EXHIBIT 4 -
Letter from W. H. Code, Chief Engineer, U.S. Indian Inspection Service, to the Secretary of the Interior ("SOI") (July 7, 1906), US0034274

Copy via Weisbrodt files of
plaintiff's documents for
ICC Docket 87-A

USNA-WASH. D.C.
J #58712

622

AUTHORITY
Newark Nev.
100478 RECEIVED
OFFICE OF INDIAN AFFAIRS JUL 25 1906

Code, Chief Engr.

Report situation with reference to water supply for Walker River Ind. Resn. -

Encl.

58712

Department of the Interior,

Respectfully referred to the Commissioner of Indian Affairs, for consideration and special report on the recommendation of the Chief Engineer

Thos Ryan
Acting Secretary

Received back with report

See 7043/06

and file with.

58712

7043

Ref:- 8231-1906
8955-1906
21145-1906

INDIAN DIVISION
1906

INTERIOR DEPARTMENT

July 11, 1906.

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Refers, for special report, Chief Engineer W.H. Code's report, on situation with reference to water supply for Walker River Indian Reservation.

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Wrapper Inc.

AUTHORITY
100478 RECEIVED
OFFICE OF INDIAN AFFAIRS JUL 25 1906

CODE, W.H.
TO SEC. INT.
7 JULY 1906

DOC. 73

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US0034275

Case 3:73-cv-00127-MMD-CSD Document 13 Filed 10/15/20 Page 4 of 17

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN INSPECTION SERVICE,

Stewart, Nevada, July 7, 1906.

The Secretary of the Interior,

Washington, D.C.

Sir:-

In compliance with your order of March 31, 1906, I have investigated conditions on the Walker River Reservation, Nevada, and have the honor to submit the following report.

Two plans have been submitted to the Indian Office by Superintendent J.R.Meskimmons, for furnishing the lands of this reservation with a water supply. His first recommendation contemplated the construction of a central steam pumping plant and the installation of a series of pumping stations at various points on the reservation. Or as an alternative pumping proposition he suggested it would be possible to elevate the water of Walker Lake to a height of 52 feet and cover the irrigable area south of Schurz containing the greater portion of the newly allotted lands.

An analysis of the lake water, however, which Superintendent Meskimmons had made by the chemist of the State University disclosed the fact that it contained some 266 parts of total soluble solids in 100,000 parts and the verdict of the chemist was that the water was not suitable for irrigation purposes. This fact is sufficiently disappointing to discourage the idea of using the water of Walker Lake even were other features of the plan more favorable than those existing.

The plan of erecting a central steam-electric plant at

some point on the Railroad to supply power to electrically driven pumping stations for furnishing a supplemental supply of water, would not in my opinion, be practicable owing to the large cost of fuel, and the further fact that the Indian lands to be irrigated are mediocre in quality, located in a region where land values-based upon crop returns-are not sufficiently high to warrant such an expensive irrigation supply. The figures submitted as to initial cost and subsequent expense of operation for a similar central steam plant in my last report on the Pima project, were so large that the plan could not be enthusiastically endorsed even for a territory where lands with water are several times more valuable than they would ever become onthe Walker River Reservation. If cheap water power could be obtained the plan of furnishing supplemental waters by pumping would be worthy of consideration. Unfortunately such power sites as could be constructed at reasonable expense are located many miles above the reservation on the East and West Walker Rivers, and the expense of transmission lines would be large.

Furthermore, it would hardly be practicable to construct such a plant in view of the fact that the electric power would only be needed for a few months of every year for irrigation purposes during the period of low water.

It is altogether probable, however, that ere long power of this nature will be brought down through the Smith and Mason Valleys by private capital and if so might be extended on to the reservation, provided any mines of importance are found after the reservation is thrown open. Should this be done it would likely be

Case 3:73-cv-00127-MMD-CSD Document 13 Filed 10/15/20 Page 6 of 17

much cheaper to rent a certain amount of power for the few months it would be needed during the period of low water in the river. This suggestion is somewhat speculative however, but for the present pumping water on the reservation could not be recommended.

Reservoir Construction.

