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Part II

The Politics of California Water:

Owens Valley and the Los
Angeles Aqueduct,
1900 - 1927

By William L. Kahrl

Throughout the campaigns in Los Angeles that gave birth in 1913 to the Los Angeles Aqueduct, no voice was ever raised on behalf of the Owens Valley, the distant source of the prized water. As vigorous as the debate became, its terms were at all times limited to the interests of the City of Los Angeles. In 1906 the competing interests of the two communities clashed on the floor of the United States Congress, but the Owens Valley ranchers were outmaneuvered by the city water planners who successfully encouraged President Theodore Roosevelt to support the proposed project.¹ The story of the valley's destruction over the next twenty years is in part the story of the ranchers' continuing failure to find a forum in which to gain a fair hearing for their plight.

In 1907, the ranchers joined in protest once again at the meeting of the National Irrigation Congress in Sacramento. They could not have chosen a worse event for the presentation of their case, however, for the Irrigation Congress was one of several national organizations created at this time to back Roosevelt's conservationist policies described by the slogan, "Save the forests, store the floods, reclaim the deserts, make homes on the land."² In Sacramento as in Washington the year before, the hapless Owens Valley ranchers found themselves allied with the selfish interests of the private land and power companies in opposition to "hysterical conservationism."³ They were derided in the meeting and the press as "kickers" of a worthy principle, and as the *San Francisco Call* observed of the debates, "Anybody here who plays tennis at the White House can have anything he wants from these people and the kickers had no more chance than a snowball."⁴

In both instances, the ranchers were not seeking to stop the project but only to assure that their access to the Owens River streamflows would be protected. Unable to affect development of the aqueduct, however, the ranchers watched helplessly as Los Angeles gained virtually complete control over future settlement in the Owens Valley. When the Department of the Interior formally dropped its plans for a reclamation project on the

Owens River immediately after Los Angeles passed the bond issue for aqueduct construction in 1907, the half-million acres of valley land withdrawn from settlement under the Homestead Act by the Reclamation Service were not returned to entry. Instead, along with all its maps and surveys, the Reclamation Service gave Los Angeles control of the storage rights which the Owens Valley ranchers had so willingly signed over to the federal government in 1903.⁵

Opportunities for settlement in the valley were further restricted in 1908, when Gifford Pinchot, head of the Forest Service, extended the borders of the Sierra National Forest Reserve over an additional 275,000 acres of valley land, despite the fact that no trees grew on this land. Henceforth, all applications from the ranchers for settlement or water storage on the federally protected lands were referred to Los Angeles, where they met certain rejection.⁶

“This is not a government by legislation; it is a government by strangulation,” complained the congressman from Inyo County, Sylvester Smith.⁷ Although President Taft did repeal Pinchot’s order establishing a forest preserve in the treeless valley in February, 1911, the ranchers had determined by this time that they would have to bargain for their future with Los Angeles. In 1910, they had opened negotiations with the city officials for an equitable division of water within the valley.

The prospects for an accommodation between Los Angeles and the Owens Valley were better in 1910 than they would ever be again. Even though the aqueduct had been under construction for three years by this time, Los Angeles had still not developed a policy for disposing of the great surplus of water which the aqueduct would provide. From September 20 to October 7, the city council held public hearings twice a week on the question of what should be done with the excess water after the city’s immediate needs had been met. Although there was general agreement that the city should not alienate its existing rights to the Owens River water without a two-thirds vote of approval by the electorate, opinions divided as to whether the city should sell the

surplus water for the highest possible return or use the surplus as the instrument of a broader policy for the annexation and consolidation of outlying areas.

Mayor George Alexander, who favored the expansion of the city to include the entire county of Los Angeles, formed a special commission in November to study both the disposition of the surplus and the problem of consolidation. Early in 1911, the Public Service Commission, which had charge of the city’s water program, established its own panel of consulting engineers to estimate the amount of the surplus and to formulate a program for its disposal.⁸ In their report released a few months later, the engineers advised that the opening of the aqueduct would provide the city with four times as much water as it could consume, leaving an excess of at least 360 second-feet, enough to irrigate approximately 135,000 acres of land each year.⁹ Although this was an amount sufficient to service the needs of the Owens Valley twice over, such an application of the surplus was never seriously entertained by the panel. Instead, their report—named for its principal signators the Quinton-Code-Hamlin Report—recommended a general policy for city expansion. Under this policy, any area outside the city limits that desired to share in the surplus would have to agree to be annexed to the city as a condition of receipt of the water. Water would not be supplied to those areas where there was not a “reasonable assurance” of ultimate annexation. In addition, any area receiving water from the aqueduct would be required to pay in advance the cost of constructing a distribution system according to city specifications and to assume as well a proportionate share of the tax burden for the costs of the aqueduct.

...

Throughout [an] extended struggle over city policy for the disposal of the surplus, [William] Mulholland’s [negotiated] with the Owens Valley ranchers []. In May, 1913, a tentative agreement was reached which would have allowed the ranchers to draw enough

water to continue operation of their existing irrigation systems.²² But the conditions favoring a peaceful settlement that existed in 1910 had changed drastically by this time. . . . [T]he subsequent adoption of the Quinton-Code-Hamlin Report in the months following this tentative agreement meant that the needs of the San Fernando Valley would henceforth take precedence over those of the Owens Valley.

. . . .

Thus, the opening of the aqueduct on November 5, 1913, effectively sealed the fate of the Owens Valley as it marked the start of Mulholland's negotiations with the San Fernando interests over the delivery of the surplus. Despite acrimonious resistance from the new towns of the San Fernando Valley, Mulholland insisted upon annexation as a condition for their receipt of the water. In support of his case, he cited not only city policy as adopted from the Quinton-Code-Hamlin Report but also the terms of the original federal grant of a right-of-way for the aqueduct, which specified that the surplus water from the project could be used for irrigation only within the boundaries of the city.²³ Mulholland's use of the federal statute to force the communities of the San Fernando Valley to join Los Angeles is ironic in view of the fact that these provisions of the act had been inserted at President Roosevelt's request for the express purpose of assuring that the aqueduct would not be used for the benefit of the San Fernando syndicate.²⁴ In exchange for the surrender of independence, however, the San Fernando Valley received favorable consideration in the setting of rates for the aqueduct water with the result that the valley paid substantially less for its water than any other area annexed by the city in this period.²⁵

With the annexation of the first major sections of San Fernando and Palms in May, 1915, Los Angeles more than doubled in size from 108 to 285 square miles. Subsequent additions in 1916 and 1917 brought the city's total land area to more than 350 square miles, a rate of expansion supported entirely by the introduction of the aqueduct water.²⁶

By 1920, when the city had expanded to 364 square miles, Mulholland had reason to worry that the pace of annexation had already over-reached the project's capacity of supply. With regard to supplying water for domestic use, the problem was more potential than real. The annexed areas were largely uninhabited, and the 206 square miles added to the city between 1915 and 1920 increased the City's population by only 12,701. But, with the opening of the Panama Canal in 1914, Los Angeles had already begun to emerge as the premier port and commercial center on the West Coast, and the end of World War I brought a flood of new immigrants to the city at the rate of 100,000 per year.²⁷

