LAW AND CONTEMPORARY PROBLEMS

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FOREWORD

Although man is far removed from the aquatic environment from which he is said by some to have sprung, his crucial dependence upon water persists. Not alone does water continue to be indispensable to his maintenance of life, but it constitutes as well an absolute condition of his cultural advancement. Thus, only where water supply has been adequate and assured has civilization flourished; where it has been deficient or irregular, growth has been forestalled or arrested.

The importance of water and the necessity for its conservation and prudent utilization have, of course, long and widely been recognized. Only recently, however—perhaps within the past fifty or sixty years—has the river basin come generally to be accepted as the appropriate physiographic unit for planning efficient water resource management. Accordingly, although the concept has lately been translated more broadly into action, almost nowhere has the ideal of fully integrated development yet been attained.

The feasibility of river basin development is a function of many natural factors—topographical, geological, meteorological, and others. Great significance, therefore, attaches to such matters as the size, shape, and location of the basin. Subject to these constant basic limitations, however, the extent to which complete regulation can be realized is determined only by the level of technology—the nature and effectiveness of the means that have been devised and perfected for streamflow control and use.

But beyond these physical considerations, loom complex and troublesome questions concerning the over-all economic and social utility of river basin development: Will river basin development, indeed, induce economic expansion? And if so, how, where, and in what measure? Further, assuming that such expansion occurs, will it invariably entail socially beneficial results, or may it not, perhaps, rather tend to perpetuate or exacerbate existing inequities and maladjustments or create new ones? And if the latter, how, if at all, may such untoward contingencies be tempered or averted?

Moreover, even if these problems can satisfactorily be resolved and river basin development can properly be channeled to conduce desirable ends, there still remains the critical task of comparatively evaluating competing plans so as optimally to apportion among them the limited resources available. In this connection, several additional questions immediately obtrude: Have appropriate decisional mechanisms, techniques, and standards been evolved? How effective have they been in operation? If shortcomings or abuses have attended their employment, may these possibly be mitigated? And, if not, do any alternatives recommend themselves for adoption?

Finally, of paramount importance is the nature of legal context within which river basin development must transpire: What water rights and associated doctrines govern this area? Are they responsive to underlying policy needs? And, in this light, what modifications and improvements, if any, would be desirable?

To a discussion of these and other related matters, this symposium is addressed. It may well, perhaps, afford illuminating insights into some of the compelling problems that inhere generally in long-range economic and social planning in a democracy—and, if so, the editor and contributors will be gratified. They will feel more than amply rewarded, however, if this symposium will merely have stimulated serious reflection concerning water resource management and, thus, albeit somewhat indirectly and in but a small way, helped soundly to shape water resource policy decisions that will profundly affect our lives for years to come.

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