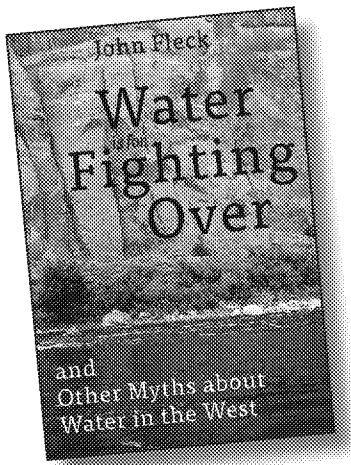


A Hopeful Perspective on the Colorado River: Exploding Myths About Western Water

A review of *Water Is for Fighting Over—and Other Myths About Water in the West* by John Fleck.

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Among political scientists you will hear it said that no longer is governance just about government. With regard to water supply, this is particularly true in connection with the daunting challenges of both water quantity and quality offered by large-scale watershed or basin management. In a democratic society with constitutional checks and balances, not even the federal

government—surely a major player—can simply wave a magic wand and just “make it so” in terms of a desired policy or outcome.

Consider the numerous levels of government and multiplicity of societal interests, both domestic and international, with an interest in managing the waters, say, of the Chesapeake Bay, Great Lakes, Gulf of Mexico, and, most notably, the Colorado River watersheds. Stakeholders include federal, state, tribal, and municipal governments; foreign nations and their provinces or states; agricultural organizations and irrigation districts; navigation interests; drinking water and wastewater utilities; conservation and environmental organizations; and media organizations and the citizens whose opinions are, for better or worse, formed by them.

With government and civil society joined at the hip, friction and conflict are inevitable, causing many to quote a statement (incorrectly) attributed to Mark Twain: “Whiskey is for drinking, water is for fighting over.” John Fleck, a former journalist with the *Albuquerque Journal*, challenges this lazy assumption given the progress made in the Colorado River basin. He is upbeat on its prospects for overcoming future challenges of economic and population growth, variable climate, and drought. In *Water Is for Fighting Over and Other Myths About Water in the West*, he

categorically rejects the “genre of apocalyptic prophecy,” a journalistic narrative that he once embraced but has now abandoned in the face of facts, those troublesome things.

Although Fleck “grew up with the expectation of catastrophe,” the droughts of the first decades of the 21st century forced him “to grapple with a contradiction”—i.e., “people’s faucets were still running. Their farms were not drying up. No city was left abandoned.” Indeed, he found instead “a remarkable adaptability.”

“When people have less water, I realized, they use less water,” declares Fleck.

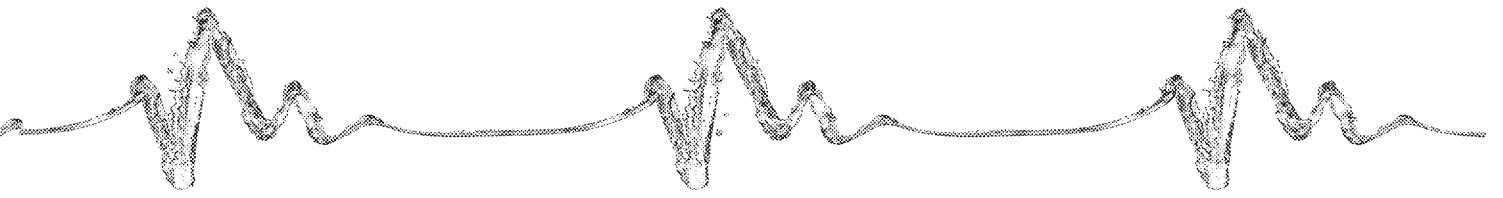
Yuma County, Ariz., used to consume 967,000 acre-ft of water in the mid-1970s, about the same quantity diverted to Los Angeles to the west. Half of the county’s farmland was planted in alfalfa or cotton, lower-value, or water-intensive crops. By the early 2010s, that acreage was nearly cut in half and the amount of water consumed dropped by nearly a third. However, total agricultural sales rose from \$900 million to \$1.2 billion in the same period.

His own town of Albuquerque “cut its per capita water use nearly in half, and the great aquifer beneath the city actually began rising as a result of a shift in supply and reduced demand.” Farmers idled fields of alfalfa and cotton, “crops that bring in low returns of each gallon of water,” and shifted to higher-valued pecan orchards.

Las Vegas, Nev., “a model of progressive water management,” saw its population grow by 34% from 2002 to 2013, while its use of Colorado River water dropped by 26%, reducing per capita water consumption by 40%.

Fleck, now a writer-in-residence and adjunct professor at the University of New Mexico, does not gloss over past conflicts, especially those between Arizona and California (do not skip the section in his book on the “Arizona Navy”), or decades of litigation and the endless posturing of politicians playing to the hometown crowd. He provides excruciating detail on the operation of the “Law of the River,” an incredible configuration of federal and state law, an interstate compact, international treaties and agreements, local irrigation rules, and court decisions spanning decades governing the basin. But in Fleck’s long view, these are epiphenomena, a distraction from the basin community’s general movement toward more water efficiency, conservation, fledgling water markets, and more inclusiveness of tribal, Mexican, and environmental interests in the overall management of the Colorado River.

