

To my surprise Tim Hooper refused absolutely to do anything whatever in the installation of this wier or to have anything to do with the waters of Pine Creek, stating that he never wanted at any time water from Pine Creek but did want water from Andrews Creek, and that only. He charged the State Engineer with substituting the name of Pine Creek for Andrews Creek. Mr. Wm. Kearney, who was then State Engineer, when his filing was made, but who later appeared as attorney for United Cattle & Packing Co., at the water hearing in Tonopah, which may have prejudiced Hooper. Fortunately I had with me the transcript of all testimony taking at the said hearing referred to as Exhibit "A". I read him his own testimony and much of the other showing that in this hearing no mention whatever was made of Andrews Creek. Only Pine Creek, at that time nothing in the testimony could be found other than what referred to Pine Creek, and I have never heard of Andrews Creek until he mentioned it sometime the past summer during a visit to the Reno office. I stated further that I had only authority to install a wier in Pine Creek and could not do anything whatever relative to Andrews Creek.

Spuñ, Fisherman, Alec Mike and I joined by Mr. Ira Murdoch, who furnished two laborers, then proceeded to install the wier. Considerable time was spent in survey in order to find the most favorable location. We finally settled upon a spot about 20 feet above the small wooden gate through which a portion of the waters of Pine Creek are diverted and conveyed through a small ditch for a distance of about four miles northwest of this point to a white sage flat upon lands held by the company and known locally as the "Barley Field."

The wier is located above all the diversion points on Pine Creek and therefore the whole volume of Pine Creek will necessarily pass through the opening of the wier. The Company has done everything in its power to assist me in this work as will appear in all its acts from the day that the decision was rendered up to the time the work was finished. The relations of the Indians, myself and the Company's employees throughout were of the most cordial and friendly character. I cannot commend the attitude of the Foreman and employees too highly.

It now rests with the State Engineer to appoint someone to keep such record of the flow of the stream as he

desires. I have submitted a report to him, a copy of which is enclosed herewith marked Exhibit "B". When the wier was completed there was approximately one second foot passing over its crest and the entire volume of water was confined to the regular channel of Pine Creek. It is worthy of note that the water barely reached the road at the ranch house, thus showing nearly one second foot of loss between the two points covering a distance of approximately one mile and a half. In order to be absolutely fair to the Company, another wier should be installed at the point where the Creek enters their meadows and cultivated lands. A comparison of the measurements shown by the two wiers would thus show the loss of water before any irrigation was attempted. Mr. Murdoch, the manager, stated that he planned to do this at the expense of the Company for his own satisfaction. At the date of the installation of the wier there was approximately one second foot of water passing through the opening. The entire volume of water was running down the main channel, yet it barely reached the ranch buildings and disappeared, thus showing nearly one second foot of loss between the two points approximately one and a half miles apart.

The question naturally arises if the wier was ordered, installed on account of Tim Hooper, why proceed with the work, when he withdrew his claim to the waters of Pine Creek. Practically all the expense, except the labor of installation had been already incurred. I did this entirely in the interests of Spud, Fisherman, Alec Mike and their families, numbering possibly twenty people. These Indians need the assistance and guardianship of this office. The three mentioned have filings on Pine Creek for the waste and surplus water thereof after it passes through the Pine Creek Ranch. See Exhibit "D". While so far no friction has apparently developed between them and the Company, yet it is everything in their favor that the flow of Pine Creek should become a matter of record in the office of the State Engineer, and the same information be a part of our files. In water matters no one knows what the future may bring forth and a certainty is far preferable to guess work in irrigation.

These Indians above mentioned stand in a different light and relation to the Pine Creek Ranch and the United Cattle & Packing Company, than does Tim Hooper. So far as I have been able to learn, the Company has never raised the slightest objection to these Indians or their filings, nor interfered with the water which has been done in the case of Alec Mike whose application has been protested, until the water troubles arose between Tim Hooper and it. On the contrary these consider these Indians as an asset, and an

advantage to the ranch and the Company. Had they not taken up their allotments and put the waste water to beneficial use which passes through the ranch, white men might have done so who would not have made so pleasant or agreeable neighbors. They furnish a dependable source of labor for the Company when needed and when not employed by the Company their spare time can be employed upon their own lands. There is a mutual advantage, the Company needs their labor, while the Indian needs the ready money which is his main source of income. White labor is practically impossible to get in this section when needed.

