

Reno, Nevada. Oct. 9th, 1917.

U.S. Geological Survey,
Water Resources Branch,
Salt Lake City, Utah.

Dear Sirs:

Sometime during the last spring Mr Jordan of your department installed a gaging station for the Indian Service at Overland Creek in Elko County, Nevada, and since that time I understand that there have been several rating measurements taken and a more or less complete record of the gage heights of the stream during the low water season.

The dispute over the waters of this creek seems to be coming to a head and there is some prospect of a compromise in the matter. Before any definite action is taken in the matter however it is necessary that we know a little more about the flow of the stream.

I understand of course that your present record is only tentative and will probably be revised considerably when the complete data is at hand but it would assist us very much if we can get the following: daily record of gage heights, rating measurements, and a rough estimate as to the percentage of excess or deficiency of this years streamflow over the normal for this section,

Thanking you in advance I am
Very truly yours,

Address
Nixon. 2

Asst. Engr. U.S.I.C.

In Re Ruby Valley Controversy.

Reno, Nevada, Oct. 9, 1917.

Col. L. L. Dorrington,
Owens, Calif.

Dear Colonel Dorrington:

I am glad to report that at last I succeeded in arranging a meeting with Mr. B. C. McBride, representing the Whites in the Ruby Valley Land and Water Controversy, Mr. H. J. Diets, superintendent of Irrigation, Mr. H. E. Johnson, assistant engineer to Mr. Diets, and myself at our office. I went at eight P. M. October 8. The session lasted about two hours and the field was pretty thoroughly covered without making much progress. Mrs. Dow was present and took along with her notes of all that was said. I failed to get Mr. McBride to state any definite proposition in my talk with him the previous night. At this meeting I thought a complete stereographic report could do no harm and might do us a great deal of good. Mrs. Dow was already at work when all the parties arrived and continued without any reference was to the visitors that she was engaged in an attempt. Today when I informed Mr. Diets of this he assured me that it was a good move.

We could get nothing more definite from Mr. McBride as the proposition to serve as a basis for settlement than a

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suggestion that himself and associates might buy the forty acres in controversy from Mr. Ira B. Wines and turn it over to the Indians. In return for this they wished a guaranteed right of way for the ditches of the whites over other Indian land and also a guarantee from the United States that their ditches and all the waters of Overland Creek should never hereafter be interfered with by the Indians.

While he admitted that a water right was appurtenant to a small undetermined area of this forty acres, yet he absolutely denied that the Indians had any water right whatever for the other homesteads occupied by them adjacent to this forty. He also severely criticized the former Special Agent, Mr. C. A. Johnson, for allowing the Indians to clear up land and also use of water from Overland Creek for irrigation over his written protest, after his objection had been ascertained for twenty second feet.

Mr. Diets, Mr. Johnson and myself unanimously agreed in a talk this morning that nothing in his proposition was worthy of consideration and decided that the proper course to take was for United States Attorney Woodburn to start suit at once in the U. S. Court to determine the ownership of the forty acre tract in dispute.

As to the entire water controversy, Mr. Diets and Mr. Johnson agreed that it was not an engineering proposition but was a legal matter which they did not feel competent to

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handle and as there are several men in the field whose business is to handle the legal side of water questions, he will write at once to the Department to detail a man to go on the ground and handle that side of the matter. Mr. Johnson is also writing to the U. S. Geological Survey for a report on the record of the volume of water in Overland Creek as far as has been determined since the gauging station has been installed.

The discussion with Mr. McBride revealed the fact that he made the application for the water and it was granted to him personally, also that a patent had been granted to him for his desert land entry, but the patents for the desert land entries for the other interested parties had so far not been granted, although their application had been made previous to his. This aroused the suspicion in our minds that the Land Division or through its Field Officer on inspection had found some good reason for this action. If these patents are denied it will leave all of the water of Overland Creek not needed by McBride's entry subject to the Indian or other appropriation. Mr. Dietz will endeavor to get in touch with Mr. Martin of the Field Land Division who made the inspection and report. You will readily see that the situation is getting very interesting. Mr. McBride expressed the opinion that the effect of the Indian trouble had influenced the dilatory action of the Land Division in the matter of granting these patents. I assured him that I

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know nothing of the report made by the land officials. But you will recall I stated that I felt that the whites had not fully complied with the law in reclaiming their desert land entries, which I yet believe will prove true. Mr. McBride was very insistent that any action he or his associates might take in settling with the Indians should be considered in no way as a bribe to prevent suspicion being cast upon their action, as they had endeavored to not only treat the Indians right but to carry out the work of reclaiming their lands in good faith.

