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Proposals for Promoting Water Reallocation and Efficiency

Gary D. Weatherford

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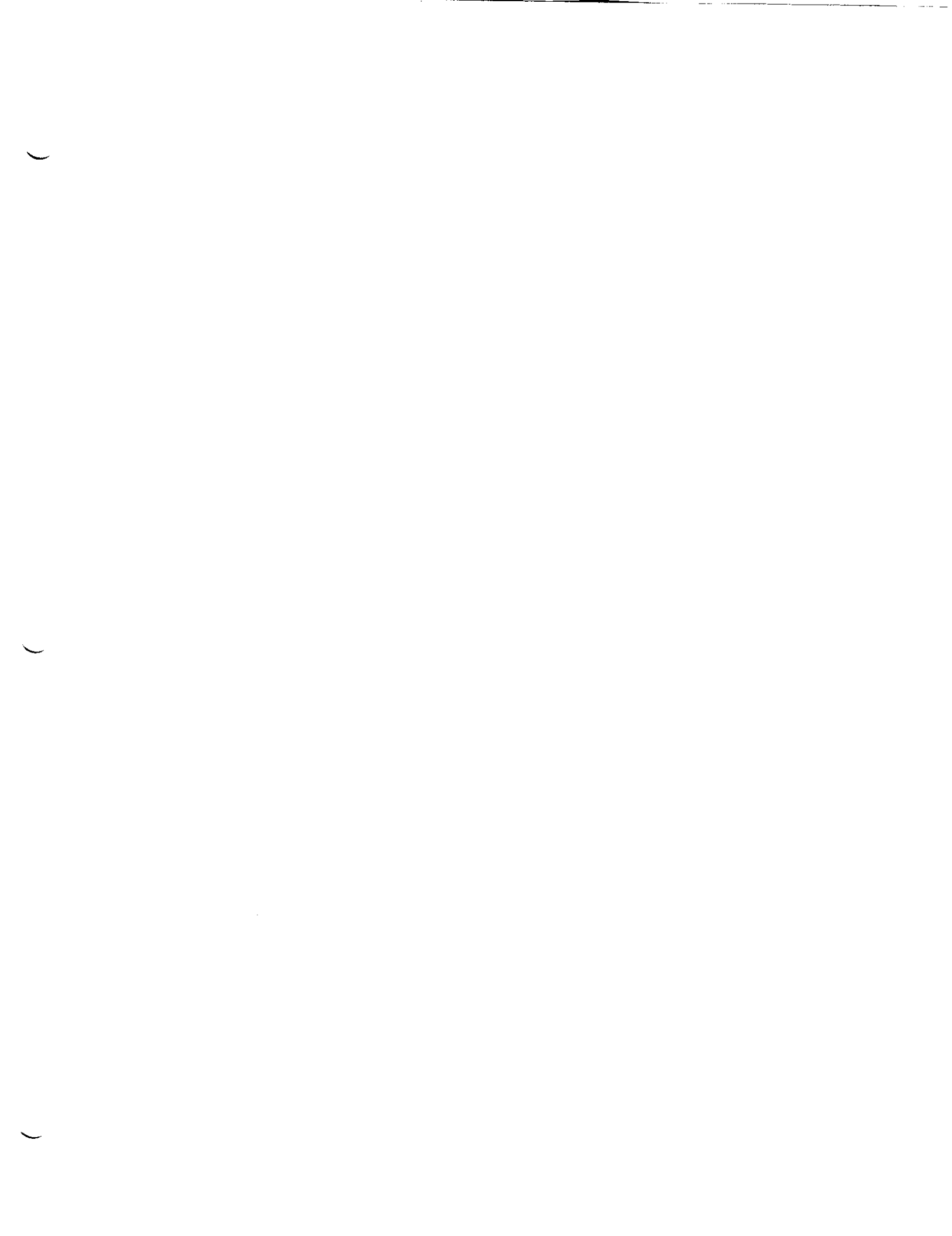
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PROPOSALS FOR PROMOTING
WATER REALLOCATION AND EFFICIENCY

Gary D. Weatherford
Watershed West
Berkeley, California

WESTERN WATER: EXPANDING USES/FINITE SUPPLIES
June 2-4, 1986

Natural Resources Law Center
University of Colorado
School of Law



Gary D. Weatherford

April 29, 1986

PROPOSALS FOR PROMOTING
WATER REALLOCATION AND EFFICIENCY

- I. Introduction: The Expanding Waterscape of Efficiency
 - A. Parameters of Promise: Terrestrial Phase of the Hydrologic Cycle
 1. Watershed Management
 2. Reservoir Management
 3. Distribution Management
 4. End-Use and Re-Use Management
 - B. Selecting and Ranking Targets
- II. Macro: Entitling States to Control What Is Not Consumed Within Their Borders
 - A. The Consumptive Use Requirement and Notions of Surplus: Elements and Sources
 1. The Legacy of Prior Appropriation: Consumption as a Practical and Expedient Standard for Allocation and Self-Regulation
 2. Federal Common Law: Injury Requirement for Injunctive Relief on Interstate Streams
 3. Interstate Compact Law: The Colorado River as a Case in Point
 4. Legislative Overlay

B.An Alternative: Marketable Entitlement

- 1.The Concept
- 2.Elements and Configurations
- 3.Problems of Retrofit and Reform
- 4.Prospect

C.Conclusion

**III.Micro: Legal Incentives for Improving the Efficiency of Urban
Water Management and Use**

- A.Growth Incentives for Conservation
- B.Sources of Waste and System Losses
- C.Regulatory and Non-regulatory Settings for Public and
Private Systems
- D.Possible Legal Reforms

- 1.Urbanizing Beneficial Use Standards
- 2.Authorizing or Mandating Changes in Pricing

Approaches

- 3.Conservation as a Precondition for Importing New
Supplies

E. Variable Climate for Change

**IV:Conclusion: Toward System-Wide and Service-Area-Wide
Efficiencies**

- A.The Need for Institutional Cooperation and Integration
- B.Forces and Factors to Watch and to Influence