

Subject: Overland Creek.

In replying, refer to No. 4165.

Mr. C. H. Asbury,  
Special Indian Agent,  
Heno, Nevada.



Dear Sir;

We have just completed a check of your application #4165 filed on behalf of the United States Indian Bureau, to appropriate certain waters of Overland Creek in Elko County.

There seems to be a serious conflict in this matter owing to the fact that application and permit #1762 filed by and issued to E. G. McBride of Elko indicates on its face that it will consume all of the unappropriated water on the source. An examination of the premises was made by me personally and as near as could be ascertained the flood flow of Overland Creek was not in excess of 30 cubic feet per second. The normal flow of the stream is considerably less. The measurement obtained by me during the month of October was only  $4\frac{1}{2}$  cubic feet per second. The Wines Ranch contains upwards of 1000 acres of land which must receive water from Overland Creek.

Permit #1762 has been granted for 20 cubic feet of water per second and is still in good standing. I have no knowledge of the extent of the old rights belonging to the Indians mentioned in your application, but in view of the

C.H.A.#2.

existing permit and existing rights above mentioned it is doubtful whether or not there is unappropriated water in the source to warrant me in approving your application #4165.

If you have any records of flow measurements indicating that there is surplus water in the source, I wish you would furnish me with them. If you could install a station on Overland Creek and have one of the Indians read the gauge so that we could obtain an idea of the flow this year your application might be held without action pending the result of one season's measurements.

Awaiting your reply, I am,

Yours very truly,

*W. W. K. K. K.*  
State Engineer.

Dic. K/G.

Albuquerque, New Mex. Feb. 28, 1917

Mr. John Pohlman,

Reno, Nevada.

Dear Mr. Pohlman;- Referring to your letter of the 22nd re the Ruby Valley land I see that I wrote you from Mesquero on the 21st touching that matter as you had written me something of it.

There is very little that I can add to that letter and the conditions shown by the files.

The Indians made the first ditch in that country under the direction of a farmer that was sent in there back forty years ago and they used water on the land that is now in dispute and I believe the Indians will admit that they have continued to use water on it and to make their home there up to date.

Within a year or so an application had been made for adjacent land under the fourth section of the general Adjudication Act and had this had been open to entry it certainly would have been filed on but I believe that the particular tract that they had used was covered by a state application by Ira Wines, father of Stanley Wines, some eighteen years ago and that the annual payments have been made up to date but the land has not been patented to them by the state unless it was within the past year or two. The forty was applied for in connection with other land in the locality and Mr. Wines may not have known that it included the home of the Indians, and he did nothing was said to them about vacating the land until the

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past three years when Stanley Wines and associates filed on a large tract of land below there and made filing on the waters of Overland Creek. You will see by the file that I proposed that I would try to buy the land but the price was unreasonable but it might still be advisable to pay the price rather than have protracted trouble if we can not get it otherwise.

At present it seems the State Land Office has a certificate or affidavit on the application to the effect that there is no adverse claim or Indian home on the land but such was not in the application at that time.

That particular land had cost then \$10.00 and the interest on \$40.00 at 6% since the application was made, probably about \$50.00 in the aggregate up to date.

You will find a map showing the land allotted to in that locality and see whether the change made by Mr. Wines in his application of these the Indian land or not.

We also have 80 acres to the South of the allotments that is withdrawn for the community by Ex. Order. I believe it is 130 acres. You will find it shown on a sketch in the files.

I am sending an extra copy of this letter so you can hand it to the attorney if you want to do so.

Very Respectfully,

*O. Starbury*  
Special Agent.

Reno, Nevada, April 9, 1917.

Mr. Masatah Tomoque,  
Ruby Valley, Nevada.

Dear Sir:

The man who brings this to you is Mr. L. W. Jordan, who is being sent out on account of the Indian Office at Washington to build an arrangement so that the water in Overland Creek can be measured. This is done to try to protect your water right on this creek that Special Agent Ashbury filed for you at Carson last fall. You should help Mr. Jordan in every way possible because a great deal depends on this work being done and it is to your interest to see that it is done right. He will need some Indian building a shelter for this recorder and you should get some of your boys to help him with this. It will also be necessary for some one to take these measurements each week. You will probably know of some of the Indians there who can do this work. Mr. Jordan will explain just exactly what he wants.

As this matter is of so much interest to you and so much depends upon it being done right, you should see to it that he is given every help that is necessary.

Yours truly,

SP:O

Special Indian Agent.