

re allotment  
of McLaughlin.

10

October 12, 1911.

Mr. Ross L. Spalsbury,  
Supt. Bishop Superintendency,  
Bishop, Calif.

Dear Mr. Spalsbury:-

I am in receipt of your letter of October 8, respecting the allotment of Joe McLaughlin, but regret that I cannot definitely place this allotment. If it is the one that Mr. Truesdell and yourself and the writer examined closely, and which has a water right in Rush Creek, I should think it would be worth about \$75.00 an acre. Of course I am not acquainted with land values in that neighborhood, but am of the opinion that it would be impossible for us to duplicate the land for less than that price. I am not acquainted with the situation, but I would not consider it advisable to sell the place for less than a similar place could be purchased for by McLaughlin. This is of course only my opinion, based on very little knowledge of the subject; but for this reason I would suggest that if the allotment is necessary for Mr. Metson that he make a proposition to trade similar land for it. This will not deprive McLaughlin of his land.

Trusting that Mr. Palmer and our crew will be of service to you, and wishing to be remembered to Mrs. Spalsbury, I am  
Very respectfully,

*L. R. Oliver*  
Superintendent of Irrigation

Re right of  
way for  
power line.

February 7, 1916.

Mr. Dale R. Reed,  
Supt. Bishop Indian School,  
Bishop, California.

Dear Sir:-

I do not know what was finally done in regard to the right of way for a power line across the land belonging to Joe McLaughlin, at Mono Lake. While we were camped there I noticed that the power company had dug the holes for this line, and notified Mr. Spalsbury of it, suspecting that they had not obtained a formal right of way. Mr. Spalsbury's letter, asking me to stop the erection of the line, was delayed, and I did not receive it until I reached Bishop, but I understood that the power company had run another line off the Indian land.

If the matter is now before the Indian Office, I suspect that it is for a permanent line, and that the one which they probably erected last summer was used only temporarily. It follows a line which I saw last summer, which passes across the E.  $\frac{1}{4}$  of the NE  $\frac{1}{2}$  of Sec. 9, T. 1 S., R. 26 E., which land

has never been cultivated so far, so any damage would be merely nominal.

You can probably find my letter to Mr. Spalsbury in regard to the line in your files under date of about July 15th.

Yours truly,



Assistant Engineer.

HCP/AR

DEPARTMENT OF THE INTERIOR

UNITED STATES INDIAN SERVICE

BISHOP, CALIFORNIA Feb. 3, 1916.

Mr. H. K. Palmer  
528 Federal Building  
Los Angeles, California.

U. S. INDIAN SERVICE, LOS ANGELES, CAL.	
OFFICE OF SUPERINTENDENTS OF VENTURA	
C. E. O'Leary	FEB 3 1916 P. M. S. S. S.
Ans'd.	File
2/7/16	H. P. Clark / 124

Dear Sir:-

I am in receipt of a letter from the Indian Office calling for a report not later than the fifteenth on the matter of construction of a power line across the allotment of Joe McLaughlin, Indian, near Mono Lake, concerning which you wrote from there to Sup't. Spalsbury under date of July 13th last.

There is nothing in our files to indicate what was finally done in the matter, but Miss Leete is of the opinion that the Power Company constructed the line around the Indian land instead of delaying the matter pending the securing of a right of way from the Department across the allotment, and thinks that you will know if this is what was done.

Please give me any information which you are able on this matter, at your earliest convenience, in order that I may make report to the Office on time.

Very respectfully,

*Walter H. Reed*  
Superintendent.

ADDRESS REPLY TO  
THE ATTORNEY GENERAL  
AND REFER TO  
INITIALS AND NUMBER

*W. H. ...*  
*H. P. ...*

DEPARTMENT OF JUSTICE  
WASHINGTON, D. C.

U. S. MARSHAL SERVICE, LOS ANGELES, CAL.	
OFFICE OF SUPERINTENDENTS OF IRRIGATION	
C. R. Block	DEC 3 - 1914 F. R. Schorr
Ans'd.	File
H. P. ...	24

Hotel St. Francis,  
San Francisco, Calif.  
December 2, 1914.

