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Norris Hundley. *Water and the West: The Colorado River Compact and the Politics of Water in the American West.* Berkeley: University of California Press, 2009. xv + 415 pp. $24.95 (paper), ISBN 978-0-520-26011-5; $60.00 (cloth), ISBN 978-0-520-26010-8.

Reviewed by Jason Robison (Harvard University)

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A Compact in and of Itself

Over the past five decades, Norris Hundley Jr. has produced an illuminating body of scholarship on the history of water in the American West, providing seminal work on the Colorado River and the multilayered set of laws governing allocation of its water–the "Law of the River." The cornerstone of the Law of the River is the Colorado River Compact (1922), and *Water and the West* tells the tale of its genesis and legacy in an unsurpassed way. Incorporating the structure and content of the first edition, a new epilogue appears in the second edition, bringing the book up to the present and expanding its substantive scope. The epilogue surveys an array of relevant contemporary topics in the basin, including climate change, drought adaptation, water transfers, policy reform, Indian water rights, water quality, and endangered species. Whereas the first edition has been praised as indispensable in the historiography of water in the West, the updated material in the second edition only bolsters the book's value and stature.

A bird's-eye view of the book's structure is worth noting at the outset: the ratification of the Colorado River Compact in 1929 serves as a proverbial Lee's Ferry around which the book's content can be organized (albeit not in equal portions). Most of the book–chapters 1 through 8–focuses on events in the late nineteenth and early twentieth centuries leading up to the compact's formation. The remainder of the book–chapter 9 and the epilogue–addresses the compact's legacy in the subsequent eighty years. A number of continuous interpretive themes appear throughout both of these sections.

Hundley devotes the majority of the book to a thickly detailed, meticulously researched account of the genesis of the Colorado River Compact. It was an extended process essentially divisible into three stages. Mobilization for a compact marked an initial stage. The vision of the Reclamation Service (later Bureau of Reclamation) for comprehensive development of the Colorado River entailed a large dam at Boulder Canyon. Imperial Valley irrigators coveted an All-American Canal. Los Angeles groped for hydropower derived from the river. Upper basin states sought to set aside a portion of the water for their future development. The booster forum in which these diverse interests found expression was the League of the Southwest. At the League's Denver meeting in 1920 the novel constitutional idea of utilizing an interstate compact to apportion the Colorado River initially received endorsement. But this nascent commitment only marked a new stage of controversy. Secretary of Commerce Herbert Hoover served as chairman for the compact negotiations. The commissioners' unanimous election of him sharply contrasted with their divisiveness over the proper scheme for dividing the water of the Colorado River among their states. They ultimately arrived at a two-basin scheme: equal annual entitlements of 7.5 million acre feet (maf) for the upper and lower basins as demarcated at Lee's Ferry. They also allotted an additional one maf annually to the lower basin, provided for equal sharing of any future treaty obligation to Mexico, and issued a vague disclaimer regarding the compact's ineffectiveness on the rights of Indian tribes. Negotiations culminated with the commissioners approving the compact on November 24, 1922, at Bishop's Lodge outside of Santa Fe. A six-year ratification struggle followed,

marking the final stage of the compact's coming into being. Arizona withheld its ratification throughout this period. The other basin states eventually circumvented the holdout by providing for six-state ratification in the Boulder Canyon Project Act (1928). That act gave prior congressional approval to an apportionment scheme for the lower basin's 7.5 maf annual entitlement–2.8 maf for Arizona, 4.4 maf for California, and 300,000 maf for Nevada–with Arizona having exclusive use of the Gila River and its tributaries within the state's boundaries. The act also authorized the All-American Canal and Boulder Dam (later Hoover Dam). Its passage paved the way for six-state ratification of the compact on March 6, 1929, and the act's entry into force two months later. Unlike this cursory summary, Hundley's account of the compact's genesis spares no detail, weaving an engaging, 281-page narrative of the process.

With the compact and the Boulder Canyon Project Act effective as of 1929, Hundley devotes chapter 9 to the follow-up wrangling between Arizona and California over apportionment of Colorado River water in the lower basin. In short, those states were unable to agree on an apportionment scheme for the lower basin's 7.5 maf entitlement under the compact. Among other points of contention was the ambiguous relationship between the compact provision conferring an additional one maf annually to the lower basin and the provision of the Boulder Canyon Project Act entitling Arizona to exclusive use of the Gila River and its tributaries. Arizona unsuccessfully sought relief from the impasse in the Supreme Court on three occasions during the 1930s. Eight years after the last attempt, on February 24, 1944, Arizona finally ratified the compact. The United States had signed a treaty a few weeks earlier entitling Mexico to 1.5 maf annually from the Colorado River. Arizona's ratification did not quell the apportionment struggle in the lower basin, however. It led to the opposite result. When Congress refused to authorize the Central Arizona Project (CAP), Arizona made yet another trip to the Supreme Court in 1952–a case of historic proportions. Decided over a decade later, the Court in *Arizona v. California* (1963) interpreted the Boulder Canyon Project Act as effecting a congressional apportionment of the lower basin's 7.5 maf entitlement. That is, the Court construed the act as establishing the apportionment scheme outlined in it–albeit with the 7.5 maf to be distributed solely from mainstream water (i.e., leaving each lower basin state all of its tributaries)–rather than merely providing prior congressional approval for that scheme. Hundley identifies the dubious nature of this interpretation and also highlights other aspects of the case related to its federalization of the Colorado River in the lower basin.

