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6-8-1982

## Federal Reserved Rights Claims for Uses on Out- of-Basin Lands [outline]

Richard B. Collins

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FEDERAL RESERVED RIGHTS CLAIMS FOR USES  
ON OUT-OF-BASIN LANDS

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New Sources of Water for Energy  
Development and Growth: Interbasin Transfers

a short course sponsored by the  
Natural Resources Law Center  
University of Colorado School of Law  
June 7-10, 1982

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FEDERAL RESERVED RIGHTS CLAIMS FOR USES ON  
OUT-OF-BASIN LANDS

June 8, 1982  
4:00 P.M.

Richard B. Collins  
School of Law  
University of Colorado

1. Do claims to reserved water rights for use on out-of-basin lands present a distinct legal issue? Are these claims important?
  - a. Nature of the claims; comparison with riparian and prior appropriation state laws.
  - b. Whether reserved rights must be riparian or intra-basin.
  - c. Limits on the claims from the general limits on reserved rights.
  - d. Federal projects.
2. Categories of out-of-basin uses, real and imagined.
  - a. Interbasin within a reservation.
  - b. Interbasin from a former reservation source.
  - c. Interbasin from an off reservation source.
  - d. Use of intrabasin water rights on out-of-basin land.
3. Cases.
  - a. Arizona v. California, 373 U.S. 546 (1963); 376 U.S. 340 (1964); Sup. Ct. No. 8 Orig.
  - b. United States v. City & County of Denver, Colo. Sup. Ct. Nos. 79 SA 99, 100.
  - c. Rio Hondo, N.Mex. Dist. Ct. See State v. Lewis, 88 N.M. 636, 545 P.2d 1014 (1976).
  - d. Dolores River (Colo.), Colo. Water Ct. Div. 7 Nos. w-1603-76 et seq.
  - e. Gila River (Ariz.), U.S. Ct. Cl.
  - f. White Mountain Apache (Ariz.).