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Water Law

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REVIEWS

WATER LAW

RALPH W. JOHNSON*

WATER LAW AND ADMINISTRATION—THE FLORIDA EXPERIENCE. By Frank E. Maloney, Sheldon J. Plager and Fletcher N. Baldwin, Jr. University of Florida Water Resources Research Center Publication No. 4. University of Florida Press. 1968. pp. xx, 488.

This new book is a fine contribution to the growing body of water law literature. It presents an exhaustive review of the law of Florida in the water resources field, with substantial references to the water laws of the other eastern states. Excellent legal scholarship and careful analysis characterize the efforts of these authors. Dean Maloney and Professor Plager have published in this field for many years and several chapters of the book have appeared earlier as law review articles. Professor Baldwin contributed the federal law material to the book.

The coverage of the book is comprehensive, dealing with virtually every aspect of water law in the State of Florida and by reference and illustration to the water laws of the other eastern states. Although its basic orientation is around the Florida experience various sections of the book deal specifically with other states' water problems. Chapter 6 in particular deals with statutory modifications of the eastern consumptive-use doctrines. This chapter, for example, examines Florida law as well as the laws of several other states and the Model Water Use Act. When the authors could not find a Florida case in point they looked elsewhere, analyzing problems that either have arisen, or are about to arise, in Florida but have not yet reached the legislature or the courts. At the end of various chapters where appropriate, there are good analyses of the material preceding.

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Because of numerous references to the laws of other states, the book will be useful to the lawyers throughout the eastern part of the United States, and to lawyers and scholars throughout the nation interested in careful analysis of water problems.

For one who reads the book straight through it appears at times repetitious apparently the result of the author's attempt to make each chapter as complete as possible so that readers checking a particular subject need only look in one chapter of the book.

The principal drawback of the book is the size of the type. It is too small. For someone who wants to spend a considerable amount of time reading it the book taxes the eyes. This is indeed unfortunate in view of the quality of writing and potential contribution of the book to the field. Both the table of contents and the index are well done and quite adequate for the purpose.

Probably no other state, with the possible exception of California, has been the beneficiary of such a careful and well documented analysis of its water laws between two covers. The book will be a useful addition to the libraries of lawyers and planners interested in water law problems in Florida and elsewhere throughout the United States.