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ARTICLES

**Air Emissions Standards and Guidelines Under the Clean Air Act for the Incineration of Hospital, Medical, and Infectious Waste**

*Arnold W. Reitze, Jr. and Michael K. Stagg*

Mr. Reitze and Mr. Stagg discuss the 1990 Clean Air Act Amendments relating to the air pollution created by the combustion of solid waste incinerators, including the burning of hospital, medical, and infectious waste. They argue the new EPA standards should result in significant reductions in the emissions of harmful pollutants by requiring generators of such wastes to either reduce their generation or find other methods of waste disposal.

**The Little Fish that Roared: The Endangered Species Act, State Groundwater Law, and Private Property Rights Collide over the Texas Edwards Aquifer**

*Todd H. Votteler*

Mr. Votteler discusses the controversy over allocation of the Edwards Aquifer, which is San Antonio's sole source of water. He analyzes the history of court and legislative responses to this issue, focusing on the recent litigation over the clash between the implementation of the Endangered Species Act and the overutilization of water resources.

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SYMPOSIUM ON WATER LAW

**Maintaining the Status Quo: Protecting Established Water Uses in the Pacific Northwest, Despite the Rules of Prior Appropriation**

*Reed D. Benson*

Mr. Benson examines the ways in which the Northwest states have maintained established water uses based on political, economic, and equitable factors despite the traditional rules of prior appropriation. He evaluates the economic and environmental implications of state efforts to protect existing water uses, and concludes that the protection of status quo water uses may alter assumptions and arguments about future water policy for the Northwest.

**Beneficial Use, Waste, and Forfeiture: The Inefficient Search for Efficiency in Western Water Use**

*Janet C. Neuman*

Professor Neuman examines the evolution of the beneficial use doctrine, probes the reasons for the doctrine's failure to foster efficient water use, and then compares the original purpose of adopting the beneficial use doctrine to the current needs. She argues that the courts, legislatures, and administrative agencies will need to refine and reform the beneficial use doctrine to improve efficiency in western water use to meet the needs of the twenty-first century.

**Saving Snake River Water and Salmon Simultaneously: The Biological, Economic, and Legal Case for Breaching the Lower Snake River Dams, Lowering John Day Reservoir, and Restoring Natural River Flows**

*Michael C. Blumm, Laird J. Lucas, Don B. Miller, Daniel J. Rohlf, and Glen H. Spain*

The authors argue for breaching the four lower Snake River dams and lowering John Day Reservoir to save Snake River salmon and water. They provide a comprehensive review of the scientific and economic studies on the issue and a thorough analysis of the numerous legal mandates to restore salmon runs.

## **One Hell of a Grand Idea: Applying the Lessons of the Grand Canyon Experiment to FERC's Relicensing of the Hells Canyon Complex**

*Jack K. Sterne*

Mr. Sterne discusses the current relicensing of the Hells Canyon Complex as compared with the relicensing in the Grand Canyon experiment. Mr. Sterne analyzes the ability of the Federal Energy Regulatory Commission to balance both ecosystem and power production concerns, and concludes that ecosystem management can occur through the relicensing process.

## **Six-Packs for Subdivisions: The Cumulative Effects of Washington's Domestic Well Exemption**

*Robert N. Caldwell*

Mr. Caldwell discusses the detrimental environmental and public health effects associated with current application of the exempt well statute in Washington State and suggests potential mitigation measures.

## **Partial Forfeiture of Water Rights: Oregon Compromises Traditional Principles to Achieve Flexibility**

*Krista Koehl*

Ms. Koehl examines Oregon's new partial forfeiture defense, discusses its purpose and practical implications, and then analyses the legal support for adopting the new defense. She concludes that the new defense compromises the beneficial use and use it or lose it principles of the prior appropriation system and argues that the new defense takes a step in the wrong direction, away from certainty and best use of Oregon's scarce resource.

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## **NOTE**

### **Arctic Equity?: The Supreme Court's Resolution of *United States v. Alaska***

*Todd Grover*

Mr. Grover discusses the resolution of the ownership of certain submerged lands along the northern coast of the Arctic National Wildlife Refuge in the Supreme Court's recent decision in *United States v. Alaska*. He discusses the history and resolution of the case, and examines the Supreme Court's reliance on doctrines such as possession, forfeiture, and acquiescence.