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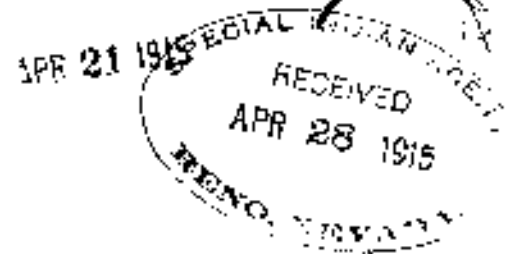
ADDRESS ONLY THE
COMMISSIONER OF INDIAN AFFAIRS

REFER IN REPLY TO THE FOLLOWING:

Land-
Allotments
41847-15
H M V

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON

Allotment selection
of public domain.



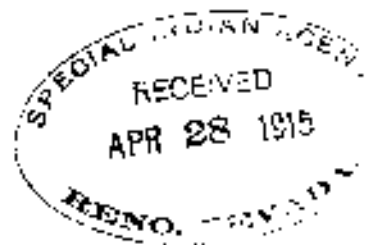
Mr. C. H. Asbury,
Special Indian Agent.

My dear Mr. Asbury:

The Office is in receipt of your letter of April 6, 1915, wherein you recommend the approval of the application of Alec Mike, for an allotment on the public domain, under the 4th Section of the Act of February 8, 1887 (24 Stat. L., 388).

Until new blanks and regulations to govern the filing of applications for allotments on public domain, are approved by the Department, this Office is not authorized to issue certificates showing that Indians who now desire to file such applications, are entitled to allotments on the public domain. The matter of filing applications for public domain allotments should, therefore, be suspended until such time as the necessary blanks are ready for use.

However, no reason is seen why Alec Mike may not immediately go upon the land desired by him and establish his residence thereon and thus protect his right to the land.



When a supply of the new blanks are received in this Office, a certificate will be issued showing that the applicant in question is entitled to an allotment.

Very truly yours,

A handwritten signature in cursive script, appearing to read "C. H. Harkins".

Second Assistant Commissioner.

4-254-17

RENO, NEVADA,

May 6, 1915.

Mr. J. F. Glar,

Manhattan, Nevada.

Dear Sir:

Referring to your letter of March 25, 1915, with which you enclose the application of Alec Mike for land, I wrote to our Office at Washington for a certificate as to his eligibility to take up an allotment, which is now required by the land office. I am just now in receipt of a letter from the Office, in which they say that a new form and new regulations are to be issued in a short time and until such are issued, they are not authorized to make the required certificate, but that such will be made in his case, immediately upon receipt of such forms. However, they say that they see no reason why he should not go upon the land immediately and establish his residence and thus protect his right to the land and make such cultivation as he can make this year. I will keep this matter upon my desk and file the application at the earliest possible date.

Very respectfully,

Special Indian Agent.

DEPARTMENT OF THE INTERIOR

UNITED STATES INDIAN SERVICE

Heno, Nevada, May 13, 1916.

Dear Mr. Asbury:

Mr. Clar came to the office last night and also this morning. In regard to the Spud and Fisherman water rights, he says he filed for them and advanced part of the fees for them, giving them the time necessary to make repayments. He filed for the full amount of 1.6 cu. ft. per second allowed for 160 acres.

The Alec Mike proposition was also gone over. Alec Mike and Spud and Fisherman are related, he informs me, and are working for the Pine Creek Ranch. I explained to him how Alec Mike's application could not be filed, although an attempt had been made to file it, on account of the new regulations and new forms had not yet been received. Alec has fenced about 50 acres in the three forties to the east and has a garden and considerable of the land plowed and has his tent on the land. He secures his water from Fisherman's ditch. However, he lives more at Fisherman's than on his own land and at Mr. Clar's suggestion wrote him to build his house as soon as possible. As to the water troubles, Mr. Clar says that there is no trouble between these parties. At his suggestion, I wrote to Rogers, stating the case, so that notation could be made on the records, as threats have been made of filing over Alec's claims. He also offered to make an affidavit as to Alec's improvements and file that in the land office.

As to the Tim Hooper case, he gave me some idea of the case, but met Mr. Atkinson at the hotel and advised him to see me while in town and give me particulars, which the latter intends to do on Monday, as he left for San Francisco. Mr. Atkinson is the attorney for the Pine Creek people, which I suspected last fall. It seems that Tim had another allotment or attempted to get one, and suddenly changed his mind and took up his present allotment. Stimmler and Marsh owned some land in this same neighborhood but it was mortgaged and the Tonopah Banking Co. foreclosed the mortgage. There upon they sought revenge. Why it was directed against the Pine Creek people, he did not know. The Pine Creek people, or rather some predecessor had taken out a desert filing on this land. One year they inadvertently did not file the annual statement of improvements, which cancelled the filing. Not being aware of this state of affairs, these people continued to improve and cultivate the land. It appears that Stimmler got wise to this state of affairs and induced Hooper to become their tool and he placed his filing on this tract right in the center of the Pine Creek holdings on land partly cultivated and which they were actively engaged in preparing for the season's crops. Hooper gets his water from Anderson Creek, but has threatened to also take water from the Fisherman creek. He has become acquainted with the fact that Alec has not filed on his land and has threatened to place his

wife or children on the tract. This knowledge of Alec's not having filed, evidently came from Stimmler also. Alec is much excited over the situation.

