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Foreword

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FOREWORD*

Water has long been known as the universal solvent. Aside from air, there is no other commodity so completely essential to the well-being of people. The wide diversity in the uses that are made of water has set up a growing competitive situation between users. Not only are users of water competitive for the scarce supply, but often their wide dispersion along a common source of water such as an aquifer, a river, or a lake covering as much as several states, further complicates the rights of people to water.

As Chairman of the North Dakota Water Conservation Commission, I see the competition between people of various interests for water within our state. As Chairman of the Missouri River States Committee, I see the variation in area interests in water that exists between the ten states that make up the Missouri River drainage basin. The variation in interests in water, and the mounting competition for this limited resource, make it necessary that we review the laws which have come into being over the years to regulate people's use of water.

This timely symposium on water laws is illuminated by the urgent proposal before Congress to establish a cabinet-level council to help plan basin-wide water resource development in each and every river basin in the United States.

The nation has reached a point in water usage which is regarded as critical in many areas. Water use and water movement between political subdivisions is too often governed by conflicting regulations and laws. The laws of a political subdivision are too often based on maximum benefits to that subdivision, without consideration or vision as to the total use of a single water resource over several political subdivisions in an entire basin. Because rivers and lakes have historically formed the boundaries between political subdivisions and have been the avenues of water transportation, causing great cities to spring up on either end of the bridges spanning these bodies of water, the conflicts in mutual interest of contiguous states and cities becomes more acute as each year passes.

*By Hon. William L. Guy, Governor of the State of North Dakota

The major uses of water as we see it today certainly include municipal and industrial uses, irrigation, pollution abatement, navigation, electric power generation, recreation, and the enhancement of waterfowl production. The resolution of differences between these major uses of surface waters is a gigantic task, necessitating cooperation between political subdivisions from the townships to the states. An imbalance of advantage under the law for any particular usage of surface water could seriously restrict the economic development of other enterprises depending on other uses of water.

We are also probing the earth for well water, crude oil and other minerals. In the crude oil industry the benefits of deep well water used for pressure maintenance through injection in a unitized oil field only partially offsets the frustration to crude oil recovery of a high percentage of water in crude oil pumping. The disposition of water not suitable for human uses is a problem which the oil industry faces daily. There is always the hazard that expediency in the use or disposal of ground water could affect the ground water usage for generations to come.

In my message to the Legislative Assembly in January of 1961 I pointed out the necessity of a study of this state's water laws, in order that our laws pertaining to the appropriation of water for various beneficial purposes be improved and brought up to date to meet conditions confronting both urban and rural areas. It is fitting and proper that we conduct this symposium of water laws sponsored by a North Dakota legal institution. Certainly North Dakota's position in economic expansion for the years ahead will be in direct relationship to the skill we use in formulating regulations and laws governing the use of the most valuable natural resource this state has—its water.

