

Douglas L. Grant

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Education

J.D. 1967, University of Colorado
B.A. 1962, University of Iowa

Legal Employment

2010 - Professor Emeritus, William S. Boyd School of Law, University of Nevada-Las Vegas
2004-2010, E.L. Cord Foundation Professor, William S. Boyd School of Law, University of Nevada-Las Vegas
1999-2004, Professor, William S. Boyd School of Law, University of Nevada-Las Vegas
1998-1999, Alan G. Shepard Professor, College of Law University of Idaho
1971-1998, Professor, College of Law, University of Idaho
1968-1971, Associate Professor, College of Law, University of Idaho
1971 (summer), Visiting Professor, School of Law, University of Colorado, Boulder, CO
1977-1978 (sabbatical leave), Parry, Robertson, Daly and Larson, Twin Falls, ID
1967-1968, Davis, Graham, & Stubbs; Denver, CO

Courses Taught

1968-2010, Water Law
1968-2010, Property I & II
1974-2010, Real Estate Finance
1968-1978, Mining and Public Land Law
1970-1974, Environmental Law
1968-1970, Natural Resources Seminar

Publications

Books and Book Chs. WATER LAW: CASES AND MATERIALS (8th ed. 2010), with Gregory S. Weber. Thomson Reuters/West. (7th edition with George A. Gould and Gregory S. Weber; 5th and 6th editions with George A. Gould.)

Chapters 43-48, collectively entitled "Part VIII. Interstate Water Allocation," in vol. 3 WATERS AND WATER RIGHTS (Robert E. Beck & Amy K. Kelley eds., 3rd ed. 2009). Matthew Bender & Company, Inc. Prior editions or replacement volumes in 1991, 1996, and 2004.)

Journal and Law Review Articles "Conjunctive Management of Hydrologically Connected Surface Water and Ground Water: The Problem of Sustainable Use," 54 Rocky Mtn. Mineral Law Inst 14-1 2008.

"ESA Reductions in Reclamation Water Contract Deliveries: A Fifth Amendment Taking of Property?," 36 ENVTL. L. 1331 (2006).

"Two Models of Public Interest Review of Water Allocation in the West," 9 U. DENV. WATER L. REV. 485 (2006).

"Interstate Allocation of Rivers Before the United States Supreme Court: The Apalachicola-Chattahoochee-Flint River system, 21 GA. ST. L.J. 401 (2005).

"Limiting Liability for Long-Continued Breach of Interstate Water Allocation Compacts," 43 NATURAL RESOURCES J. 373 (2003).

"Interstate Water Allocation Compacts: When the Virtue of Permanence Becomes the Vice of Inflexibility, 74 U. COLO. L. REV. 105 (2003).

"Underpinnings of the Public Trust Doctrine: Lessons from *Illinois Central Railroad*, 33 ARIZ. ST. L.J. 849 (2001).

"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, AND 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 AND 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 NATURAL RESOURCES J. 53 (1983).

"Reasonable Groundwater Pumping Levels Under the Appropriation Doctrine: The Law and Underlying Economic Goals," 21 NATURAL 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, with Clark F. Seavert and Russell V. Withers (Agric. Experiment Station Bull. No. 727, U. Idaho, 1991).

"Part II. Legal Aspects of Conjunctive Management of Surface and Ground Water,"

in D. Ralston, R. Broadhead, and D. Grant, HYDROLOGIC AND LEGAL ASSESSMENT OF GROUND WATER MANAGEMENT ALTERNATIVES FOR IDAHO (Idaho Water Resources Res. Inst. 1984).

Chapter entitled "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 Resources Res. Inst. 1981).

"Background on Solicitor's Opinion on Federal Water Rights," 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, with R. V. Withers (Agricultural Experiment Station Bulletin No. 579, U. Idaho, 1978).

"The State Water Plan and Water Rights," Idaho Water Resources Res. Inst. Newsl., January 1977.

"Part IV. 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 Resources Res. Inst., U. Idaho, 1976).

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

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

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

"Chapter II. 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).

Chapter 4, "Proof of Performance" in ANNUAL ASSESSMENT WORK: A DEFINITIVE LEGAL MANUAL (Don Sherwood ed. 1972). Rocky Mtn. Min. Law Found.

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

Public Service

Presentations "The Public Trust Doctrine and Global Warming," at the 27th Annual Public Interest Environmental Law Conference at the University of Oregon School of Law on February 28, 2009.