Clay is a friend of Stimmler's and stated the situation as it was and does not want to be quoted in the matter. He also mentioned, though advisedly, that the Pine Creek people are scripping the land between Timm and Anderson Creek and will deprive him of water from that source. Very few people know this and he just got the information. Hooper, he says, is rather overbearing, and the other Indians are afraid of his threats, which statement is also borne out by our files. I will probably hear more of this matter from Atkinson, Monday. I expect we must take some of these statements with possibly some leeway and yet if this is the situation in a general way and the Pine Creek ^{people} really have some equity in this land, even though they may not have clear title, it will not help our office, nor the Indians in that neighborhood, if we proclaim his cause under the circumstances.

I am preparing a form of notice for Alec to post on his land. Clay believes he ought to file on the water right without delay, but says he cannot help him in a pecuniary way as he did the others and was wondering whether we could handle the expense on a reimbursable basis. He is anxious to have it done on a reimbursable basis, as otherwise, Spud and Fisherman would feel aggrieved and might object to repay the outlay made by Clay in their

behalf. I am not sending you any files herewith, but in case you would care to go over the files, you can write me what you want. I don't see anything further we can do just now, but think that this whole matter had better be investigated at as early a date as possible, giving all an opportunity to be heard and the matter of advancing Alec's filing fees could receive proper attention then.

Very respectfully,

John Pohlman
Clerk.

I do not think there is much we can do until new forms are available, and until we can get over them & who knows when that will be, I doubt.

I am willing should go any time you could find time. I think we could easily get through the fees for filing on water.

L.P.H.

Special Indian Agent,

Reno, Nevada, May 13, 1916.

Mr. Shober N. Rogers,
U. S. Land Office,
Carson City, Nevada.

Dear Sir:

In March, 1916, Alec Mike, an Indian, took possession of the following tract of land:- NW/4 NE/4 of Section 14 and the S/2 NE/4 and the SE/4 NE/4 of Section 15, T 11N, R 46E, W.D.M.- and commenced improving the same. He immediately made application for this land under the General Allotment Act, which application was forwarded to you by this office on April 6, 1916. We then applied to our office for a certificate as to the eligibility of this applicant to take land as an Indian, to which the office responded as follows:

Until new blanks and regulations to govern the filing of applications for allotments on public domain, are approved by the Department, this office is not authorized to issue certificates showing that Indians who now desire to file such applications, are entitled to allotments on the public domain. The matter of filing applications for public domain allotments should, therefore, be suspended until such time as the necessary blanks are ready for use."

The Office further advises that the Indian take possession of the land and continue his improvements and that attention would be given his case as soon as the new regulations were promulgated and new forms issued. Since that time, the Office has repeatedly instructed us to advise ^{the} Indians desiring land to take possession of the same and make improvements

to protect their rights until filing could be made. Lately, the Office was of the opinion that the posting of notices on the corners and sides of the tract would further protect the Indian's right and instructed us to advise those interested to that effect.

Since his attempt to file on this land, Alec Mike has continued his improvements and now has probably in the neighborhood of fifty acres under fence in the three forties to the east. He is plowing and cultivating and irrigating a good part of this tract and secures his water supply from the same creek supplying Fisherman (another Indian allottee whose tract lies adjacent to the above described tract), which is the overflow of the Pine Creek Company's holdings. He has a good garden and in every way has been showing his good faith in taking up this land. He has a tent on the land and is making his home there, though compelled to absent himself from the land at times, in order to provide subsistence for himself and family such as the land will not yet provide.

It has come to our attention lately that an attempt will be made by another party to file on this same tract or a part of it and to dispossess Alec Mike. As the Indian has acted in entire good faith and the fact that he has not been able to file on the land being no fault ^{of his}, the ousting of him from this land would certainly be an injustice, so I deemed it advisable to state the facts to you, so that a notation

could be made on your records and possibly thereby prevent his dispossession. I am supplying him with notices to post on his corners and any attempt at filing will certainly not be without a knowledge of Alec's rights on the part of the person making the attempt.

If it is deemed advisable to file an affidavit giving the facts as stated above, Mr. D. F. Clark of Henderson, Nevada, has informed me of his willingness to make such affidavit.

Trusting that you may be able to assist us in protecting this Indian's rights until such time as proper filing can be made, I am,

Very respectfully,

For C H Asbury
Special Indian Agent
Heno Nevada.

Clerk.

Reno, Nevada,
January 2, 1915.

Mr. J. G. Scrugham,
State Engineer,
Carson City, Nevada.

Dear Mr. Scrugham:

Have you received an application and fees from Aleo Mike, a Shoshone Indian, for use of water from Pine Creek on land situated in Sec. 14 and 15, T. 11 N., R. 46 E., M. D. M., through Mr. L. F. Clay of Manhattan, Nevada?

The Indian made application for his land under the act providing for allotting Indians on the public domain, which act is for the present suspended.

The Indian has a house on this land and quite a number of acres under cultivation, which has been accomplished through the use of waste water from Pine Creek. He is now living on the land and has lived there for several years.

This office expects to file an amended application for this land as soon as he can be seen and his signature obtained.

In the meantime, although his application for the land is in suspense in the Land Office, is there any thing in the water laws of this State or your office practice to prevent his application from receiving consideration and taking the same course, as if his application for land had been allowed.

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Will be pleased to hear from you in full as soon as convenient, in order that we may take such action as is necessary to protect the interests of the applicant.

Very truly yours,

Special Supervisor.

RRH-C.