

PG 75 Division of Resources/ Branch of Land  
Reports Related to Land Tenure & Acquisition 1917-47  
Box 30 Yerington - Potawatomi / Ruby Valley Contractual 1938  
PROJECT PLAN

REC'D  
OCT 18 1937  
62276

RUBY VALLEY PROJECT

CARSON INDIAN AGENCY

STEWART, NEVADA

A. Present Situation and Need for Adjustment.

A treaty of 1863 was made with the Western Shoshones roving in the Ruby Valley area of northeastern Nevada. This treaty presaged continual future peace between these Indians and the United States of America.

However, with the seizure of the land area by the Government and the whites, these Shoshones became, to all practical extents, landless. Some of them wandered to established reservations or to outlying areas on the public domain; others remained in the Ruby Valley country, considering it their own native habitat. There are now some 13 Indian families living at and near a colony on the eastern slopes of the Ruby Valley Mountains, in dwellings and huts which are poor and dilapidated, yet neat and clean.

The group has voted itself under the Indian Reorganization Act and the process of organization is now being completed.

An Executive Order of September 16, 1912 set aside 120 acres of land in the Ruby Valley, Nevada area for allotment purposes to Paiute and Shoshone scattered bands of Indians. This tract is more specifically described as the NE 1/4 and the SE 1/4 of Section 26, Township 30 North, Range 58 East, M. J. M., Elko County, Nevada.

Subsequent to the Executive Order, additional neighboring tracts, generally of 80 acres each, were allotted under the allotment act of 1887 for "Allotments on the Public Domain". This land totals approximately 1,100 acres. However, practically all of the land in Indian ownership, including the 120 acres set aside by Executive Order, is located on the eastern slopes of the Ruby Mountains, comprising an acreage which is generally rocky, untillable, and even insufficient grazing to form a single relevant ranching unit. Some 20 acres of the colony site are cultivable, but there is no irrigation water available to make it productive. Domestic water is supplied from nearby Overland Creek.

It had, at one time, appeared that an adjudication for some of the water from Overland Creek would appropriate waters to the advantage of the Indians. However, this situation has continually involved disputes and conflicts with neighboring white ranchers. Even so, there is not sufficient cultivable or grazing land controlled by these Indians whereby water appropriations would presage satisfactory results.

For all practical purposes, these Ruby Valley Indians are landless and have no economic resources at hand. Members of some 13 families are forced to depend upon seasonal labor with neighboring white ranchers or upon the relief offered them. As a result, these people are poor, discouraged, and entrenched in an attitude of the forsaken. Another result incident thereto is that they are often a burden upon Elko County, in which they reside, and sometimes upon the white ranchers of the area. However, it is very evident that they are anxious for opportunities to provide for themselves. The men are considered as excellent ranch hands by those who employ them at seasonal labor.

Old traditions still prevail among this group. Certain pride is observed in their references to historical facts, the assistance given white pioneers by their forefathers, the battles fought and won over renegade Indian bands, and the cooperation they believe their people have always extended the United States Government. Yet, a feeling of bitterness has prevailed, arising mostly from their helpless feeling in believing that they have been neglected and forsaken by the Government. Reference is usually made to their treaty, which they believe has never been fulfilled.

With possibilities of land purchases for Indian tribes arising out of the Indian Reorganization Act, these people relished a possibility for new hope. The Carson Indian Agency, aware of their economic plight, has requested investigations for an appropriate land purchase for these Indians within or near the Ruby Valley area. With the cooperation of the Indians themselves, investigation of several ranches in the area was made in the spring of 1937. Not only the Indians' favorite choice, but a choice more eclectic for reasons presented in this plan, is the Odgers Ranch on the immediate southern side of the Ruby Valley area.

#### B. Detailed Data Relating to the Purchase Area.

The main portion of this ranch was purchased in 1896 by Thomas V. Odgers, father of the present owner. The springs were developed, ditches dug, and irrigated land was gradually added to the homestead. Primarily a cattle ranch, the setup is one of the "ranchiest" this writer has observed west of the Rocky Mountains. The total holdings comprise 1,987.04 acres, mostly contiguous. A tract of 452.48 acres lies segregated but adjacent to the northern end of the main ranch and is referred to as the "Old Taylor Place". Six outlying forties, on which are grazing lands and/or springs are at nearby outlying points. (See maps, Exhibits No. 2 and 3.)