As to the case of Tim Hooper the land upon which he filed was improved land almost in the heart of Pine Creek Ranch, which improvements had already been made by the predecessors of the United Cattle & Packing Company.

At the risk of some repetition I venture a review of the situation. September 12th, 1911, one R. James Kelly filed a Desert Land Entry for 160 acres, the identical land now held by Tim Hooper, and improved it afterwards disposing it to the predecessors of the United Cattle & Packing Co. The records of the Carson Land Office show that this Desert Land Entry was cancelled by a letter from the General Land Office, dated August 22d, 1913, on the grounds that neither Kelly or his assigns has made first annual proof. The status of this land was overlooked by the United Cattle & Packing Company in the transfer of the entire ranch and etc., to the Company from one of the banks in Tonopah. Tim Hooper filed on January 22d, 1915, - I understand from good authority that he did this at the instigation of one Marsh, a former owner, who held the ranch as a part of the firm of Stimler & Marsh, who failed and the bank took over the entire holdings, afterwards selling to the present owners. Marsh has been an enemy of the Company ever since. Hooper had a legal right to file upon the land but it was certainly unethical and under the conditions not conducive to peace and harmony. However, he is now in peaceable possession of the land. The improvements stated in his affidavit, are on the land and substantially correct, although not done by him and he is getting the benefit of much of the labor of others. At least sixty acres of his holdings is well set in wild meadow and sub-irrigated from the waters of Andrews and Pine Creeks and applied to the Pine Creek Ranch above his holdings. This condition will continue indefinitely so long as the present method of irrigation is kept up. From the appearance of Hooper's hay stack he has cut about twenty tons of wild hay this season, although water was short for all. The files of this office show that Hooper was throughout given all the encouragement and assistance possible on account of

the showing he made and affidavits supported by others. While he told the truth he did not tell the whole story. He carefully refrained throughout all of his correspondence from making any statement bearing upon the previous status of this land, or that it was fenced and improved when he filed upon it. He insisted in several letters to Special Agent Asbury that he come to Pine Creek and visit this land but it appears that neither he nor any of his employees were able to do so, apparently on account of the pressure of other work.

When Hooper had a legal right to file upon this land, and had the question been put up to me, I should have advised against it, and I think Special Agent Asbury, had he been able to get upon the ground, would have done so also. A glance at the situation would convince anyone that friction and ill feeling would certainly follow. After I became thoroughly familiar with all the circumstances and conditions, I advised Hooper to sell out to the Company, which I feel sure would then and would now pay him much more than the land is worth in order to clear up the situation and forced all further trouble. This Hooper indignantly refused to do and left the office in a very bad frame of mind, saying repeatedly that he had been promised help and also advised by Special Agent Asbury in a general meeting at Elko through his statements that he was here to help the Indians and they should take land wherever they found it was open, although it might be under fence by others and the Government would fight their battles. I am much inclined to think that this statement was badly twisted by Hooper to cover his own situation.

Hooper thinks he can get water from Andrews Creek doubtless by claiming that its waters were used upon the land he claims. This appears to me extremely doubtful, as I understand that the company holds a priority right on all the flow of Andrews Creek, which is a very small creek and at flood tide probably not flowing over two or three second feet as indicated from its banks. This flow undoubtedly rapidly decreases. The waters of Andrews Creek are diverted from the original channel at a point about one half mile above the mouth of the canyon and carried by an open ditch across the bench in a northeasterly direction for a distance of about two miles where, as indicated by the ditches, they are merged with a part of the waters of Pine Creek and applied to all the lands lying directly below. Undoubtedly the waters thus mixed were applied to the lands now held by Tim Hooper but no one knows how much was covered by the waters of Andrews Creek on account of the waters of Pine Creek being co-mingled therewith.

April 17th, 1917, Jacob B. Humphrey, Secretary of the Company applied to the State Engineer for permission to change the place of use of 422 second feet of Pine Creek

