

A WORD FROM THE ISSUE EDITOR:

BY SCOTT MCKENNA, ESQ.

*“When the well is dry, we know
the worth of water.”*

~ Benjamin Franklin (1746) ~

It seems that truer words were never spoken, particularly for those of us who have chosen to live and work in Nevada, the most arid of all of the 50 United States. Here in Nevada, the average annual rainfall is only seven inches, yet water is indispensable to commerce, industry and even life itself. Thus, this issue of *Nevada Lawyer* seeks to explore various facets of the law surrounding the use of water, that most precious of commodities.

First, R. Craig Howard and Bryce C. Alstead provide us with an excellent overview of water law in Nevada, touching upon such issues as the “prior appropriation model,” the process for obtaining permits and the severability of water rights.

Next, Doug Cannon presents a discussion of the “anti-speculation doctrine,” first articulated by the Colorado Supreme Court in 1979 and adopted by the Nevada Supreme Court in 2006 in *Bacher v. State Engineer*. The author further explains how the Nevada Supreme Court clarified the scope of the doctrine in 2008 in *Adaven Management, Inc. v. Mountain Falls Acquisition Corporation*. In a related article, Rew R. Goodenow and John R. Zimmerman discuss the *Adaven* case at length in the context of free alienability of water rights.

After that, Rochelle Nason presents a summary of the ongoing effort to preserve Lake Tahoe, one of our state’s most unique and irreplaceable landmarks. The author helps to explain the legal and regulatory framework which has at times enhanced and at other times impeded the preservation of this alpine jewel.

Finally, Jennifer T. Crandell and Nicole A. Everett discuss “flexible water management” within the particular context of the Colorado River basin; Laura A. Schroeder and Therese A. Ure inform the reader about legal developments concerning “domestic groundwater exemptions;” and Professor Douglas L. Grant keeps us up to date on the latest happenings with respect to water law in academia at the William S. Boyd School of Law. **NL**

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