

1-1-2017

Water Is for Fighting over: And Other Myths about Water in the West

Rebecca Spence

Follow this and additional works at: <https://digitalcommons.du.edu/wlr>

Custom Citation

Rebecca Spence, Book Note, Water Is for Fighting over: And Other Myths about Water in the West, 20 U. Denv. Water L. Rev. 399 (2017).

This Book Note is brought to you for free and open access by the University of Denver Sturm College of Law at Digital Commons @ DU. It has been accepted for inclusion in Water Law Review by an authorized editor of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, dig-commons@du.edu.

BOOK NOTE

John Fleck, *Water is for Fighting Over: And Other Myths about Water in the West*, Island Press, Washington D.C. (2016), 264 pp; ISBN: 978-1610916790.

In *Water is for Fighting Over*, John Fleck¹ takes a positive outlook on the future of the Colorado River, despite its decreasing quality and flow. As a recurring theme, Fleck sets his sights on debunking the titular assertion and a variety of other Western water myths that propagate scarcity, conflict, and disaster. He highlights different instances of collaboration, conservation, and collective water-share efforts by communities utilizing the river that put these myths to bed. Fleck spends the pages convincing readers that fighting over scarcity of water resources never eradicates issues, but utilizing less water collectively could help save the flow of the Colorado River for years to come.

Chapter one, “*Rejoining the Sea*,” describes how water distribution should be handled in the Colorado River Basin. Fleck makes observations about different areas of the U.S. drying up through drought or over-allocation of water resources and the ways in which cities make do with less water in these circumstances. As a solution to this issue, he points to the role “the network” can play in resolving difficult water disputes. Fleck believes this informal group of experts—engineers, lawyers, environmentalists, and water managers who all deal with the river and its allocations, conservation, and management on a daily basis—is essential to better management of the Colorado River. This sort of collaboration is what Fleck believes will alleviate the multitude of allocation issues facing the Colorado River Basin year after year.

Chapter two, “*Water Squandered on a Cow*,” outlines water apportionment disputes and wasteful irrigation practices in Colorado, specifically highlighting improved farming routines associated with the alfalfa crop. Fleck begins the chapter by explaining where the Colorado River’s water actually comes from: snowmelt. The issue with the Colorado River is that most of the time there is not enough snowmelt water to fulfill every entity’s legal entitlements. When there is not enough water, the Colorado River Compact first fulfills its duty of water allocation to those senior rights holders who put their allocations to beneficial use. This means the agricultural communities are characteristically safe in times of water shortage because their rights are first priority when the water is short. Yet, studies show that alfalfa is still able to produce a crop without water for a season (albeit at a lower yield). This means cities and other essential—but more junior—water users can “borrow” water in times of dire shortages from alfalfa farmers and compensate for the loss in crop yield. Fleck takes issue with

1. John Fleck is a former journalist for the *Albuquerque Journal*, and the current director of the University of New Mexico’s Water Resources Program. He maintains a blog touching on topics regarding water and climate in the West, and he sends out periodic email newsletters with updates. *Water is for Fighting Over* is his second book. His first book, *The Tree Rings’ Tale*, is a book for middle-school-aged students about the climate of the West.

the fact that farmers and municipalities only take advantage of this preservation tactic when all parties need to take a huge cut in their allocations for conservation purposes. Instead, he would like to see protection practices such as these taking over the agricultural industry by choice rather than necessity. In light of the senior rights system and the ability of crops to survive with little water for a season or two, the myth of farmers and crop-growers running out of water is, in most cases, exaggerated.

Chapter three, "*Fountains in the Desert*," highlights the triumphs of Las Vegas' water management system despite its dry climate and miniscule allocation of the Colorado River. The focus of conservation has been so effective that Las Vegas does not use its full apportionment of water from the Colorado River, and while its water use decreases, the city's population continues to grow. Surprisingly, in a city known for its hedonistic qualities, the community managed to reduce its water usage by twenty percent because of its willingness to participate in government conservation efforts without fighting back. Las Vegas accomplished these reduction efforts during a significant population boom, further debunking the myth that a population increase compels an increased need for water.