I endeavored to get a conference with Mr. Woodburn, Mr. Dietz, Mr. Johnson and myself today, but Mr. Dietz had to leave before it could be arranged. Mr. Johnson and myself met him this afternoon and informed him of what had taken place. He stated that he will start out in a few days, or as soon as he could get some matters out of the way connected with the desert. I told him that I would go as soon as possible to Ruby Valley and collect all the additional evidence possible relating to the controversy, especially as regards the date of the Indian occupancy. Mr. Johnson suggested that there was a surveying party operating in that locality and Mr. Dietz will endeavor to get it to locate the corners definitely. As soon as I am arranged to get back to the Territory, I will go to Ruby Valley. While on this mission I will endeavor to get Captain

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Done to convince the Indians that the Government has kept
faith with them in providing the Wash Valley Reservation and
that any reservation in Ruby Valley will be impossible on
account of the lands being occupied by whites under the laws of
the United States and the State of Nevada. In the hope that
this will give you a fairly clear understanding of the situation
as to date, I remain,

Yours very truly,

DEPARTMENT OF THE INTERIOR
UNITED STATES INDIAN IRRIGATION SERVICES
Superintendent of Irrigation.
Salt Lake City, Utah. RENO, NEV.

October 15, 1917.

The Commissioner of Indian Affairs,
Through Office of the Chief Engineer,
U. S. Indian Irrigation Service,
Washington, D. C.

Sir:

Referring to the Ruby Valley land and water rights controversy, upon which Special Agent Lorenzo D. Creel has made report and is now gathering evidence with a view of carrying the matter into court, I have to advise that the Section corners in the vicinity of the disputed forty acre tract are missing and further, that the corners of the entire township are apparently not in place.

It will be impossible to establish any definite facts relative to the status of the forty acre tract without having the corners relocated. I am informed that the U. S. Land Office now has a survey party in the immediate vicinity of this place and I respectfully suggest that your Office take immediate steps to have this party detailed to make a relocation survey for the use of the court in determining the rights of the Indians for this land.

I have just had a conference with Mr. Creel and one of the complainants at Reno and it is apparent that they are anxious to reach some sort of a compromise out of court. It is my opinion that the ownership to the disputed forty acre tract should be determined by court proceedings. The water right can only be determined by the State Engineer or by an adjudication of the court.

In this connection I wish to say that I also had a short session with the State Engineer and he is anxious to adjudicate the waters of this stream within the next sixty days. He requested me to take the matter up with your Office with a view of having some one appointed who could represent the Indians interest of the Indians in this adjudication. He also stated that proceedings are now under way to take a similar adjudication of the water rights of the Muddy River in which the Indians of the

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U.S. DEPARTMENT OF AGRICULTURE
BUREAU OF RECLAMATION
WASHINGTON, D. C.

Moapa Reservation are interested.

As these matters are so purely legal ones involving not only the questions of fact but those determined by the policies of your Office, I deem it most advisable that you detail some competent member of your legal department to represent the Indians in these matters. Such a representative should get on the ground immediately in order to acquaint himself with the facts and circumstances connected with the case. I will be glad to render whatever assistance I can in this matter, but beg to advise that the Office of Special Agent L. A. Dorrington is in a position to give material aid along legal lines.

In order that I may acquaint the State Engineer with the probable action we will take relative to adjudication of the water rights, I respectfully request that you inform me of any action which you deem proper to take in the premises.

Respectfully,

Superintendent of Irrigation.

Carbon to:

Special Agent L. A. Dorrington, Reno, Nevada.

END/H