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Review of *Dividing New Mexico's Waters, 1700-1912* by John O. Baxter

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BOOK REVIEWS

Dividing New Mexico's Waters, 1700-1912. John O. Baxter. Albuquerque: University of New Mexico Press, 1997. v+135 pp. Illustrations, notes, bibliography, index. \$24.95 paper (ISBN 0-8263-1747-2).

In *Dividing New Mexico's Waters, 1700-1912*, John O. Baxter examines New Mexico's sordid water history spanning more than two-hundred years and three colonial empires—Spanish, Mexican, and American. Drawing on a range of primary documents including legal cases, Surveyor General reports, deed books, Spanish and Mexican records, and U.S. territorial papers, Baxter pieces together a complex and informative story of water allocation and management. The pervasive theme running throughout the book addresses the gulf between political structures and legal statutes colonial powers established to administer water usage and the more common and pragmatic forms citizens employed to manage water and settle disputes over its allocation.

The author divides his study into five chapters and the narrative moves chronologically. Early in the book, Baxter surveys the geographical setting of Spanish settlement in New Mexico, noting the importance of water and its equitable distribution for the common good of local residents. He then shifts his focus to the decentralized and democratic water institutions area residents created. Inhabitants of the region elected *ayuntamientos*, a committee of officials, and *mayordomos*, ditch bosses, to apportion water, allocate labor and settle disputes over water use and management. Using these popular and democratic forms of governing water, citizens resolved conflicts involving water usage at the local level. Seldom, argues Baxter, did complaints over water reach authorities in Spain, Mexico, or the United States. Growing population numbers and competition for New Mexico's water, however, continued to cause heated struggles over water between residents during the Mexican and American territorial periods.

Baxter finds little difference between the early American territorial period from 1846 to 1880 and the previous Spanish and Mexican periods arguing that during the first years of American hegemony, residents continued to settle water disputes successfully at the local level and with regard for the common interest of the greatest number of water users. Significant change came to the region in 1880 with the arrival of the railroad which brought with it new markets and more people from eastern areas of the U.S.

Arguments over water continued to be resolved by American territorial judges but at the expense of local autonomy and time-honored traditions of creating ad hoc administrations to govern water. Baxter concludes that, "Local control slipped away, as county probate courts declined in importance, causing aggrieved water users to seek relief in district courts, a venue dominated by professional attorneys trained in the complexities of English common law." Moreover, when small-scale water usage clashed with large-scale business interests of Anglo and Hispano entrepreneurs resolutions generally favored economic growth.

John Baxter lays an important foundation for understanding water disputes in mid- and late-twentieth century New Mexico and illuminates the difficulty of satisfactorily resolving legal concerns of New Mexicans who continue to rely on established traditions of managing water distribution and use. I highly recommend Baxter's book because the text shows the complexity of New Mexico's water history and the importance of struggles over the state's most precious resource. **Kenneth Orona**, *Department of History, Yale University*.