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Legal Aspects of Sustainable Water Resources Management

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Raphael J. Moses has been practicing law since receiving his LLB in 1937. His distinguished career of nearly seven decades includes several highlights, including the co-founding of the Natural Resources Law Center at the University of Colorado. The author of dozens of significant articles on water rights ("The Valuation and Marketability of Agricultural Water Rights," "Western Water Rights Problems," "The Initiation of New Water Rights in the Western States," and "How to Find Water When the Water is All Gone" among them), he was the Special Assistant Attorney General for the Rio Grande Compact; a member of the Committee of 14; a member, vice-chairman, counsel and consultant to the Colorado Water Conservation Board; member of the Ad Hoc Committee of Water Resources and the Federation of Rocky Mountain States, Inc.; and member, vice-chairman, and chairman of the Western States Water Council.

Moses has served on the Board of Directors and Executive Committee for Colorado Open Lands, the Associated Alumni of University of Colorado, and the University of Colorado Foundation, Inc. He is a life fellow in the American Bar Foundation, and the recipient of numerous awards for service to profession and community. Currently, Moses is a partner at Moses, Wittemyer, Harrison, and Woodruff, PC, in Boulder.

ABSTRACT

Water resources management encompasses wise utilization of a scarce natural resource -- water. However, over the years we have managed to pollute much of the water so that it is unusable without treatment, which may consist of filtration or some other more expensive attention. Thus we have less water for a constantly increasing demand of applications. Until some magician repeals the law of supply and demand, the inevitable result is increased value and increased cost, making sustainable water resources management more difficult.

In my opinion, the greatest threat to sustainable resources management is pollution and dealing with it requires global cooperation. For many years we looked upon the Exxon Valdez spill as the ultimate example of pollution. Then, on January 25, 1991, the United States accused Saddam Hussein of intentionally releasing millions of gallons of Kuwaiti oil into the Persian Gulf creating a huge oil slick that dwarfed the Exxon Valdez spill. Pollution is so easy to cause, and so difficult to eradicate, that it is almost certain that some time, some place, there will be a disaster greater than any we have previously experienced.

What is the answer? Perhaps the only answer is education. It must be cradle-to-the-grave education. It must be financed by the "haves" as the "have-nots" cannot do so. It should be a priority for the United Nations as no one country can finance it. It would also be ironically appropriate for the Rockefeller Foundation, funded by the oil baron's billions and long active through the Resources for the Future Fund in sponsoring environmental causes, to fund this effort.