

7-20-2004

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This is the abstract of a presentation given on Wednesday, 21 July 2004, in session 19 of the UCOWR conference.

Recommended Citation

Born, "The economics of Fish and Water: Balancing Instream Flow Needs of Listed Fish Species with Traditional State Water Allocation" (2004). 2004. Paper 64.

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Abstract of Paper for Presentation at the 2004 Annual Conference “Allocating Water: Economics and the Environment.”

THE ECONOMICS OF FISH AND WATER: BALANCING INSTREAM FLOW NEEDS OF LISTED FISH SPECIES WITH TRADITIONAL STATE WATER ALLOCATION

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Appropriation of natural surface waters for out-of-stream, consumptive uses is a long-standing tradition in the West. Tremendous social and financial investments were made in reliance on state-recognized water rights based on a priority system of “first in time, first in right,” forming the building blocks for our communities. The ability to appropriate water based on a system of certainty is crucial to the continued economic vitality of those long-standing communities. However, under the purview of the Endangered Species Act (ESA), environmentalists are crying “fish need water,” and courts are pushing traditional consumptive uses aside to protect listed fish. Federal courts are quick to order that steps be taken to ensure that fish species listed under the ESA are not harmed and that federal water projects be managed in a way to avoid jeopardy to listed species. As a result, farms and communities that have relied on expectations of available water supplies for over a century are left with economic uncertainty.

While ESA concerns certainly have merit, the question not being answered by the courts or the environmentalists is how to keep water instream for fish in a manner that is respectful of existing water uses. This paper begins with a discussion of the tension over competing demands for water between listed fish and traditional consumptive uses. The focus then turns to solutions for balancing the needs of fish with the economic needs of the long-established communities and people. In particular, the paper examines recent efforts to implement irrigation efficiencies, canal lining and piping projects, and free market-based water right trades, all in an effort to accommodate the growing demand to keep water instream for fish and wildlife. The paper explores the practical impediments and legal challenges to such efforts, and concludes with a list of recommendations intended to make such efforts more workable in the future.