

68456-23

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

WASHINGTON

AUG 30 1923

Mr. Ray R. Parrett,

Supt., Bishop Agency.

Dear Mr. Parrett:

Receipt is acknowledged of your letter of August 22, 1923, regarding the sale of the Joe McLaughlin land to the Board of Public Service Commissioners of the City of Los Angeles, and advising the Office that you had been served with notice of proceedings on the part of the Southern Sierras Power Company, a corporation, to condemn the land for public purposes.

While the act of March 3, 1901 (31 Stats. L., 1083), authorizes condemnation proceedings of land included in an Indian allotment for public purposes, yet the circumstances in this case do not warrant its application.

The Office received a telegram dated August 3, 1923, from Mr. F. G. Collett as follows:

Sierra Power Company and Cain Ranch of Mono County, California, offer Joe McLaughlin at least five thousand dollars for his place and right to pasture three horses; also privilege living on land in present cabin as long as he wishes. If deal with Los Angeles not concluded this proposition worthy consideration.

In response to this, the Office wired him as follows:

Your wire August third. Have Power Company submit bid on McLaughlin land to Superintendent at Bishop.

Whether or not the Company submitted a bid, the Office is not informed. Please advise the Office as to this

without delay and also transmit the bids called for in Office letter of August 23, 1923.


It is noted that in your certificate of appraisal of this land which is dated September 22, 1922, it is stated that its chief value is for grazing purposes. Nothing is said as to its adaptability for power purposes, nor is there anything said anywhere in the papers as to why it is specially desirable to the City, or to the Power Company as opposed to the City. Also state the connection, if any, between the Sierras Construction Company and the Southern Sierras Power Company.

The land was regularly advertised, three bids being received of which the City's for \$4320.00 is the highest and the Office does not wish to arbitrarily reject it, unless the interests of the Indian clearly demand it, and the Power Company will guarantee a bid of at least \$5000.00 as indicated in Mr. Collett's telegram. Please advise as to this, and whether in your opinion a readvertisement of the land at not less than \$5000.00 would be to the interest of the allottee.

If the sale to the City is approved or if it is rejected and a subsequent sale approved to the highest bidder on a readvertisement, a patent in fee will be issued to such purchaser.

Copies of this letter are enclosed and you may transmit one to the United States Attorney and also copies respectively to the Southern Sierras Power Company and the Board of Public Service Commissioners of the City of Los Angeles.

Sincerely yours,


Commissioner.

Bishop, California. Sept. 4. 1923.

To the Honorable,

The Commissioner of Indian Affairs,

Washington, D.C.

My dear Mr. Commissioner:

Receipt is acknowledged of your letter dated August 30, 1923, relative to the sale of the Joe McLaughlin Indian allotment to the Board of Public Service Commissioners of the City of Los Angeles, also to the matter of notice of condemnation proceedings served on the Indians in question, by the Southern Sierras Power Company.

The McLaughlin Indian allotment was duly advertised in accordance with the regulations for a period of sixty days, special notice being given the Southern Sierras Power Company, the Sierras Construction Company, and the Board of Public Service of the City of Los Angeles. The result being, that the following bids were received:

Sierras Construction Company-----	\$3250.00
C.H. Rhudy-----	4300.00
City of Los Angeles-----	4320.00

The Southern Sierras Power Company, The Sierras Construction Company, and the Cain Ranch are all under the same management. Mr. C.H. Rhudy who made the second bid of \$4300. is an engineer in the employ of the Southern Sierras Power Company. The Power Company at the present time operate a large electric power plant at Silver Lake from which, a stream known as Rush Creek is the outlet. Rush Creek flows through the Joe McLaughlin Indian allotment. The Cain Ranch, also under the management of the Southern Sierras Power Company, utilizes the surplus waters of Rush Creek below the McLaughlin land, on their property. The McLaughlin land is therefore located on the stream at a point between the two points where the water is utilized by the Southern Sierras Power Company and its auxiliary ranch company. This Company seemed fully confident that no opposition would be encountered in this matter, but as opposition did appear, and with the result that the opposing factor submitted the higher bid, the Company have now taken

other steps to acquire the property.

