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Review of *Flooding the Courtrooms: Law and Water in the Far West* by M. Catherine Miller

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Flooding the Courtrooms: Law and Water in the Far West. M. Catherine Miller. Lincoln: University of Nebraska Press, 1993. ix+255 pp. Maps, references, bibliographic essay, table of cases, and index. \$45.00, (ISBN 0-8032-3153-9).

The arid but fertile San Joaquin Valley yielded fortunes for whoever owned the water that trickled down from the neighboring Sierra Nevada

Mountains. Landowners avidly brought lawsuits seeking rulings that would favorably define streamflows, property boundaries, and economic uses of water. Oddly, California courts followed the legal doctrine of the eastern rather than neighboring western states, upholding the "riparian" claims of those who owned land bordering a river rather than "prior appropriators" who discovered and first used the water. Riparian law laid the foundation for the enormous cattle company, Miller and Lux. During its heyday between 1870 and 1930 the firm battled relentlessly in courts, the state political arena, and private negotiations to retain its hold on water. Drawing from the immense legal records left by the company, the author recounts its story, and in doing so, provides insight into the development of California water law.

From a base of valuable riverfront land, Miller and Lux expanded greatly in the latter nineteenth century, buying more land, hiring cheap labor and squeezing out would-be irrigation farmers. It eventually acquired almost one million acres and controlled considerably more. Cattle were raised in the highland ranches of Nevada and Oregon and then shipped to the San Joaquin Valley to be fattened for market and sold at a price determined by co-founder, Henry Miller. Other divisions of the company's cattle business included slaughter houses, farms, banks and canals. Its financial success brought it legal success, allowing the company to bring repeated suits against and eventually exhaust whoever contested its claims to water. More instrumental to Miller and Lux's legal success the author asserts, was the firm's ability to place its claims within the dominant legal ideology of the time; a philosophy which valued the security and stability of property rights over anti-monopoly sentiments or more efficient use of the water.

Early in the twentieth century the fortunes of Miller and Lux began to wane with increasingly adverse public sentiment and the death Henry Miller. Anti-monopoly opponents labeled the company a "water octopus" (p. 109). Amidst accusations of wasting water the company fought and lost a battle with Progressives who wished to put water resources under a state commission modeled after those of neighboring states. The company suffered another setback when the state engineer rejected its proposals for a water storage district, favoring instead, the interests of smaller landholders. Serious financial trouble came with falling beef and produce prices in the 1920s, forcing the company to slash its work force, sell land and water rights, and limit its legal options. By World War II Miller and Lux was no longer an important cattle producer. A government bureaucracy ultimately assumed control of water in the central valley, allowing a few new users. But, the author maintains, little has changed as power nevertheless remained in the hands of the largest land owners.

This legal history is indispensable to those interested in the economic development of the far west or in the politics of water control. The book contributes a corporate case study to the existing literature on California water, including Robert Gottlieb and Margaret Fitzsimmons' *Thirst for Growth: Water Agencies as Hidden Government in California* and Norris Hundley's *The Great Thirst: Californians and Water, 1770-1990s*. Although some background in water law would be helpful, non-legal readers would still find the book useful. **Linda S. Parker**, *Department of American Indian Studies, San Diego State University*.