

Introduction 2025 Edition

Thank you for subscribing to the 2025 Edition of *Law of Water Rights and Resources*. Highlights of this edition include:

- A 5-4 split decision by the U.S. Supreme Court in the *Texas v. New Mexico* litigation over the Rio Grande Compact declining to approve a proposed consent decree negotiated by the states and recommended for approval by the Special Master.
- A 5-4 split decision by the U.S. Supreme Court holding the Environmental Protection Agency lacks authority under the Clean Water Act to include in NPDES permits issued for combined stormwater/wastewater treatment facilities “end-result requirements” (majority’s phrasing)/“receiving waters limitations” (dissent’s phrasing).
- The Department of the Interior’s issuance of a Record of Decision for the Supplemental Environmental Impact Statement to the 2007 Colorado River Interim Guidelines for Lower Basin shortages and coordinated operations of Lake Powell and Lake Mead.
- A Federal Circuit decision holding, in part, the Ute Indian Tribe of the Uintah and Ouray Reservation has asserted cognizable breach of trust claims against the United States for damages under the Indian Tucker Act, stemming from the federal government’s mismanagement of existing water infrastructure on the reservation.
- A Colorado Supreme Court decision upholding the state engineer’s authority to include in well permits a total volumetric limit on withdrawals of nontributary Denver Basin groundwater, and concluding the limit is implied in every water court decree establishing the right to use such water unless the decree explicitly provides otherwise.
- A Colorado Supreme Court decision holding the Green Mountain Reservoir Administrative Protocol is consistent with the Blue River Decree and prior appropriation, and no injury inquiry was required in the proceeding addressing this consistency issue.
- A 5-2 split decision by the Montana Supreme Court reaching contrary conclusions regarding whether beneficial use permits are required for mine dewatering based upon the Montana Water Use Act and an associated administrative policy and past decisions of the Department of Natural Resources and Conservation.
- A Montana Supreme Court decision holding that a portion of an appropriative right was appurtenant to state school trust land—and thus the state was co-owner of that portion of the right—where the appropriator pumped and piped the groundwater from private land for beneficial use (irrigation) on the school trust land under a lease.