Still, Fleck is not a believer in the inevitability of progress. He is a believer in the efficacy of human agency, “the network” of public and private officials who have



worked collaboratively to reconcile the inevitable tensions between the Upper and Lower Basins, as well as the region's economic and environmental interests. He embraces the teachings and research of Elinor Ostrom, the first woman to win the Nobel Prize in economics and a proponent of community-based management of common resources, a concept that offers a solution to the "tragedy of the commons" and an alternative to the strictly binary choices between government regulation or outright privatization.

Fleck believes that "place-specific solutions" and numerous informal meetings and conversations between stakeholders—"cheap talk," according to Ostrom—create movement or critical mass for broader, more formal solutions across the basin. He cites several successful examples of this "network governance" that sets the stage for traditional governance—i.e., governmental or legal solutions. The resolution of the problem of groundwater intrusion in the West Basin of Los Angeles started with a voluntary association of "forward-thinking individuals"—the West Basin Water Association.

For anyone not conversant in the history of water policy and development in the Colorado River Basin, Fleck's slim volume covers the big-ticket items from the development of the 1922 interstate compact, to Hoover Dam, Lakes Mead and Powell, the Central Arizona Project, Salton Sea environmental issues, and, of course, Las Vegas. He describes the 80-mi-long All-American Canal, a big artificial river delivering irrigation water to the Imperial Valley as "a spiderweb of some 1,600 miles of irrigation ditches." California's State Water Project, with 701 miles of pipelines and canals, 21 reservoirs, the ability to irrigate 750,000 acres of farmland, and serving 25 million people, Fleck calls "a staggering hydraulic achievement." The ancient Egyptian pyramids pale in comparison with these creations.

The Byzantine complexity of the legal and hydrological system is presented, warts and all, without succumbing to a fashionable hopelessness. On the contrary, the author believes that "the network" continues to generate the needed "social capital—the shared knowledge, understandings, norms, rules, and expectations about

patterns of interactions that groups of individuals bring to a recurrent activity,” as defined by Ostrom, to move the basin forward to even greater efficiency, conservation, and environmental justice.

Fleck opens and closes his book with the story of the despoliation and modest efforts to restore the Colorado River Delta, an area of more than 3,000 mi², now supplied by a mere trickle of water. A 1905 visitor from New York, Daniel Trembley MacDougal, found it to be a verdant jungle “sufficient to support a vast amount of native animal life.”

“The countless millions of young willows and poplar shoots supply food for the beaver, which bids well to hold out long in the impassable bayous and swamps against the trapper foe,” wrote MacDougal.

Aldo Leopold, writing in the 1920s, before the big dams were built, saw “a hundred green lagoons” teeming with life. “For the last word in procrastination, go travel with a river reluctant to lose his freedom to the sea.”

What the trappers could not accomplish, water development did. The willows, poplars, and beavers were obliterated. Its present predicament is the resultant vector of massive engineering and excessive consumption by upstream users driven, at least in part, by the “use it or lose it” principle inherent in western water law’s Prior Appropriation Doctrine (“first in time, first in right”).

Yet Fleck finds hope in the 2014 “pulse” or temporary release of more water for the benefit of the delta and the lower reaches of the river, an experiment resulting from new science on seasonal hydrologic flows; i.e., water released at the right time of year can yield extraordinary ecological benefits even with a low base flow, as well as collaborative discussions by “the network” and between the US and Mexican governments.

A new US–Mexico agreement, “Minute 319,” pledges further dialogue on letting more of the river run to the sea without being completely sucked dry.

Despite all the dire apocalyptic predictions, the American West and the Colorado River community thrive in spite of the challenges of climate, drought, and growth. So Fleck views optimism as realistic if we discard or abandon our beliefs in the inevitability of conflict and crisis. He concludes his fine book quoting a 1960 headline from the *Los Angeles Times*: “Southland’s Water Safety Margin Placed at 10 Years.” How often have we read similar headlines over the past half-century?

“It is possible to apply a simple arithmetic wave of the arm and say, for example, that we could bring the system into balance if everyone used 20 percent less water than they are consuming today,” writes Fleck. “We know from experience from Yuma to Las Vegas to Albuquerque, that such reductions are possible, that water-using communities are capable of surviving and even thriving with substantially less water than they use today. But no one will voluntarily take such a step without changes in the rules governing basin water use as a whole to ensure that everyone else shares the reductions as well—that any pain is truly shared.”

“We need new rules,” argues Fleck. “Absent that, we simply end up with a tragedy of the commons.”

John Fleck understands that “cheap talk” can be priceless and invaluable as the Colorado River community aspires to govern its commons rather than fight about it. He agrees with Winston Churchill: “To jaw-jaw is always better than to war-war.”

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