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Land-  
Allotments.  
93559-12  
W A M

DEPARTMENT OF THE INTERIOR,  
UNITED STATES INDIAN SERVICE.

31-33 Gazette Building,

Reno, Nevada. Sept. 30, 1914.

Shoshoni Indians in  
Nevada.

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

Sir:

Please see my letter of December 26, 1912, in reference to the Shoshoni Indians scattered through the Eastern part of Nevada.

I have recently been in this part of the State and met a number of these Indians. They still contend, that the treaty made October 1, 1863, has never been complied with, insofar, as it relates to providing them with a reservation. They hold, that the Western Shoshoni Reservation was provided for other bands of Shoshoni Indians and has now been very largely appropriated by the Paiutes and that there is not sufficient land for them there, even if they should accept it as compliance with that treaty. They further contend, that the agreement to pay them \$8,000 a year for 20 years, as per Article Seven of the above treaty, was never fulfilled, saying that they never received but two issues of supplies. Personally, I am unable to say, as to the manner in which this settlement was made, but I do remember of having seen old correspondence on file at

Western Shoshoni, referring to issues for the Shoshoni Indians in the Ruby Valley and I know that sundry supplies were issued for several years after the Shoshoni reservation was set apart by Executive Order of April 16, 1877, and I presume that the supplies were bought as per this agreement, but possibly the issue was not carefully made and it may be that some of the supplies were improperly applied.

The Indians living in Ruby Valley, Nevada, about Township 30 N., Range 50 E., contend that a tract of land was given to them, at that place, many years ago by some military officer and they were assured that it would be a perpetual reservation for them, but it has since been taken up by settlers and most of the water that is available, has been appropriated. I have examined the Land Office records carefully, but fail to find any record of such reservation having been made. It is probable, that some military officer assigned them that place as a camping place, just as a convenience, when the soldiers were located in that valley and that no record was ever made of it as a reservation, I have talked with them several times, and at one time for about three days, but they are not yet convinced that they have not been deprived of their rightful ownership of this land. I went through this treaty, line by line, having it carefully interpreted and explained, showing them that the treaty pro-

vided for them giving up everything that they claim in that part of the state and promising to conduct themselves properly, for which they were to receive the compensation mentioned above and to have a reservation set apart for them at some future time. They have filed allotment applications on several pieces of land adjacent to where they have been living. This was the subject of Office letter, Land Contracts 125750-13, 54085-14, O H I, and these applications have been the subject of a special report and recommendation for approval. They have used a limited amount of water on about 40 acres of land for a number of years past and I will prepare "Proposals of appropriation" to be filed with the State Engineer, at an early date, in order that their water right may be recorded. I will also prepare an application for additional water right from the same creek, although it is probable that the ordinary flow of this creek has already been appropriated, or covered by recent filings, which will take precedence over their filing, but I can still file on surplus flow and believe, that most years, there will be enough so that the Indians can cultivate a good portion of their land.

It appears, from what I can learn from the Indians and from some of the old settlers, that the first ditch being bringing water out to the locality of the Indian settlement,

was made by the Indians, under the direction of some agent or farmer, thirty or forty years ago and this ditch was later extended by white people, who owned adjacent land, and it has since been maintained jointly. The Indians began the irrigation of this small tract of meadow land, which has been enlarged at various times, until they now have in the tract about forty acres in meadow. This they have used for thirty years. This land is mostly in the NE/4 of the NE/4 of Section 25, Township 30 N., Range 58 E. They have naturally felt, that they owned this land, although they have no filing on it, as they did not understand the necessity of making such filing, nor had they any one to advise them. On May 14, 1897, this land was applied for by Ira D. Winee, through the state Land Office and was selected as State land under the Two Million Acre Grant to the State of Nevada, List No. 205 and this land is still under contract with the State and the annual interest payments have been made. Had attention been given to this at the time, the land was applied for, I presume, it could have been saved to the Indians, by showing that they occupied and used the land, but since it has been approved, I am not sure that there is anything that we can do, unless the affidavit as to adverse payments or intended use was sufficiently specific to show fraud. I find that various forms of affidavits have been used by

the State Land Office, so that I don't know just the form used in this case, but it will be found in the General Land Office, as Non-Mineral affidavit No. 8, List No. 205 of the Two Million Acre Grant for Nevada.