With regard to water for irrigation, on the other hand, the problem was already acute and centered almost entirely on the changes in agricultural production that had occurred in the San Fernando Valley since the introduction of aqueduct water. The city water engineers had originally prepared their plans for supplying water to the San Fernando Valley on the assumption that the valley's agricultural economy would continue to be based upon tree crops, which required only intermittent irrigation over a long season. When the first aqueduct water was delivered at the end of May, 1915, the valley had only 10,000 acres under irrigation, a total which increased to 18,000 acres in the next year. In 1917 and 1918, however, wartime demand brought a rapid expansion in agricultural production, and the irrigated area in the valley extended to cover 45,000 and then 75,000 acres. In addition, the crops changed; instead of trees, large sections of the valley were given over to the more water-intensive production of beans, potatoes, and truck garden crops. As a result, during periods of peak irrigation demand, Los Angeles had to supply the valley with a third again as much water as the entire surplus from the aqueduct, an amount which exceeded at times the total mean flow of the Owens River.²⁸

Mulholland's problems of supply were further complicated by the fact that in his original design of the aqueduct, he had failed to include sufficient reservoir capacity to store

the winter flows from the High Sierra. Hence in 1921, he proposed a \$3 million bond issue for the improvement of the San Fernando irrigation system and the expansion of reservoirs at the lower end of the aqueduct. Intense opposition from the labor-oriented *Los Angeles Record*, which campaigned against the bonds on the issue of syndicate corruption, handed Mulholland his first defeat in a water bond election.

As a result of this setback, Mulholland was forced to turn back to the Owens Valley, where the city, under the terms of its original agreement with Fred Eaton, already possessed the right to construct a small reservoir at the headwaters of the Owens River. The calculation of the Owens Valley's need for irrigation water, begun in 1913, was rapidly finalized in form satisfactory to the ranchers, and the city once again offered to guarantee sufficient water, based on these calculations, to continue agricultural production in the valley at its existing level. Such a promise was essential because the construction of a dam on Eaton's property at Long Valley would have interfered with the right of all the downstream owners including those in the Owens Valley, to the full use of the river flow. Such rights at this time were held inviolate by the California courts, and so, to avoid litigation, Los Angeles had to secure unanimous approval of its proposal from all the downstream owners.²⁹

The possibility for such a uniform agreement, however had been foreclosed by the events succeeding the collapse of Mulholland's friendship with Eaton several years earlier. Eaton's original agreement with the city allowed an easement sufficient for the construction of a 100-foot dam in Long Valley. While the aqueduct was still under construction, Eaton had offered to sell Los Angeles the remainder of his holdings at a price in excess of \$1 million. Because the city had already paid the entire purchase price of Eaton's ranch for control of the water rights and only 20 per cent of the land, Mulholland considered this second proposal excessive, and he rebuffed his old friend declaring, "I'll buy Long Valley three years after Fred Eaton is dead."³⁰

An arrangement whereby Mulholland would secure control of Long Valley only over his dead body was perfectly acceptable to Fred Eaton as well. Embittered, at dagger's point with the city, and a pariah in the valley he had betrayed, Eaton withdrew to his cattle ranch, refusing even to attend the dedication ceremonies for the aqueduct he had fathered. Instead, Eaton returned to his former dreams of private development of the Owens River and opened negotiations with a number of private power companies for the construction of a generating station below the Long Valley dam site. Although Eaton failed to profit from the deal, the Southern Sierra Power Company did succeed in obtaining a privately held site located at the point of the greatest power drop in the middle of the Owens Gorge. This acquisition blocked the completion of a power generating plant which Los Angeles had itself begun in the gorge in 1915.

Late in 1921, the city gained the support of the Bureau of Reclamation for a joint project at Haiwee reservoir which would have enabled the city to develop its power project without going through the gorge by tunneling instead through the Mono Craters. But, this project demanded the diversion of two creeks behind a 150-foot dam at Long Valley while Eaton's original agreement with the city allowed for the construction of only a 100-foot dam.

The city thus found itself trapped in a multiple stalemate. The city could not proceed with its own public power development project without either gaining possession of the key site in the gorge owned by the Southern Sierra Power Company or making an arrangement with Eaton for a 150-foot dam at Long Valley. The development of a private power project by the Southern Sierra Power Company, on the other hand, could not proceed unless the city constructed a dam at Long Valley to assure an adequate water flow. The development of a dam and reservoir at Long Valley, in turn, depended upon a resolution of the water rights problem. And, the competing water needs of the city, the ranchers, and the private power developers could not be met unless the city paid Fred Eaton's price, which Mulholland would not do.

Mulholland chose instead to begin construction on a 100-foot dam while at the same time instituting proceedings to condemn the water rights of the power company and to obtain a right-of-way across its property. A party of Owens Valley ranchers, later joined by Eaton, immediately filed suit to stop the small dam, which they feared would be insufficient to supply the water the city had promised them. When the United States Circuit Court of Appeals in 1922 turned down the city's action against the power company, Mulholland dropped the project altogether.³¹

With the failure of the Long Valley project and the advent of a prolonged period of drought beginning in the winter of 1921-22, Mulholland embarked upon a three-part program for the preservation of the city's continued growth and prosperity. For the long term, he looked toward the development of another new source of water on the Colorado River, where federal engineers were preparing preliminary surveys for a dam in Boulder Canyon. For the short term, he began to advocate a slow-down in the city's annexation policies; the annual report of the Public Service Commission in 1922, for example, for the first time warned against further expansion of the city limits, recommending instead that future annexations be confined to those territories which would "tend to make the city's outline more symmetrical."³² These two policies complemented one another, for each area which was denied access to the aqueduct water by reason of Mulholland's new policy of symmetry became a ready candidate for enlistment in the Metropolitan Water District that Mulholland was forming to underwrite the costs of a connection to the Boulder Canyon project.

