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High Country News, Water in the West

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HIGH COUNTRY NEWS, WATER IN THE WEST, High Country News, Paonia, Colorado (1998); 393pp; \$30.00; ISBN 0-9963184-0-4.

This book covers nearly all conceivable aspects of the historical and contemporary issues dealing with one of the West's most precious resources—water. Although not geared towards the legal practitioner, *Water in the West* is a must have in any water law practitioner's library. The book sets out the history, present circumstances, and future of water in the West. *High Country News*, a monthly newspaper dedicated to covering Western environmental issues, has compiled its coverage of Western water "hot topics," including dams, federal water projects, recreation, and Native American water issues, into one of the most thorough volumes on Western water. The earliest article is from the early 1980's, but the purview of the book ranges from time immemorial to the future.

Chapter One, History and Background, establishes the background from which Western water issues flow. It reviews prior appropriation, Western settlement, water politics, major river basins, and the main players involved in Western water issues.

The controversy in the Pacific Northwest over anadromous fish runs should be familiar to all water practitioners. Chapter Two, Hydroelectric Dams and the Salmon Crisis, chronicles the struggle between hydroelectric power and the decline of native anadromous fish runs in the Pacific Northwest. The chapter also examines the Endangered Species Act and salmon, recent court cases, and the change in the paradigmatic view of ecosystem viability.

Chapter Three continues the dam theme. The Taming of Glen Canyon Dam covers the history of the Dam's construction, the Dam's engineering and design, damage to the Dam's spillway, and the environmental movement to tear the Dam down. The articles in this chapter also discuss the major players in the Glen Canyon Dam project, including tribes, the federal government, local environmental groups, and the courts.

Chapter Four covers three federal water projects—the Central Arizona Project ("CAP"), the Central Utah Project ("CUP"), and Animas-La Plata ("A-LP"). The articles in this chapter inform the reader about the history of these projects, the engineering behind these projects, and the problems surrounding each of the projects. CAP cost \$4 million to build, one of the biggest and most expensive water projects in the nation's history. The project "provides water, but few can afford to buy it." Water from CAP costs more than groundwater; thus, the project, in 1991, used less than one-third of the water it could have sent through its system. CUP cost over \$1 billion in federal and local money. A-LP is reviewed in the last portion of this chapter.

Chapter Five examines two urban water projects—Denver's Two Forks Dam and the City of Las Vegas. The articles on the Two Forks Dam cover the history, opposition, and eventual death of the project. The articles on water for Las Vegas detail the area's growth and water needs, and suggested solutions for watering one of the largest and most arid cities in the country.

Chapter Six addresses one of the West's most contentious legal and political water topics—Native American water rights. The chapter details the history of tribal water rights, beginning with the Winters Doctrine. It addresses the federal government's role in tribal water issues and the tribes' constantly dashed hopes that their rights will be quantified fairly.

Recreation has also become a hot topic in Western water. Chapter Seven focuses on topics ranging from golf courses and skiing to fishing and boating. Although some would think that all recreationists have similar water use goals, this is often not the case. For example, when boaters want high flows, native brown trout need low flows. This conflict exemplifies the often intractable disputes over Western water.

Chapter Eight addresses water quality issues. The articles cover pollution sources including irrigation, mining, ranching, and the petroleum industry. The chapter also reviews salinity of the Colorado River and efforts to clean up polluted rivers.

Chapter Nine covers jurisdictional disputes. The chapter is divided into three sections: instream flows and wilderness water rights, interstate competition for water, and rural water. The section on instream flows and wilderness addresses the conflict between water rights and water for wilderness. The interstate competition section addresses conflicts over the Arkansas, Missouri, and Colorado river basins. River compacts are common in the West, but are often sources of major disputes. The rural water section examines two case studies. Water battles in the West tend to focus on water for municipalities; left in the dust, often literally, are rural areas.

The Federal Energy Regulatory Commission ("FERC") regulates dam relicensing. The articles in Chapter Ten explain FERC's structure—an independent agency chaired by five commissioners—and its jurisdiction over natural gas, electric utilities, oil pipeline industries, and hydropower. Dam relicensing is a hot topic in Western water and its implications are far reaching. Dam decommissioning may herald an implicit admission by the federal government that dams have a deleterious effect on riverine ecosystems. Damming issues involve every player in Western water—municipalities; federal, state and local governments; tribes; and environmental groups, to name only a few. This chapter surveys the history, present, and future of dams in the West.

Chapter Eleven addresses water allocation and management. It examines the possibility of water marketing, the role of the Endangered Species Act in water management, dam deconstruction, and innovations intended to stretch the West's most precious resource to its maximum viable capacity, among other topics.

This book is a great introduction to water issues for those unfamiliar with them, and is also perfect for those intimate with them. It identifies the major players, issues, problems, solutions, and histories, leaving no stone unturned.

Amy Beatie

JON KUSLER AND TERESA OPHEIM, OUR NATIONAL WETLAND HERITAGE, A PROTECTION GUIDE, 2ND ED., Environmental Law Institute, Washington, D.C. (1996); 147pp; \$29.95; ISBN 0-911937-65-X, softcover.

Our National Wetland Heritage, A Protection Guide is a comprehensive book for anyone interested in wetland protection and restoration through local government or citizen action. The authors address issues surrounding wetland protection and utilization, and creation of effective regulatory programs.

Chapter One provides information about the nation's wetland heritage and why we should strive to protect wetlands. A detailed timeline delineates important developments in wetland protection law. This chapter also provides a detailed history of wetland protection, and an explanation of the scientific functions and value of wetlands to the environment, such as flood conveyance and water purification.

Chapter Two explains general scientific principles concerning wetlands, including highlighting their critical characteristics. This chapter also discusses differing types of wetlands and provides an explanation of the three main definitions of "wetland" used nationally. Several diagrams explain wetland hydrology and health under different conditions.

Chapter Three discusses what citizens can do to protect wetlands. Citizens can utilize several strategies to protect wetlands, including forming citizen action groups and creating land trusts. Special sections provide information about what to do when a dispute arises and how landowners can maximize the wetlands on their private property.

Chapter Four deals with potential local government action for wetland protection. It explains regulatory and non-regulatory approaches available to local officials, and their advantages and limitations. Some ideas discussed include public education, land use regulations, and real estate tax incentives.

Chapter Five presents some of the main issues concerning wetland protection. Difficult issues include how to define the term "wetland" and how to delineate wetlands in the field. A chart provides informa-