The economic value of the ranch is evident in the fact that during the lean years of 1931-33, the owner was able to avoid the losses which so many other stock men encountered. The owner, at his own initiative and free will, has offered this ranch at \$ 15,200, which is an excellent bargain as this project plan and the accompanying appraisal will disclose. His reasons for selling are certain factors of ill health and also interests in the state of Arizona to which he cannot give further divided attention. The holdings are not encumbered with loans or obligations. All taxes to date are paid.

## 1. Location

The Odgers Ranch is located in the southern part of Elko County, Nevada. Although referred to as being in the Ruby Valley, Nevada area, it is really adjacent to the southern side of this valley and lies immediately to the west of the Taylor range of mountains in a valley between Taylor Mountain and Bald Mountain. The valley extends northeast and southwest in direction and opens fanwise at the northeast into the broad flat of Ruby Valley proper. The southern opening leads into Cherry Creek Valley.

The ranch is 106 miles southeast of Elko, Nevada, a principal trading post and railroad center on the Southern Pacific and Western Pacific lines. Ely, Nevada lies 104 miles by highway to the southwest. Currie, Nevada, a trading post and post office serving the area, is 26 miles eastward and Wells, Nevada, 67 miles to the northeast, is reached by the best road of the valley.

A stranger first coming into the area will opine this location as being extremely isolated, with roads that are mere trails across broad areas of desert. The area's ranches are scattered widely. The Stratton Ranch is 12 miles to the south, the Pitalan Ranch is 11 miles to the north, while the more closely aggregated ranches of Ruby Valley and the present Indian camp are some 25 or more miles to the northwest. However, one of the strong points of the Indians' choice in the Odgers Ranch is its isolation from white ranchers and the freedom from relative encumbrances and disputes. Present range rights extend to 12 miles on all sides of the home ranch.

The Odgers Ranch is more particularly described as follows:

### Township 28 North, Range 62 East, Mt. Diablo Meridian

Sec. 7	NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ , Lot 4 (SW $\frac{1}{4}$ SE $\frac{1}{4}$ )	187.73 acres
" 8	S $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$	200.00 "
" 17	NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.00 "
" 18	NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$ )	237.76 "
" 19	NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Lots 1, 2, 3, 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$ )	271.58 "
" 36	NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$	80.00 "

### Township 28 North, Range 61 East, Mt. Diablo Meridian

Sec. 11	SE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00 acres
" 12	S $\frac{1}{2}$ SE $\frac{1}{4}$	160.00 "
" 13	NE $\frac{1}{4}$ NE $\frac{1}{4}$ (Contract Land)	80.00 "
" 13	NE $\frac{1}{4}$ NE $\frac{1}{4}$	80.00 "
" 19	SW $\frac{1}{4}$ SE $\frac{1}{4}$	40.00 "
" 25	NE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$	360.00 "
" 36	SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$	160.00 "

1. Location (Cont'd.)Township 27 North, Range 62 East, Mt. Diablo MeridianSec. 3  $NW\frac{1}{4}SE\frac{1}{4}$  40.09 acresTownship 27 North, Range 61 East, Mt. Diablo MeridianSec. 1  $NE\frac{1}{4}SE\frac{1}{4}$  (Lot 1) 59.97 acres

All in Elko County, Nevada.

(See maps of project area - Exhibits No. 1, 2, and 3.)

2. Physical Features

## (a) Elevation

The elevation of the Odgers Ranch is 7,240 feet. While this appears, at first hand, to be quite high for a proposed Indian rehabilitation program, disastrous or troublesome economic results are not calculated. The Indians involved have always lived at an elevation and have worked on productive ranches at an elevation about this high. The Odgers family has usually been successful with garden produce and their far flung hay crops have always shown successful yields.

## (b) Climatic Summary

Of course, the ranch's elevation and surrounding mountains have definite effects upon climatic variations. The valley is subject to storms, sudden temperature changes, and uneven distribution of rainfall. The frost free period is considered as the first party of June to the latter half of September. The spring season opens in March, but is subject to threats of sudden snows until the last of May.

