

Reno, Nevada, Oct. 21, 1913.

Commissioner of Indian Affairs,
Washington, D. C.

Sir:

I enclose herewith a blue print of the map filed with the State Engineer's Office here by some parties who have taken up land just below the number of Indian Allotments. I have indicated the land allotted to Indians and withdrawn for their use by a red line. Proposed ditches are shown on this map, and as will be seen they cross nearly all of the Indian allotments. I have told the parties who have this project in hand that it will be necessary for them to secure a right of way across their land, and they have sent me a copy of this map to show just where their ditches will run.

I submit these to the Office at this time for instruction as to the manner of preparing this application for a right of way. Should this be handled in the same manner as a right of way for a railroad or power line, etc.? The Indians have an old ditch from this same creek from which they have used water for many years, and these parties were willing to concede to them such water right and have permitted them to use water on some new land. The Office will note that this includes the land withdrawn from entry by Executive order of September 16, 1912, the rest being individual allotments made within the last year or so.

Right of Way Across Indian Allotments.

F. #2.

I will appreciate prompt instruction or suggestions touching this case, and the parties will probably want to proceed with construction work in a short time.

Very respectfully,

SPECIAL INDIAN AGENT.

Dist. A/ZC.

Enc. 1.

Reno, Nev. Nov. 11th, 1913.

Mr. B. G. McBride,
Elko, Nevada.

Dear Sir:-

On Oct. 21st I submitted one of the blue prints to the office with the Indian land indicated thereon, and asked for instruction as to the proper procedure. I am just now in receipt of a reply in which they say:

"In response you are informed that there is no specific authority of law for the granting of rights of way for irrigation canals or ditches across Indian allotments, but the Department has in a number of cases permitted such rights of way to be purchased under the inherited and non-competent land sale Act of May 27, 1902 (32 Stat. L., 345) and the Act of March 1, 1907 (34 Stat. L., 1015-18), as modified by the Act of June 25, 1910 (36 Stat. L., 855); or by business lease under the Act June 7, 1897 (30 Stat. L., 85). You should inform the prospective applicant that it will be necessary for them to file a map drawn on tracing linen, showing the definite location of the desired rights of way accompanied by field notes and other papers required ~~with~~ in connection with applications for rights of way for canals and ditches across tribal lands under the Act of March 3, 1891 (26 Stat. L., 1095). For your information a copy of the regulations promulgated under the Act last cited is enclosed herewith. When the application shall have been filed, you should take up the matter of damages with each allottee or his heirs, and if agreeable have them execute deeds or leases covering the desired right of way, whichever course is decided to be followed by the applicants."

I am enclosing herewith a copy of the Regulations referring to the above quotation, which should be returned to me with your application and maps.

Very respectfully,

CHA/GS.

Special Indian Agent.

Encl.

J. W. YOWELL
DEALER IN GENERAL MERCHANDISE

CROCKERY. HARDWARE. ETC.

ELKO. NEVADA July 15, 1914.

Mr. C. H. Asbury,
Agent of Indian Affairs,
Reno, Nevada.

Dear Sir:

Stanley Wines and the Indians are having a little trouble over in Ruby Valley. Joe Timcock, the captain, came over yesterday and told me about the trouble. He said Stanley had taken over the meadow land from the Indians which they have been living on for the last forty-five years, and ordered them off the ground. He, Stanley Wines, has taken possession of this meadow land and is cutting the hay off of same, which hay the Indians raised and have taken care of, having used this land for this purpose, as I have said above, for the last forty-five years. Stanley Wines is cutting ditches through the ground which you allotted to the Indians here during the last year or two, and has ordered them to get off. If you can come over at once and help the Indians out it will be very much appreciated by them. They depend on this hay for feed and if Wines is allowed to cut same and take it away from them it will put them in pretty hard circumstances for the winter. This being the case it is necessary that something be done at once. I wish you would let me know when you are coming so I can arrange a place for you to stop at during your visit over there.