Revised for the second edition, the new epilogue focuses on the nearly half a century since *Arizona v. California* (1963), discussing a wide range of topics associated with contemporary issues in the Colorado River Basin. Among other things, Hundley describes how the annual flow estimates on which the compact's apportionment scheme was founded have been discredited as erroneously high. Climate change research likewise suggests more drought will hit the basin in the twenty-first century. As a response to the most recent drought, the basin states reached an agreement in 2007 allowing the upper basin to release less than the annual 8.23 maf called for by the compact under low-reservoir conditions. Four years earlier, in 2003, major water interests in California entered into the Quantification Settlement Agreement, which entails agriculture-to-urban water transfers as a means for bringing the state's use of the Colorado River within its 4.4 maf entitlement. Myriad water conservation and development measures have emerged with the aim of increasing water availability. Indian water rights settlements have become increasingly prevalent to secure funding for water projects on reservations throughout the basin. Water quality issues have continued to plague water users–and U.S.-Mexico relations–despite Minute 242 and the Colorado River Basin Salinity Control Act (1974). Recovery programs for endangered fish species in the basin similarly have not resulted in delisting under the Endangered Species Act (1973). New operation criteria have been established for Glen Canyon Dam–pursuant to the Grand Canyon Protection Act of 1992–but the precise environmental benefits of these criteria remain uncertain. All told, Hundley offers much insight in the new epilogue into the gamut of contemporary issues facing the Colorado River Basin.

Several common interpretive themes appear throughout the seemingly encyclopedic scope of material covered in the book. Federalism is prominent among them. The basin states may have fixed on the compact as a novel constitutional tool for engaging with the federal government while protecting their respective interests in development. But the federalized apportionment scheme in the lower basin under *Arizona v. California* (1963) appears to fly in the face of the type of federal-state relationships the compact commissioners initially contemplated. Tensions and factionalism of this sort abound in the book. A closely related theme is the role of the federal government in the development of the West. The Bureau of Reclamation's development of mul-

tipurpose water projects in the Colorado River Basin–providing hydropower, irrigation water, flood control, and recreation–fits within a legacy of federal activities associated with the growth of the western economy since the latter half of the nineteenth century. And, as Hundley describes, the compact marked only one of many attempts by westerners "to get the purse without the purse strings" (p. xi). In a similar vein, the Bureau of Reclamation constitutes only one of several interests hailing from outside of the West who have influenced water policy and development in the basin. Other such interests include Congress, the Supreme Court, the State Department, eastern farmers, and Wall Street investors. Hence a third, contentious theme common to western history appears in the book–colonialism.

Legal historians will find the book extremely useful in illuminating the history of western water law. It is on par with Robert G. Dunbar's *Forging New Rights in Western Water* (1983) in this regard, and it is essential reading for gaining an understanding of the Law of the River. Beyond the statutes and cases noted above, Hundley provides informative historical discussions of riparianism, prior appropriation, equitable apportionment, reclamation law, and federal reserved water rights. He sheds light on the context in which these laws have evolved and thus offers insight into the curious reciprocal relationship by which legal doctrines and institutions both shape, and are shaped by, the variable economic, environmental, political, and social conditions in which they exist. The Law of the River is a robust area of inquiry with respect to this relationship.

In its second edition, *Water and the West* bears the distinction of having increased in relevance with the dawn of the twenty-first century. It remains an invaluable source for scholars and non-scholars alike with interests in water resource issues–broadly defined–both within and outside of the Colorado River Basin. Hundley suggests the name "Basin of Contention" for the basin in his postscript, referencing the erroneous, hastily prepared flow data on which the compact's apportionment scheme was devised. He then concludes the book: "The consequences of the compact remain with us" (p. 352). Just as the compact is the foundation of the Law of the River, *Water in the West* anchors a rich and expanding body of scholarship to which we would be well advised to turn for guidance in seeing our way through the issues that lie ahead–a compact in and of itself.

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