"Conjunctive Management of Hydrologically Connected Surface Water and Ground Water: The Problem of Sustainable Use," at the 54th Annual Rocky Mountain Mineral Law Institute at Snowmass, CO, on July 18, 2008,

"The Proposed Federal Guidelines for Managing the Colorado River," at a Continuing Engineering Education program on "Nevada Land Law for Civil Engineers and Land Surveyors sponsored by Half Moon Seminars in Las Vegas on November 16, 2007.

Collaborative Solutions to Colorado River Water Shortages: The Recent Basin States Agreement and Beyond, at the Saltman Center's conference on "Collaboration and the Colorado River," held at the William S. Boyd School of Law in Las Vegas on October 12, 2007.

"Applying the Model Compact to Existing Compacts: How Flexible Is the Compact Clause?," at a CLE program on The Utton Center Model Interstate Water Compact: Why This Model Is Useful Whether or Not Your River Has a Compact, sponsored by the State Bar of New Mexico and The Utton Transboundary Resources Center, University of New Mexico School of Law, June 7-8, 2007.

"Water Law in Southern Nevada," at the Lifelong Learning Center, Sun City Anthem, Henderson, NV on April 18, 2006.

"The Public Interest Standard in Nevada Water Law" at Nevada Water Law: Maintaining the Balance, a program sponsored by CLE International in Reno on October 20-21, 2005.

"Interstate Water Allocation Compacts: When the Virtue of Permanence Becomes the Vice of Inflexibility," Thirteenth Biennial Institute for Natural Resources Law sponsored by the Rocky Mountain Mineral Law Foundation, Energy & Mineral Law Foundation, Section of Environment, Energy and Resources of the American Bar Association, and Institute for Energy Law of the Center for American & International Law, Santa Fe, NM, June 4, 2005.

"Path Forward for Sustainability of Southern Nevada's Water Resources," Symposium on Sustainability of Southern Nevada's Water Resources—At What Cost?, Las Vegas, October 19, 2004.

"Interstate Water Allocation of Rivers by the United States Supreme Court," 2004 Annual World Water & Environmental Resources Congress of the Environmental and Water Resources Institute of the American Society of Civil Engineers, Salt Lake City, UT, July 1, 2004.

"Water Supply and Demand Issues in Southern Nevada," Council for a Better Nevada, Las Vegas, NV, May 10, 2004.

"The Public Interest Standard in Nevada Water Law," 2004 Nevada Water Resources Association Annual Conference, Mesquite, NV, Feb. 25, 2004.

"Interstate Allocation of Rivers Before the United States Supreme Court," Symposium on Critical Issues in Georgia Water Law and Policy, Georgia State University College of Law, Atlanta, GA, January 7, 2004.

"Water Management and the Public Trust Doctrine," Environmental and Natural Resources Section, Arizona State Bar, Phoenix, AZ, March 27, 2002.

"The Public Trust Doctrine and Democratic Principles," Program on Hot Topics in Environmental Law, sponsored by Nevada State Bar, Reno and Las Vegas, NV, December 11-12, 2001.

"Using Public Interest Tests to Protect Water Quality and Provide Water for Instream Uses," Legal Committee Meeting, Western States Water Council, Scottsdale, AZ, March 15, 2001.

"Interstate Water Allocation by U.S. Supreme Court Decrees, Interstate Water Compacts, and Congressional Enactments," the Williams Lecture at the University of Nebraska-Lincoln School of Natural Resource Sciences, Lincoln, NE, January 19, 2000.

"Water Management and the Law of Interstate Allocation: Recent Trends and Future Directions," 1997 Annual Meeting of the Interstate Council on Water Policy, San Diego, CA, September 17-19, 1997.

"Water Law Update," 43rd Annual Institute of Rocky Mountain Mineral Law Foundation, Portland, OR, July 24-26, 1997.

"The Public Trust Doctrine in Idaho," Idaho Environmental Professionals Southwest, Boise, ID, October 8, 1996.

"Public Interest Review of Water Rights," Symposium on Water Resources Law at University of San Diego School of Law sponsored by American Bar Association's Section of Natural Resources, Energy and Environmental Law, San Diego, CA, February 12, 1993.

"The Legal Framework for Aquifer Issues," Conference on Uncovering the Hidden Resource: Groundwater Law, Hydrology, and Policy in the 1990s, University of Colorado, Boulder, CO, June 15-17, 1992.

