



**WILLIAM S. BOYD SCHOOL OF LAW**  
**Faculty Publications**  
(As of February 23, 2008)

**BOOKS**

WATER LAW: CASES AND MATERIALS (7th Ed. 2005) (with George A. Gould & Gregory S. Weber) (5th and 6th Editions with George A. Gould).

SELECTED PROBLEMS IN IDAHO GROUND WATER LAW (Idaho Water Res. Research Inst., U. of Idaho, 1975).

**BOOK CHAPTERS**

WATERS AND WATER RIGHTS (Robert E. Beck, ed.2004) (annual pocket parts, ch. 43-48).

*Interstate Water Allocation, Part VIII, in WATERS AND WATER RIGHTS* (Robert E. Beck ed., Repl. Vol. 2004) (Part VIII, Consisting of Six Chapters, Appears in Volume Four of Seven-Volume Annually Supplemented Treatise. Prior Editions in 1991 and 1996.)

*Legal Aspects of Conjunctive Management of Surface and Ground Water, in D. RALSTON, R. BROADHEAD & D. GRANT, HYDROLOGIC AND LEGAL ASSESSMENT OF GROUND WATER MANAGEMENT ALTERNATIVES FOR IDAHO* (Idaho Water Res. Research Inst. 1984).

*Response Options and Legal Issues in Water Management Under Drought Conditions, in J. HAMILTON, D. WALKER, D. GRANT, AND P. PATTERSON, THE 1977 DROUGHT IN IDAHO: ECONOMIC IMPACTS AND THE RESPONSE OF IRRIGATORS AND WATER DELIVERY ORGANIZATIONS* (Idaho Water & Energy Res. Research Inst. 1981).

*Legal Ownership Priority and Classification Criteria, in J. CARLSON, D. GRANT, E. MICHALSON, J. MILLIGAN & J. VAN LEUVEN, DEVELOPING CRITERIA TO CLASSIFY WILD AND SCENIC RIVERS* (Idaho Water Res. Research Inst. 1976).

*Idaho Ground Water Law, in D. RALSTON, D. GRANT, H. SCHATZ, & D. GOLDMAN, ANALYSIS OF THE IMPACT OF LEGAL CONSTRAINTS ON GROUND-WATER RESOURCE DEVELOPMENT IN IDAHO* (Pamphlet No. 158, Idaho Bureau of Mines and Geology, 1974).

*Proof of Performance, in ANNUAL ASSESSMENT WORK: A DEFINITIVE LEGAL MANUAL* (Rocky Mtn. Min. Law Found., Don Sherwood ed., 1972).

*Law and Pesticides*, in PESTICIDES, ECOLOGY AND NATURAL RESOURCES MANAGEMENT (Wash. St. U, 1971).

## **LAW REVIEW AND OTHER ARTICLES**

*Conjunctive Management of the Hydrologically Connected Surface Water and Ground Water: The Problem of Sustainable Use*, 54 ROCKY MT. MIN. INST. \_\_ (forthcoming 2008).

*Collaborative Solutions to Colorado River Water Shortages: The Recent Basin States Agreement and Beyond*, 8 NEV.L. J. \_\_\_\_ (forthcoming 2008).

*ESA Reductions in Reclamation Water Contract Deliveries: A Fifth Amendment Taking of Property?*, 36 ENVTL. L. 1331 (2006). [Hein](#) [Lexis](#) [Westlaw](#)

*Two Models of Public Interest Review of Water Allocation in the West*, 9 U. DENV. WATER L. REV. 485 (2006). [Hein](#) [Westlaw](#)

*Interstate Allocation of Rivers Before the United States Supreme Court: The Apalachicola-Chattahoochee-Flint River System*, 21 GA. ST. U. L. REV. 401 (2005). [Hein](#) [Lexis](#) [Westlaw](#)

*Limiting Liability for Long-Continued Breach of Interstate Water Allocation Compacts*, 43 NAT. RESOURCES J. 373 (2003). [SSRN](#) [Hein](#) [Lexis](#) [Westlaw](#)

*Interstate Water Allocation Compacts: When the Virtue of Permanence Becomes the Vice of Inflexibility*, 74 U. COLO. L. REV. 105 (2003). [Hein](#) [Lexis](#) [Westlaw](#)

*Underpinnings of the Public Trust Doctrine: Lessons from Illinois Central Railroad*, 33 ARIZ. ST. L.J. 849 (2001). [Hein](#) [Lexis](#) [Westlaw](#)

*Commerce Clause Limits on State Regulation of Interstate Water Export*, 105 WATER RESOURCES UPDATE 10 (Autumn 1996).

*Instream Flow Protection and Public Interest Review of Appropriations*, 5 RIVERS: STUD. IN THE SCI., ENVTL. POL'Y, & LAW OF INSTREAM FLOW 294 (1996).

*Western Water Rights and the Public Trust Doctrine: Some Realism About the Takings Issue*, 27 ARIZ. ST. L.J. 423 (1995).

*Public Interest Review of Water Right Allocation and Transfer in the West: Recognition of Public Values*, 19 ARIZ. ST. L.J. 681 (1987).

*The Complexities of Managing Hydrologically Connected Surface Water and Groundwater Under the Appropriation Doctrine*, 22 LAND & WATER L. REV. 63 (1987).

*The Future of Interstate Allocation of Water*, 29 ROCKY MT. MIN. L. INST. 977 (1984).

*Reasonable Groundwater Pumping Levels Under the Appropriation Doctrine: Underlying Social Goals*, 23 NAT. RESOURCES J. 53 (1983).

*Reasonable Groundwater Pumping Levels under the Appropriation Doctrine: The Law and Underlying Economic Goals*, 21 NAT. RESOURCES J. 1 (1981).

*Registration of Constitutional Method Water Rights*, 17 IDAHO L. REV. 7 (1981).

*The Idaho Water Plan: Two Threshold Constitutional Problems and Suggested Solutions*, 15 IDAHO L. REV. 443 (1979).

### **OTHER PUBLICATIONS**

ECONOMIC AND LEGAL CONSIDERATIONS FOR LEASING CROPLAND IN IDAHO (Agric. Experiment Station Bull. No. 727, U. of Idaho, 1991) (with Clark F. Seavert and Russell V. Withers).

*Background on Solicitor's Opinion on Federal Water Rights, in IDAHO'S WATER AND ENERGY 2* (Idaho Water & Energy Resources Res. Inst., July 1980).

LAND TENURE AND LEASING IN IDAHO AGRICULTURE: ECONOMIC AND LEGAL CONSIDERATIONS (Agricultural Experiment Station Bulletin No. 579, U. of Idaho, 1978) (with R. V. Withers).

*The State Water Plan and Water Rights*, IDAHO WATER RESOURCES RES. INST. NEWSL., Jan. 1977.

OIL AND GAS LEASING OF IDAHO FARM AND RANCH LAND (Agric. Experiment Station Bull. No. 569, U. of Idaho, 1976).

*Who Owns Idaho's Water: Is This a Valid Question?*, in PROCEEDINGS OF 1975 IDAHO WATER CONFERENCE (Idaho Water Res. Research Inst., U. of Idaho, 1975.)

\*\*\*\*