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Apr. 13, 1918.

Mr. Campbell:

We have put a lot of work on your request of Feb. 26, and can only find numerous references in the correspondence to the fact that there was a Rabby Valley reserve where they tried for years to have surveyed but can find no evidence that it was surveyed, nor documents relative to the establishment of the reserve or its relation to the public domain.

Kromesmith

file / 9355 / 1917

RECEIVED
OCT 20 1919
89713

Reuby Valley Nevada

10-14-19

Dear Sir:

Tell me what your Bureau
Toby tribe of Indians is going to
Washington, D. C. and see about the treaty
what was made in the 1863 and we have
made a trip to Washington before and you
expect to have further notice about this
again in Reuby But we are delayed about
our Reply and work.

Answer Soon Yours Truly,

Jack Tomoke
Interpreter

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Red

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Paragraph for incorporation in a letter
to Ruby Valley Delegation.

As has been said before, there is nothing in the records to substantiate the Indians' claim to a reservation six miles square for the use of the Indians in Ruby Valley. It appears that this claim by the Indians is based upon the statement of an Army officer. A report made to the Office by Assistant Engineer H. T. Johnson in July, 1917, indicates that about 1910 the Indians realized that they would need more of a title than squatters' rights under which they had theretofore occupied the land and that since that time about 520 acres have been taken up by them under the Homestead Act. In addition to this 520 acres, 120 acres were withdrawn for allotment purposes under an Executive Order dated September 16, 1912. It appears that B. G. McBride, W. A. Reinken, S. L. Wines, Ethel M. McBride and Hazel C. Wines filed application No. 1762 with the State Engineer for 20 second-feet of water from Overland Creek for the irrigation of 2,000 acres of land in 1913. In 1916, Special Agent Asbury filed on 5 second-feet of water for the use of the Indians; ~~therefore,~~ this application being antedated by application No. 1762 and the 20 second-feet covering all the water in this stream, it will be possible for the Indians to establish a water right for that part on which water was beneficially used prior to the water right law of Nevada passed in 1905, which apparently was about 100 acres. It appears also that it might be possible to successfully establish a claim to sufficient water to irrigate the land reserved by the Executive Order of 1912 through action in the courts. As has been suggested heretofore, the Indians of this band could be much better provided for on the Duck Valley Reservation, which was set aside for them, but, if the Indians insist upon remaining in the Ruby Valley, the Office will take such action as will be practicable to provide water for the irrigable lands. This matter will have to be the subject of a further investigation in order to determine what steps are possible within the economical limits.

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9355-17 - Oct 24 - 317

OCT 24 1919

Mr. Jack T smoke,
Ruby Valley, Nevada.

My Friend:

The Office is in receipt of your letter of October 14, advising that the Ruby Valley Indians propose visiting Washington in connection with the Treaty of 1863.

Your attention is invited to Office letter of January 31 1917, addressed to Mr. Kuchach T smoke, a delegate to Washington at that time, in which he was fully advised regarding the aforesaid Treaty. There is quoted for your information a paragraph from the letter in question from which you will note that the Office is of the opinion, in view of all the facts, that the Ruby Valley Indians have no claim against the Government under said Treaty:

"Inasmuch as it appears from the foregoing that the terms of the Treaty of 1863, with the Western Shoshone bands of Indians, have been carried out on the part of the Government in all essential details, this Office is of the opinion that the Indians have no claim against the Government by reason of said treaty. In this connection attention is especially invited to the fact that reservations have been established for the occupancy and use of the Indians in accordance with Article 6, and that funds have been appropriated and expended for the benefit of the Indians to the full amount as specified in Article 7. It may be well, however, to add for your information that the Superintendent in Charge of the Duck Valley Reservation has been heretofore advised that there would be no objection to his notifying the scattered Indians now living off the reservation, and their descendants, who were parties to the Treaty of October 1, 1863, that their applications to affiliate with the Indians residing at Duck Valley in order to be allotted with them, would be given due consideration. It is therefore, suggested that any of the Indians residing at Ruby Valley, and who have no individual holdings, communicate with the Superintendent of the Western Shoshone School, whose post-office address is Owyhee, Nevada; provided, they desire to remove to the Duck Valley Reser-

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vation. Any others who may desire to take up public lands, either under the General Allotment Act or the Indian Homestead Act, will be given such assistance as may be necessary to this end upon their request for such assistance."

Therefore, the Office believes that it would be unwise for the Indians to incur expense in sending a delegation to Washington in connection with the matter which has already been fully explained to the Indians upon their former visit to this city.

Your friend,



Assistant Commissioner.

10-U-23

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Washington, D. C.,
November 25, 1919.



Hon. Commissioner of Indian Affairs,
Washington, D. C.

Dear Sir:-

We come to Washington from Ruby Valley, Nevada, and are members of the Western Shoshone tribe. One of us, Muchach Temoak, is the chief of the tribe, Thomas Wahne is his interpreter.