In January of the present year, the Sierra Construction Company sought to purchase the McLaughlin land by private sale at a price of \$2800. It was then that the Indian presented his case to me and signed a Petition for the Sale of his land. He was at that time very desirous of concluding the sale for \$2800. The appraisement which I have placed on the land is based chiefly on the value of the water or stream flowing through the land, for it is this asset that makes the land of value. In consideration of the land alone, or of the land capable of use, the valuation would be reduced to a minimum. The water is of value to the Southern Sierras Power Company for Power, also for irrigation of their ranch property. The water would likewise be valuable to the City of Los Angeles for power purposes and irrigation.

A contest is being waged locally between the City of Los Angeles and the Southern Sierras Power Company over the acquisition of water rights, and it is really this condition of affairs that has brought about the offer of \$5000, following the result of the sixty day advertising period. The Indian owner was immediately approached by representatives of the Power Company and the offer as submitted in the telegram of Mr. F. G. Collett, followed.

Following the termination of advertisement, no further bids have been submitted to this office by the Power Company.

It is the condition of affairs noted above that has brought about this inflated valuation and it is very plain to be seen that both the Power Company and the City will continue to offer keen competition.

Inasmuch as we are primarily interested in the welfare of the Indians concerned, it would seem that he should derive the greatest possible benefit from the sale of his land. McLaughlin and his wife are old people and have no children, and the money derived from the sale of his land should provide for the two during the remainder of their life. In consideration of the benefits to be derived, I would recommend the cancellation of all previous

action taken, if such action can be arbitrarily taken, a return to the City of their bid of \$4320.00, and a readvertisement for a period of thirty days at not less than \$5000.00, giving special notice to the City of Los Angeles, the Southern Sierras Power Company and all others interested. Such action to be sufficient for the withdrawal of Condemnation Proceedings by the Southern Sierras Power Company, at the same time submitting a guarantee on their part that they will submit a bid of not less than \$5000.00.

Mr. Collett's connection with this matter has been brought about by the Indians who have taken up the same with him. It is improbable that he has approached the Power Company regarding the matter, as the dealings of the Company are always directly with this office.

The Office letter of August 23, 1923., has not been received but it is inferred that the original ~~copies~~ of bids received, are required.

These will be forwarded under separate communication.

Very Sincerely Yours.

Superintendent.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

73287-23

WASHINGTON

SEP 25 1923

SEP 25 1923

Mr. Ray R. Parrett,
Supt. Bishop Agency.

Dear Mr. Parrett:

The receipt is acknowledged of your letter of September 14, 1923, enclosing a letter to you from Henry W. Coil, Attorney for the Cain Irrigation Company, advising you that they are prepared to bid \$6000.00 on the Joe McLaughlin allotment. A copy of this letter was received here from Mr. Coil on September 13.

Inasmuch as all the former bids were rejected you have authority to return the deposit of the City of Los Angeles unless they desire to leave it with you pending the making of another bid.

Sincerely yours,

E. P. Meritt
Acting Commissioner.

Bishop, California. Oct. 2-1923.

Mr. W.B. Mathews,
Special Counsel, Department of Public Service,
of the City of Los Angeles.
609. Public Service Building.
Los Angeles, California.

Dear Mr. Mathews:

Referring to the matter of re-advertisement of the Joe McLaughlin Indian allotment at Mono Lake, California, and to the contents of my letter to you dated Sept. 14, 1923, regarding instructions from the Commissioner of Indian Affairs, I am now authorized to return the amount of the bid made by the Commissioners for the City, covering the land in question. The termination of the former advertisement was June 30, 1923.

The land is now re-advertised for a period of thirty days beginning September 15 and expiring at 4.00 P.M. October 15, 1923.

All bids must be in by the date and hour specified.

Check No. 7544 for \$4320.00 is enclosed herewith.

Very truly yours.

Ray R. Farrett.
Superintendent.

Copy-

GAIN IRRIGATION COMPANY .

Bishop, Calif.

October 11, 1923.

Mr. Ray R. Parrett,
Superintendent Bishop Agency.

Bishop, California.