from the NW $\frac{1}{4}$ Sec. 20. Tp. 11, N. E. 45 E, to NW $\frac{1}{4}$ Sec. 21, Tp. 11, N. E. 46 E., which application has not yet been approved but from the evidence gained by observation on the ground I should say had been done in fact in advance of such permission. Evidently for the purpose of cutting off the water from the land now held by Hooper which was successful as Hooper complains that he has had no water for direct irrigation since and for some time before upon his land save what percolates through sub-irrigation on the wild meadow referred to above. While the United Cattle & Packing Company concede Hooper is legally in possession of the land, yet its representatives naturally feel sore over the situation and deny that he has any right to any water whatever. They contend that water is short, which is painfully evident from the amount of hay cut this year, although at other times it is very abundant. See Exhibit "A". Naturally they keep all the water on their own land as much as possible and are determined to resist of all Hooper's attempts to secure any legal right to either the waters of Andrews or Pine Creek. It must not be inferred from what is said above that the Company or any of its present employees are persecuting Hooper or have any bad blood against him; they are simply defending their legal right. This is partly evidenced by the fact that Hooper works for them when he wishes to and I found his son employed by the Company, when I made this visit.

After I finished the wier and made a survey of Spud, Fisherman and Alec Mike's lands, I called on Tim Hooper, just before leaving the Pine Creek ranch. I told him that I had no authority to install any wier or interfere whatever with Andrews Creek, and since he had withdrawn from Pine Creek I could afford him no relief. I had no authority to bind your office and told him that he could continue his correspondence with the Reno Office, but gave him my individual opinion unsupported by any authority, that he had no chance of getting any irrigation waters from Andrews creek; that he had a legal right to his land and could hold it, but it would be far better for him to sell out to the Company for a good price and take up other land. He became quite angry and accused us of bad faith with him and asked me why I couldn't help him as though I was helping the other Indians referred to above. He stated also that the next day he would go to Tonopah and get a lawyer to fight his case independent of the government.

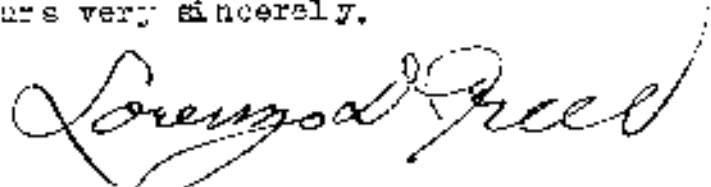
He has about twenty head of cattle now, quite a number of horses and has taken quite a bunch of cattle on shares to care for. In my opinion he now stands good to lose what he has if he follows the course he states he should take.

In view of all the facts and circumstances which have been given at length in detail in the body of this report

and exhibits attached thereto. in my opinion, this case should be closed as far as Jim Hooper is concerned, and he be allowed to fight his own battles, as I can see nothing further which can be done by this office, especially in view of the fact that such a multitude of deserving cases are waiting your attention, and the Indians are losing their rights through lack of sufficient help and funds to reach their cases. However, the other Indians mentioned in this report and their interests should be kept under careful observation.

Trusting that this matter has been handled in such a way as to meet with your approval, I am

Yours very sincerely,

A handwritten signature in cursive script, reading "Lorenzo J. Reed". The signature is written in dark ink and is positioned above the typed name.

SPECIAL SUPERVISOR.

*Original Mailed
Nov 29, 1918*

Nevada
November
29
1918

Hon. Seymour Case,
State Engineer,
Carson City, Nev.

My dear Mr. Case:

In re case no. 4801-Mike Shoshone Indian who applies for 1.60 c.f.s. from Pine Creek which has been protested by the United Cattle & Packing Company, would say that while I have alluded to this in another letter of even date as this that I think best to write a special letter dealing with it alone.

I have written the United Cattle & Packing Company of Tonopah, Nevada, respectfully requesting them to have their Manager, Mr. Ira Murdoch, investigate the case on the ground in hopes that his findings may induce the company to withdraw its protest.

I am inclined to think that this protest has been made by the company as a part of a general plan to protect its interests in the waters of Pine Creek and not on account of any special cause of action against this individual Indian. Pending any action the company may take further I would respectfully request that you refrain from granting their protest until further information has been received from all sources. As there is no need of apparent haste in your office acting upon this protest, I would respectfully suggest that such action be deferred until a representative from your office, has had an opportunity to investigate the matter on the ground and in the light of data obtained through the installation of the wiler as to the flow of the stream. In the meantime I am hoping that the company may reconsider its action and withdraw its protest.

Please keep this office informed as to your intended action on the case of Alec Mike from time to time.

Very sincerely yours,
L. A. CORRINGTON,

L. A. Corrington
Regional Supervisor

100-100000-10
4-1-17-18

Humboldt, Nevada,
November
25
1915

The United Cattle & Packing Co.,
Tonopah,
Nevada.

Dear Sir:

ATTENTION OF MR. IRA MURDOCH.

