

Riparian versus Western Water Law		
	Riparian	Western
Loss of Water Rights	Water rights cannot be lost due to non-use and are indefinite in duration	An appropriative right depends upon continued use of the water and may be lost through non-use or abandonment
Priority of Rights	Rights are of equal priority	"first-in-time first-in-right" Those with earliest priority dates have the right to the use of that amount of water over others with later dates
Water Acquisition	The water right is not quantified, rather it extends to the amount of water which can be reasonably and beneficially used on the riparian parcel	The acquisition of water requires that the appropriator demonstrate an intent to appropriate the water, divert the water, and apply it to beneficial use
Water Shortage	During times of water shortage, the riparian proprietors share the shortage	During times of water shortage the junior people are cut off in order until there's enough water to supply the senior rights.
Land Water Relationship	Water may be used only upon that portion of the riparian parcel which is within the watershed of the water source	An appropriative right exists without regard to the relationship between the land and water
Water Storage	The right does not extend to seasonal storage of water	Long-term storage is not only permissible but common
Transferal of Water Rights	The right is part of the riparian land and cannot be transferred for use on other lands, the rights remain with the land when riparian lands are sold	These rights can generally be sold or transferred
Land Ownership Requirements	Water rights are obtained simply by owning land along the watercourse when riparian lands are subdivided, parcels which are severed from the adjacent water source lose their riparian rights unless the rights are reserved	An appropriative right does not depend on land ownership

Hybrid Doctrine: The hybrid doctrine recognizes both riparian and appropriative water rights. Generally, states have this dual system because riparian rights were historically recognized, but the state has changed to an appropriative system. Hybrid states have integrated riparian rights into the doctrine of prior appropriation by converting riparian rights to appropriative rights. Generally, states have allowed riparian land owners to claim a water right by a certain time and incorporate it into the state's prior appropriation system. The riparian rights tend to be superior to the prior appropriative rights even if the water was not put to beneficial use until much later. Riparian rights are not recognized, however, if they are not claimed by a certain date (usually the date the state adopted the prior appropriation doctrine), or are not put to use within a certain number of years. States that have a hybrid system include California, Kansas, Nebraska, North and South Dakota, Oklahoma, Oregon, Texas, and Washington.

The State of Kansas legislature passed the Water Appropriations Act in 1945 which grew out of the sense that Kansas sits right in a geographical position where water is relatively abundant in the east and scarce in the west. Two different water systems developed: prior appropriation in the west and the riparian system in the east. The Water Appropriations Act brought those together and established the prior appropriation system for the entire state and then went on to say any user of water in this state, with some exceptions for small domestic users, must obtain a permit from the state of Kansas.