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Review of *Water War in the Klamath Basin: Macho Law, Combat Biology and Dirty Politics*

Victoria K. Carchidi

University of Pennsylvania, vic@design.upenn.edu

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Comments

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Review: *Water War in the Klamath Basin: Macho Law, Combat Biology, and Dirty Politics*
By Doremus, Holly and A. Dan Tarlock

Reviewed by Victoria Carchidi

University of Pennsylvania, Philadelphia PA, USA

Doremus, Holly and A. Dan Tarlock. *Water War in the Klamath Basin: Macho Law, Combat Biology, and Dirty Politics*. Washington, DC: Island Press, 2008. 249 pp. ISBN 10: 1-59726-394-X. US \$30 pbk. Recycled, acid-free paper.

In 2007, the Klamath Basin was named one of the best one hundred places to live in the United States. A prime reason is its spectacular beauty: high desert with a large wetland area. The Basin's national wildlife refuges support three-fourths of the Pacific Flyway's migratory birds, and provide major salmon spawning habitat.

But it is not such a wonderful place to live in a dry year, when conflict arises over who has rights to the limited water. Birds and ecosystems; fish and the communities that live off them; farmers; and hydropower all struggle to survive. Doremus and Tarlock, both law professors, focus on the dry year of 2001, when irrigation headgates to the Klamath Project were closed. That action stemmed from the government's listing of the Klamath salmon and suckers under the Endangered Species Act (ESA). It led to such outrage that biologists removed government license plates from their vehicles for their own safety.

Historical legacies fuel the ongoing tensions over water in the Klamath. The authors demonstrate that American attitudes toward the West, the drive to "settle" it, produced laws about land and water rights, about natural resources and our obligations and rights to them: "The basin's problems stem from a long series of decisions, taken in good faith, about how the area's water should be used." (184)

The Basin is home to a number of minority cultures: farmers, recruited in part from World War II veterans; the Klamath and Modoc Indian tribes; the fishing communities of the lower basin, and many others, including the suckers that are failing to reproduce and other organisms unnamed and uncounted. The Klamath's constellation of communities is unique, but the problem it faces is not. As the authors note, 2001 is over, but dry years are a natural feature of the West. Further, water has become an increasingly contested resource not only in the

West or the United States, but globally. Doremus and Tarlock mine the Klamath Basin's 2001 conflict for the lessons it offers our increasingly thirsty world.

The authors discover only difficulty. Fragmentation of administrative boundaries, variations in legal statutes, the complexity of social and natural issues, all create a quagmire that no one wants to own. That abeyance leaves the status quo—and, hence, the unsustainable use of water—in place. The authors see the ESA as a “hammer” that can motivate change, but it can also cause a backlash and lead to fierce opposition. Science, often looked to as an arbiter, merely muddies the water as each party finds its own answers. According to Doremus and Tarlock, people must become aware of their core beliefs. Then, the conflicts that arise will at least be over the questions that must be answered: whether we value cultures over ecoservices, and other such contentious but real concerns.

The authors see a way forward in bioregionalism bolstered by federal oversight and scientific adaptive management. Although the book ends pessimistically, the afterword points to a hopeful agreement between some Klamath water users.

A work this complex must have flaws, but they are few. The book's sensational title belies its thoughtfulness. Chapter Four's section on the history of Indian rights loses this reviewer. Some hyperbolic parallels, to segregation and to the ESA as a nuclear weapon, are distracting. The basin map could come in Chapter One.

This book provides a superb, comprehensive overview of the technical issues and human tendencies that inflame water conflicts. Elegant and clear, the book presents complex material accessibly. It is invaluable for environmental lawyers and policy makers, and would enhance college classes across many disciplines—including writing. Victoria Carchidi, PhD <vcarchidi@hotmail.com>, University of Pennsylvania, Philadelphia PA, USA.