

**WATER LAW AND ITS RELATIONSHIP
TO ENVIRONMENTAL QUALITY:
A BIBLIOGRAPHY OF SOURCE MATERIAL**

by

**George E. Radosevich, David R. Allardice,
Gustav A. Swanson, and
Kenneth R. Koebel**

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ENVIRONMENTAL RESOURCES



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**Colorado State University
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Environmental Resources Center

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PREFACE

In September, 1971, the Office of Water Resources Research awarded the principal investigators Drs. G. A. Swanson and G. E. Radosevich a research project entitled, Water Law and Its Relationship to the Environment, with particular reference to fish and wildlife habitat and recreation and aesthetics. During the preliminary stages of project organization and program conceptualization, it was realized that materials on the subject--both legal-institutional and those dealing with natural resources--were difficult to identify readily due to numerous reporting systems and insensitivity to the topic previously. To facilitate data acquisition and insure identification of "most relevant" materials, questionnaires were sent to water resource and fish and wildlife agencies in each state and at the federal level. The responses varied from a genuine and much appreciated effort to provide material or information to silence. In addition, several scheduled trips to various state agencies produced gratifying insight and data on the subject.

Many contributors expressed an interest in becoming informed of available laws and related materials. In response to these requests, the research team has prepared a bibliography of source data. The references cited are largely those supplied by the state agencies which responded to our request, but others which have come to my attention are also included.

Persons receiving the bibliography will doubtless detect omissions or corrections needed, and they are urged to communicate them to the authors at Colorado State University, to be included in a supplementary Volume II, to be issued when our project is completed.

George G. Radosevich
Department of Economics

Gustav A. Swanson
Department of Fishery and Wildlife

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by George E. Radosевич¹
David R. Allardice ²
Gustav A. Swanson ³
Kenneth R. Koebel ⁴

Introduction and Outline of Bibliography

Volume I contains a partial bibliography of legal, institutional and related source materials on the subject of water law in relationship to environmental quality and of related discussions of the natural resource aspects of water resources. These resource publications, often based upon research or inventories, form in general the background for, or the need for, the laws and regulations. The topic has been narrowed to specific emphasis on fish and wildlife habitat and recreational and aesthetic aspects. In the traditional sense of water law, only quantity characteristics of water are covered. This project and bibliography have also confined the field of examination to water quantity considerations. Water quality and pollution control are already extensively investigated in completed and ongoing research and bibliographies.

To facilitate identification of relevant source material in Volume I, the methodological approach has been to divide the sources into these broad categories:

I. State materials (pp. 101-105)

- Legal relating to water (as described below).
 - Primary sources.
 - Secondary sources.
- Legal relating to fish and wildlife.
 - Primary sources.
 - Secondary sources.
- Legal relating to general.
 - Primary sources.
 - Secondary sources.
- Natural resources reports.

II. Interstate or regional materials, with the same breakdown. (106-115)

III. Federal, with the same breakdown. (119-126)

Customary classification and listing of legal data sources have been utilized to rank the citations. This system is to organize according to degree of authority of the source -- primary (constitution, statutes, compacts, treaties, case law, rules and regulations and legislated policies) - - secondary (reports, texts, journal articles, miscellaneous).

The sources contained in the bibliography are not annotated. However, their inclusion is based upon an examination of the source and determination of its relevancy to the topic. For this reason, obscure and seemingly unrelated titles appear but are included due to their contents. Officials in states which are considering modifications in the legal protection which they afford to such aspects of environmental quality as fishery, recreational, or esthetic values will no doubt be interested in seeing what has been published in other states.

1/Assistant Professor of Environmental Law and Economics, Department of Economics, Colorado State University.

2/Graduate Research Assistant, Department of Economics, Colorado State University.

3/Head, Fishery and Wildlife Biology Department, Colorado State University.

4/Graduate Research Assistant, Fishery and Wildlife Biology Department, Colorado State University.

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