Climatic records from the nearby Cherry Creek station of the U. S. Department of Agriculture, Weather Bureau, present the following data:

Elevation - Cherry Creek Station	6,450 feet.
Direct distance southeast from Odgers Ranch	About 30 miles.

Frost free period - June 5 to September 14, an average over a ten year period.

Number days clear, partly cloudy, or cloudy - ten year average:

Clear	189 days
Partly cloudy	98 days
Cloudy	78 days
	<u>365 days</u>

2. Physical Features (Cont'd.)

(b) Climate: Summary

Annual precipitation - 11 year average:

January	1.04 inches	July	.74 inches
February	.75 "	August	.68 "
March	.65 "	September	.67 "
April	.90 "	October	.91 "
May	1.04 "	November	.59 "
June	.83 "	December	.75 "

Average total - 10.95 inches.

Total average precipitation during growing season, May to September - 4.01 inches.

The first killing frost at the Myers Ranch is considered to be about September 20th to October 1st and the last killing frost about May 15th.

The average maximum temperature is about 65 degrees, with around 100 degrees the maximum. The minimum temperature has been about -27 degrees.

(c) Topography, soil, and vegetation

The ranch area is a mountainous grazing country. Drainage of the immediate vicinity is generally from all directions into the valley bottoms of the ranch. (See Exhibit No. 2 - Map of Concentrated Detailed Area.)

The soil is a variety of fine adobe clay land, sandy in places, lying as it does in an alluvial flood plain. The major part of the crop land is a sandy loam, yellow in color, and friable when dry. Top soil is shallow, varying from 8" to 10", with a yellow clay subsoil. Those areas which have been in alfalfa for many years have built up humus and have acquired a brown color.

Native cover evident on the ranch and range is of several varieties of brush, timber and grass. Native brushes include black sage, blue sage, button sage, sweet sage and white sage. Timber cover is of small pine, juniper, and balsam. The entire area is plentiful in pine nuts and fuel wood is abundant. Woody brush is interspersed in the timbered areas. Native grasses are of nutritious value, consisting of buffalo grasses, bunch grasses, wild rye and wild wheat grass, different meadow grasses and fescu varieties.

## 2. Physical Features (Cont'd.)

### (1) Irrigation, water rights, and practices

Of particular advantage to the Indians in the proposed acquisition of the Rodgers Ranch is that there is undisputed individual right to the water for irrigation purposes. There are two sources of water leading from Taylor Mountain and the main Taylor Spring, with many small streams and tributaries. Butte Creek drains itself into the ranch meadows. These streams are fed by melting snows and tributary springs.

Taylor Spring has a strong annual flow and is used for some 300 acres of alfalfa and meadow land. A small dam has been constructed to impound a storage supply.

The flood and gravity system of irrigation is used. The ditches are constructed on the high lands with feeders and fans leading from them. Dam sites could be instituted and/or improved, thereby increasing the storage reservoir supply.

The rights for the irrigation and stock waters used by the Rodgers Ranch have never been disputed, and there are no court decrees nor records of conflicting claims. No O. & M. charges are existent.

A spring rises near the building sites and is used for supplying domestic water, by pipe line to the main house, as well as stock water at the corrals, with an overflow for irrigation. At Mud Springs and the Upper and Lower Trough Springs are heavy black sheet steel 3,200 gallon tanks and troughs. The 1936 commensurate survey of the Division of Grazing, Department of the Interior, shows water facilities as listed below. However, only those so noted are recorded in the State Engineer's office and, while assurance has been given that these waters are protected through priority use, it is recommended that state filings be obtained on waters held as vested rights and through land ownership and the vendor has been accordingly advised.

<u>Description</u>	<u>Location</u>	<u>Control Status</u>
Mud Spring	NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18, T. 28 N., R. 61 E.	(1)Vested Right
Upper Trough Spring	SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 26, T. 28 N., R. 62 E.	(2)Land Ownership
Lower Trough Spring	NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 36, T. 28 N., R. 62 E.	(3)Land Ownership
Spring	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 1, T. 27 N., R. 61 E.	Vested Right
Butte Creek	Secs. 9-23 T. 27 N., R. 62 E.	Vested Right
Butte Creek	Secs. 3-19 T. 28 N., R. 62 E.	Vested Right
Taylor Canyon	Secs. 4-6 T. 27 N., R. 62 E.	Vested Right
Taylor Can. Spr. Spring	NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 3, T. 27 N., R. 62 E.	Vested Right
Spring	W $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 25, T. 27 N., R. 62 E.	Vested Right
Spring	NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 36, T. 27 N., R. 62 E.	Vested Right
Spring	NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 36, T. 28 N., R. 61 E.	Land Ownership
Spring	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 2, T. 28 N., R. 61 E.	(*)State Filing
Tributaries Butte Creek	Secs. 11 - 16 T. 28 N., R. 61 E.	Land Ownership