Meanwhile, in the Owens Valley, Mulholland moved to assure Los Angeles' total control of the valley water supply. The city initiated a new series of land acquisitions, focusing upon the key properties which controlled points of access to the river so that the less favorably situated ranchers inland could be cut off from their water supply. Further, the Reclamation Service was hired to return to the valley to make soundings for the drilling of pump

wells in the Independence area.³³ When the ranchers discovered that their underground water supply was being drained off by pumps on adjacent properties owned by the city, they appealed first to the County Board of Supervisors and then to the courts. In each case where suit was brought, an injunction was issued which the city invariably vacated by the simple expedient of buying off the affected property.³⁴ Individual ranchers along the river who resisted the blandishments of the city agents and built their own irrigation ditches and storage dams had their ditches cut and dams blown up by city work crews.³⁵

Residents of the Owens Valley recall that the Owens Valley was "still a beautiful agricultural area" as late as August 1918.³⁶ But as Los Angeles grew and flourished in the early 1920s, hard times descended on the valley. Los Angeles' control over future settlement badly undermined the valley's credit. Local banks became over-extended, while the national and state banks that might have provided farm relief withdrew from the area altogether. Even the State Veterans Welfare Commission refused loans to qualified veterans who wished to locate in the valley.³⁷

Some valley residents continued to dream of a brighter future. Between 1922 and 1925, for example, the Town of Bishop constructed a new high school, American Legion Hall, and Masonic Temple, while a farmers' cooperative in Laws built a large new crop warehouse. A locally written history published in 1922 concluded on a hopeful note as it observed of the city officials: "We shall gladly list with them the professions of amity, whenever by meeting the just and reasonable demands of Owens Valley, the city shall show that any consideration it may extend arises from the sense of equity, and not merely as an incident in securing some further concession."³⁸

With its people thus divided between hope and despair, the Owens Valley was ill-equipped to meet Mulholland's new policy of militancy in the early 1920's. The valley ranchers lacked the financial resources and singleness of purpose that the city officials could marshal. Leadership of the valley's resistance to the

city's onslaught fell to the brothers Wilfred and Mark Watterson, whose string of local banks united the principal farming communities of the Owens Valley.³⁹

Under the leadership of the Wattersons, the ranchers served by the four major irrigation canals of the upper valley voted on December 26, 1922, to form a consolidated irrigation district through which to deal with Los Angeles in united strength. Before the plan could be confirmed, the city struck back by buying out the owner of the oldest and largest upstream irrigation canal and by bringing suit to block the sale of bonds by the Wattersons' district. As Los Angeles pressed ahead with its purchases in the upper valley, the ranchers responded by increasing their diversions downstream. While armed guards kept watch over the ranchers' diversion canals, the city found itself confronted with steadily escalating demands for the cost of the properties it wished to buy.

In March, 1924, the residents of Bishop banded together to demand a total of \$8 million for their collective holdings, land and water combined, plus \$750,000 in "reparations" to the local merchants for the trade they would lose from the block sale of their community. The Bishop organization made its offer not to Mulholland but to a delegation from the San Fernando Valley where Mulholland had been restricting the use of aqueduct water needed for the summer season's crops. To make matters worse for Mulholland, the Hearst press on April 21 returned to the story it had once discarded and began a twelve-part series in the *San Francisco Call* which detailed the plight of the Owens Valley at the hands of Los Angeles.⁴⁰

Mulholland returned from negotiations in Washington over the Boulder Canyon project to deal severely with the multifold challenge to his authority. He blocked the proposed deal between the residents of Bishop and the San Fernando Valley and continued in effect his prohibition on the use of aqueduct water for irrigation in the San Fernando Valley. He publicly declared his adamant opposition to the payment of reparations. And, on May 10, he filed suit to prevent the ranchers from continuing their diversions of Owens River water.

Mulholland's aggressively strong stand helped to bring forward the more violent elements within the Owens Valley communities. The anger of the local ranchers had proven a ripe field of opportunity for the Ku Klux Klan, then resurgent across the nation and organizing on a wide range of populist and agrarian issues. As relations with Los Angeles steadily worsened through the summer months of 1923 and spring of 1924, midnight visitations by large bands of armed men upon the homes of those who opposed the Wattersons' irrigation district became more frequent.⁴¹ Finally, in the early morning hours of May 21, 1924, two weeks after the announcement of Mulholland's suit, a band of forty men planted three boxes of dynamite along the aqueduct and blew a hole in the city's concrete ditch.

The effect of this attack was electric. Hearst's series in the *Call* had helped to awaken the general public to what was happening in the Owens Valley; the first explosion on the aqueduct now brought a flood of reporters from all over the state to study the situation. In Los Angeles, although the *Times* did recall Hearst's infamous association with the war with Spain as it blamed the *Call* series for inciting the violence, Mulholland found support for his policies eroding. On June 24, the *Los Angeles Record*, long hostile to Mulholland and the aqueduct, began a series of editorials demanding the immediate construction of the Long Valley dam, fair settlements with the Owens Valley ranchers, and Mulholland's resignation.⁴² In July, Los Angeles Mayor George E. Cryer returned from a personal tour of the Owens Valley recommending that the city buy up the entire valley either through direct negotiations or arbitration.

Mulholland and the Public Service Commission determined to buck the mayor while still giving the appearance of attempted accommodation with the valley ranchers. Not only did they reject the mayor's suggestion for arbitration, a proposal which the ranchers supported, but they also suspended all negotiations for land purchases in the valley. Instead, the commission on October 14 abruptly reversed its prior policies and offered an irrigation plan designed to keep 30,000 acres of the

valley green. This proposal, based on a report by J. B. Lippincott, also offered the city's assistance in constructing a highway to the valley "to make the scenic region accessible to tourist travel which should be profitable to the valley and its citizens."⁴³

This offer of an apparent compromise was totally unacceptable to the valley ranchers. Given its authorship by Lippincott, the valley's first betrayer, the proposal was suspect from the outset. The ranchers had heard such promises from the city before in 1913 and 1921, and this one came too late. Acceptance of the proposal would have meant the denial of reparations and the destruction of the Wattersons' irrigation district. The Wattersons' strategy, on the other hand, recognized that the city and the valley were competitors for the Owens River water in a contest the valley could not win. The strategy assumed that the valley would have to sell out and was geared, in consequence, at obtaining the best price possible. The ranchers were no longer fighting for their homes, only for money.

On November 16, 1924, one month after Los Angeles made its new offer, the ranchers seized the Alabama Gates which controlled the main flow of water into the aqueduct. In open rebellion, they shut the gates and sent the water spilling back into the river bed. For four days the ranchers held the gates, supported by the cheers of hundreds of valley residents. Meanwhile, in Los Angeles, pressures mounted upon Mulholland to reach an amicable settlement. On November 18, the *Los Angeles Times* deserted him, noting editorially that the ranchers were not anarchists but honest citizens of the hardy stock of pioneers who made California great: "They have put themselves hopelessly in the wrong by taking the law into their own hands, but that is not to say that there has not been a measure of justice on their side of the argument." The *Times* concluded by calling upon the Public Service Commission to pay for the suffering its policies had caused: "It is not a time to drive the hardest possible bargain. The city can afford to be liberal in its settlement with these pioneers whose work of half a century it will undo."

On November 20 the siege at the Alabama Gates ended when the Los Angeles bankers, through their Joint Clearing House Association, offered to intercede with the city to achieve a settlement. The Wattersons, speaking for the valley, proposed compulsory arbitration or a cash settlement including reparations.⁴⁴ The Public Service Commission refused to consider either course. On January 19, 1925, the commission rescinded its offer to keep 30,000 acres of the valley green and ordered a renewal of its purchasing program.