Mr. C. R. Olberg,  
Superintendent of Irrigation,  
Federal Building,  
Los Angeles, California.

My dear Mr. Olberg:

In the Mono Basin suits the plan was to determine the question of the jurisdiction of the court at a preliminary hearing, if that were possible, and if it were not possible or if the court should decide that it had jurisdiction to try the case on its merits with the idea that if the Indians were given a decree for an ample supply of water it might not be necessary to appeal the case on the jurisdictional ground. The United States Attorney's office has not been able to arrange for a preliminary hearing, and the plaintiffs have had some of the cases set down for trial this week, and have given notice that they would apply to have the Rush Creek case set for trial at an early date also. It is not yet known whether the court will try these cases now, but it is likely that it will. If it does we shall want to make as good a showing on the merits as we can, and to do this shall doubtless have to have evidence as to the irrigable area in each instance, and probably such evidence as is available concerning stream flow; also evidence as to the amount of land already irrigated by the Indians. If we need this information at once would it be possible for you to

C.R.O.

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have some one get it in a hurry. This letter is written to inform you of the situation and to enable you to understand any letters or telegrams concerning this matter which you may receive from me or from the United States Attorney.

Yours very truly,

*John P. Prussell*  
Special Assistant to the  
Attorney General .

ADDRESS REPLY TO  
"THE ATTORNEY GENERAL"  
AND REFER TO  
INITIALS AND NUMBER

DEPARTMENT OF JUSTICE,  
WASHINGTON, D. C.

U. S. POSTAL SERVICE, LOS ANGELES OFFICE OF SUPERINTENDENTS OF COURTS
C. B. O'CONNOR DEC 29 1914 P. M.
Ansd. H. P. Gelber

Denver, Colo., December 19, 1914.

Mr. G. R. Olberg,  
Indian Office,  
Washington, D.C.

My Dear Mr. Olberg:

I have just received your letter of the 11th inst. in answer to mine about the Mono Lake Basin suits, and thank you for it.

The suit involving Joe Vining Creek, which affected only one Indian allotment, that of Henry Jamison, was tried in an informal way and an opportunity for the Government to take exceptions to the tentative findings of the court was allowed. The normal low water flow of the stream was apportioned among the various appropriators, and all were given the same priority. This was done under the testimony of an engineer who made a survey of all of the lands affected. He found that Jamison had something less than eight acres in cultivation, and that about one-third of his land was susceptible of cultivation. On this basis he was given 25 California miners' inches out of this first appropriation. The flood flow of the stream was divided among these persons as a secondary right, and Jamison was given 85 inches out of this. I immediately took the matter up with Mr. Spaulsbery and reported it also to the Attorney Gen-

Mr. C. R. Olberg--2

eral, recommending that if Mr. Spalsbury was of the opinion that this would be a reasonably good water right for Jamison, that the Government allow the decree to stand. Such a decree doubtless would not bind the United States in any way, and so would not be operative as to the riparian rights of the lands and probably would not affect the appropriated rights of Jamison. So the Government would be free at any time to assert all of these water rights as rights of its own, or at least as rights that could not be alienated either voluntarily or involuntarily by the Indian without its consent. The decree however if it gives the Indian a reasonably good water right, will as a practical matter be a protection to him in the use of this water, and therefore will be of some value.

The other suits, those involving Rush and Parker Creeks, have been continued until next May. I learned of this the morning that I was leaving San Francisco, the 18th, and immediately advised Spalsbury by telegraph. We shall go ahead however getting our evidence ready, particularly that which consists of documents. As to irrigable area and the like, I have asked Mr. Spalsbury to confer with the engineer who made the surveys for the other parties. We doubtless can get the results of his surveys, and these with what light Mr. Spalsbury can throw upon them, will very likely enable you to judge whether we need to do any surveying ourselves before the trial.

