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What Are We Going to Talk About Today:

1. Things happening in the U.S. & Colorado

2. Water Law of Ancient Cultures

3. Water Law of Colorado

4. Buying and selling water rights in Colorado

5. Other future challenges
If a man has released waters and so has let the water carry away the works on his neighbor’s field, he shall pay 10 gur of corn for every bur (of land) flooded.
JUSTINIAN CODE

Although the Code of Hammurabi was one of the earliest sets of laws, the Romans were the first civilization to view law as a science. They also organized and established extensive bodies of law for Roman citizens and their property.\(^4\)

In A.D. 528 Roman Emperor Justinian I (483–565) ordered the compilation of all existing Roman laws, including those for water allocation, which had evolved over the previous 13 centuries. This set of Roman law was called the Justinian Code (also known as the Corpus Juris Civilis, or Body of Civil Law) and was the most elaborate system of law in the world up to that time.\(^5\)

The Justinian Code is the basic premise for all modern civil law.
Frederic Remington, *Fight for the Waterhole*, oil on canvas, 1903. The painting is on display at the Museum of Fine Arts, Houston, Texas.

In some ways, we continue to guard precious water resources today as we have in the past.
Another method of ownership that has been around for thousands of years is **first possession**. This term could also be called “finders keepers,” or “first come, first served.”

This concept states that the claim of property ownership should remain with the person that initially gained control before other potential claimants.

The rule of first possession is used today with abandoned property, intellectual property, land, radio frequencies, satellite orbits, and water rights. Centuries ago, it was often used to acquire the best land, prime location on a river, and access to water.

The rule of first possession is a fundamental component of rule-making and social order around the world, and evolved into the concept of water rights.
Placer mining, probably somewhere in Colorado.

Prospectors are shoveling gravel and other sediments from a streambed into a sluice box. In later years, huge crushing machines were transported up steep mountain roads to mining camps to replace this labor-intensive process.
The beginnings of the Greeley Number Three Ditch and the City of Greeley can be seen in this 1870 photograph. Notice the distinct lack of trees and dry landscape.
Colorado Gold Mining

1859 – Gold Rush in Colorado

1876 – Colorado becomes a state, and a strict Doctrine of Prior Appropriation is adopted, an Innovative idea for its time.
This etching shows the removal of overburden and the washing away of unwanted gravel to separate out the heavier tin ore.

Leats (canals) were used to divert water to tin-rich regions away from streams.

http://www.historic-cornwall.org.uk/flyingpast/streams.html
Hundreds of irrigation ditches (canals) were constructed between 1860-1890 along the South Platte River and across Colorado.

Under the Doctrine of Prior Appropriation, irrigation ditches received a river diversion priority date, such as May 2, 1863 for 75 cubic feet/second. Wells received no priority date.
Who Controls the Water?

https://www.youtube.com/watch?v=jR8oARgIDms
https://www.youtube.com/watch?v=V33GoE-fzSA
Water rights are similar to Broncos football season tickets.
San Luis People’s Ditch
1852 - Colorado

The Shrine of the Stations of the Cross

San Luis People’s Ditch
Cleaning the San Luis People’s Ditch in the Spring
The Water Court (Tribunal de Las Aquas) has been sitting in the Cathedral of Valencia, Spain, since 961, every Thursday at 11 AM, to resolve farm border, irrigation and other water-related disputes between local farmers.

The seven members are elected by local farmers and the hearings are held without oaths, written records or lawyers. The Court sits on a circular velvet couch to listen and render judgment in the local Valencia dialect. The Court was created by Moorish farmers.
Division One Water Court in Greeley, Colorado - a relatively new innovation in the West
Average Annual Precipitation of Colorado: 18-127 cm
Average Annual Precipitation, 1971-2000
Colorado

Map copyright (c) 2006 by the PRISM Group and Oregon Climate Service, Oregon State University.
Metropolitan State University of Denver

40,000 students on Auraria campus

157 acre campus at Speer Blvd.

Established in 1965
South Platte River Basin Facts

Colorado Population – 5.0 million
2030 projection – 7.1 million
Denver Metro Population – 2.4 million
(30% growth since 1990)
Denver projected
2030 projection – 3.9 million

Water shortfall by 2030 in the South Platte Basin
410,000 acre-feet (134 billion gallons)
Acres of irrigated land expected to be dried up by 2030 in the South Platte Basin – 133,000 – 226,000 acres
Channel 7 News Report

West Slope Diversions

New Reservoir Construction

Buy & Dry

Improved Water Conservation
Future Challenges

1. Population Growth

Denver, Colorado
Future Challenges

2. Loss of irrigated agriculture

Aurora Prairie Waters Pipeline
Future Challenges

3. Protecting the Environment
Here is a land where life is written in Water
the West is where the Water was and is
Father and Son of old Mother and Daughter
Following Rivers up immensities
of Range and Desert thirsting the Sundown ever
Crossing a hill to climb a hill still Drier
Naming tonight a City by some River
a different Name from last nights camping Fire
Look to the Green within the Mountain cup
look to the Prairie parched for Water lack
Look to the Sun that pulls the Oceans up
look to the Cloud that gives the oceans back
Look to your Heart and may your Wisdom grow
to power of Lightning and to peace of Snow

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