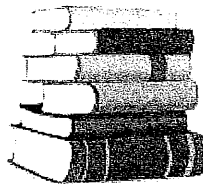


Book Review

By Abraham Hoffman, Ph.D



THE MAN WHO THOUGHT HE OWNED WATER

On the Brink with American Farms, Cities, and Food,

by Tershia D'Elgin.

Boulder: University Press of Colorado, 2016.

287 pp. Maps, Notes. Paper, \$29.95.



About 150 years ago Benjamin Harrison Eaton, pioneer in Colorado and fourth governor of the state, homesteaded in the South Platte River Valley. But this book isn't about him; it's the story of his great-grandson, written by his great-great-granddaughter. It's a book that challenges perceptions of water rights, the fairness or unfairness of eminent domain, and the way government revises, amends, changes, or breaks rules when it comes to meeting the challenges of urban growth and its effect on rural society.

After World War I William Eaton Phelps brought his bride to the ranch that had been in his family since the 1860s. There they raised a family, including Tershia, the author of this book. Bill Phelps held a senior water right on the South Platte River. Colorado had pioneered the prior appropriation water right, and Bill's dated back to his great-grandfather Benjamin's day. Bill enjoyed doing the hard work required for farming and cattle raising, and in the 1950s-1960s the ranch, located in a rural area, provided water for his needs as well as those with junior rights.

What Bill did not anticipate was the rapid growth of Denver and its suburbs. He didn't realize that to meet the urban needs, plus the increase in new housing tracts, the water he took for granted was not quite the absolute right he believed he held. In a series of court decisions, his water right became limited. And when a prolonged drought affected the region,

state officials placed severe restrictions on what he could do and how much water he would get. Before he passed away in 2006 he found that not only he but many of his neighbors could not maintain their farms to grow cash crops.

Bill Phelps, the man who thought he owned water, was done in by the changing times. Major corporations such as Monsanto were calling the shots with genetically modified corn. Independent farmers such as Bill Phelps couldn't compete with large corporations and their numerous attorneys, nor could he fathom the intricacies of water law when the state kept changing the rules.

Bill Phelps's story is essentially a case study of the commodification of water and the priorities of urban growth as against a static rural way of life. Reading this book calls to mind similarities in other areas where urban development trumped water rights. Tershia D'Elgin's book is lucidly written, combining the personal story of her family's history and a well-researched examination of how water laws work and how they can be changed. To help the reader, she includes numerous sidebars that define the jargon used by lawyers and public officials such as the state engineer. Although the tale is told in microcosm, it can be applied in a broader context to take in any rural-urban dispute over water in the West. ♦

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