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Michael Collier, Water, Earth, and Sky: The Colorado River Basin

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Michael Collier, *Water, Earth, and Sky: The Colorado River Basin*

Different rules apply to diffused surface waters, the focus of Chapter Seven. This chapter distinguishes watercourses from diffused surface waters and then addresses protection from damage of surface flows. The chapter concludes with an exploration of diffused surface waters, detailing the right to capture diffused surface waters and state control of the use of diffused surface waters.

Chapter Eight examines federal and Indian reserved rights beginning with the reserved rights doctrine. This chapter focuses on the origin of the doctrine articulated in *Winters v. United States* and discusses its application to federal, non-Indian lands; federal power; and state water law. The chapter identifies priority of reserved rights, including date of reservation and early priorities based on Aboriginal Indian Rights as well as the quantity of water subject to federal or Indian reserved rights and its availability. Next, the chapter focuses on transfers of reserved rights, examining users of public and Indian lands, individual Indian allotments, and uses outside Indian reservations. Chapter Eight also discusses various quantification methods concluding with a brief discussion of “non-reserved” federal water rights.

The final three chapters, Nine, Ten, and Eleven, explore federal control of water development, interstate allocation (focusing on the increased demands for water within an interstate basin), and water service and supply organizations (examining both private and public organizations).

Water Law in a Nutshell will prove to be a valuable tool for anyone involved in water law related issues. It provides a succinct, basic understanding of water law illustrated through case law and statutory references. Furthermore, this book will serve as a reliable guide for students and lawyers with its convenient outline, table of cases, and index.

Anna Litaker

MICHAEL COLLIER, WATER, EARTH, AND SKY: THE COLORADO RIVER

BASIN, University of Utah Press, Salt Lake City (1999); 128pp;
\$29.95; ISBN 0-87480-598-8, hardcover.

Water, Earth, and Sky: The Colorado River Basin (“*Water, Earth, and Sky*”) offers a unique examination of one of this country’s most complex and overused rivers, the Colorado River. Seven essays, complemented by aerial photographs of the Colorado, comprise the book. Each essay focuses on a different aspect of the river’s basin. From the varied native fish that survived and evolved with the Colorado system to the landscape that surrounds the river to a writer’s personal impressions of the river, *Water, Earth, and Sky* provides the reader with an insightful look into this majestic system. As Glen Canyon Institute President David Wegner states in the forward, the photographs and essays “explore the history of this watershed, both

natural and human.”

Michael Collier's essay describes the river's aerial perspective. Not only has Mr. Collier spent significant time circling over every stretch in his Cessna, but also he is the book's photographer. Mr. Collier offers insights and descriptions of events that he feels impacted the river. For those unfamiliar with the configuration of the Colorado, this essay illustrates its intricacies and relations with other tributaries and rivers. The essay portrays how the landscape, human involvement, and habitat changes have all shaped the river's current state.

John C. Schmidt, a geomorphologist, writes about the landscape that surrounds the Colorado. The essay describes the “interaction between rivers and regional geology.” He analyzes the concept of “uplift,” how the character of rocks can alter a river's course, and a case history of the Green River.

Ned Andrews, a United States Geological Survey research hydrologist, describes the nature of the basin (water and sediment origin, ancestral flows, and aridity) and how human impact, particularly diversions, affect the river. Focusing primarily on Glen Canyon, Mr. Andrews describes the conflicting interests of providing water for beneficial uses, generating hydroelectric power, and elimination of natural spring flooding. The essay also provides a brief history of reservoirs and dam building on the river.

Rich Valdez's essay examines the native fish of the Colorado. A large portion of the fish (some 74%) are indigenous to the Colorado and cannot be found anywhere else on earth. They survive within a unique ecosystem, one that depends on unpredictable conditions and a “harmonious occurrence of many environmental factors.” Archaeological records indicate that many of the species date from A.D. 1100 to 1700 and some as early as 300 B.C. and A.D. 400. Within the last 100 years however, dramatic changes greatly affected these native fish. Dam construction essentially blocked the passage of migrating squawfish and razorback suckers. State and federal agencies introduced recreational sport fish to the river, resulting in disease, and space and food competition. Clear, cold water, a result of the dams, excluded native fish from certain regions and provided an ideal habitat for tailgate trout fisheries, a valued resource to fly anglers. The author points out the necessity of managing the river to accommodate all needs, including the survival of native fish.

Lawrence Stevens, a research biologist, focuses on the riparian ecosystem of the Colorado. According to Mr. Stevens, the term riparian means the ecosystem's surviving in the “margins of ephemeral and perennial stream channels as well as in wet meadows, and in areas of springs, seeps, hanging gardens, and marshes,” encompassing such areas as the high-elevations of the Rocky Mountains and Uinta Mountains, alpine wet meadows along the upper Green River drainage, the White River Plateau, and the river banks in the low elevations (below 6 thousand feet). The essay also explores human impacts on riparian ecosystems and concludes by questioning the balance between economic and environmental sustainability.

Ellen Molloy, an author, paints a vivid image of the Colorado. Depicting human's insatiable hunger and the fragile ecosystem of the river, Ms. Molloy points out that "each year the Colorado Plateau menu diminishes, the diners grow more numerous and their appetite, ravenous." A solo-rafting journey down the river conjures many intimate thoughts for the writer. After almost losing the raft and her gear, Ms. Molloy reiterates what most forget, that the river is always in charge. The river humbles and forces us to look within ourselves.

The photographs in *Water, Earth, and Sky* are truly spectacular. They bring the essays to life and offer glimpses of the Colorado River that most would never be able to see. For this reason alone, the book is essential for any lover of not only the Colorado, but of all rivers. The Colorado River is not what is once was. To understand the changes and ways to lessen the damage, *Water, Earth, and Sky* offers a valued first step.

Karina Serkin

TERRY L. ANDERSON AND PETER J. HILL, EDS., WATER MARKETING—

THE NEXT GENERATION, Rowman & Littlefield Publishers, Inc,
Blue Ridge Summit, Pennsylvania (1997); 201pp; \$22.95; ISBN 0-
8476-8398-2, softcover.

A water market's ability to prevent water crises involves the interrelation between property rights and politics. This compilation of articles entitled *Water Marketing—The Next Generation* discusses law and policy alternatives that legislators can use to achieve efficient water use in future American water markets.

According to Barton H. Thompson, American water markets face obstacles emanating from two non-market paradigms that influence legal rules: ownership structures and societal expectations. The first paradigm represents the view of water as a public resource for all to share. The other represents water as a local resource for local regulation. In the article *Water Markets and the Problems of Shifting Paradigms*, Thompson discusses the two paradigms' negative effects on shifting from private to public water rights. Thompson focuses on institutional barriers, psychological barriers, and market advantages shaping America's future water policy.

The article, *Institutional Constraints on Transboundary Water Marketing*, examines problems presented by state, federal, and international laws. To be effective, American water policy must bridge both federal and international political boundaries to participate effectively in transboundary water markets. The author, James L. Huffman, also proposes solutions designed to overcome interstate water marketing obstacles.

To exemplify the institutional obstacles, *Interstate Marketing of Central Arizona Project Water: Law, Economics, and Politics* criticizes legal