In chapter four, "*Negotiating the Rapids*," Fleck points out the value of informal conversations to river management. He identifies how many of these types of interactions are so successful because, in these informal settings, individuals speak as individuals, not stakeholders for their place of employment. Fleck provides one example of a group created as a result of an informal conversation: the Yuma Desalter Working Group. One of the federal government's senior water managers formed this group during a rafting trip on the Colorado River. After a weekend of hanging out by the river, drinking beer, and casually discussing current water issues, the group met later on and came up with plans to reduce the dry-up risk of lower Colorado River Basin users while, at the same time, maintaining the wildlife and habitat at the Cinega de Santa Clara. Fleck credits the accomplishments of this group to a breaking down of professional conversational barriers before digging into the issues, obviating the worry that people of different backgrounds and beliefs will refuse to compromise.

Chapter five, "*Arizona's Worst Enemy*," provides an example of the consequences of unwillingness to compromise. Fleck describes Arizona's various actions that denote its historical belief that "water is for fightin' over," the main myth that this book aims to engage. This contentious attitude continues to cause issues for Arizona beyond the original refusal to sign the Colorado River Compact in 1922, the agreement that created an interstate Colorado River share system. After officials refused to compromise, Arizona received its first break from detrimental allocation sizes in court: Arizona sued California and prevailed in obtaining the water it believed it needed to survive, even though Arizona would soon find itself trading water for California's help transporting it into the state. The ongoing lawsuits between Arizona and California are still long from over, and the outcome of this suit only amplifies the allocation issues the Colorado River Compact presented. Fleck believes compromise will be even more imperative if redistribution occurs in terms of allocations, and he does not predict Arizona will be willing to cooperate in the future either.

Chapter six, "*Averting Tragedy*," describes how compromise, rather than fighting, alleviated the first instance of potential groundwater exhaustion in Los

Angeles County's West Basin ("West Basin"). Finding new solutions to groundwater pumping and finding an imported water supply to replace the salty groundwater were proving to be difficult tasks for city water managers. The difficulty came about because each community continued pumping groundwater without regard for its neighbors. Political scientist Elinor Ostrom studied the disregard for neighboring communities that plagued this situation, and she found that it caused severe interstate agency rivalries. She believed, much like Fleck, that informal conversation, or what she called "cheap talk," was the best technique for getting communities to come together and compromise. As a result of "cheap talk," the West Basin Water Association materialized, and all but one of the communities joined together to combat the issues as a team. Not until the court ordered the lone holdout community to participate did the reckless groundwater pumping completely stop. Fleck concluded that sometimes the courts are the only entity that can successfully set rule-breakers in their place for the greater good, further proving that fighting over water is not the best solution to large scale problems.

Chapter seven, "*Turning off LA's Tap*," details another successful instance of compromise over conflict in California. The state has a historical tendency to claim upper basin states' unused water allotments without permission. While this forms a temporary fix for California's drought issues, eventually upper basin states needed to save water rather than spend it. This trend caused conflict between California and upper basin states, and eventually all seven states banded together to address and resolve the conflict in 1990. With the input of all seven states regarding California's request to receive the surplus water each year, a protocol for handling river allocation proposals was born, and the states agreed that nothing would pass as law without approval from all seven states. When the compact states did not approve the surplus request, California needed to create a soft landing for itself by decreasing its river use, starting with the places it used water the most: local agricultural or urban communities. Despite its efforts, California failed to reduce usage, and the government stepped in and slashed the overused allocation to its originally defined amount. Although this action was a harsh wake-up call for California, the other six states felt the original allocations were fair, proving once again that compromise, albeit as a result of a little government intervention, is often necessary to drive revolutionary changes.

Chapter eight, "*So Cal Cuts Back*," shows California's efforts to dial back water usage as demanded by the government. As a fix for this, the metropolitan communities formed a management system. The original objective of this group was to find a way to supply the urban areas with the amount water they required. This tactic quickly failed as all three water storage areas dried. The Metropolitan Water District ("Metropolitan") governance realized it needed to abandon the plans and changed focuses. The spotlight turned to groundwater recovery and the recycling of water previously unfit for human use. Fleck illustrated a state's ability to manage a change in allocation or a shortage in resources by banding together with its individual communities, demonstrating the importance of exploring alternatives before succumbing to the fear of water scarcity.

