

1-1-2011

Justice Greg Hobbs, Living the Four Corners: Colorado, Centennial State at the Headwaters

Tom I. Romero

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



Part of the [Law Commons](#)

Custom Citation

Tom I. Romero, Justice Greg Hobbs, Living the Four Corners: Colorado, Centennial State at the Headwaters, 14 U. Denv. Water L. Rev. 355 (2011)(book review).

This Book Review 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.

Justice Greg Hobbs, Living the Four Corners: Colorado, Centennial State at the Headwaters

BOOK REVIEW*

Justice Greg Hobbs, *Living the Four Corners: Colorado, Centennial State at the Headwaters*, Continuing Legal Education in Colorado, Denver (2010); 369 pp; \$19.95.**

Reviewed by Tom I. Romero II[†]

There is a Mexican *dicho* that says: *Cuando el río suena es que agua lleva*. This proverb translates to: If the river sounds, it is because it is carrying water. The four great rivers of the American West (the Colorado, the Platte, the Arkansas, and the Rio Grande) — whose headwaters sit high in the peaks of Colorado's Rocky Mountains — are threatened with silence. Because of industrial mining and large-scale irrigation, energy development, rapid large-scale urban growth, and climate change, these venerable rivers seemingly are taxed beyond their sustainable limits. Their vulnerability threatens the livelihoods of millions of people who have long relied on these rivers. Once majestic and unpredictable bodies of water, the headwaters of the Centennial State have become tightly controlled, over-managed cisterns on which every single drop is drained.

Nevertheless, as Justice Greg Hobbs reminds us in *Living the Four Corners*, these rivers continue to inspire awe and wonder, perhaps because of our deep-rooted reliance on the river systems for our economy, politics, and culture — or perhaps because we simultaneously recognize and take for granted each river's persistence and durability. Whatever the case, the book reflects the multiple personas of Colorado's great rivers: they are an old friend, a dear mother, a tired laborer, a doting father, a righteous advocate, a stoic craftsman, and a never-to-be forgotten grandchild. In Justice Hobbs's capable hands, the rivers are alive — in our collective imaginations, our lived experiences, our cautious myths, our independent politics, and our innovative law. For this very reason, we should never underestimate their desire to endure in spite of us.

The protean lives of the headwaters of the American West and, by extension, the people who have interacted and been influenced by these rivers are the subject of Justice Hobbs's recent collection. Those looking for a linear narrative account about the people, places, and

* Reproduced by permission. © 2010 Colorado Bar Association, 39 *The Colorado Lawyer* 60 (December 2010). All rights reserved.

** The Colorado Authors' League selected *Living the Four Corners* as a finalist for its 2011 Colorado Authors' League Awards, under the "Book-length General Nonfiction." category.

[†] Associate Professor, University of Denver Sturm College of Law.

law that have made up the rivers of the Centennial State will be sorely disappointed. Much like the lived experience of the rivers and the people themselves, this is an unpredictable book, not subject to simple categorization. It is a collection of poems, oral testimony, multicultural teaching, inspired reflections, robust exchange, and legal reasoning about the great rivers and the varied people who comprise Colorado. The book includes an audio disc that explores both the law of prior appropriation as captured in Justice Hobbs's *Citizens Guide to Colorado Water Law* (3d ed. Colorado Foundation for Water Education, 2010), as well as an oral history of the Cache La Poudre River.

Despite its eclectic nature, there is graceful symmetry in the book's organization. As Justice Hobbs's opening essay attests, "we are standing in the *fourth* world" (emphasis added). A majority of the colorful cast of characters detailed in the book inhabit a world that contains the headwaters of the four great rivers of the American West. The rivers, in turn, pivot and connect four distinct economic and cultural orientations: the Rocky Mountains, the desert Southwest, the Midwestern high plains, and the Colorado River plateau. All have been forever reconfigured by a legal system that holds the "four corners of a document" sacrosanct in its interpretation. Justice Hobbs's collection simultaneously celebrates and criticizes this system for its capacity to create something as beautiful and pragmatic as the doctrine of prior appropriation, and for being as divisive and fundamentally flawed as the U.S. Supreme Court's *Dred Scott* decision.

Although water is an obvious current that flows throughout this collection, equally as powerful is the flow of blood, sweat, and tears that have comprised the history of Colorado and its people. As a state forged out of the cauldron of the Civil War, Justice Hobbs identifies the ongoing struggle to align the spirit and values of the Constitution. President Abraham Lincoln, accordingly, personifies this struggle and serves as a literal bookend to the collection. From Justice Hobbs's discussion of Lincoln's influence in the lives of Colorado's Latino, African American, Japanese American, Native American, and Anglo communities in the opening pages of the book to his 2010 address about Lincoln to a local Denver neighborhood Rotary Club in the very last pages of the collection, President Lincoln is emblematic of the state and of the nation's chaotic and still unfinished struggle for equality under the law.

To be sure, it is not Lincoln the man but rather his commitment to the "rule of law" that floats through these pages. Just as Lincoln — a one-term Congressman and Constitutional Law scholar suddenly thrust into the Presidency — struggled to reconcile the legal commitment to equality, the protection of individual civil rights, and a preservation of the balance of federal and state powers, so too have Coloradans struggled over these same questions in its water law and policy. The lively "Dialogue" between Justice Hobbs's "Believer" and Gary Weatherford's "Skeptic" in the middle pages of the collection captures the competing and at times irreconcilable visions of land use, resource distribution, and equal opportunity in the Centennial State.

The book makes clear that it is good — indeed, it is our constitutional duty — to disagree and dissent.

Living the Four Corners is one man's lifelong journey to understand and come to grips with the wonderful but often inequitable bounty of Colorado's rivers and its people. Sometimes, the book is an extremely personal account; other times, it is rich with prose and exegesis; and still at others, it is surgical and precise in its presentation. Collectively, the book is a teaching text for all of us practicing, writing, and thinking about law. It shows us how to breathe life into our endeavors; it implores us to suck the marrow out of our shared experiences; and it empowers us to drink liberally from those waters that have cut such deep canyons in the history, lives, and culture of Colorado. By "living the four corners," the rivers can never be silent.