Despite the failure of the bankers' efforts at mediation, the so-called California Civil War of 1924 did help to focus public attention on the valley's plight. The valley ranchers no longer had to deal exclusively with Los Angeles but could instead carry their complaint to the larger forum of public opinion in an effort to obtain crucial relief from the state government. After the seizure of the Alabama Gates, Governor Friend W. Richardson dispatched the state engineer, Wilbur F. McClure, to study the situation. McClure's report, submitted January 9, 1925, took the ranchers' side in the dispute over reparations. In May, the legislature followed through with the adoption of a bill specifically allowing the payment of reparations, thereby undercutting Mulholland's claim that he had no legal right to compensate valley merchants for their losses.⁴⁵

The pressure of population growth in Los Angeles had worked to end any prospect of the valley's long-term survival but, once the ranchers accepted this conclusion, these same pressures turned to their advantage and forced Mulholland toward acceptance of their terms of sale. By 1925, the oil boom in Long Beach and the growth of the motion picture industry combined to make it all the more imperative that the city settle quickly to remove any further threats to its embattled water supply. In May, 1925, the Public Service Commission offered to buy all lands tributary to the Owens River. The first to take the city up on this offer was Wilfred Watterson, an action which caused his allies in the valley to question why they should continue to hold out while he had

not. Watterson explained that the money was needed to continue to fuel the resistance movement in the valley, and he thereby retained his leadership position. The city's attempts to obtain further purchases, however, quickly ran aground, and by the summer of 1925, the dynamiting of the aqueduct was renewed. The pressure on the city increased throughout 1926 as valley resistance hardened. Prices demanded of the city steadily increased, while the merchants busily filed their reparations claims under the new law.⁴⁶ All of this activity proceeded to the intermittent punctuation of explosions along the aqueduct.

With the arrival of 1927, events began to converge which again worked to the valley's advantage. In Washington, D.C., Mulholland's drive to tap the waters of the Colorado River was coming to a vote. Arrayed against him were the state's private water and power interests allied with the most ardent editorial defenders of the free enterprise system in a battle which proved to be the forerunner for the conflict over development of the Central Valley that dominated the 1930s. Meanwhile, in Sacramento, the presentation of a new state water plan and a series of court decisions unfavorable to orderly water development forced the issue of water to the fore. In the midst of both disputes stood the Owens Valley, a model of the dangers of Mulholland's policy and an example of the need for overhauling the state's outmoded water laws.

In March, the legislature began a series of public hearings on a proposed constitutional amendment which would require the owner of property adjacent to an existing stream-flow to make reasonable use of his water.⁴⁷ The Wattersons, now at the head of a unified resistance group titled the Owens Valley Property Owners Protective Association, seized upon the occasion of these legislative hearings to present the valley's case directly to the people. On March 20 and again on March 22, the association bought full-page advertisements in each of California's major newspapers in which they detailed the plight of the Owens Valley, "a name writ in water. . . characters salt with tears and stained in blood." This passion appeal was

immediately echoed in a series of articles printed in the *Sacramento Union* from March 29 through April 3.

Although extreme examples of the purple rhetoric popular in journalistic prose of the period, the association advertisements together with the *Union* articles marked a sophisticated departure from the appeals of old. Gone were the fatal associations with the interests of private power companies and the unpopular opposition to "hysterical conservatism" which had proved so detrimental to the valley's interest in 1906 and 1907. Instead, these articles found more common strains with which to sound the heart strings of their readers. They described an authentic American tragedy, rich with Biblical overtones, which touched one of America's fond cultural themes: conflict between the city and the frontier, the strong, sophisticated society against the weaker primitive, the machine run rampant amidst the primeval garden.

In the advertisements in the *Sacramento Union*, the Owens Valley became a democratic Eden threatened by the aqueduct, "an evil serpent, bringing ruin as nother serpent did to the earliest valley in human history." The advertisement further described how "the sturdy winners of the wilderness, whose fibre made America great, . . . pushed back the disputing sands and reared the homes of their families, the halls of their democracy, and the altars and thanes of their God—until happy, lovely Owens Valley was a fairyland of beauty surrounded by peaks and desert and dotted with monuments to human industry."

Through this frontier paradise the *Union* stories followed "the trail of the wreckers," presenting "a record of political ownership run rabid, the record of a great city which raised itself above the law." Here the *Union* watched the destruction of the fruit orchards by city tractors: "Shame-faced Los Angeles removing the traces of civilization in the hope that the future will not curse her." There the *Union* found an abandoned schoolhouse with flag still flying, "its blood-red stripes now twined and twisted with the halyard . . . tired of neglect . . . the last thing to yield to the decree of abandonment."

In the press, Mulholland emerges throughout as the cruelest of villains, architect of “a policy of ruthlessness, of ‘sink without trace,’ of brutality and sharp practice which leads crooks to jail or makes them fugitives from justice.” When asked by the *Union* what justice he felt was due to the Owens Valley ranchers, Mulholland was quoted in reply, “Justice! Why there are not enough trees in the valley to give the _____ [sic] justice! “

The immediate impact of this appeal was felt even before the *Union* series had run its course. On March 25, the assembly committee on constitutional amendments held hearings on the proposed amendment which would have tended to restrict the rights of the valley ranchers as riparian owners. The committee stripped the bill of its enforcement powers, leaving a toothless statement of general policy, and passed it to the Floor without a recommendation for passage. Then, on March 31, Assemblyman Dan E. Williams of Chinese Camp announced that he would ask Governor Clement C. Young to allow the legislature to act as an arbiter in the controversy between Los Angeles and the Owens Valley. When this effort failed, Williams headed a special assembly investigating committee which set out on April 16 to visit the valley personally. As guests of the Property Owners Protective Association, the assembly delegation met with 200 ranchers in Bishop on the night of Saturday, March 17.

The following Monday, the committee convened again in Sacramento for hearings on a resolution introduced by Williams which damned Los Angeles and all its works in the Owens Valley. After seven hours of bickering, the Los Angeles officials refused to participate further in the committee hearings. Before the chief counsel for the city representatives left, he told the committee that, regardless of what had happened in the Owens Valley, Los Angeles would enter any other part of the state, including the San Joaquin Valley, if it needed the water. He concluded with the declaration that Los Angeles had the money to do what it pleased.⁴⁸ On Friday, March 23, after a tumultuous debate highlighted by a fistfight on the floor of the assembly chamber, the

Williams resolution criticizing Los Angeles passed by a vote of 43 to 34.⁴⁹

Encouraged by their success in Sacramento, the ranchers of the Owens Valley resolved to stand firm against the city. At the beginning of the year, Los Angeles set a deadline of May 1, 1927, for the acceptance of the city's offer to buy riparian lands in the valley; after that date, Los Angeles declared with dubious legality, no reparations payments would be made. The ranchers ignored the deadline. On May 27, one of the largest siphons on the aqueduct was blown up. The next night, sixty more feet of pipe were destroyed. Los Angeles assembled 600 reservists at the city police headquarters and dispatched a contingent of private detectives to the valley armed with Winchesters and tommy guns with orders to shoot to kill anyone found loitering around the aqueduct.⁵⁰ Undeterred, the ranchers blew up portions of the aqueduct again on the nights of June 4, 19, and 24. On June 10, Los Angeles sent an entire trainload of guards to the valley bearing sawed-off shotguns. No blood had been shed in the “Civil War” of 1924, but, in the superheated atmosphere of the valley in the summer of 1927, the stage was set for a violent confrontation of major proportions.

