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David M. Gillilan and Thomas C. Brown, Instream Flow Protection: Seeking a Balance in Western Water Use

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sis for institutional design and conflict resolution. Among the methods discussed are empirical analysis, simulation, mathematical modeling and experimentation. Practitioners may be interested in seeing how the different methods of economic analysis are relevant in the evaluation and comparison of alternatives and interest group preferences.

The editors suggest that by considering the design approach to solving water problems, we can be more proactive in responding to problems. For example, water pricing can be a powerful management tool for improving efficiency of water use. It is also useful for conserving water and making decisions for optimal use. For those who remain skeptical, the Howitt and Vaux case study on the California water bank demonstrates how economic incentives can be blended successfully with government regulation. Thus, the editors conclude that "water management should not be carried out solely through a market process or through a purely bureaucratic process. The ideal system would blend economic incentives, conflict resolution processes, and government action in a democratic system."

Vicki L. Spencer

DAVID M. GILLILAN AND THOMAS C. BROWN, INSTREAM FLOW PROTECTION: SEEKING A BALANCE IN WESTERN WATER USE, Island Press, Washington, D.C. (1997); 417pp; \$30.00; ISBN 1-55963-524-X, softcover.

In *Instream Flow Protection*, David Gillilan and Thomas Brown provide a comprehensive look at the issues that surround the concept of instream flows. In the process, they provide an overview of western water use and explore the political, economic, legal, and scientific issues accompanying attempts to balance the competing goals of maximum water use and environmental protection. An invaluable resource for anyone interested in western water policy, this book provides discussion and analyses that should benefit casual readers, also well as practitioners, technicians, and scholars alike. From an explanation of the technical nature of quantifying necessary stream flows to discussion of the legal and scientific principles, *Instream Flow Protection* is an integrative study of the interrelationships between water, the environment, and society.

The book begins by defining what the term "instream flow" means and why some have opined that it is "one of the region's primary water research needs." As the authors explain the importance of providing adequate instream flows in the rivers of the west, they point out that "[t]he combination of scarce supplies and numerous demands has put heavy pressure on the West's rivers and streams." In Chapter Two, the authors set the stage for the emergence of the instream flow concept. They explore the history of western water use and the evolution of western water law. Looking at the circumstances surrounding the set-

tlement of the West, this chapter explores how the law responded to the plight of those dependent on the region's scarce water supplies. The authors trace the role of early legislation and court decisions in the evolution from riparian law to the doctrine of prior appropriation. In Chapter Three, the authors return to a discussion of instream flow issues and consider the numerous instream purposes of water. Fish habitat, wildlife, streamside vegetation, and a variety of recreational pursuits such as canoeing, kayaking, rafting, fishing, and aesthetic pleasure are all cited as valuable uses that benefit from sufficient instream flows. Chapter Four then tackles some of the more technical aspects of instream flow issues such as how much water should be left in streams and how that amount is best quantified.

The middle chapters concentrate primarily on the different state issues that arise from the instream flow questions. Chapter Five identifies the issues while Chapter Six provides a survey of the different methods states have employed to address the issues. In maintaining a balanced consideration of all water uses, Chapter Seven discusses the interaction of instream flow protection measures with other water uses.

The latter section of the book examines the interaction between federal and state entities with respect to instream flow protection. Chapter Eight discusses federal authority over the management of western water and the relationship between federal and state entities in this area. In addition, this chapter explores the different approaches taken by federal agencies in their efforts to obtain instream flow rights. These include federal reserved rights, federal non-reserved rights, federal use of state water rights, and federal administrative protection. In Chapter Nine, the authors discuss federal water development programs and how instream flows are affected by those programs. Chapter Ten then discusses the overlay of federal environmental protection laws and programs on instream flow protection in the western states.

The book concludes with Chapter Eleven. Here, the authors contemplate the prospects for reaching a balance in water allocation in the West. Pointing out the growing population in the western states and the transition from agrarian water uses to municipal water uses, Gillilan and Brown recommend that policy makers balance competing interests while noting that the solutions and methods to the problems accompanying depleted stream flows will vary.

Jon Alby

GEORGE A. GOULD AND DOUGLAS L. GRANT, CASES AND MATERIALS ON WATER LAW, 5TH ED., West Publishing, St. Paul, Minnesota (1995); 671pp; \$50.00; ISBN 0-314-06774-4, hardcover.

Cases and Materials on Water Law, now in its fifth edition, retains the basic approach and scope of prior editions. It is a traditional casebook designed to introduce novices to technical concepts of water rights