

Water for Mono Lake Indians

124
May 8, 1920.

Mr. H. K. Palmer,
Engineer U. S. Indian Service,
Carson City, Nevada.

Dear Mr. Palmer:-

Mr. J. B. Clover came in today with a letter of introduction from Col. L. A. Dorrington.

He is an engineer and has been engaged in irrigation work in the vicinity of Mono Lake and states that the Indians on Rush Creek have been wronged by the court decree in giving them only a fraction of the amount of water for their land that was given to whites.

He claims the attorney for the power company stands in with the judge and that he is also attorney for the Indians.

He says the Power Company is also the Cain Irrigation Company and that they are only holding the water (5900 M. I. for 2600 acres) until such time as they may put a power plant on the edge of Mono Lake and that they will then use the water for power and will cut the Indians down to the minimum decreed amount.

It has been my opinion that the decree was made upon the basis of the area cultivated, which, of course, was smaller than the area of the allotments. Mr. Clover argues, however, that the whites had not cultivated their land, also that the Indians are riparian.

Please report upon this matter and if necessary stop there if you can come by Mono Lake sometime.

Yours very truly,

HVC/EEG

Herbert W. Clark
Supervising Engineer

Re- Water for
Wono Lake Indians

8-1142

DEPARTMENT OF THE INTERIOR
UNITED STATES INDIAN SERVICE

Stewart, Nev. May 11, 1920

Mr. H. V. Clotta,
Supervising Engineer
Los Angeles, Cal.

Dear Mr. Clotta:-

Replying to your letter of the 8th. I would refer you to a report on these Indian lands by Mr. Olberg dated about August 1915. This report contains a topographical map of these allotments and the number of acres in each that could be cultivated. It is my impression that we asked for water for the whole of the Indian land that was susceptible of irrigation, but did not base the amount on a ~~w. steful use~~. If you will refer to the report you will note that some of the land is on the high ground and can be irrigated only by running water through the canals of the Cain Irrigation Co. Should this company go out of existence as an irrigation company it might be too difficult for the Indians to irrigate these high lands and they would then use the decreed water on the low lands along Bush Creek, giving them much more than they need.

As long as the lands above the creek are irrigated the return water will supply the Indians with all they are apt to need on their low lands no matter what the decree may give them. While the Cain Irrigation Co. might eventually become a power company with a plant on the shores of the lake I feel quite certain that the present Cain and Farrington ranches will continue to be irrigated for years to come and will supply enough return water. Personally I do not think that any of these Indians will cultivate any of the high land except Joe McLaughlin, who has no low land. Most of the Indian land being so close to the level of the creek it does not require the large amount of water that the higher land does. In fact, should there be a large development of land in that basin the Indians would be in danger of being drowned out. However, I do not look for that because of the shortness of the season and the distance from markets. Personally I feel that the Indians are safe so long as they get what the decree gives them, but I may be prejudiced on account of having made the estimates.

Respectfully

H. K. Palmer
Engineer

Interstate Development Company

IRRIGATED
GOVERNMENT LANDS
826 L. A. INVESTMENT BLDG.
LOS ANGELES, CAL.

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H. V. CLUTTS	FILE
RECORDED	FILE
INDEXED	FILE

May 13, 1920.

Mr. Herbert V. Clotts,
Supervising Engineer,
U. S. Indian Service,
Los Angeles, Calif.

Dear Sir:-

Referring to our recent conversation relative to the adjudication of water for irrigation to several Indians in Mono County, California; I believe you will find that the records of the Superior Court of Mono County show the following decrees:

Joe McLaughlin,	160 acres	60 inches
Fee Foster	160 acres	30 inches
Young Charlie	40 acres	30 inches
John Clouette (Cluet)	160 acres	30 inches
Louis B. Murphy	120 acres	30 inches
Mike Williams	40 acres	-----

The amount adjudicated being an average of about one-third of an inch per acre of land owned by the Indians to whom water was decreed; no water apparently having been adjudicated to Mike Williams from Rush Creek for the irrigation of his land which is riparian to Rush Creek.