Thanking you in advance for anything you can do for the Indians in Ruby, I am,

Very truly yours,

Grant Patterson
(initials)

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Aug. 22, 1914.

Mr. B. S. Mc Bride,
Elko, Nevada.

Dear Sir;- Referring to your application for right of way for a ditch across certain Indian land in Ruby Valley I am informed by our Office at Washington that, owing to the fact that these allotments have not yet been finally approved and patented by the General Land Office the application will have to be handled through the Land Office as in the case of public land, except that we will appraise the damage and prepare such stipulations as will secure the rights of the Indians, to be joined in making this appraisalment by a representative of the applicant for the right of way. I hope to get into that locality within a few ~~days~~ weeks in order that my report may be in Washington in time to be considered at the same time your application is considered in the General Land Office. The part of the latter touching this feature of the subject is as follows;-

In view of the status of the land as it appears from the foregoing, the acts of June 7, 1897, May 27, 1902, March 1, 1907, and of June 25, 1910, cited in Office letter to you of November 6, 1913, would not be applicable, and application for the desired right of way should be filed in the local Land Office. However, if the lands have been filed on by Indians, even though their applications have not been approved, and patents issued to them for the land in question, they would be entitled by virtue of their filing to receive whatever damages might be caused to the land by the location of the proposed ditch.

In view of the foregoing, the papers and map submitted with your letter of May 11 are returned herewith, and your are requested to return them, together with any other papers which may have been filed with you, to the applicant with advice that they should be

Ma Bride, E'ko. 2.

filed in the local Land Office in accordance with the foregoing. If it desired to expedite final action in the matter, you should retain a copy of the map, and proceed to appraise the damages in question, in conjunction with a representative of the applicant, in accordance with instructions given in Office circular dated June 30, 1913.

As it appears from your reports in the matter that the Indians have been using some of the water in Overland Creek, from which the proposed ditch is to take its supply, you should call upon the applicant to execute a stipulation acknowledging the water rights of the Indians, and containing such other terms, conditions, and covenants as in your opinion are necessary for the protection of their interest. The stipulation duly executed by the applicant in duplicate should be forwarded by you with schedule of damages, accompanied by your report giving the information called for in Office Circular No 485.

If this course is followed it seems likely that the Office will be able to make report to the General Land Office as to whether there are any objections to the approval of the application by the time that said application shall have been received by that Office from the local Land Office."

Pursuant to above instruction I am returning herewith the maps and papers in the case except the one copy of the map retained to use in making my report.

Very Respectfully,

(Signed) C. E. Asbury

Special Indian Agent.

Land- Contracts
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84085-14
C H I

Ditch Right of way.
Ruby Valley, Nev.

Reno, Nevada.

Aug. 22, 1914.

The Commissioner of Indian Affairs,

Washington. D.C.

Sir;- Further action on this case has been delayed by press of other work and because I have hoped to get into the locality of this land to attempt to arrive at an agreement with the applicant.

I am returning the papers as directed with suggestion that the application be filed with the Land Office at Reno, Nevada.

That applications for the Indian allotments have been filed with the General Land Office is evidenced by the inquiries that were sent out with Office letter of April 30 1914 for special report as to the eligibility of the applicants to take land all of which were mailed from this office on May 6 1914 .

I hope to visit the land within the next few weeks and secure an agreement with the applicant covering such right of way that will be just and agreeable to the Indian.

Very Respectfully,

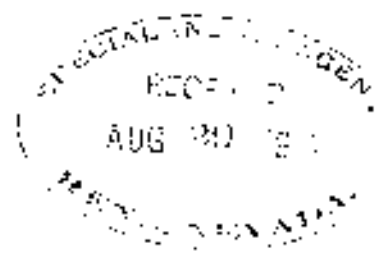
Special Indian Agent.

CANTWELL & CARVILLE
ATTORNEYS AT LAW
RENO, NEVADA

CHAS. A. CANTWELL

E. F. CARVILLE

Aug. 28th., 1914.



