

TABLE OF CONTENTS

	Page
Foreword	(i)
Preface	(v)
Acknowledgment	(viii)
Table of Contents	(x)
Table of Cases	(xiii)

CHAPTER ONE

INTRODUCTION	1
The Developmental Needs	4
The Demands of Justice	13

CHAPTER TWO

THE NATURE OF RIGHTS

The Subject Matter	20
Types of Rights	20
Sources of Rights	21
Natural Rights	21
Group Rights	24
The Value of Rights	25

CHAPTER THREE

THE EXISTING LEGAL FRAMEWORK

The Rights of the People	31
Customary Rights	31
<i>Rights Created by Juristic Acts</i>	
Limitations (Juristic)	32
Limitations (Statutory)	32
Riparian Rights	32

Statutory Rights

Proprietary Rights	33
Proprietary Rights to Pollute Water	35
Group Rights	36
Inchoate Rights	37
Groundwater Rights	39
Rights of the State	
Constitutional Powers	40
Statutory Rights	
Direct Rights on Water	40
Implied Rights	41

CHAPTER FOUR**INTERNATIONAL TRENDS IN WATER RIGHTS**

ALLOCATION	46
De-Privatization of Water Rights	47

CHAPTER FIVE**FROM CUSTOMS TO STATUTES** 55**CHAPTER SIX****THE JURISPRUDENCE OF WATER RIGHTS**

The Problematic	62
The Basis of Water Rights	62
Prioritization	66
Principles of Distribution	67
The Riparian Doctrine	68
The Prior-Appropriation Theory	69
The Territorial Sovereignty Theory	71
The Equitable Apportionment Theory	71
The Equitable Utilization Theory	73

	Page
The Community of Interests Theory	74
The Public Trust Theory	75
Theory of State	
 And its Role in Water Distribution	78
 Meaning of Sovereignty	79
 Limits of Eminent Domain	82
 Public Purpose	84
 Compensation	86
 CHAPTER SEVEN	
LEGAL POLICY AND PRINCIPLES	95
 APPENDIX	
Constitutional Provisions	99
Statutory Provisions	102
Appendix – A	114
Appendix – B	152
Appendix – C	156