The Cain Irrigation Company which owns approximately 3650 acres of land along and adjacent to Rush Creek and irrigable therefrom, was adjudicated 5900 inches of water from Rush Creek or more than one and one-half inches per acre for all its irrigable land; less than one-fourth of which has been cleared and cultivated and irrigated.

As the Indians have made as good or better showing in the matter of irrigation than the Cain Irrigation Company, the question naturally arises, "Why did the Cain Irrigation Company receive one and one-half inches per acre for its land while the Indians got less than one-third of one inch per acre for their lands?"

The Superior Court of Mono County, California, determined that two inches of water per acre was necessary to irrigate land in Mono Valley; and (considering rough and untillable land) adjudicated approximately that amount to the Cain Irrigation Company for all its land whether irrigated or not.

IRRIGABLE

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terstate Construction Company

Why then give the Indians water for only the land they had actually under irrigation without providing for the future development of the balance of their lands?

If the Cain Irrigation Company was entitled to water for its lands which had never been irrigated and which have not yet been irrigated, why were not the Indians entitled to the same consideration?

If all the water except the 180 inches adjudicated to the Indians should be diverted from Rush Creek, the Indians would probably have great difficulty in irrigating even the limited areas they now have under cultivation.

According to the best information available the rights of the Indians were determined by stipulation between attorneys and not by evidence submitted to the Court, and judging by results, the Indians rights were not very well protected.

It has been charged that the attorneys for the Cain Irrigation Company had much to do with determining the rights of the Indians and I believe a casual examination of the actual conditions now existing will disclose sufficient facts to justify a most careful examination of both the physical features in the case and the method by which the Indians rights were determined or rather denied them and what influences if any were responsible for the miscarriage of justice.

Thanking you for the opportunity of presenting this matter to you, even briefly, I am

Yours very truly,



Re- Bush Creek water rights,
Mono, Lake, Cal.

5-1142

DEPARTMENT OF THE INTERIOR
UNITED STATES INDIAN SERVICE

Stewart, Nev. May 19, 1920

Mr. H. V. Clotts;
Supervising Engineer,
Los Angeles, Cal.

Dear Mr. Clotts:-

Your letter of the 17th. enclosing Mr. Clover's letter was received. I am still of the opinion that the Indians have been granted sufficient water for all of the land that they can cultivate. Their lands are situated along the creek which has high bluffs for nearly the whole length through the allotments. They therefore have land below the bluffs and up on the mesa, the latter being very hard for them to cultivate unless they make use of the Cain Irrigation Cos. canals, and even then they will have a hard time to cultivate a large part of the land. It is my impression that I took into account all of the land they could possibly cultivate when I suggested the amount of water they should have. It is true that I did not call for 2 inches to the acre which I still believe to be excessive. If water is applied at that rate the Indians will have much more than that for their riparian lands in the creek bottom derived from return water. The use of all of the water for power with a power house on the shore of Mono Lake would eliminate this return water, but I still think there will be sufficient return water from The Farrington Ranch to help many of them. I see by the list of water applications that the Farringtons are going to extend their system, which will add to the return water for the Indians.

I am leaving for Independence tomorrow via Mono Lake and will see if there has been any change in the situation, and will write you further. I will keep Mr. Clover's letter until I have looked over the ground and then return it to you.

Yours truly

H. H. Palmer
Engineer

RECEIVED	FILE
12	

Re-Mono Lake Allotments

5-1142

DEPARTMENT OF THE INTERIOR

UNITED STATES INDIAN SERVICE

Stewart, Nev. May 29, 1920

Mr. H. V. Clotts,
Supervising Engineer,
Los Angeles, Cal.

Dear Sir:-

While at Mono Lake a few days ago I enquired about Mr. Clover and looked into conditions in the Mono Lake Basin.