Mulholland, however, had already prepared a killing blow by which he meant to end the conflict once and for all. In planning the destruction of the Owens Valley, he had throughout displayed a preference for attacking the valley economy rather than its residents directly. Accordingly, he turned once again to the Los Angeles business community, which had borne his project to completion, to save it now from further destruction.

Mulholland's line of attack was directed at the valley banks owned by the Watterson brothers. In October, 1926, Mulholland contacted the Bank of America to secure their assistance in establishing a branch in Bishop to compete with the Wattersons' banks. The application for a charter was made in the names of five valley residents who had already sold their holdings to the city for a combined total of \$414,000.⁵¹ Mulholland, however, had

succeeded too well in undermining the economy of the Owens Valley, and the United States Comptroller of the Treasury refused to issue a charter for a national bank on the grounds that there was not sufficient business in the valley to justify another bank. Similarly, the state bank commissioner also refused the application after a hearing on March 31, 1927, at which the Owens Valley representatives warned that the new bank was a front for the city which intended to drive the Wattersons out of business and thereby secure all the mortgages outstanding in the valley.

During the process of application, however, Los Angeles officials had obtained detailed financial statements on the Wattersons' operations which suggested that some bank funds had been diverted to other Watterson enterprises. On August 2, 1927, Mulholland took this evidence to the state corporations commissioner, who dispatched a state bank investigator to the Owens Valley. Three days later, the Watterson banks closed while an audit was conducted, and on August 10, both brothers were jailed on charges of embezzlement. At their trial, the brothers did not deny the charge that they had channeled more than \$2.3 million of the ranchers' savings into their own companies, and their explanation that they had acted only to preserve valley industries in the face of the city's onslaught was ruled inadmissible. Convicted on all counts, the brothers were sentenced to concurrent terms of one to ten years in San Quentin.⁵²

For the Owens Valley, this was the cruelest in a long history of betrayals. Scarcely a rancher or merchant in the valley did not have a mortgage from the Watterson banks. With their lifesavings lost and their property forfeit, the ranchers' resistance was broken. The long war was over. Following the Wattersons' conviction on November 12, 1927, someone posted a sign on the north side of Bishop reading, "Los Angeles City Limits."⁵³

The year 1927 marked the culmination of Mulholland's achievements on several fronts. In addition to securing the city's water supply in the Owens Valley, Mulholland succeeded, after three years of intensive lobbying in

Sacramento, in obtaining the legislature's approval of a bill creating the Metropolitan Water District. With this victory, the Public Service Commission called for the formal suspension of the city's annexation program until the new water from the Colorado River became available.⁵⁴

Any joy Mulholland may have found in these events, however, was short-lived, for the failure of the Long Valley project which had accelerated the destruction of the Owens Valley had also set Mulholland on a course which proved his ultimate undoing. Desperate for the reservoir capacity that had been denied at Long Valley in 1922, Mulholland in 1924 began construction of a new dam in San Francisquito Canyon to store the water flowing into the ocean from the city's power plants upstream. The dynamite attacks upon the aqueduct that summer spurred Mulholland's rush to build a secure storage facility at the Los Angeles end of the project, far from the scene of battle in the Owens Valley.

Mulholland's haste in bringing the Saint Francis Dam into service only compounded the error he had made in not including a reservoir at Long Valley in his initial design of the aqueduct. Completed in May, 1926, the Saint Francis Dam was unfortunately located upon the San Andreas Fault, and within two years it began to show signs of leakage. On March 12, 1928, Mulholland himself inspected the structure and declared it safe. That same night the dam collapsed. A 100-foot wall of water bearing huge chunks of concrete on its crest swept down the Santa Clara Valley and obliterated three towns and more than 400 lives along its path.⁵⁵ Mulholland assumed full responsibility for this greatest unnatural disaster in California history.

Mulholland's shortcomings as an engineer thus worked to undermine all the skill he had displayed in retaining his position at the head of the city's water program through more than forty years of political transition. In Washington, the future of the Swing-Johnson Bill, which would open the way to construction of Boulder Dam, was still in doubt. The plight of the Owens Valley at the hands of Los

Angeles combined with the Saint Francis Dam disaster to cause the city's supporters in Congress a degree of embarrassment they could ill afford in the midst of their negotiations over the Boulder Canyon project. As the architect of both the dam and the city's policies toward the Owens Valley ranchers, Mulholland had become a liability that could no longer be sustained. "I envy the dead," he told the coroner's inquest investigating the Saint Francis Dam disaster in the summer of 1928.⁵⁶ At the end of November, almost a year to the day after the Watterson brothers entered San Quentin and only a month before president Coolidge signed the Swing-Johnson Act, Mulholland resigned in disgrace.

With Mulholland gone, Los Angeles, beginning in February, 1929, moved swiftly to settle accounts in the Owens Valley by purchasing the remaining townships and privately held ranchlands. Throughout this last series of purchases, the city adhered strictly to Mulholland's original precepts that there be no arbitration and no payment of reparations. The city did agree to increase the 1929 market prices set by its own panel of appraisers according to a schedule of percentage adjustments which reflected the depreciation of market values since 1923. But no payments were made for estimated business losses or for the value of fixtures and equipment, and all sales were conditioned upon a release of the city from liability for any reparations claims.⁵⁷ On these terms, the city, by May, 1933, had expanded its holdings in the valley to include 95 percent of all farmlands and 85 percent of the town properties.⁵⁸

By agreeing to purchase at artificially inflated prices, Los Angeles wound up paying taxes to Inyo County on assessments which in some cases exceeded the actual market value of the properties involved.⁵⁹ In the years of the Depression that followed, these generous settlements proved a boon to many valley refugees, as did the opportunity for short-term employment on the aqueduct. But for those who chose to remain and work their ranches, Los Angeles' policies were less kind. Although the city did agree to lease back the farms it had

acquired at an annual rate of 6 percent of the purchase price plus taxes, these leases were granted for no more than five years and were cancelable at any time on the city's option. Most important, the granting of a lease carried with it no promise of a continued water supply. Los Angeles promptly made the perils attendant to such an agreement abundantly clear to the ranchers in 1930 when the city abruptly cancelled nearly all of its leases and diverted the entire flow of the Owens River to the San Fernando Valley during the peak of the irrigation season.⁶⁰

Fred Eaton, meanwhile, did not escape the fate of his neighbors in the valley. His dreams of a cattle empire never came to fruition. In 1926, at a time when the Eaton Land and Cattle Company was floundering, the other officers of the firm took out a \$200,000 loan from the Watterson banks, offering Eaton's land at Long Valley as security. When the Watterson banks collapsed, the \$200,000 went with them, and the note on Eaton's land was sold to a Los Angeles bank which promptly initiated foreclosure proceedings. Together, Eaton and Mulholland had conceived the aqueduct and labored to make it a reality. In the end, they both became its victims.⁶¹

As the ranchers left and the valley's economy shifted to tourism and agricultural activities such as cattle grazing and feed-crop production which had low water needs, tranquility was restored to the Owens Valley. In 1939, the city began to lose its grip by offering to sell portions of its land while reserving to itself all water rights. Relations between the city and the valley have remained sensitive, however, and on those rare occasions when the valley residents have joined to protest some aspect of city policy, Los Angeles officials have sometimes responded with a display of gratuitous cruelty that recalls Mulholland at his worst.

