

Prior Appropriation and Riparian Rights over Water

Prior Appropriation and Riparian Rights over Water is concerned with usage of the scarce water resource along the course of the river.

Prior Appropriation

Western States follow prior appropriation principles for use of river and stream waters.

Under the doctrine of prior appropriation whoever uses a particular river water first acquires a right to continued enjoyment of the same over and above rival claimants who start consuming later. Subsequent users can utilize only the remaining water.

Here downstream owners suffer a distinct disadvantage since those upstream can appropriate as much water as they need for beneficial purpose, of course, without causing water pollution or without contaminating the river.

As such upstream owners are in law obliged to pass over clean water downstream free of water pollution.

Riparian Water Rights

The riparian theory is followed in the eastern states of the United States.

Under the riparian principles landowners, whose property is adjoining a stream, can use its water. In lean seasons when demand exceeds supply, water is rationed out among the different landowners in proportion the frontage on the water source. These rights to water cannot be sold or transferred independently except along with the adjoining land.

Riparian water claims cover the right to swim, boat, fish and navigate on the water and make other beneficial uses of the same. The courts allow riparian owners to consume water for pollution control, preservation, recreational and aesthetic purpose. Riparian owners enjoy protection against water pollution or contamination of water upstream.

Conclusion

Under both the above systems, use of water resource for ecological purpose and to preserve wild life and plant kingdom is permitted.