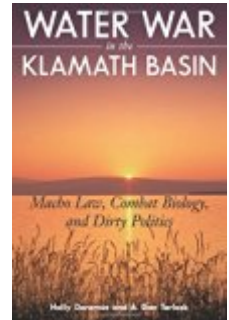


Holly D. Doremus, A. Dan Tarlock. *Water War in the Klamath Basin: Macho Law, Combat Biology, and Dirty Politics.* Washington DC: Island Press, 2008. xviii + 260 pp. \$30.00, paper, ISBN 978-1-59726-394-8.



Reviewed by Abraham Hoffman

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Commissioned by Justin M. Scott-Coe (Monte Vista Water District; Claremont Graduate University)

Straddling the border between California and Oregon, the Klamath Basin is a remote region that takes in twelve thousand square miles, including the Klamath River watershed that runs from Upper Klamath Lake to the Pacific Ocean just south of Crescent City, California. In the summer of 2001, the Klamath Basin erupted in a confrontation over water that involved no less than six different interest groups. Responding to the mandate of the federal Endangered Species Act of 1986 (ESA), the Bureau of Reclamation shut off the flow of water from Upper Klamath Lake, effectively preventing farmers in that area from irrigating their crops. In addition to the Bureau of Reclamation and the irrigators, Indian tribes in the region, downstream commercial fishermen, the National Fish and Wildlife Service, the National Marine Fisheries Service (NOAA Fisheries), and environmental organizations all took stands that collided with each other, precipitating the "Water War" of the title of the book under review.

Holly D. Doremus is a professor of law at the University of California, Davis, and A. Dan Tarlock

is Distinguished Professor of Law at Chicago-Kent College of Law. Their book offers a dispassionate examination of the history of the Klamath Basin and the events that led to the problems there. The provocative words in the subtitle notwithstanding, the authors deal as objectively as possible with the competing interests, presenting their cases critically but sympathetically. One hears that there are two sides to a story. In this instance, the story has at least six sides. The authors note the unusual features of the Klamath River Basin, an area that reverses the usual geography in that it is the downstream region that has steep mountains and upstream that has the lake. Overall it is a fairly remote region, its isolation making possible the survival of Native American tribes since there did not seem to be much there to take from them.

A century ago the U.S. Reclamation Service (since 1923, the Bureau of Reclamation) deemed the basin suitable for one of the agency's first reclamation projects. The irrigated land brought in white settlers whose descendants can still be found farming the land. The Klamath, Yurok,

Hoopa, Karuk, and other Native American tribes in the region benefited from the abundance of salmon and other anadromous fish that went up the Klamath River to spawn. In the 1980s a perfect storm of problems hit the region, culminating in a decision by the Bureau of Reclamation in the summer of 2001 to eliminate the water used by upstream irrigators. A frenzy of activism, lawsuits, and outrage erupted. One problem led to another: prolonged drought reduced the water levels in the area's lakes, reservoirs, and streams; the ESA kicked in when salmon and suckers were put on the endangered species list; Indians found their livelihood threatened by the decline of fish; farmers protested against the Bureau of Reclamation cutting off their water; the bureau blamed the National Fish and Wildlife Service and the NOAA Fisheries for enforcing the ESA; and so on.

The authors punch up the adversarial problems with the adjectives "macho," "combat," and "dirty" to show how deeply the disputants feel about their particular viewpoints. Rather than resort to violence, they take to the courts, arguing on the one hand that appropriative water rights trump riparian, or that the findings of some scientific studies undercut others, on the other hand. Each viewpoint gets its say in succeeding chapters, and the authors end with a note of "cautious, but not blind, optimism" (p. 206). Trust and compromise are essential elements in resolving the controversy, scientists should collaborate instead of fight, and everyone needs to engage in give-and-take negotiations. "We hope this difficult process will begin in earnest soon," conclude the authors, "in the Klamath Basin and beyond, because we know that in the West the next drought is never far off" (p. 208). A brief afterword brings the story up to the time of publication.

In an era of prolonged drought in the Western states, scholars continue to examine the question of sustainability amid growing urban demands. Much of this debate centers on issues concerning the Colorado River, the Great Lakes, and San

Diego's water wheeling schemes. Doremus and Tarlock effectively demonstrate that the Klamath Basin also merits public concern.

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