Dear Sir:

Gain Irrigation Company, a corporation, hereby submits a bid on the allotment of Joe McLaughlin, allottee number 94, described as the E-1/2 of Section Nine (9) and W-1/2 of the NW 1/4 of Section ten (10), T one (1) S 2 R 26. E. M. D. M. Mono County, California, containing one-hundred-sixty (160) acres.

My bid on the land is \$7,500.00. A bank draft for ten percent, \$750.00 is inclosed herewith.

Yours Very Truly-

Gain Irrigation Company.

By Vernon Wilder.

Copy.

CAIN IRRIGATION COMPANY .

Bishop, Calif.

October 17, 1923.

Mr. Ray R. Parrett,
Superintendent Bishop Agency.
Bishop, California.

Dear Sir:

Cain Irrigation Company, a corporation, hereby submits a bid on the allotment of Joe McLaughlin, allottee number 94, described as the E-1/2 of Section Nine (9) and W-1/2 of the NW 1/4 of Section ten (10), T one (1) S 1/4 R 26. E. N. D. M. Mono County, California, containing one-hundred & sixty (160) acres.

My bid on the land is \$7,500.00. A bank draft for ten percent, \$750.00 is inclosed herewith.

Yours Very Truly.

Cain Irrigation Company.

By Vernon Wilder.

Bishop, California. Nov. 2. 1923.

Commissioner of Indian Affairs,
Washington, D.C.

Dear Sir:

Reference is made to the matter of readvertisement and sale of the Joe McLaughlin Indian allotment No. 94, and to telegram from the Office dated October 18. 1923, relative to submission of report thereon.

I now have the honor to submit the following report on the re-advertisement and sale of this land.

Form-5-110, Petition for the Sale of Land by Original Allottee, signed by the applicant was forwarded with my first report of sale under date of August 16. 1923, therefore a new petition has not been prepared for the readvertisement.

The Report submitted herewith, includes the following:
Form-5-110 a, Certificate of Appraisement, form-5-110b, Certificate of Disbursing Officer for use in Connection with Sale by Original Allottee, form-5-110c, Acceptance of Sale by Original Allottee, form-5-110d, Form of Affidavit of Vendor, form-5-110e, Report on Sale of Allotted Indian Land.

The result of the re-advertisement was to the effect that but one bid was received, and this was from the Cain Irrigation Company, an auxiliary of the Southern Sierras Power Company. The amount bid is \$7800.

Further reference regarding the readvertisement of this land, is made to the Commissioner's letter, 68456-23, dated Aug. 30. 1923, and to my letter in reply, dated Sept. 4. 1923, and to the Commissioner's telegram dated September 10. 1923.

It is now understood that inasmuch as the Cain Irrigation Company, were the successful bidders, that the condemnation suit brought by the Southern Sierras Power Company will be withdrawn.

Approval of the sale with such provision is recommended.
Very truly yours.

31520-23

Bishop, California. Nov. 12. 1923.

Mr. Vernon Wilder,
Gen'l Superintendent, Interstate Telegraph Co.
Bishop, California.

Dear Mr. Wilder:

The reports on the case of the sale of the Joe McLaughlin Indian land, have now reached Washington, and a telegram from the Department dated Nov. 10. called for the original form of bid submitted by the Cain Irrigation Company. This form is being submitted today, which upon its receipt at Washington, will become a part of the report.

The telegram advises further, that the case will be prepared for patent upon receipt of information from me by wire advising that the full consideration has been received.

In view of these instructions, I would be pleased to have a check for the remaining 90 percent. This check should be made to Ray R. Parrett, Superintendent Indian Agency. Upon receipt of this amount, recommendation will be made by wire for the issuance of a patent in the name of the Cain Irrigation Company.

Very truly yours.

Ray R. Parrett.
Superintendent.

CC enclosed for your use.

31520-23

Bishop, California. Nov. 12. 1923.

Commissioner of Indian Affairs,
Washington, D.C.

Dear Sir:

Referring to Office telegram dated Nov. 10. 1923, relative to transmission original bid in McLaughlin Land Sale; I submit herewith, the original form of bid submitted by the Cain Irrigation Company, which bid was the only one received.

In compliance with instructions contained in the telegram, I am this day notifying the Cain Irrigation Company to deposit with me, the full amount of the bid, upon receipt of which, I will notify the Office by wire.

Very truly yours.