2. Physical Features (Cont'd)

Foot notes for table listed on preceding pages:

- (1) State Certificate No. 1106, Permit No. 7054, Date of filing 2/25/24.
- (2) State Certificate No. 1108, Permit No. 7053, Date of filing 2/25/24.
- (3) State Certificate No. 1104, Permit No. 7052, Date of filing 2/25/24.

(\*) Listed in error on Commensurate Survey of Division of Grazing.

See also Exhibit No. 8 - Water facilities from commensurate property survey, Division of Grazing.

(c) Range Area - Use and Rights

In addition to the ranch, the surrounding public domain is controlled under the Taylor Grazing Act. Commensurability rights have been held since 1936. Following is the current approved application of the Division of Grazing, together with supplementary data:

A. K. and Ruth Odgers - Cherry Creek, Nevada, Grazing District No. 1.  
June 21, 1936 - Report to State Regional Grazier, Reno, Nevada.

I Forage Crop Land Use - 5 year average.

<u>Crop</u>	<u>Acres</u>	<u>Yield</u>	<u>Fed to Range Stock</u>	<u>Capacity - Animal Mos.</u>	
				<u>Actual</u>	<u>Range Exam. Est.</u>
Alfalfa	82	136 tons	175 tons	312	312
Wild Hay	400	400 tons	590 tons	1,763	1,763
Total	482	536 tons	565 tons	2,075	2,075

II Range and Pasture Land Use - 5 year average.

<u>Crop</u>	<u>Acres</u>		<u>Kind of Livestock</u>	<u>Capacity - Animal Mos.</u>	
	<u>Protected</u>	<u>Grazing Period</u>		<u>Actual</u>	<u>Range Exam. Est.</u>
Hay land after cut	482	10/15 - 11/30	2400, 15H	382	482
Irrigated pasture	300	10/15 - 11/30	2500, 10H	390	600
Native grazing	1,053	5/1 - 10/15	10H	55	254
Native grazing unprotected rg.	280	5/1 - 10/15	120	55	35
Unused	42				
Total	2,157		5020, 35H	900	1,301

(Note: These figures represent approximate classified use at time of commensurate survey and are not a true classification of the ranch lands for valuation purposes.)

2. Physical Features (Cont'd.)

Edgers, A. K. and Ruth Cherry Creek, Nevada  
 Grazing District No. 1 Nevada  
 Application March 6, 1937

Approved for:  
 650 cattle Class I May 1 - October 31, 1937  
 55 horses Class I April 1 - June 30, 1937

All 100% on public domain range to graze in section on public domain as customary on Townships 26, 27 and 28 North, Range 63 East, N. D. T.

L. B. Brooks  
 Acting Regional Grazier

March 5, 1936

Approved for 700 head of cattle and 150 horses  
 Class I from April 15th to October 15th, 6 months.

J. H. Leach  
 Regional Grazier

Edgers, A. K. and Ruth Cherry Creek, Nevada

Operation Base and Public Domain

Livestock	Owned	Permit 1936	Comensurability				
			1935	1934	1933	1932	1931
Cattle	490	490	510	520	520	520	500
Horses	25	25	25	25	25	30	20
Mos. Used	5½	6½	5½	5½	5½	5½	5½

Area of customary range - public domain:

Townships 27 and 28 North, Ranges 61 and 62 East, N. D. T.,  
 North slope of Bald Mountain, East slope of Bald Mountain, West slope  
 of Cherry Creek Mountain, and Putte Valley.

Other joint users of public domain:

James Tucker 100 cattle  
 Rebecca Stratton 50 cattle  
 Snow Land & Livestock Company 2,000 sheep

The application as approved allows 650 head of cattle on public range land for the season, May 1 to October 31. This full period is seldom used, as the cattle are usually returned to irrigated pastures in October. The application for horses extends to June 30, at which time they are needed for use in the hay harvest.



