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BOOK REVIEWED

Abstraction and Use of Water: A Comparison of Legal Régimes. By Ludwik A. Teclaff. New York: United Nations Department of Economic and Social Affairs (ST/ECA/154). 1972. Pp. iv, 254. \$5.50.

From time to time the United Nations fills an important gap in technical literature with a scholarly and highly useful publication. The best example that comes to mind is this systematic, exhaustively researched and well-written book prepared by Fordham's Professor of Law and Law Librarian, Ludwik A. Teclaff. It is world-wide in scope, and its footnotes are a gold mine for legislation, cases and literature for the student of water resources and law and administration. It is amazing how much solid documentation and sharply focused comment the author has managed to bring between these two covers. Dr. Teclaff has been concentrating on the water resources field for at least a decade and has gained international recognition for his several earlier works;¹ he is a highly regarded consultant to the Water Resources Section of United Nations Headquarters. He is also a member of the International Law Association's Committee on International Water Resources Law and of the Committee on Underground Waters of the International Association for Water Law. He has developed an unusual grasp of the field, and this is reflected in his comfortable and accurate management of the multitude of materials dealt with in the study under review.

The scheme of the book is felicitous. The reader is first led through the various systems of acquiring rights to surface water. The American student and practitioner will especially profit by the section on systems of administrative disposition of water,² which follows a relatively brief but sound treatment of riparian rights and prior appropriation. The latter is of great value to water lawyers of other countries who feel the need for an appreciation of this development in the American West.

Because of the traditional (and unfortunate, I might add) legal separation of surface from underground water supplies in most legal systems,³ a separate section is devoted to acquisition of groundwater use rights.⁴ The author then deals with priorities in water use⁵ and with the institutional arrangements for water supply (government entities, private enterprise and user organizations).⁶

The volume reports on specific water law aspects of the various systems,

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1. E.g., L. Teclaff, *The River Basin in History and Law* (1967).
 2. L. Teclaff, *Abstraction and Use of Water: A Comparison of Legal Régimes* 17-56 (1972).
 3. *Id.* at 57.
 4. *Id.* at 57-68.
 5. *Id.* at 69-87.
 6. *Id.* at 88-126.

including identification of what kinds of persons and entities may acquire water rights,⁷ the agencies that may grant such rights, procedural requirements,⁸ the problem of right of access (especially servitudes),⁹ payment schemes (and what payment is for),¹⁰ and rights to given quantities of water, and conditions under which these rights are acquired.¹¹

A major section is also devoted to the scope and exercise of water use rights (duration, transfers, protection of rights and redress of injury, tribunals and loss of rights).¹² The book closes with a discussion of the three general trends disclosed by the author's research,¹³ namely, the steady expansion of the category of public waters, the contraction of the sphere of use of water *ministerio legis* and the rise to predominance of administrative disposition and management of the resource. Although little space could be allocated to evaluative comment in this compressed descriptive survey done under United Nations auspices, it is hoped that Professor Teclaff will be able to periodically publish his critical views on various segments of this burgeoning and crucial field of the law.

In short, this is a comprehensive study of comparative national, state and provincial water law that has already become *the* handbook on the subject for the professionals in the field. It is already being put to intensive use, as can be attested to by this reviewer. No water resources center or individual specialist can afford to be without it.

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7. Id. at 127-41.

8. Id. at 142-50.

9. Id. at 151-56.

10. Id. at 157-71.

11. Id. at 172-86.

12. Id. at 187-224.

13. Id. at 225-30.

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