The man, who has this land under contract, has never denied the Indians the use of it or interfered in any way with their occupancy, until the past year, when Stanley Wines, a son of the original applicant, has undertaken to improve additional land. His claim to the land has caused considerable hard feeling among the Indians and it seems to be impossible for us to convince them, that he is probably acting within his rights and that the best we can do for them now, is to secure title to such water right as they have and get permission from the State Engineer to divert it to their lands, which they have and which lie adjacent to the tract in dispute. If there is no chance of restoring this forty acres to them, I would recommend that we negotiate with Mr. Wines for the purchase of it, if there is any money available for that purpose. I understand, that Mr. Ira Wines has always been very friendly with these Indians and very kind to them and it is probable that he would relinquish his title or sell them his contract at a very reasonable price, but I doubt if there is any appropriation, that would be available

for this purpose. It is extremely unfortunate that these Indians did not understand their rights twenty years ago, when they could have filed on the best land in the locality and could have appropriated sufficient water for it, and I am anxious now to secure for them just as much good land with a water right as possible.

Their effort to use their new allotments is very gratifying, as they have considerable under cultivation, have fair gardens and grain, considering that the land is at an altitude of over 6,000 feet and the seasons are short. I trust, that I may be able to convince these Indians that the white people have rights to adjacent land and the water, that they must respect and to secure harmony between them and their white neighbors, but I realize at present that I have not succeeded very well in that direction so far, as they insist that the rights are all on their side and that I am favoring the white people, as against them, in admitting that the white people have any rights.

Very respectfully,

(Signed) C. H. Asbury,  
Special Indian Agent.

CHA/JP

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Land-Allotments DEPARTMENT OF THE INTERIOR  
107854-1914 OFFICE OF INDIAN AFFAIRS.  
70388-1913  
P B N

washington, Oct. 13, 1914.

Shoshone Indians in  
Nevada.

The Commissioner  
of the General Land Office.

My dear Mr. Tallant:

The Office is advised under date of September 30, 1914, by Special Agent Asbury, of the Indian Service, that the NE/4 of the NE/4 of Section 25, T. 30 N., R. 58 E., in Nevada, has been occupied by certain Shoshone Indians of that State for approximately thirty years, who have come to believe that they own the land. However no filing was ever made by the Indians upon it since they did not understand the necessity for same or have any one to advise them. On May 14, 1897, the land was applied for by one Ira D. Wine through the State Land Office and was selected as State land under the Two Million Acre Grant to the State of Nevada, list No. 205. Mr. Asbury states also that this land is still under contract with the State of Nevada and the annual interest payments thereon have been made.

The Office has no appropriation to buy this land for these Indians in Nevada, and unless the affidavit as to

adverse payments or intended use, on file in the General Land Office, shows fraud, the land cannot be procured for them without a Congressional appropriation.

The Office would therefore, appreciate having a copy of non-mineral affidavit No. 8, list No. 205, of this Two Million Acre grant in Nevada mailed it at the first convenient opportunity, for examination, and any other information with reference to the status of the land herein referred to, which might be of assistance.

very truly yours,

(Signed) C. F. Hauke.  
Second Assistant Commissioner.

10-CDW-9



(COPY)

DEPARTMENT OF THE INTERIOR,  
Land-Allotments OFFICE OF INDIAN AFFAIRS  
118999-1914  
P B M

Washington, Nov. 9, 1914.

Shoshone Indians in Nevada.

Mr. C. H. Asbury,  
Special Indian Agent,  
Reno, Nevada.

My dear Mr. Asbury:

This is with reference to your letter of September 30, 1914, stating that you have talked with a number of Shoshone Indians in Nevada, who contended that the Treaty of Ruby Valley, entered into October 1, 1863, has never been complied with, and among other matters, you stated that the Indians have under cultivation a tract of land described as the NE/4 of the NE/4 of Sec. 25, T. 30 N., R. 68 E., but have made no filing upon it. Your suggestion that negotiations be entered into with the present owner, under the two-million acre grant to the State of Nevada, List No. 305, with a view to purchasing such tract for the Indians, has been noted.

You are advised that the Office has no appropriation at present to buy the land in question for these Shoshone Indians, and as nonmineral affidavit No. 8, List No. 305, which covers this particular tract does not show fraud, the Office is unable, in the absence

of congressional appropriation, to purchase this land, and the Indians should be so advised.

With regard to their treaty rights under the Treaty of October 1, 1863 (18 Stat. L., 689), which they allege were unfulfilled in accordance with the terms of said treaty, they should be advised that the Office ledgers show that the 20 installments of \$5000 each were made and expended to the Western Shoshones in accordance with the terms of said treaty.

Very truly yours,

(Signed) C. F. Hauke,  
Second Assistant Commissioner.

11-AFC-6

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