Superintendent.

Land-Sales

77025-23

68631-23

M R

DEC -5 -23

The Honorable
The Secretary of the Interior.

My dear Mr. Secretary:

There are transmitted herewith papers relating to a proposed sale of land included in the allotment of Joe McLaughlin, allottee No. 94, under the jurisdiction of the Bishop, California, Indian School, described as the $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 9, and $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 10, Township 1 South, Range 26 East of the M. D. M., in California, containing 180 acres.

This land was regularly advertised under the regulations and three bids were received as follows: the Sierras Construction Company, \$3350; C. H. Rhudy, \$4300, and the City of Los Angeles, \$4320.

The first two bidders, as it subsequently developed, represented the Southern Sierras Power Company which did not see fit to bid in its own name.

When it appeared on the opening of the bids that the City of Los Angeles was the highest bidder the Southern Sierras Power Company commenced condemnation proceedings in the Superior Court of California for Mono County, naming as defendants Joe McLaughlin and wife and John Doe and Mary Doe, and also notified this Office through the Superintendent that if the bids were rejected and the land readvertised they would guarantee a bid of \$6,000.00.

On these representations, as it appeared that all the bids submitted were inadequate as a consideration for the land, they were rejected and the Superintendent was instructed to readvertise and give special notice to all parties interested, including the Southern Sierras Power Company, to afford them an opportunity to bid. The land was accordingly readvertised, the date of the opening of bids being fixed at October 15, 1923, and a bid of \$7,500.00 was submitted by the Cain Irrigation Company, an auxiliary of the Southern Sierras Power Company. The consideration has been deposited, and the recommendation of the Superintendent that a patent in fee be issued to the purchaser is concurred in.

It is understood that inasmuch as the Cain Irrigation Company is the successful bidder, the condemnation suit brought by the Southern Sierras Power Company will be withdrawn.

Respectfully,



Commissioner.

GENERAL LAND OFFICE
Washington, D.C.

DEC 7 - 1923

There are no reasons appearing in the records of the General Land Office why a patent in fee should not be issued as recommended.



Acting Assistant Commissioner.

DEPARTMENT OF THE INTERIOR
Office of The Secretary

DEC 8 - 1923

The Commissioner of the General Land Office is hereby requested to issue a patent in fee to the Cain Irrigation Company for the following described land, included in the allotment of Joe McLaughlin, allottee No. 94, on the public domain:

E/2 of NE/4 of Section 9, and W/2 of NW/4 of Section 10, Township 1 South, Range 26 E. of the M.D.M., in California, containing 160 acres.

(Signed) F. M. Goodwin.

Assistant Secretary.

Refer in reply to the following.

5-067

Address only the
Commissioner of Indian Affairs

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

WASHINGTON, D.C. March 2, 1924.

Bishop, California.
MAR 11 1924

Transmit patent

Superintendent
U.S. Indian School
Bishop, California.

Sir:

Fee patent number 933027 for 3143j Sec. 9 and 10
Sec. 10, Title 1 S., P. 26 U.S. M.D.M.

issued March 1, 1924 in favor of Cain Irrigation Company,
Bureau from

Joe McLaughlin allottee numbered 94 (Independence, Cal.)

transmitted herewith.

Please make the proper notations on the records of your office and deliver the patent to the ~~person~~ Company entitled thereto when it has signed the attached receipt in duplicate. Forward the original receipt to this office and retain the duplicate for your files.

Very respectfully,

Chas. H. Burke

Commissioner.

8-214

RECEIPT FOR PATENT

(DUPLICATE)

1117860

88531-23.1.C.

File No.

Allotment No. _____

Bishop Indian

School.

March 12, 1924.

19

Ray R. Parratt

RECEIVED of

933027

Superintendent U. S. Indian School

March 1, 1924

Patent No.

~~1237882~~

issued

In the

name of

Cain Irrigation Company

(known as Joe McLaughlin Allotment)

Indian, for

the 2/2 NE/4- Sec. 9 and W/2 NE/4 Sec. 10, Tpl. S. Range 26 E.M.P.M.

In California,

containing

160

acres.

Witness:

Cain Irrigation Company
by Henry W. Coit
its Attorney

Patentee.