Upon arriving in Carson City I took steps at once to ascertain the status of the Alkali Lake reservoir site, the acquirement of which was advocated in Superintendent Meskimmons' last report of March 2nd as a possible solution of the water problem. By examining the records in the state and United State land offices, it was found that Mr. T. B. Rickey owned or controlled by far the greater portion of the lands embracing the site in Nevada, including the lands on which would be located the outlet canals and tunnel. A portion of the site is in California and he has large holdings embracing the site in that state including lands through which the supply canals leading from the west Walker River to the reservoir must of necessity traverse.

These facts are known to the Department, since I subsequently learned that Mr. Rickey had filed maps with his application for a permit to construct this reservoir which showed the relative areas of private and public lands.

I then visited the United States Attorney, Samuel Platt, and learned that he had lately received instructions from the U.S. Attorney General to confer with Supervising Engineer Taylor of the reclamation survey and to take such steps as were necessary to protect the rights of the Government, all vacant lands contained within the said site having been withdrawn from entry under the provisions of the reclamation act.

Wishing to learn at once the intentions of the reclamation service with reference to the site in question, I conferred with Mr. Taylor who informed me that it was not the intention of the survey to surrender this site. He gave it as his opinion that the Walker River project would be carried through notwithstanding that the present attitude of some of the large landholders in the Smith and Mason Valleys is antagonistic to the idea of surrendering all of their holdings in excess of the areas specified in the reclamation act. He further stated that if the settlers on the Walker refused to conform to the requirements of the Department, the storage waters could be conveyed by canals into the Carson River and be applied on other lands in connection with the Truckee-Carson project in process of construction.

I obtained from him the enclosed blue print which outlines in red ink the boundaries within which all public lands have been withdrawn from entry under the first form of withdrawal.

It will be noted that these boundary lines embrace the Walker river from the Indian reservation to the head waters of its chief tributaries, the East and West Walker, and the possible reservoir sites are noted thereon. Mr. Taylor stated that there was sufficient storage capacity in the reservoir sites shown or existing, to provide all irrigable lands contiguous to Walker River with water, including the allotted lands of the reservation.

As matters now stand, therefore, I do not see how the Indians can at any time in the near future obtain the benefits of storage by proceeding along independent lines. If however the Government constructs these reservoirs, in the future under the re-

clamation act, arrangements should be effected whereby the Indians may obtain additional water for their allotments.

The enclosed letter, (Exhibit 1,), received from the United States District Attorney gives the status of affairs to date in connection with the Alkali Lake reservoir proposition and he also refers to the pending suit with reference to the adjudication of water rights on the Walker river in which the Government will intervene in behalf of the Indians.

In connection with the contemplated law suit referred to I find that matters are somewhat in statu quo at present.

The plan which it is hoped may be carried out in determining the rights of the various parties to the suit, contemplates that the State Engineer shall be appointed a master in Chancery to take the testimony and compile the evidence offered by the respective appropriators of water from the river. Upon the evidence thus submitted he will subsequently determine upon the relative priories basing his decision upon certain well defined principles of irrigation law, which principles are to be subscribed to and agreed upon in advance by all parti es to the suit. His findings to be the basis for a subsequent court decree.

The State Engineer has been unable to date to bring about a unanimity of favorable opinion among the many parties to the suit with reference to the fundamental principles referred to. He is hopeful of success but the outlook is not encouraging for a speedy adjudication along these lines.

It is an unfortunate fact that the Indians of the Walker River reservation will not be able to obtain any considerable amount of water during seasons of scant supply subsequent to

July 1st.

The white settlers above them have been occupying and farming lands in the Smith and Mason Valleys for over 40 years, taking out ditches in the early 60's and having earlier priorites of appropriation than the Indians, whose first attempt at ditch construction was begun in about 1868 by the building of what, as stated by Superintendent Meskimmons in his report of January (24") was but a small ditch and irrigated only a few acres of land which was irrigated not so much for sultivation as it was for raising wild hay. While they enjoy an early priority of diversion the area of land irrigated was small.

If they can establish title to sufficient water during such periods to irrigate one third of their present farmed areas of some 1400 acres it will be as much as we can reasonably count upon. Attorney Platt with the data that has been furnished him by Special Agent Conser and Superintendent Meskimmons will undoubtedly secure to the Indians their rights in the premises; but as matters stand it is altogether probable that the larger portion of Indian holdings now in cultivation will be forced to depend chiefly on surplus spring and early summer's water for an irrigation supply.

