate Dean of Faculty Development and Professor of Law
Kathryn Stoker, B.A., J.D., Assistant Professor of the Practice of Law
Celia R. Taylor, B.A., J.D., Professor of Law, Director, International Legal Studies Program and Nanda Chair
David I. C. Thomson, B.A., J.D., Professor of the Practice of Law and Director, Experiential Advantage
Komal Vaidya, B.S., J.D., Visiting Assistant Professor of the Practice
Kyle Velte, B.A., J.D., LL.M., Assistant Professor of the Practice of Law
Ann Vessels, B.A., J.D., Professor of the Practice of Law and Director, Legal Externship Program
Robin Walker Sterling, B.A., J.D., LL.M., Assistant Professor of Law
Eli Wald, B.A., LL.B., LL.M., S.J.D., Professor of Law and Delaney Chair
Lindsey Webb, B.A., J.D., LL.M., Assistant Professor of Law
Annecoos Wiersema, B.A., LL.B., LL.M., S.J.D., Professor of Law
John Wilson, B.S., J.D., Professor of Taxation and Director, Graduate Tax Program