In 1944, for example, the city reversed an earlier policy of giving preference to leaseholders in the sale of its properties and began instead to conduct its sales by sealed bids. When the valley leaseholders protested, Los Angeles retaliated by increasing the rents charged on all of its properties in the Owens

Valley. This action was taken at a time when federally-enforced wartime rent controls were in effect across the country, and the notices of the increase, effective January 1, 1945, were mailed to arrive during Christmas week.⁶²

Similarly, in the early 1970s the valley residents obtained a court order requiring the city to submit an environmental impact report before engaging in an increased pumping program which threatened to lower the valley's water table still further. When the city produced the required report within one month and the valley residents sought a court review of the report's adequacy, Los Angeles abruptly announced that it was cutting off all water to its agricultural and recreational lessees in the Owens Valley. On Friday, September 20, 1974, the city mailed notice of the cutoff which took place the following Monday, September 23. To shut off water, city workers had to dynamite irrigation valves that been rusted open since the aqueduct's completion sixty years before. In a public statement, Duane L. Georgeson, the city engineer responsible for the aqueduct, denied that the city's extreme action was a punitive measure and described it instead as "educational."⁶³

Such incidents have helped to keep alive the memory of Los Angeles' actions in the Owens Valley from one generation of valley residents to the next. This residual bitterness together with the high drama of the events themselves, has no doubt helped to fuel the continuing controversy over the old charge that the aqueduct was built to serve the interests of Henry Huntington and his associates in the San Fernando syndicate.⁶⁴

The syndicate's interest in the aqueduct, while considerably more than coincidental, was something less than corrupting. To say that the financial leaders of Los Angeles in the early part of this century exercised great influence over the conduct of municipal affairs, and that some consequently benefited from the exercise of this influence, is simply to state a characteristic which was obvious in many aspects of the city's administration during this era. Yet, for all the profits derived from the project, the syndicate did not pervert the aque-

duct's purpose. Rather, the aqueduct amply fulfilled the synthetic need for which it was created: the city's population increased twelvefold between 1900 and 1930 while its land area multiplied by ten.

The ethic of growth and not simply the greed of a few Los Angeles financiers laid waste to the Owens Valley. For all of the deception Mulholland practiced in promoting the project, the fact of the syndicate's interest was consistently central, but never a sufficient argument in any of the elections affecting the aqueduct to block the project and the general prosperity it promised. Los Angeles approached the Owens Valley as an expanding enterprise seeking a resource for exploitation. The decision to sacrifice the future of the Owens Valley for the sake of development in the San Fernando Valley was made unilaterally by the city, but it involved a choice between competing public interests. All of the efforts of the Owens Valley ranchers in the 1920's came too late to reverse this policy. The ranchers' fate had been sealed at the moment President Roosevelt determined in 1906 that the greater public interest would be served by a greater Los Angeles.

In his last annual message to Congress, Roosevelt reflected upon the changes which were occurring in the nation as the result of the growth of giant corporations, national labor organizations, and the new urban metropolises: "The chief breakdown is in dealing with the new relations that arise from the mutualism, the interdependence of our time. Every new social relation begets a new type of wrongdoing—of sin, to use an old-fashioned word—and many years always elapse before society is able to turn this sin into crime which can be effectively punished."⁶⁵

In the case of the Owens Valley, the evolution of the law that Roosevelt predicted began almost immediately. When the state senate sent an investigating committee to the Owens Valley in 1931, for example, it was acting not simply to berate the city but, more importantly, to prevent the repetition of a similar conflict as Los Angeles extended the aqueduct into the Mono Basin. Aided in part by the recommen-

dations that grew out of this investigation, the legislature that same year adopted California's "County of Origin Law" which prohibits the exploitation of rural areas like the Owens Valley by establishing a means of mediating conflicts over future water needs.⁶⁶

In addition, the example of the Owens Valley aided the resistance in the struggles that followed over the construction of new public water projects in California. In 1927, for example, the *Sacramento Union* did not forego drawing an obvious moral from its series of stories on the Owens Valley: "There is a warning to be heeded. Here is a case where political ownership of public utilities had full sway for demonstration. The city concerned reverted to ruthlessness, savage disregard for moral and eco-

nomie equations, to chicanery and faith breaking. . . . The municipality became a destroyer, deliberately, unconscionably, boastfully."⁶⁷

More than any other individual, William Mulholland, through the building of the aqueduct and the formation of the Metropolitan Water District, established the principle of public ownership of water indelibly on California history. The growth of Los Angeles demonstrated the validity of the principle, just as the memory of the Owens Valley made its further advancement all the more difficult. The damage done by Mulholland to the principle he worked all his life to establish may provide the harshest judgment of his action, for, in the end, Mulholland's methods poisoned the legacy he left behind.

Notes

1. For more detail on Roosevelt's action, see Part I of this article in *California Historical Quarterly*, 55 (Spring 1976): 12-15.

2. George E. Mowry, *The Era of Theodore Roosevelt* (New York, 1958), pp. 214-216.

3. W. A. Chalfant, historian of Inyo County and a valley resident during these events, agreed with the desirability of preserving natural resources, but observed of Roosevelt's policies, "In the stages of novelty, it ran so far toward hysteria that there was danger of all being conserved for the future with little regard for necessities of the present. . . . Pinchot [head of the Forest Service], who has stated that he did what he could to help Los Angeles, was able to read into his authority the power to assist the city by preventing settlement. He has since asserted that 'the end justifies the means.' So might the highwayman say as he blackjacks his victim into helplessness; the end itself is not justifiable." W. A. Chalfant, *The Story of Inyo* (published by the author, Second Revised Edition, 1933), pp. 363-364. (Hereinafter Chalfant, 2nd.)

4. *San Francisco Call*, September 4, 1907.

5. See Part I of this article, *California Historical Quarterly*, 55: 5-7.

6. The extension of the forest preserve apparently was one of several similar moves by which Roosevelt and Pinchot withdrew seventeen million acres of land in 1907 and 1908 before their actions in this regard could be brought under congressional review. Even so, Pinchot had to send three foresters to the Owens Valley before he found one who would sign a report recommending withdrawal of the land. Chalfant, 2nd, pp. 339-340, 367. See also Mowry, *Era of Roosevelt*, pp. 214-216.