I have been making great efforts to get rid of the

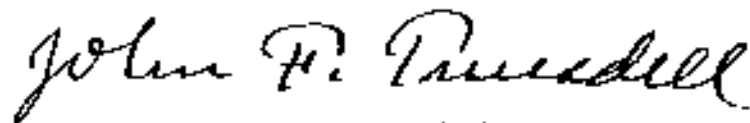


Mr. G. F. Olberg--3

Lake Tahoe matter so as to leave the way clear for other things including some of these important Indian affairs that you and I are attending to. I am glad to say that there is now a strong prospect of closing up the Tahoe matter within the next few weeks. After that I hope we can determine the scope of the Gila adjudication suit, and draft a bill for that purpose.

Can you not stop in Denver on your way back from Washington?

Yours very truly,

A handwritten signature in cursive script that reads "John F. Russell". The signature is written in dark ink and is positioned above the typed name and title.

Special Assistant to the

Attorney General.

Mono Lake  
water cases.

Bishop, California,

February 9th, 1915.

Mr. John P. Gruesdell,  
Special Assistant to the Attorney General,  
Denver, Colorado,

Mr Dear Mr. Gruesdell,

Your letter of the 30th ultimo asking what matter I have succeeded in gathering for the trial of the Mono Lake Water suits especially the ones on Rush Creek has been received.

I have the following papers and evidence in my possession.

ORIGINAL PATENTS IN CASE OF

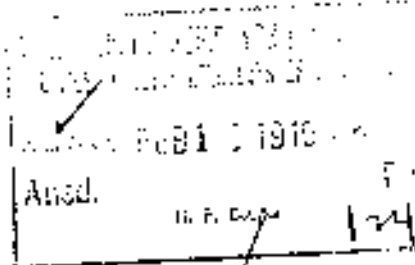
Joe McLaughlin,  
Foe Foster,  
John Cluette

CERTIFIED COPIES OF PATENTS IN CASE OF

Joe McLaughlin  
Louie B. Murphy  
Henry Jameson.

Also a certified copy of the land office records covering all the Indian allotments in that section.

I secured the certified copies of the McLaughlin and Jameson patents at the time the plaintiffs were pressing for trial as it appeared that I would not be able to get the originals in time. The patent of Louis B. Murphy has been lost so he tells me.



I have had a talk with Mr. Sherwin the surveyor who was engaged in the case and he tells me that he did no work on the Rush Creek case. I would ~~therefore~~ suggest that we proceed to have a survey made. Mr. Olberg has a party in this section engaged in survey work and they could easily and at little expense do this work. They would not be able to get into that country until the last of April or the first of May and I would suggest that you take the matter up and urge that this survey be undertaken.

I am sending a copy of this letter to Mr. Olberg and he will thus have my views on the subject.

If there is any further material that will be needed in the matter I would suggest that you advise me what is needed so that I can have sufficient time to collect same.

With highest regards, and best wishes for a prosperous year, I am

Very truly yours,

Rest L. Spatcher

Superintendent.

Carbon to Mr. Olberg.

Re- Enclosure  
Report on  
Leno Lake.

DEPARTMENT OF THE INTERIOR  
UNITED STATES INDIAN SERVICE

U. S. DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT	1915	1915
Adm.	H. P. Curtis	File

Bishop, Cal. Aug. 24, 1915

Mr. C. A. Elborg,  
Supt. of Irrigation,  
Los Angeles, Cal.

Dear Sir:-

I am enclosing herewith a report on Leno Lake and am sending under separate cover the map we have made of the land in question. In order to make the report a little more complete I wanted to include the NE corner of the Mt. Igell quadrangle (U.S.G.) but have been unable to get hold of an extra copy in Bishop. My own copy is too nearly worn out and the only store in town handling them expects them in "Yanama", so they will probably arrive the day after I send the report. A section of the top of the side of the letter paper will include the whole of the wash and where cracks were shown, and all of the Indian land in question.

The map has been drawn in accordance with the instructions of the Water Commission in case the matter should be referred by them. In that case we will have to submit the tracing and one blue print or blue-line print.

You never said anything about any reports on this matter, so I do not know if you want any more copies of the photos. If you do, let me know and I will give them for you. I have the negatives and material in my mine.

I will submit the report on Big Pine water question in a few days.

Respectfully

*H. R. Parker*  
1915. Aug

AMEL

*Amelia*