2. Physical Features (Cont'd.)

The public domain range is shared in common with neighboring ranchers, although the ranches are at such distances from each other that the herds of each tend to use separate areas.

The irrigated crop and hay land will produce sufficient hay, and some pastures proper enough forage to round out with the range utilities a unit with a safely estimated carrying capacity of 800 animal units, not including some 50 head of sheep and about 50 head of horses now on the ranch.

See also Exhibit No. 7 - Dependent Property Record, from Commensurate Survey, 1936, of the Division of Grazing, Department of the Interior.

(z) Available Natural Resources

The surrounding country affords an abundance of fuel wood, lodge poles for fence building and logs for home building. The adobe clay at hand is good texture for the construction of brick or adobe clay building blocks.

Indians have, for years, been gathering pine nuts in this area. Deer are plentiful, herds numbering 100 or more having been reported as coming into feeding areas with the saddle. Butte Creek was once prolific with fish until a flood water storm in 1932 broke the dam and the fish perished in irrigation ditches. Re-stocking is a good possibility if proper care is exercised.

A good flowing spring on the ranch furnishes ample domestic water.

3. Present Ownership and Use of Lands

Privately owned land - including 80 acres of contract land.

	Acres	Per Cent
Crop land acreage, irrigated:		
1. Former grain lands & garden	20.00	1.3 %
2. Alfalfa hay lands	124.00	8.2 %
3. Wild hay (timothy, redtop, clover)	430.00	21.5 %
Meadow pasture irrigated (exclusive of aftermath)	530.00	26.6 %
Native pasture, non-irrigated and semi-irrigated	872.04	45.6 %
Buildings, improvements, and yard	11.00	.8 %
<b>Total</b>	<u>1,987.04</u>	<u>100.0 %</u>

Publicly owned lands - range lands used as listed on page 8 of this report.

### 3. Present Ownership and Use of Lands (Cont'd.)

The alfalfa land is that portion of the ranch having a sandy clay loam soil and good drainage. The practice commonly used is to take two cuttings of alfalfa hay, allowing the small third crop to stand as winter protection for the root crowns. The average yield of the two crops totals 2 1/2 to 3 tons per acre. During open winters, it is safe to use the aftermath crop as pasture, thereby getting some pasture value in addition to the hay crops.

Irrigated wild hay lands are those areas used for wild hay production, the crop being cut in late July or early August. The aftermath growth is then used as fall and winter pasture. This second crop usually grows to a height of 8 to 10 inches. The average yield is about one ton per acre. Grasses most dominant are red top, blue stem, blue grass, and rye grass. Some timothy and clover have been planted in the areas where the drainage is good.

Irrigated meadow lands are those areas used entirely as pasture. These include considerable acreage of the Taylor Place not in alfalfa and grasses there grow to heights which would be sufficient for wild hay cuttings.

Native pasture is that part of the main ranch, the Taylor Place, and the outlying forties, which are not accustomed to irrigation. Parts of these ranch lands in Butte Valley are reached by water at times and can be classed as semi-irrigated. The annual grasses provide good spring and early summer pasture from moisture of winter snows and spring rains and the early flood irrigation.

### 4. Number and Distribution of Indian Population

It is proposed to rehabilitate some 13 families or about 78 individuals with this ranch purchase. The Indians are scattered along the eastern slopes of the Ruby Mountains, concentrated generally at the Indian colony mentioned above. Certain Indians from the colonies at Wells, Nevada and Elko, Nevada have expressed hopes that they might be included in the program resulting from this proposed purchase.

### 5. Type of Farming (Ranching)

Beef cattle and sheep production are the main ranching activities of the area. Most local ranchers run cattle instead of sheep, the latter industry being more an activity practiced on the range by distant Basque and other sheep interests.

The Odgers place has always been handled as a cattle ranch, but the present owner has a small flock of sheep kept mainly for meat production for home use. The ranch is essentially a production base. The most profitable system determined, a system also approved by the State Agricultural Experiment Station Husbandrymen as best for this area, is that of selling the calves as weaners rather than as yearlings.