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Water is for Fighting Over and Other Myths about Water in the West

Riley Norris

University of New Mexico - School of Law

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BOOK REVIEW

Water is for Fighting Over and Other Myths about Water in the West by John Fleck (Island Press, 254 Pages; 2019)

Breaching the subject of water law in the West can be a dizzying navigation through complex histories, overlapping jurisdictions, elaborate computer models, dreaded inevitabilities, and age-old impossibilities. The myriad systems that govern Western water management are often widely misunderstood or even unknown by the vast populations that are significantly affected by their mechanisms. However, what everyone *does* know (or at least thinks they know) about water in the West is that there is not enough to go around and whatever share received is likely shrinking by the year. There are many factors about the West which garner fears of water scarcity—population growth, fragile ecosystems, climate change—but one factor is key to fulfilling any future we choose to achieve: the psychology of the West. John Fleck’s *Water is for Fighting Over and Other Myths about Water in the West* is less about acre-feet and bath-tub rings, or compact obligations and surplus entitlements, and more a survey of the “social capital” that dictates Western water management.

Tucked between the title page and table of contents, Fleck offers the quote “Whisky’s for drinkin’, water’s for fightin’ over[,]” a quote apparently misattributed to Mark Twain. Makes sense, because the Mississippi’s full enough to go around, ain’t it? However, Twain’s words are more than a trite opening to what one might falsely assume is a dry update on the doomed future of water in the West. Instead, this quote serves as a poignant thesis to a surprisingly optimistic, albeit realistic, portrait of the human component to water governance. Many readers already know how climate, agriculture, industry and growing cities contribute to the scarcity of water. Fleck shows us that the psychology of fear surrounding water scarcity is often overlooked as the true bane to a strategic approach to water conservation and management. As Fleck reiterates throughout his book: water may be scarce, but fighting is not the answer.

Before becoming the Director of the Water Resource Management program at the University of New Mexico, Fleck spent 25 years covering water issues for the *Albuquerque Journal*. Consequently, his narrative approach has created a book about water governance that gives us stories of relationships instead of legal disputes. Certainly, one cannot write a book about water in the West and not talk about such disputes. However, references to the West’s combative origins serve to bolster Fleck’s portrayal of how more recent collaboration and shared responsibilities amongst water managers is creating a culture of optimism.

In thirteen chapters, Fleck provides us self-contained, yet complementary stories depicting shifts in water governance approaches in the seven Colorado River basin states. Drawing inspiration and data from the Nobel prize winning economist Elinor Ostrom, Fleck brings us diverse stories highlighting the positive results of collaborative water policy, all conveying the common theme that developing meaningful relationships across motivational boundaries is the key to protecting a polycentric-governed resource.

Fleck's skills as a journalist are what we admire most in this short but powerful book. He astutely portrays these stakeholder relationships as:

[T]he dividends of an investment in 'social capital'—an investment that is every bit as substantive and important as those made in physical facilities—the dams and canals, the pumps and pipes—that move the water. Much of it is an investment in the tools of civil society, the institutions (both formal and informal) that emerge to handle the tasks. Like physical capital, it takes time and resources, and it decays with age.

Additionally, Fleck's book may be short, but it manages to address issues too often overlooked in water management. The nature of water as a resource should pose the question, *who gets left out?* Fleck does not fail where so many other commentaries have, as he dedicates portions of his narrative to those groups too often excluded from the discussion on water governance: Indigenous and Mexican stakeholders. Fleck acknowledges when water management has been inclusive to these traditionally excluded stakeholders and elaborates on opportunities to make water governance more inclusive in the future. In sum, Fleck stresses the importance of recognizing marginalized populations' interests as vital components to the West's shared social capital.

Overall, this book achieves its goal of changing the reader's perspective on the prospect of water's future in the West. For that reason alone, it should be considered a success. But the book is also enjoyable and accessible to any reader, regardless of their prior knowledge of water law. At times the book can seem a bit scattered, offering self-contained chapters organized by issue throughout the Colorado River basin, thus sometimes overlapping chronologically between chapters. However, even the casual reader may let this slide as Fleck's approachable and simple commentary paints a broad picture of the region as a whole in bite-sized topics.

The novice water law reader will find it easy to connect to the individual chapters that tackle the West's most difficult water questions because Fleck pays astute attention to the people who are trying to answer them. Conversely, the seasoned water law expert will likely find Fleck's perspectives profound and may even herald the book as a milestone in the changing psychology of western water managers. An easy criticism of the book is that we wish it to be longer, and Fleck's treatment of these massive issues in the West could perhaps dive deeper into the minutiae of water policy. However, this book is not meant to provide an extensive survey of the developing trends in western water policy. Rather, it serves as a broad narrative on the positive trends the West is experiencing in water management collaboration. For the beginner reader, this book is a brilliant jumping-off point that will serve to enrich future studies in water law. For the expert reader, this book is a much-welcomed piece on what is working and what is not in the complex and equivocal field of water law.

Riley Norris
Class of 2021
UNM School of Law