In the case of Mike or Alec Mike, a Shoshone Indian, (No. 4801 Office State Engineer) the application of this Indian is protested by your Company. He applies for 1.60 c.f.s. of the overflow from Pine Creek.

While engaged in installing a wier in Pine Creek Mr. Murdoch, Surveyor D. F. Clark and myself went on the ground of this Indian and looked over the situation. As he has applied for over flow water I fail to see how his application can be any detriment to your company, should it be allowed. The waste water from your lands naturally trend towards his land and can be of no use to you after they have passed your boundaries.

He is a deserving Indian and has a large family. This office is quite anxious that he and his family may advance in civilization through the building of a permanent home on the soil which belongs to him legally and morally through descent from his Fathers. I therefore recommend and request that you give the matter very careful consideration before pushing your protest to his application.

Certain irregularities we found existing in regard to the Company's fences which will need to be adjusted when the proper time has arrived. This can be explained fully to you by Mr. Murdoch. In my opinion these adjustments may be more easily made in the future if your protest is withdrawn and the Indian allowed to

#2 U.C. & P. Co.

work out his own salvation in his own way, through the development of his lands by the use of water which apparently can be of no use to you. I am inclined to believe that this protest was made by your Company more as a defensive measure than from any desire to deprive the Indian of anything of value to him. On account of the Company's complications with Sir Hooper, I am not inclined to blame it in taking such action. Only, it is possible that a careful examination of the conditions concerning Mike's application and the location of his land has not been given due consideration before the said protest was made.

I have the fullest confidence in Mr. Murdoch as he will deal justly by the Indian, and at the same time guard the interests of the Company if he is requested to handle this matter so far as furnishing you with all the facts.

Hoping to hear from you in the near future,

I am

Yours very respectfully,

L. A. DORRINGTON,
Special Ind. Agt. in Charge,

BY



SPECIAL SUPERVISOR.

Reno Agency

Reno, Nevada,

July 12, 1921.

Mr. L. L. Clar,
Manhattan,
N e v a d a.

Dear Mr. Clar:

Replying to your two letters in re the Pine Creek matters, would say that I thank you very much for your kind interest and promptness in both cases.

I have written Mr. Neelman for a full explanation and informed him that it was illegal to lease lands held as the Indians hold theirs at Pine Creek, except through this office. Also that I considered the amount supposed to be paid them inadequate. I rather think from the tone of my letter, I will get a reply very speedily.

I learned from another source that Neelman occupies a small ranch within three or four miles of the Pine Creek property from which he gets about 60 tons of hay, also that some musician in Tonopah, who had saved up a little money, advanced it to him to buy cattle, and that he ran these cattle in the winter with those of the Pine Creek people, and had also worked for them occasionally, but was not working for them now. If this is correct, this seems to be a good explanation for the cattle business. I also requested him not to cut any hay on the allotments for the reason that the Indians would have no feed for their horses when they returned and this would undoubtedly lead to more or less dis-satisfaction and trouble.

I also learned that there had been an abundance of water from Pine Creek this year in such a quantity, that it was impossible to control it; that it cut a new channel clear around the weir. Therefore, if the Indians were on the ground at that time, I can see no reason why they should not have had all the water they needed. So far, I believe if the Indians

Mr. Clark ---2.

do not quarrel among themselves, they will be able to live there in peace.

I understand that both Fisherman and Spud are at Round Mountain, working for the Placer Company. You may be able to see them and find out just what the trouble is, without taking any extra trouble, or loss of time from your work. I saw the Jones' and I think satisfied them that you would handle the Jim Ike case, as well as any others, they were concerned in, satisfactory to them.

I went into the liquor situation very thoroughly at Round Mountain, and find that the mining company's representatives are at the end of their rope and thoroughly paralyzed in the effort to control the traffic through the county authorities. I regret to say that Mr. O'Neill was laid off, and we have no official whatever in our liquor suppression force available for the work at Round Mountain. However, I wrote a full report direct to Colonel Dorrington, who is at present in Washington, asking him to give the matter whatever attention was thought best. Aside from this, I have exhausted all my resources. However, any further information you may collect on these lines, would doubtless be of value to us, as something must be done, sooner or later, to control the traffic in Nye County.

Thanking you very kindly for all your efforts and hoping to hear from you whenever convenient, I am

Yours very sincerely,

L. D. Creek,
Special Supervisor

LDC:GM