7. Chalfant, 2nd, p. 368. In the first edition of his history, *The Story of Inyo*, published in 1922 (hereinafter Chalfant, 1st), Chalfant commented, "The government held Owens Valley while Los Angeles skinned it." (p. 329).

8. The Board of Public Service Commissioners succeeded to the powers of the Board of Water Commissioners in March, 1911, pursuant to amendments to state statutes governing public works projects.

9. The engineers estimated that the watercrop from the aqueduct and the Los Angeles River combined would total 480 cubic feet per second or 24,000 miner's inches. One-fourth of this total would be needed to service the 45,000 acres of habitable land within the city, assuming an average daily consumption rate of one miner's inch for every 7.77 acres of developed urban land. See J. H. Quinton, W. H. Code, and Homer Hamlin, *Report Upon the Distribution of the Surplus Waters of the Los Angeles Aqueduct* (Los Angeles, 1911).

22. The agreement specifically granted the ranchers storage rights on Big Pine Creek and north of Fish Springs as well as free use of all underground waters. The city also agreed to withdraw its opposition to settlement on public lands and to admit the water rights of the existing ditches. Chalfant, 2nd, p. 373.

23. Keffer, *History of San Fernando*, p. 86.

24. See Part I, of this article, *California Historical Quarterly*, 55:14.

25. In the other areas annexed by the city, aqueduct water was supplied for domestic use only, and any farming activity was supported by the local underground water supply. Even where combined use of the water was permitted, the area paid a domestic-irrigation rate which, while lower than the domestic rate, was nonetheless appreciably higher than the irrigation rate charged to the San Fernando Valley. Ostrom, *Water and Politics*, p. 161, notes that the San Fernando Valley was the only area developed as an integral irrigation project. The Public Service Commission noted this inequity in its annual report for the fiscal year ending June 30, 1918, when it pointed out that irrigation revenues from the first full harvest year in the valley totaled only \$200,000, "an amount hardly sufficient to justify the low rate at which the water was sold." See *Seventeenth Annual Report of the Board of Public Service Commissioners* (Los Angeles, 1918), p. 6.

26. Following the annexation of 170 square miles in San Fernando and seven square miles in the Palms district in 1915, Los Angeles added Owensmouth in 1917, West Lankershim in 1919, Chatsworth in 1920, and Lankershim in 1923. By the time Mulholland's annexation program formally closed in 1927, the only communities still outstanding in the San Fernando Valley were the cities of San Fernando, Burbank, Glendale, Tujunga, and Universal City.
27. Ralph J. Roske, *Everyman's Eden* (New York, 1968), p. 486.
28. Ostrom, *Water and Politics*, pp. 161-162.
29. The water rights of the owners of riparian lands were supreme under pueblo law. In 1872, the California legislature adopted the model of the New York Civil Code permitting diversion and impoundment. As development of the state proceeded, a line was thus drawn between the interests of riparian owners and the irrigation projects which depended upon large-scale appropriations of water. In 1886, the California supreme court, in the case of *Lux v. Haggin* (69 Cal. 255) decided the issue in favor of the riparian owners, and, in the years that followed, the court repeatedly struck down the legislature's attempts to limit the effects of its ruling. Erwin Cooper provides a useful summary of the evolution of California water law in the last chapter of his *Aqueduct Empire* (Glendale, 1968). The more serious student should consult Wells A. Hutchins, *The California Law of Water Rights* (Sacramento, 1956).
30. Quotation attributed to Mulholland by Remi Nadeau, *Water Seekers* (Garden City, New York, 1950), p. 64.
31. In later years, Mulholland's withdrawal from the Long Valley project came to be blamed for the violence that followed. It became the policy of the city water agency to explain Mulholland's action with the contention that the high dam (which the federal government approved) was not feasible due to the loose and porous soil in the area. See, for example, Don J. Kinsey, *The Water Trail* (Los Angeles, 1928), p. 21.
32. *Twenty-First Annual Report of the Board of Public Service Commissioners* (Los Angeles, 1922) p. 11. The San Fernando Valley interests, through their representative on the commission, W. P. Whitsett (himself a member of the Suburban Home syndicate), vigorously supported this policy as a way of reducing competition for the water available. *Los Angeles Record*, November 21, 1925.
33. Chalfant, 2nd, p. 382, reports that the drilling engineers arrived even before the failure of the Long Valley project. The city ultimately sunk a total of 150 wells in the valley before the collapse of the valley's resistance in 1927. See "Report of the Senate Special Investigating Committee on Water Situation in Inyo and Mono Counties" *Journal of the Senate*, 49 Session, May 6, 1931, p. 2448.
34. Ostrom, *Water and Politics*, p. 132.
35. The destruction of storage dams was limited to the area of Lake Mary, Fishlake Creek, and Hot Springs Creek. In a letter to the Los Angeles Clearinghouse Association on January 6, 1925, the president of the Public Service Commission, R. F. del Valle, explained that the bombing was necessary to protect the water rights the city already possessed. See *Sacramento Union*, March 30, 1927.
36. R. Coke Wood, "Owens Valley As I Knew It" *Pacific Historian*, 16 (Summer, 1972): 2.
37. Chalfant, 2nd, pp. 387-388.
38. Chalfant 1st, p. 330.
39. The Wattersons' ownership of the Inyo County bank and extensive investments in local mining operations made the brothers the predominant figures in valley commerce. In addition to their leadership in the resistance to Los Angeles, R. Coke Wood recalls that Mark taught Sunday school at the Methodist Church in Bishop and Wilfred served as the local scoutmaster. Wood, "As I Knew It," pp. 2-3.
40. The Hearst series, which appeared under the headline, "Valley of Broken Hearts" was written by a former Owens Valley resident, C. E. Kunze, and ran from April 21 to May 3, 1924.
41. Even before the arrival of the KKK, the Owens Valley had developed its own traditions of frontier justice. In the latter part of the nineteenth century, two vigilante organizations appeared in Bishop: the Committee Of Public Safety and the "145," which was patterned after the famous "601" of Virginia City. See Chalfant, 1st, pp. 312-314.
42. See *Los Angeles Times*, May 22 and 23, 1924 and *Los Angeles Record*, November 19, 1924. See also Marian L. Ryan, "Los Angeles Newspapers Fight the Water War," *Southern California Quarterly*, 50 (June, 1968).
43. Ostrom, *Water and Politics*, p. 122.
44. Watterson proposed three alternative means of settlement: (1) the city would sustain irrigation to 30,000 acres of the valley but also pay damaged property owners \$5.3 million in reparations; (2) the city would buy the entire Watterson irrigation district for \$12 million; or (3) the city would buy the irrigation district at a price to be set by an independent arbitration board. Nadeau, *Water Seekers*, p. 92.
45. See Chapter 109, *Statutes of 1925* (Senate Bill 757-Inman). Although the act provided for its own liberal construction, claims were recoverable under its provisions only for damages caused by the loss of the water itself and not for damages resulting directly or indirectly from the actual construction of the aqueduct.
46. Claims submitted ultimately totaled \$2,813,355.42. See Ostrom, *Water and Politics*, p. 124, for a detailed breakdown of the reparations sought.
47. The proposed amendment had been prompted by a state supreme court decision the year before, *Herminghaus v. Southern California Edison Company* (200 Cal. 81) in which the court rendered its starkest reaffirmation yet of the principles of private property by granting the owner of such riparian rights full and unqualified control of all the water flowing past his land. See fn. 29, *supra*.
48. *Sacramento Union*, April 21, 1927.
49. Assembly Concurrent Resolution 34 (1927) declared that Los Angeles' policy of "ruthless destruction" constituted "a menace to the peace and welfare of the entire state" and called upon the city either to restore the Owens Valley to its former agricultural status or to give the valley residents and businessmen proper compensation for their damages. In the vote on the assembly floor, the representatives from Los Angeles were joined in opposition to the Williams resolution by the San Francisco delegation, who were having similar problems of their own with the Hetch Hetchy water development. Once passed by the assembly, the measure went to the senate committee on conservation, chaired by Senator Herbert J. Evans of Los Angeles, where it died without a hearing.
50. *Los Angeles Times*, May 29, 1927.
51. Prominent among this group was George Watterson, uncle of Wilfred and Mark and a consistent partisan within the county on the city's behalf.