So far as I could find out Mr. Clover is attempting to get water to irrigate land on the east side of the lake, probably having taken over the interests of a company formed for that purpose several years ago. This old company started a canal but lost out in the suit to get water. It is now to their interest to break the old decree so they can obtain a water right, and it appears to me that they are attempting to get the Indians on their side on the assumption that they can give valuable legal assistance without costing much in water on account of the small acreage owned by the Indians.

An inspection of the Indian land confirms my old opinion that they do not need much water because so much of it is occupied by steep canyon sides. While we might have asked for more water on a duty of water of 2 inches per acre, I think we have a sufficient quantity for them considering the amount of return water that they are sure to get with any development of the higher lands.

It is true that the Cain Irrigation Co. has done very little in the way of irrigation development but they are clearing some of the sage brush and turning the water on the land, evidently for the purpose of starting a pasture. They have a tractor at work and seem to intend to do some work. Should they decide to put in a power plant on the shore of the lake, they will undoubtedly carry the water in a canal to the edge of the hill overlooking the lake and not far from the Indian allotments. The seepage from this canal will supply the return water to the Indian lands, except Joe McLaughlin who is located too far up on Rush Creek to be helped by the return water from either the canals or the irrigation.

It is my opinion that the Indians are sufficiently protected by the present decree, so long as they get what it gives them, and that Clover's agitation is merely to get assistance in his own schemes. His project will not give the Indians so much return water, as he carries it to another part of the valley.

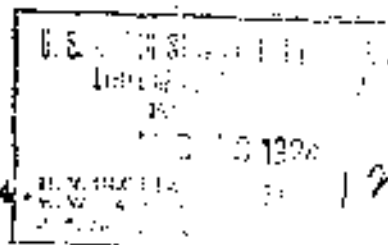
Respectfully

H. K. Palmer
Engineer

DEPARTMENT OF THE INTERIOR

UNITED STATES INDIAN FIELD SERVICE

Bishop, California. Aug. 17, 1924



Mr. Herbert V. Clotts,
 Supervising Engineer.
 377 - Federal Building.
 Los Angeles, California.

My dear Mr. Clotts:

I am wondering if you have any records on file in your office regarding any legal determination of water rights on Walker Creek tributary to Rush Creek in Mono County.

The allotments located on Walker Creek are those of Bridgeport Tom and George Sam. I am not sure whether they were included in the former legal settlement of water rights appertaining to Rush Creek or not.

I fail to locate anything in my office relative to the legal decision regarding the Mono Lake water rights, which will give any light on the Walker Creek situation. The settlement of the Rush Creek rights came up about 1913 or 14 and the Walker Creek rights may have been included.

If you can give me any information regarding the legal status of the water rights appertaining to the Walker Creek allotments, I would appreciate it.

With kindest regards, I am,

Very Sincerely Yours.

Ray R. Farrett

Ray R. Farrett.
 Superintendent.

GENERAL ENGINEERING DIVISION

August 14, 1924.

Mr. Ray R. Parrett, Supt.
Bishop Indian Agency
Bishop, California

Dear Mr. Parrett,

We have your letter of the 11th regarding the allotments of Bridgeport Tom and George Sam on Walker Creek.

The investigation which we made in 1916, to settle the water rights in the Mono Basin, included only the allotments along Rush Creek. Nothing was said about the Walker Creek lands, and therefore, they were not included in the decree.

It is my understanding that Walker Creek is used entirely by the Farringtons, who always have claimed to be very friendly to the Indians, and it is quite possible that their respective rights on this creek can be easily settled by agreement with them. Should it be necessary to resort to legal action to determine the Indian rights, it is probable that there will be no more difficulty than in the case of Rush Creek, unless it should prove that the Farringtons had made use of Walker Creek so much longer than any white people had used Rush Creek that they would almost antedate the Indians on these allotments.

Very truly yours,

H. K. PALMER
Engineer

HKP/mvb.

mono Basin

3/21/27

A Mr. Ogden, attorney, called asking who should be cited in an adjudication of the water rights involving the Indians in Mono Basin.

Thought the Indians would be granted all their previously adjudicated rights by stipulation.

