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Introduction

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INTRODUCTION

The *Natural Resources Journal* devotes the bulk of this issue to a model interstate water compact whose terms the distinguished authors discuss at length. The authors themselves introduce the compact and commentary and another introduction to that introduction approaches redundancy. However, it is hard to over-emphasize the importance of interstate water compacts in the water life of citizens and of western states, and in the lives of the interstate rivers that the compacts govern.

These compacts are the base on which all other water controls are built. As the Model Compact authors point out, most western compacts are over 50 years old and are out-of-date as far as contemporary issues are concerned. From an institutional point of view, the ancient compacts have proved remarkably flexible in incorporating these new values. Most state water administrators thus far have preferred to treat existing compacts as almost natural facts, as immutable as any other law of nature. But authors Muys, Sherk, and O'Leary were afforded the luxury of starting the world of western water again and this Model Compact is the result. The Model Compact is important for many reasons: It reveals the blind spots in existing, ancient compacts. It shows alternatives. But most of all, this Model Compact suggests that it may be time to start over again rather than patch existing compacts and this Model Compact is one way to begin.

The State of Texas recently took a brand new direction with respect to its ground water and the results of that new direction are assessed by three Texas A&M agricultural economists in another article in this issue. New Mexico took the step of regulating ground water through a permit system almost 75 years ago and Texas's much more recent step with respect to ground water in the Edwards Aquifer sheds new light on switching from a private to a public regime with respect to groundwater development.

Author Robert L. Scharff takes on the same fundamental private-public dichotomy in the context of economics and law in his article on public condemnation of private interests in land for the purpose of economic development. The Supreme Court's *Kelso* decision pushed the issue to the constitutional fore. Now author Scharff brings the tools of an economist to the legal decision.

Two other articles – one on climate change, the other on the control of natural resources through the application of criminal law – add additional breadth and depth to an issue already broad and deep.