Our of a tribe which used to number five or six hundred, there are now 155 of us left in one place, and there are more who are scattered around through that section of the state of Nevada.

We have come to Washington to get information for our people, and so see what we can do to help make our tribal affairs better.

Muchach Temoak's grandfather was Temoak, who was the first chief to sign the Treaty of October 1, 1863. He has succeeded his grandfather as chief of the tribe.

Because Temoak was friendly to the white men in early days, the Government recognized him and treated him with kindness. Some of the Shoshones were hostile to the whites, so both the Government and the whites came to Temoak and asked him to help keep friendly relations between the Indians and the whites and the Government. Temoak did this.

Then the Government promised to set aside for Temoak's band a tract of land that was six miles square. This land had running water through it, and Temoak's band settled there and made their home on that land. They made ditches and used the water from the creek to cultivate their crops.

Then the white settlers came and they wanted the Indians' land. They wanted to use the water that the Indian needed for his crops. We do not know how it all came about, but there was nobody there to protect the Indians' rights and this land and the water that belonged to it slipped out of the Indians' control, and we find ourselves with very little left, except what we make by hard labor.

Now we have come to find out the truth. We ask you to tell us, put it down in a letter, when this tract six miles

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2, Hon. C. of I. F., 11-25-19.

square was deeded to Temoak's band. We want a copy of that deed.

Then we want to know what power took the land away from the Indians and gave it to the white men. We would like to have a copy of the deeds that the Government made of our lands, giving them to the whites, and we ask you to tell us why this was done.

Your friends,

Muchach Temoak

Tommy Wahne

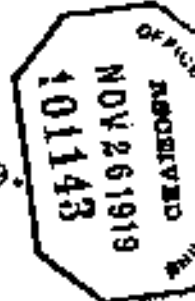
Land-Allots.
9355-17

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

WASHINGTON

November 26, 1919.

Statement of Tommy Wahne, Interpreter,
and Muchach Temoak, Delegation
of Ruby Valley Indians.

We came here to find out about the land that the Government gave us, which is a tract six miles square in Ruby Valley, Nevada. We Indians haven't got any lands and we would like to have that piece of land that the Government gave us and some white men have taken it away from us. If the Government don't give us the land back, we would like to get the money for it. Some of the Indians are now living on a part of this land. We have water rights but we can't use it for the whites take it away from us and we would like to find out about this and see who owns the water rights. If Sam Wine has a part of this land we want to see if the Government gave it to him or if he bought it from the Government. If the Government has sold the land to Wines we would like to get that money then we could buy land some other place for that money. We want to see what the Government can do for us. We would like to have our rights and not be cheated by the Government. There are about 155 Indians of the Temoak Band left entitled to share in this land or any money the Government may give us and some are scattered around the section working for white people.

*his Temoak mark**Muchach Temoak**Tommy Wahne*

11/27

Land-Allotments
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Mr. Tommy Wahne,
 Mr. Muebach Temoak,
 C/o Indian Office.

My friends:

Your letter of November 25, and statement dated November 25, concerning matters affecting the Indians of Ruby Valley, Nevada, have received careful consideration, and you are answered as follows:

The Treaty of October 1, 1863 (18 Stat. 689), to which you refer, did not set apart any specific tracts for the Indians who were parties thereto, but it did define the boundaries of a large tract of country in the States of Nevada, Idaho and Utah, as the lands claimed and occupied by the western Shoshone Indians.

Subsequently, in accordance with article 6 of the Treaty, a reservation was set apart for the Western Shoshone Indians, embracing lands in Nevada and Idaho, and within the boundaries of the tract described in article 5 by Executive Orders dated April 15, 1877, May 4, 1886, and July 1, 1910. This reservation is known as the Duck Valley Reservation and is occupied by approximately 600 Indians who use the lands in common. Other reservations were established for the Western Shoshones at Carlin Farms, Nevada and Lemhi, Idaho.

With reference to a tract of land six miles square in Ruby Valley, Nevada, which is now claimed by the remaining members of the Temoak band, it may be said that a careful examination of the records of this Office has failed to disclose that such a tract was set apart for the Indians either by Departmental Order or Executive Order. However, it appears from Royce's Indian Land Sessions in the United States, a book published by the Bureau of American Ethnology, that prior to the Treaty of 1863, or in 1869, a reservation was established at Ruby Valley, which after a few years of

Copy mailed Reno

RECORDED COPY - FOR FILE

occupancy was abandoned. This, no doubt is the reservation to which you refer. We have been unable to find in our records any correspondence relating to the establishment of this reservation in Ruby Valley, or what disposition was subsequently made of the lands. It is assumed, however, that inasmuch as the reservation was not made permanent by Departmental or Executive Order that the lands embraced therein became subject to public entry when the surveys were extended thereover. Assuming this to be a fact (and no evidence has been found to the contrary), the Indians occupying said land would only have such rights as they may have acquired as individuals. As has been said before there is nothing in the records to substantiate the Indians' claim to the tract six miles square located in Ruby Valley.