"The Evolution of Water Law and Management in the West," Idaho Water Users' Association Seventh Annual Water Law and Resource Issues Seminar, Boise, ID, December 7-8, 1990.

"Groundwater Management Under the Appropriation Doctrine," Annual Idaho State Bar Meeting, Coeur d'Alene, ID, July 13-15, 1989.

"Groundwater Rights," National Park Service Water Rights Workshop, Ft. Collins, CO, March 21-22, 1989.

"The Commerce Clause and Interstate Water Transfer Policies," Western Legislative Conference of the National Council of State Governments, Coeur d'Alene, ID, August 21-23, 1988.

"Public Interest Review in Water Rights Allocation and Transfer in the West," Conference on Water as a Public Resource: Emerging Rights and Obligations, University of Colorado, Boulder, CO, June 1-3, 1987.

"Conjunctive Water Resource Management in Idaho," Third Annual Water Law and Resources Issues Seminar sponsored by Idaho Water Users Association, Boise, ID, December 12-13, 1986.

"Recent Judicial Decisions of National and Regional Scope," Institute on Idaho Water Law sponsored by Idaho Law Foundation, Inc., Sun Valley, ID, July 13, 1984.

"The Future of Interstate Allocation of Water," 29th Annual Rocky Mountain Mineral Law Institute, Vancouver, B.C., July 21-23, 1983. Fuller version also published (see above).

"Registration of Constitutional Method Water Rights," Institute on Natural Resources sponsored by Idaho Law Foundation, Inc., Boise, ID, June 19-20, 1981. Fuller version also published (see above).

"The Idaho Water Plan: Two Threshold Constitutional Problems and Suggested Solutions," Institute on Water Rights sponsored by Idaho Law Foundation, Inc., and Idaho Law Review, Boise, ID, March 24, 1979. Fuller version also published (see above).

"Ground Water," Water Law Short Course sponsored by Cooperative Instream Flow Service Group of the U.S. Fish & Wildlife Service, Natural Resources Law Institute of Lewis and Clark Law School, and Council of State Governments, Boise, ID, May 1-3, 1979.

"Recent Developments in Modern Real Estate Law," Professional Update Conference sponsored by Idaho Law Foundation, Inc., Boise, ID, May 18-19, 1978.

"Mineral Leasing from the Viewpoint of the Farmer or Rancher as Lessor," Institute on Tax and Estate Planning for Idaho Farmers and Ranchers sponsored by Idaho Law Foundation, Inc., Coeur d'Alene, Boise and Idaho Falls, ID, October 14-16, 1976.

"Proof Of Performance Of Annual Assessment Work," Annual Assessment Work Institute Sponsored by Rocky Mountain Mineral Law Foundation, Denver, CO, September 12, 1970. Fuller version also published (see above).

**Other
Recent
Service**

Rocky Mountain Mineral Law Foundation

- Program Chair, Water Law Section, 46th Annual Institute, Vancouver B.C., July 20-22, 2000.
- Member, Board of Trustees, 2004 - 2010.
- Reporter on developments in Nevada water law for Foundation's Water Law Newsletter (three issues per year), 2005 – 2010.

Peer review of Model Interstate Water Compact for the Utton Transboundary Resources Center at the University of New Mexico School of Law. November 2005.

Peer review for the Environmental and Water Resources Institute of the American Society of Civil Engineers of a book manuscript submitted to it for publication: STEPHEN E. DRAPER, SHARED USE OF TRANSBOUNDARY WATER RESOURCES. August 2004.

Peer review for the University of Nevada Press of a book manuscript submitted to it for publication: James E. Davenport, NEVADA WATER LAW. January 2002.

Anonymous peer review of natural resources scholarship of a candidate for promotion at the J. Reuben Clark School of Law, Brigham Young University, August 2000.

Peer review of natural resources scholarship of a candidate for promotion at the University of Idaho College of Law. January 2010.

Honors & Awards

Clyde O. Martz Law Teaching Award of the Rocky Mountain Mineral Law Foundation, 2010
Phi Kappa Phi/University of Idaho Distinguished Faculty Award, 1990
Associated Students of the University of Idaho, Outstanding Faculty Award, 1985
Order of the Coif, University of Colorado School of Law
Editor-in-Chief, University of Colorado Law Review, 1966-67
Outstanding Student, University of Colorado School of Law, 1964-65
Phi Beta Kappa and B.A. With Highest Distinction, University of Iowa