

9-1-2007

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Daniel A. Vigil, Book Note, The Honorable Gregory J. Hobbs, Jr., The Public's Water Resource: Articles on Water, History, and Culture, 11 U. Denv. Water L. Rev. 175 (2007).

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The Honorable Gregory J. Hobbs, Jr., The Public's Water Resource: Articles on Water, History, and Culture

BOOK NOTES

The Honorable Gregory J. Hobbs, Jr., *The Public's Water Resource: Articles on Water, History, and Culture*, CLE in Colorado, Inc., 2007: 1900 Grant St., Suite 300, Denver, CO 80203; (303) 860-0608; <http://www.cobar.org/cle>; 424 pp.; \$19.95.

*Reviewed by Daniel A. Vigil*¹

As a student and teacher of water law, I greatly appreciate and value this artful body of work because it masterfully captures both the spirit and letter of water law. It brings the rivers, the lakes, the land, and the diverse people to life. At some points, the reader can hear the water trickle and see the furrowed faces of the farmers. *The Public's Water Resource* is a perfect blend of history, water law, and poetry.

The work is exceptionally well written, understandable, and well documented. It contains hundreds of footnotes; dozens of useful and relevant graphs, charts, and photographs; and many enlightening and inspiring poems. The work communicates on many levels: intellectual, emotional, metaphysical, and spiritual. Once you have read the poem "Enduring Sense of American Selves," you will understand why it can be called a spiritual and metaphysical work. Experienced water lawyers, hydrologists, water engineers, and history buffs will find this work an interesting and valuable resource; the novice will find it to be the best place to begin exploring the topic. In fact, for the new students, the book contains a section entitled "Citizen's Guide to Colorado Water Law," which Justice Hobbs wrote specifically for the laity.

Any history and study of Colorado water law also is a history and study of the people who have used and tamed the waters. Justice Hobbs superbly addresses and explains the water systems, the culture, and the daily life of Colorado's diverse populations, starting with Colorado's indigenous population. The chapter "Two Story House" highlights the composition of Colorado's diverse history. The chapter drives home the point that for those who dwelled at Mesa Verde long ago, as well as for those of us who dwell in Colorado today, water was and still is the focal point of life. The author's respect and admiration

1. Daniel A. Vigil is Assistant Dean for Student Affairs and teaches water law and legal ethics at the University of Denver Sturm College of Law. Prior to that, he was an Associate Dean at the University of Colorado Law School, where he taught for nearly twenty years. This book review was previously published in 36 *The Colorado Lawyer* 64 (Dec. 2007).

for the cliff dwellers is clear from the way he approaches and addresses the subject.

The chapter "The Role of Climate on Water Institutions in the Western Americas" discusses several interesting and important topics, including drought, paleohydrology, Machu Picchu, ice cap reconstruction data, and Powell's observations of Native American and Mormon water practices. Especially fascinating is the discussion of the "dust bowl years" and their impact on water use and conservation. The author states, "The Dust Bowl years motivated the Colorado Legislature to find better ways to manage water locally."

Another chapter worth noting, "Colorado's 1969 Adjudication and Administration Act: Settling In," is a true gem packed with many nuggets of valuable legislative history. The author discusses the Act of 1879; the 1881 Adjudication Act; the 1903 Adjudication Act; the Act of April 9, 1919; the Adjudication Act of 1943; the 1965 Ground Water Management Act; and the 1969 Adjudication and Administration Act. To grasp and master water law, one first must understand the legislative history and the issues and pressures that led to the legislation. This chapter provides that history.

The book includes a chapter entitled "A Decade of Colorado Supreme Court Water Decisions 1996–2006." This chapter addresses many very important water law doctrines, such as water as a public resource, beneficial use and anti-speculation, can and will, due diligence, change of water rights, invalid enlargement, augmentation plans, in-stream flows, and in-channel recreational rights. In this extremely valuable chapter, the author explains difficult and obscure doctrines and makes them understandable. It is to the reader's benefit that the author participated in many of the water law decisions from a position on the Colorado Supreme Court Bench.

Without a doubt, this book is fascinating and enlightening—a valuable and scholarly work that will be consulted for generations. I highly recommend it, and I plan to make it required reading for my water law students.

Lloyd Burton, *American Indian Water Rights and the Limits of Law*, University Press of Kansas (1991); 192 pp; \$16.95; ISBN 0-7006-0601-7; soft cover.

American Indian Water Rights and the Limits of Law is a thorough water policy study of the history of American Indian water rights and the methods of managing disputes over these rights. The author, Professor Lloyd Burton, teaches at the University of Colorado at Denver, where he coordinates the public law curriculum and directs the Environmental Policy, Management, and Law program.

The study traces the long and eventful history of American Indian water rights and the role of the law in adjudicating those rights. Bur-