With regard to the rights of the Indians as individuals, it appears from a report made to this Office by Assistant Engineer, H. T. Johnson, in July, 1917, that about 1910, the Indians realized that they would need more of a title than "squatters' rights" under which they had theretofore occupied the land, and that since that time about 520 acres have been taken up by them under the Homestead Act. In addition to this 520 acres, 120 acres were withdrawn for allotment purposes under an Executive Order dated September 16, 1912. It appears that E. G. McBride, T. A. Reinken, S. L. Vines, Ethel M. McBride and Hazel G. Vines filed application No. 1762 with the State Engineer for 20 second-feet of water from Overland Creek for the irrigation of 8,000 acres of land in 1913. In 1916, Special Agent Asbury filed an 8 second-feet of water for the use of the Indians. This application being antedated by application No. 1762, and the 20 second-feet covering all the water in this stream, it will be possible for the Indians to establish a water right for only that part of the land on which water was beneficially used prior to the water right law of Nevada passed in 1905, which was apparently about 100 acres. It appears also that it might be possible to successfully establish a claim to sufficient water to irrigate the land reserved by Executive Order of 1912, through action in the courts. While this Office is willing to do everything possible for the protection of the rights of the Indians, both as to land and water rights, it will probably be necessary to make a further investigation on the ground in order to determine what steps are possible within economical limits.

In this connection your attention is invited to the fact that the Indians of Ruby Valley who were parties to the Treaty of 1863, had the same right to remove to and occupy the Duck Valley Reservation as those Indians who are now there, had they so desired. We are not informed as to why these did not remove to the reservation, but it is assumed that they preferred to stay at Ruby Valley although no permanent reservation was established there for them. The privilege is still open to these Indians to remove to the Duck Valley Reservation and if any of them desire to avail themselves of this privilege they should communicate with the Superintendent of the Western Shoshone School, whose post office address is Owyhee, Nevada.

In conclusion, it may be well to say that inasmuch as there is nothing in the records to substantiate the Indians claim to the reservation alleged to have been established at Ruby Valley, it will be impracticable for this Office to undertake the recovery of any of said lands for the Indians, the title to which has passed from the United States. For the same reason we are not in a position to recommend the appropriation of any moneys to reimburse the Indians for said lands.

It may be possible, however, to obtain an appropriation from Congress for the purpose of purchasing a tract of irrigable land, with a permanent water right, for the use and occupancy of the Indians at Ruby Valley. There is inclosed a draft of an item to accomplish this purpose, and it is suggested that you present it to one of the Senators and your Representative from Nevada, with the request that it be introduced at the present session.

Your friend,



Assistant Commissioner.

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My dear Senator:

Further reference is made to your letter of January 28, 1920, transmitting for report a copy of Senate 3804, entitled "A Bill Authorizing the Secretary of the Interior to purchase a tract of land, with sufficient water right attached, for the use and occupancy of the Temeak Band of homeless Indians, located at Ruby Valley, Nevada".

During the month of November, 1919, a delegation, representing this band of Indians, visited the Indian Bureau and personally presented the need of providing land for homeless Indians of that band. The delegation reported that there are about 155 members of the band, residing in the vicinity of Ruby Valley and urgently requested that something be done to give them assistance.

The Treaty of October 1, 1863 (18 Stat. L., 489) defined the boundaries of a large tract of country in the States of Nevada, Idaho and Utah, as lands claimed and occupied by the Western Shoshone Indians. Subsequently, in accordance with Article 6. of the Treaty, a Reservation was set apart for the Western Shoshone Indians, embracing lands in Nevada and Utah, within the boundaries of the

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tract described in Article 3, by executive orders dated April 16, 1877, May 4, 1886, and July 1, 1910. This reservation is known as Duck Valley Reservation, and is occupied by approximately 800 Indians, who use the land in common. The Fencak Band never removed to the Duck Valley Reservation, however, but they continued their residence in Ruby Valley for the reason, as stated by the delegation, that they were a peaceful and law-abiding band, while those Indians originally occupying Duck Valley Reservation were inclined to be hostile. //

If Congress should see fit to make an appropriation for this purpose, an endeavor will be made to supply these Indians with land that will enable them to develop permanent homes and become self-supporting; and I believe they are sufficiently competent to use such assistance advantageously. The proposed legislation is, therefore, agreeable to this Department, and I heartily recommend favorable action on the bill.

Cordially yours,

(Signed) F. K. Lane

Secretary.

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Hon. Charles Curtis,

Chairman, Committee on Indian Affairs,

United States Senate.