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## 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.* By M. Catherine Miller. (Lincoln: University of Nebraska Press, 1993. 255 pp. Maps, notes, bibliography, index. \$45.00.)

This fourth volume in the University of Nebraska's Law in the American West series provides a detailed study over a long time period of the water-based legal activities of one of the architects of California water law and policy. The Miller and Lux Company emerged early in the post-1848 agricultural and ranching life of California's fantastically rich central valley. It stayed late. As *Flooding the Courtrooms* shows, the company fought hard for almost a century to secure and then protect its access to scarce California water.

As much as any other California institution, the Miller and Lux company gave California water law its peculiar tilt and patina among western states. Water lawyers will instantly recognize Lux for having lent his name to the seminal *Lux v. Haggin* (1885) case. According to adherents of the more hidebound "Colorado doctrine" of prior appropriation, *Lux* started California on the road to the present hell of its mixed riparian/prior appropriation water law system. But, this good book goes well beyond that one case and shows in great detail how one powerful private institution—the Miller and Lux company—over a long period of time used the courts to define and shape California water law.

The portrait that emerges from these details is particularly important for two reasons. First, the detailed accounts of the company's efforts to secure and protect its access to water and to limit the access of other potential competitors shows an entirely pragmatic, instrumental view of law at work. Miller and Lux used whatever legal theories were available to shore up its control of scarce California water resources.

As author Miller shows, the company over nearly a century of litigation sometimes claimed riparian rights, sometimes claimed appropriative rights, never worried about the contradiction between the two theories, and always went to court. The public California water law that we know today emerged from the private efforts of one company to maintain its privileged access to a critical, scarce natural resource. This book traces those efforts in great detail.

In addition, *Flooding the Courtrooms* adds an important element to our understanding of the historical development of western water law institutions. The details of this fine study stand environmental historians like Donald Worcester and Marc Riesman on their heads. Miller's study shows that the great federal efforts early in the 20th century to develop more available water out of the unappropriated flood flows of the west's wild rivers responded not so much to the iron-grip of an existing water oligopoly as to the efforts of those who had no water to gain first access to it.

*Flooding the Courtrooms* is sometimes turgid, sometimes overwrought and sometimes over-conceptualized. But, author Miller builds the book on the bed-rock of hard data provided over a long period of time by the major private player in the early formation of public California water law and policy. Like Donald Pisani's *To Reclaim A Divided West: Water, Law, and Public Policy 1848-1902*, the story that *Flooding the Courtroom* tells is full of contradictions, false starts, and inconclusive endings. But the portrait that emerges is three-dimensional and critical to our understanding of the water institutions that haunt California and the west to this day.

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*Shovel Excavation and the Waterways Project: The San Joaquin Basin, The Great Western Basin, Other Basins in Mexico's Basin, 1900 to 1977* by Agostino, (ISBN 0-8195-6000-0, \$24.95)

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This book is a detailed history of the San Joaquin Basin, the Great Western Basin, and other basins in Mexico's Basin, 1900 to 1977. The author, Agostino, provides a comprehensive overview of the basin's history, from its early settlement and development to its current status. The book is divided into several chapters, each focusing on a different aspect of the basin's history. The first chapter, "The San Joaquin Basin," provides a general overview of the basin's geography, climate, and population. The second chapter, "The Great Western Basin," discusses the basin's early settlement and development. The third chapter, "Other Basins in Mexico's Basin," examines the basin's role in Mexico's economy and society. The fourth chapter, "Shovel Excavation and the Waterways Project," details the basin's water infrastructure and the challenges it faces. The fifth chapter, "The San Joaquin Basin Today," provides a summary of the basin's current status and future prospects. The book is well-written and informative, providing a valuable resource for anyone interested in the basin's history and development.

Beginning in December 1960, the United States government and a small group of contractors, including those of companies in the basin, began to excavate the San Joaquin Basin. The United States government was providing over a million dollars in aid and other assistance and incentives to help the basin develop. This included long-term aid to the basin and the construction of a dam on the San Joaquin River, and other aid to the basin and the construction of a dam on the San Joaquin River. The United States government was providing over a million dollars in aid and other assistance and incentives to help the basin develop. This included long-term aid to the basin and the construction of a dam on the San Joaquin River, and other aid to the basin and the construction of a dam on the San Joaquin River.