

# TEXAS WATER JOURNAL

Volume 7 Number 1  
2016



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Volume 7, Number 1

2016

ISSN 2160-5319

*texaswaterjournal.org*

THE TEXAS WATER JOURNAL is an online, peer-reviewed journal devoted to the timely consideration of Texas water resources management, research, and policy issues. The journal provides in-depth analysis of Texas water resources management and policies from a multidisciplinary perspective that integrates science, engineering, law, planning, and other disciplines. It also provides updates on key state legislation and policy changes by Texas administrative agencies.

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The Texas Water Journal is published in cooperation with the Texas Water Resources Institute, part of Texas A&M AgriLife Research, the Texas A&M AgriLife Extension Service, and the College of Agriculture and Life Sciences at Texas A&M University.



**Book review:**  
**Water is for fighting over and other myths about water  
in the West**

Fleck, J. 2016. Water is for fighting over and other myths about water in the West. Washington, D. C: Island Press. ISBN: 9781610916790. 246 p.

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Citation: McDonald C. 2016. Book review: Water is for fighting over and other myths about water in the West. Texas Water Journal. 7(1):82-84. Available from: <https://doi.org/10.21423/twj.v7i1.7049>.

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The only time reporting about water policy is exciting is when people believe the water is about to run out.

Many of the great works about water governance in the West, from *Cadillac Desert* to the fictional film *China Town*, chronicle epic bureaucratic battles of greed and selfishness against a backdrop of a looming drought.

The standard characters include rich white men running cities against well-organized white farmers. Each party rushes for the moral high ground and tries to frame the other as wasteful and ungrateful. They have their fateful day in court a decade or so later, a judge chooses a winner and loser, and we start all over again.

Treaties and compacts, state and federal laws, all support and encourage this well-used plot. There is little room in this legal system or storyline for the water rights of tribes or ideas such as rivers should carry enough water to reach the sea. The winners in the short-term battle for water rights conveniently ignore the long-term reality that surface water and groundwater are related and the depletion of one will eventually have a direct impact on the other. The mantra is: take every drop you can before someone else does.

Storytellers and lawyers have applied this well-used trope to describe almost every water body, above or below ground, west of the 100th meridian. It is the go-to narrative from small town newspapers to big budget documentaries. Editors love to add that Mark Twain said: “Whiskey’s for drinkin,’ water’s for fightin’ over.”

Journalist John Fleck argues this narrative is a bit dated. After more than 30 years of writing about water, he introduces a new approach to stories about water with his latest book, *Water is for Fighting Over and Other Myths about Water in the West*.

He begins with stating there is no substantive evidence Mark Twain ever said or wrote anything about the purpose of whiskey and water.

Wanting to reach a broader audience than the water wonks he spent his career chronicling, Fleck purposefully wrote what he calls a short book. With 201 pages of text and 43 dedicated to notes and the index, he introduces a new storyline that is not nearly as exciting but is much more accurate and worthy of attention.

“When people have less water, I realized they use less water,” he writes about the drought that gripped the West in the first part of this century. “In spite of the doomsday scenarios, Westerners were coping, getting along with their business in the face of less water.”

Fleck makes the pitch we need to move away from focusing on stories about lawsuits and shortages. The administrative nightmare of getting 19th century water law and 20th century infrastructure to meet the needs of the 21st century is scary. Climate change will further reduce and introduce more chaos to an already over allocated supply. However, there is hope in

examining the adaptations that are taking place. These changes are usually small and do not meet everyone’s ecological, economic, and recreational desires. But, they are working and meeting more of those desires than they are getting credit for.

Even with the crutch of a pending disaster, explaining water policy is not easy. Fleck makes this even harder on himself by introducing readers to the psychology and game theory that goes into compromises with a backdrop of water law, traditional water management, and the massive engineering projects that has allowed cities and farms to sprout up in deserts.

The skill Fleck has for this task is from having written about water policy for a general audience for three decades as a newspaper reporter and that he dedicated his book to the water issues of the Colorado River.

The Colorado is the most litigated and over-allocated river in the West. The economies of entire cities and states and vast ecosystems depend on it. Failure is not an option and yet it seems assured. As such, it is one of the best places to see how experiments in compromise are playing out. Fleck then tackles these solutions and breaks them down to a simple narrative.

Fleck explains how successful farmers are increasing their profits while using less water via new crops, research, and monitoring. He shows how others are collaborating with cities to share water during droughts to make even more money. He highlights Las Vegas’ record of conserving water and reducing demand while it continues to grow. He chronicles the excitement generated by the breakthrough multi-national agreement to allow the Colorado River to trickle into the Gulf of California for a couple of weeks. He explains how cities, pumping from the same aquifer, worked together to protect their mutual interests instead of harming each other.

The details of how these realities came to be are not nearly as exciting or as easy to understand as the narrative of specific interests groups fighting for their own limited interests. The new winners are those who are able to understand the positions others have taken and look for common ground and ways to share that benefit everyone. Fleck is really just re-introducing us to a storyline most of us were supposed to learn in kindergarten.

Fleck also points out that even the water buffaloes—the members of the once exclusive club that controlled the rivers and aquifers—are realizing they too have to make room for the groups they used to ignore. The commercial and recreational fishermen, birders, tribes, and river runners are becoming organized, hiring lawyers, and learning the lawsuit game. They too can sue if a project or plan does not incorporate their needs. They do not always win, but they can bring entire process to a standstill.

Fleck knows the stories about sharing, conservation, and compromise are not as sensational as a governor using the National Guard to delay the construction of a federal dam or as

understandable as farmers versus cities versus the environment. Instead, his stories are about lots of long meetings, formal and informal, where actual people propose and analyze ideas and then build up the courage to try them.

“They have to be implemented painstakingly, one farm district and municipal water agency at a time,” Fleck explains. “That is the project ahead of us.”

Every compromise Fleck examines shares a common thread of groups that used to battle each other coming together. The actual combination of facts on the ground, personalities, and history of the issue are as unique as the drainages and aquifers they are about. Fleck’s book does not spell out the solution. Rather it documents where and how solutions are found.

Fleck points out there is also less tolerance by the public for the old guard who point to 100-year-old treaties and compacts as proof that they cannot do anything. Under such agreements, Phoenix would lose all of its Colorado water, while California would lose none. The Colorado River would also never reach the sea again. We would lose our best tools for adapting to climate change. The public will eventually demand that the system changes, because letting a city of 2 million lose its main water supply will not work.

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

West Texas is full of examples of the later. Springs and rivers have gone dry and cities and farms have disappeared.

In short, Fleck’s book points out that we have alternatives if we are willing to try.