Chapter nine, "*The Great Fallowing*," lays out the history of the Imperial Irrigation District ("Imperial"), the district with the most water allocated from the Colorado River. To eliminate the frequent flooding that would jeopardize

the lower river valley, the district created The Hoover Dam and the All-American Canal. The dams evened out the flow, making year-round irrigation possible. Once these structures were set up, Imperial's wasteful practices of hoarding water became more apparent among its residents: farmers continued to overestimate the amount of water they needed, creating an excess of runoff, and the sea began to rise and flood the nearest farmland. When other states expressed concern, Imperial chose to join together with the water-hungry Metropolitan, and it promised a share of its unused water if Metropolitan could come up with a way to conserve Imperial's water. The practices soon turned a surplus into a deficit, and the agricultural community had to learn how to farm with less. This instance points us back to the notion of efficiency in agricultural techniques. Fleck once again challenges local governments with this chapter to look into this scarcity strategy, not only in times of scarcity but in everyday irrigation practices.

Chapter ten, "*Emptying Lake Mead*," highlights the trials of keeping the Lake Mead and Lake Powell Reservoirs relatively full while fulfilling Mexico's water distribution requirements. Lake Mead's level was dropping quickly, and policy debates began about shortages that the Colorado River Basin states had never encountered. When Lake Powell surpassed Lake Mead in dry-up potential, the network of water collaborators came together just as it did to create the Colorado River Compact in 1922. It came up with a plan, to which all states agreed, that required proportional allocation cuts when the water was low for each state. When 2014 rolled around and Lake Mead was still declining, Fleck says it was apparent that the deal did not go far enough in terms of cutting back. The network had a lot more work to do to stop the depletion of both reservoirs.

In chapter eleven, "*Who's Left Out*," Fleck addresses, once again, the importance of inclusiveness. During the change in operations at the Glen Canyon Dam, electricity consumers were left out of the conversation. New water management around the Salton Sea did not think to include the public health community when making the changes would impact the surrounding air quality, and when the Bureau of Reclamation conducted its "Colorado River Basin Water Supply and Demand Study," it failed to mention large stake holding Native communities entirely. When these issues were brought up, Fleck was careful to point out that the changes often had a sizable impact on Native American tribes, who are very rarely included in the conversation. The Colorado River Compact rarely mentions the Native communities, and decision-makers did not invite any of them to participate in water conversations. Lastly, when making influential decisions about water management, the host often fails to consult or invite environmentalist groups. Fleck believes that leaving out these groups can harm the progress that "network" groups are making by slowing down the process and requiring revision of previous decisions for inclusiveness.

Chapter twelve, "*A Beaver Returns to the Delta*," further discusses inclusivity, and shows how collaboration between formally feuding groups can help to undo much of the damage we have done to the Colorado River over the years. Fleck explained that after the Colorado River Compact creators divided the river, they found that dry spots would emerge in arid seasons, and the wildlife would migrate until the river started flowing again. Most recently when the river started flowing again in the previously dry Colorado River Delta, Mexico, the United States, and environmental groups met to devise a plan to keep the water flowing through this delta. This plan, titled Minute 319, was the first of its kind

that mentioned environmental implications and wildlife preservation. This collaboration felled two myths. The first was that environmentalists and water managers could not work together to achieve common goals. The second was that the delta was dead, and that rejuvenation of wildlife and surrounding communities was impossible due to the growing water demands and the consistent population booms alongside the Colorado River.

In chapter thirteen, "*Conclusion*," Fleck wraps up his book by highlighting the issues with over-allocation, hoarding of rights, and "use it or lose it" laws, and by stating the major issues and providing potential solutions. He believes that every state will need to understand each other's needs and work together to solve the problems of the Colorado River. Fleck also warns of the media's ability to shape the viewpoints of people or the tone of events. He finally stresses the importance of communication, and he reminds us that a simple informal conversation or meeting could solve problems that the many entities of the Colorado River face each year.

In conclusion, *Water is for Fighting Over* serves as a call to collaborative action for those sharing and managing water stemming from the Colorado River. Fleck provides a positive outlook on the future of the Colorado River if communities find ways to come together for conservation efforts and management rather than turn to fighting over every last drop. The book supplies a comprehensive history of systematic inefficiencies and the collaborative ways that we can address them in the West. Fleck illustrates the various instances that he believes debunk the myths that create sleepless nights for many who depend on the Colorado River's allocation system. He shows that water is not for fighting over, but it is for sharing and finding solutions to its management as the years go on.

Rebecca Spence