52. In the Wattersons' fall the *Los Angeles Times* found a defense for the city's policies toward the valley. Upon their conviction, the *Times* editorialized, "The propaganda which for years has been directed against the city is now shown not only to have been financed by stolen money but to have been motivated by the necessity the Wattersons had of covering up their own criminal acts. . . . This poison spring is now dried up and the two communities will be the healthier for it." *Los Angeles Times*, November 12, 1927.

53. Wood, "As I Knew It," p. 5.

54. Ostrom, *Water and Politics*, p. 159.

55. It is no accident that the Saint Francis Dam disaster has never achieved the prominence in California history of the San Francisco Earthquake, despite the fact that the death tolls in both incidents were roughly equivalent. In the preparation of his history, *Man-Made Disaster: The Story of the Saint Francis Dam* (Glendale, 1963), Charles F. Outland discovered that many of the most important records of the event have been destroyed or otherwise withdrawn from public inspection, with the result that it is impossible to determine exactly how many people were killed or how much compensation Los Angeles actually paid. With regard to the death count Outland advises, "Any death figure over 450 or under 400 is unrealistic." (p. 222)

56. Mulholland's acceptance of responsibility for the disaster was not entirely a noble gesture of submission. On the morning after the disaster, rumors began to circulate that the dam had been blown up by Owens Valley ranchers. These rumors proved to be without foundation, but Mulholland subscribed to them nonetheless and as late as the coroner's inquest was still trying to suggest sabotage as the cause of the dam's failure. Outland, *Man-Made Disaster*, pp. 138, 191.

57. An investigating committee of the state senate in 1931 particularly deplored this provision of the city's contracts of sale as well as the city's refusal to consider the claims of the Town of Keeler on the shore of the Owens Lake. When the lake dried up due to the diversion of the Owens River to the aqueduct, Keeler was inundated with shifting deposits of alkali, soda, sand, and dust. The committee reported, however, that reparations were the focus of continued conflict, and the committee urged the city to compensate the valley merchants, estimating that \$500,000 would be sufficient to satisfy the claims of Bishop and all the other towns. See *Journal of the Senate*, 49 Session, fn. 33 *supra*, pp. 2450-2452.

58. The city paid a total of \$5,798,780 for the town properties: Bishop was bought for \$2,975,833; Big Pine for \$722,635; Independence for \$730,306; Laws for \$102,446; and Lone Pine for \$1,217,560. The farm properties were purchased for an additional \$1,120,087. The only major block of properties not purchased was a pool of thirty-one parcels held by a former state senator from Inyo who demanded twice the assessed value for his holdings. See Ostrom, *Water and Politics*, pp. 125-126.

59. In 1936, Los Angeles tried to reduce its assessments by forcing the residents of Bishop to disincorporate their community as a condition of the city's purchase of the remaining properties. The town rejected the proposal in a special election August 22. Ostrom, *Water and Politics*, pp. 135-136.

60. The harsh treatment accorded the ranchers contrasts vividly with the support and encouragement Los Angeles extended to others who had an interest in the valley. At the same time as the ranchers were paying 6 per cent on the value of their leases, for example, Los Angeles offered to lease 6400 acres of the valley for use as a businessman's duck hunting preserve at an annual rate of less than 1/2 of 1 percent of the property's worth. (Chalfant, 2nd, p. 402.) Whereas ranchers were denied assurance of a continued water supply, Los Angeles in 1935 returned 1511 acres to the valley's original residents, the Paiute Indians, with a guarantee of at least 6046 acre-feet of water each year. Ostrom, *Water and Politics*, pp. 138-139.

61. After a quarter century of silence, Eaton and Mulholland were ultimately reconciled at Eaton's deathbed in 1934. When Fred Eaton died, Mulholland told his daughter, "For three nights in succession I dreamed of Fred. The two of us were walking along—young and virile like we used to be. Yet I knew we both were dead." Mulholland died the next year. The quotation is attributed to Mulholland by Nadeau, *Water Seekers*, p. 131, apparently from the reminiscences of his daughter, Miss Rose Mulholland.

62. Ostrom, *Water and Politics*, pp. 136-137.

63. *Los Angeles Times*, December 1, 1974.

64. Until the appearance of Remi Nadeau's *Water Seekers* in 1950, the formal histories of the Owens Valley conflict, except for those published by the city itself, accepted the existence of a syndicate plot underlying the city's "rape" of the valley. In attempting to balance this construction, Nadeau perhaps argued too vigorously in the city's behalf. Nadeau points, for example, to the building of a railroad line to the valley, the supply of electricity to the towns of Independence and Lone Pine, and the city's willingness to pay taxes on its holdings in the valley as "examples of good will which in other circumstances would have earned the friendship of the settlers." This argument fails to comprehend that those "other circumstances" were all-important in determining the way in which what Nadeau calls "neighborly deeds" by the city were received. The city did not build a railroad line, for example, to benefit the valley it intended to depopulate, but rather because the line was needed to transport materials for the aqueduct. In fact, there is evidence in Chalfant (pages 291-293 of the first edition and pages 360-361 of the second) that the Southern Pacific planned to build a line into the valley as early as 1900 until Henry Huntington scotched the plan when he struck upon the scheme for the aqueduct.

65. Quoted in John Morton Blum, *The Republican Roosevelt* (New York, 1966) p. 109.

66. Chapter 720, *Statutes of 1931* (Senate Bill 141-Crittenden). The act authorized the State Department of Finance to supervise the assignment of water rights as part of a general plan for the orderly development of the state. In cases of dispute, the Department of Finance would act as the final arbiter, a power since transferred to the State Department of Water Resources.

67. *Sacramento Union*, April 3, 1927.