Mr. C. H. Ashbury,
Special Indian Agent,
Reno, Nevada.

Dear Sir:-

Referring to the application of B. G. McBride for right of way over Indian Allotments in Ruby Valley, and more especially to your letter in that regard to him under date of Aug. 22nd., 1914. - In view of that letter, Mr. McBride has decided to let the matter rest as it is pending the time that you may come over to look over the situation, as in your letter stated.

We are desirous that you should come over and look very carefully into this matter, particularly on account of the attitude the Indians are taking at present, and the way in which they are deliberately wasting the water for the sole purpose of preventing the others from using it. We are sure that the matter can be adjusted to the entire satisfaction and to the mutual advantage of both sides, if some one to whom they will listen could be here to look it over and advise the Indians.

Will you please let us or Mr. McBride know a few days before you leave for Elko, or for Ruby Valley, so that he can arrange to be there to confer with you.

Yours very truly,

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Sept. 20, 1914.

Mr. Lawrence J. Dyer,
U.S. Dept. of the Interior,
Washington, D.C.

Dear Sir:

My informant, the late Mr. E. H. Sines, who owned
land in the Valley of the Colorado, near the mouth of the
Colorado River, in the State of Arizona, has left a tract of land
of about 40 acres in the Valley of the Colorado, near the
mouth of the Colorado River, which he has left to his
family, the Sines family. I find, that ^{the} ~~the~~ all of
this land is included in a state selection made by
the U.S. Government in 1891 and held under contract by him.
I understand that he has always been very friendly to the
Indians and liberal in his dealings with them. His son,
Stanley, is now using a part of his holdings in the Valley
and has asserted his claim to this particular land, result-
ing in considerable hard feeling among the Indians, bring-
ing about a condition, that is very undesirable, as it is
to the Indians interest to work in harmony with his white
neighbors. It had occurred to me, that Mr. Sines might
be willing to sell his interest in this forty acres to the
Government. The amount of interest, that he has paid is
very small on this particular tract and the amount necessary
to get a patent from the state would make in the aggregate

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not to exceed \$60. I am not assured that we have any money available for this purchase, but I would be glad to have you talk the matter over with him and report to me his attitude. All of the improvement on the land has been made by the Indians since my recent being deprived of it. We don't deny Mr. Wines title, nor his good faith in applying for this State selection, as it was applied for with considerable other land in the locality and we may not have known at the time, that it included the Indian title. I will be glad to learn of his decision and if there is a chance to buy it, I will recommend to the office, the purchase, if any money can be found for the purpose.

Very respectfully,

(Signed) G. H. Asbury,
Special Indian Agent.

11/17

OFFICE OF
COUNTY SURVEYOR

ELKO, NEVADA, July 11, 1915.

Mr. C. H. Ashbury,
Reno, Nevada

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Dear Sir:-

We are about ready to make our final proof and get our patent on 960 acres in Ruby Valley, but before we do this, we have decided to ask you if you think there is any chance of the Government buying our water right and this land for the Indians.

As you know, we have had constant trouble with them as they feel that an injustice is being done then and they do not seem to understand the law in the case. Mr. Wines has been having trouble with them this summer again, taking our water and cutting the ditches. So far, he has done nothing to prevent this but the time will come soon when there will have to be a show down one way or the other and we feel this will mean more than a little trouble as they have made threats against Mr. Wines' and seem to feel they are justified in using force to keep their supposed rights.

The only way we will be able to stop them is by having them arrested and we do not want to do this if we can possibly avoid it.

We have a patented homestead of 160 acres; 600 ready to prove up on and Mrs. McBride and Mrs. Wines have 320 each that can be proved up on next year. We have a certified water right for 2000 acres.

We thought the Government might be willing to buy this land for the Indians and we will be able to go somewhere else.

We are making this offer before we prove up as we thought the Government might rather have us relinquish our claims in case they will consider buying the improvements and water right.

Yours truly,

B. G. McBride