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BRONXVILLE OFFICE

HRB-D-0-423
Sierra Land & Water Co.,
vs. Cain Irrigation
Co., etc., et
al.

Walker River Agency,
Schurz, Nevada.
Nov. 8, 1927.

Office of the United States Attorney,
Sacramento, California.

Attention of Edgar R. Bennett,
Assistant United States Attorney.

Dear Sir:

Reference is made to your letter dated October 31, 1927, relative to inquiry regarding the extent and value of water rights possessed by Indians, Young Charlie, the Clotte estate, and Louis B. Murphy, Indians of the Mono Lake basin, Mono County, California.

It has been understood that the water rights affecting all lands in this locality had long since been determined and settled, and it cannot be foreseen, just what the subject is at the present time, which the Sierra Land and Water Company have in view.

Copies of the original determination of rights affecting these Indians are in my files at the Bishop-Sub-Agency, and have not been moved to Walker River Agency, since the consolidation. I am therefore referring you to Mr. Herbert V. Clotts, Indian Irrigation Office, Federal Building, Los Angeles, California, who it is believed, has this information on file and can furnish you with same.

It is desired that these Indians be fully and amply protected, and their water rights heretofore granted, are definite, and a protest is made against any damage from a pending suit or otherwise.

I would be glad to have a personal interview with you as requested, but this is impossible just at this time.

Very truly yours,
Edgar R. Bennett
Edgar R. Bennett,
Superintendent.

CC to Supervisor H. V. Clotts.

DEPARTMENT OF THE INTERIOR

UNITED STATES INDIAN FIELD SERVICE

Walker River Agency,

Schurz, Nevada.

Nov. 9, 1927.

Mr. H. V. Clotts,
 Supervising Engineer,
 311. Federal Building,
 Los Angeles, California.

My dear Mr. Clotts:

With reference to the carbon copy of the enclosed letter to the U.S. Attorney, Northern District of California, Sacramento, California, relative to certain water rights affecting the Indians named therein, located in Mono County, California; I would say that I am of the opinion that the rights of these Indians were determined through the Federal Court proceedings, Northern District, several years ago. I think that Attorney, John F. Truesdale had the matter in hand for the Government.

I would like to furnish the Assistant U.S. Attorney, Mr. Bensall, with this information.

The Indian allotments referred to, are located on Rush Creek.

Very truly yours,

Ray R. Parrott
 Ray R. Parrott,
 Superintendent.

CC to Assistant U.S. Attorney.

311 Federal Bldg.
Los Angeles, Cal.

Nov. 15, 1927

U. S. Attorney
Sacramento, California

Attention: Mr. Edgar R. Bonsall

Dear Sir:

Reference is made to Superintendent Ray S. Parrett's letter of November 8, 1927, to you regarding water rights on Rush Creek of Young Charlie, the Cluette Estate and Louis B. Murphy, Indians of the Mono Lake Basin, Mono County, California.

Judgement and decree of the Superior Court of California No. 2091 entered Nov. 21, 1916, sets forth the rights of these Indians (and others) briefly as follows:

That the Cain Irrigation Company is the owner of the undisputed right to all of the natural flow of Rush Creek to the extent of 3,400 California miners inches (4 inch pressure) subject and subordinate only to the first rights of the Indian defendants tabulated below:

Fee Foster	-	30	California	miners	inches
Young Charlie	-	30	"	"	"
John Cluette	-	30	"	"	"
Louis B. Murphy	-	30	"	"	"
Joe McLaughlin	-	60	"	"	"

The decree states further that these rights are first rights to which the rights of the plaintiff and of all other defendants are subject and subordinate.

According to our records the Government has never officially approved the rights as set forth in this decree as the question was raised at the time that at some future date the Indians might require more water than the amounts decreed. However, at the time of the decree the amount set aside for the Indians was entirely sufficient for all purposes.

It is hoped this information will be of value to you.

Yours very truly,

CC Parrett

Supervising Engineer

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