After my conferences with United States Attorney Platt and Supervising Engineer Taylor relative to the Alkali Lake Reservoir site, I proceeded to the Walker River Reservation, and in company with Supt. Meskimmons made a journey up the Walker and West Walker rivers examining the dam site at lower end of Smith Valley, (See view 1, Page A), enroute. This is a fine natural

site if bed rock, is within reasonable distance, but the storage capacity would not be large owing to the narrowness of the valley and heavy fall of river above the site . A masonry dam at this point carried to a height of 150 feet above the bed of stream would easily cost a million dollars, hence it is not a project for the Indian Bureau to consider. We then visited the Alkali Lake(Rickey) site, so soon to be a bone of contention. It is a fine natural site, an almost mountain locked basin located a few miles from the West Walker River and into which the flood waters of the latter could be easily led by cheaply constructed canals. The water thus stored could be released from the reservoir by means of a tunnel and deep cuts through a low point in the rim of the basin.

The outlet works and the heavy dike, which would be about three fourths of a mile in length, at the upper end of site, would constitute the most expensive features of the work. Views 2-3-4-Pages A. and B attached, illustrate the nature of the site and it will be noted that the bottom of the site which contains about 280 acres of vacant Government land is submerged, Mr. Rickey having been turning flood water into the basin for some time. At the time of our visit he had a small force of men engaged in the sinking of a large circular shaft for the construction of the gate tower on the line of the proposed outlet tunnel.

I subsequently met Mr. Rickey in Carson City upon his request and he gave me his views with reference to the proposed law suit concerning the division of the waters of Walker River. He also touched upon the reservoir proposition, and as I was about to leave asked if I thought the Indian bureau would consider a

Case 3:73-cv-00127-MMD-CSD Document 13 Filed 10/15/20 Page 11 of 17

proposition from him to furnish a supply of storage water to the Indian allotments on the reservation, upon the completion of his reservoir. In view of my knowledge of the impending action against him by the Government I could manifestly not give him any information with respect to the probable attitude of the Indian Bureau.

Recommendations.

In view of the existing conditions and after a careful inspection of the lands of the reservation coupled with data obtained through preliminary surveys made by Superintendent Meskimmons under my direction, I have the honor to submit the following recommendations. i.e.

1st That the present reservation canal on the east side of Walker River known as ditch No.2 be enlarged and extended to cover about 5,000 acres of allotments as indicated on accompanying map "A".

2nd. That Supt. Meskimmons be directed to forward me the results of his final surveys now being conducted in accordance with my recommendations.

3rd. That Superintendent Asbury be instructed to at once make application with the State Engineer for permission to appropriate 150 cubic feet of water per second of the surplus waters of Walker River for the benefit of the Indians for the contemplated enlarged canal, Supt. Meskimmons to furnish him with the necessary details with reference to the proposed enlargement, which will be demanded by the State Engineer.

Case 3:73-cv-00127-MMD-CSD Document 13 Filed 10/15/20 Page 12 of 17

4th - That the sum of $15,000 be apportioned the Walker River reservation for irrigation work during the fiscal year 1907. A portion of this fund will need to be expended in the purchase of two plow teams, some slip and Fresno scrapers, plows, shovels, mattocks, double trees, etc., a full estimate of which will be submitted by Supt's. Asbury and Meskimmons, should this recommendation be approved. If Supt. Asbury be authorized to purchase this equipment it will relieve the Supt. of Irrigation from carrying same on his property account.

5th- That the work be prosecuted under the personal supervision of Supt. Meskimmons under the general direction of Engineer Hill or myself. The force of Indians which can be obtained will not be large and the Superintendent should be able to handle the work with a good foreman, one rod man and a chain man. Later on he will need a few carpenters.

The reasons leading up to the recommendations above made are as follows:

An inspection of the Government records of the gaging station in Walker River near Wabuska located immediately above the reservation and below all canals now diverting water from the Walker River or its tributaries, demonstrates the fact that except in unusually dry seasons there is ample water available until early in July to warrant this canal for the purpose of using the surplus or flood waters for grain crops.

I have interrogated many farmers and men familiar

Case 3:73-cv-00127-MMD-CSD Document 13 Filed 10/15/20 Page 13 of 17

with the country and the consensus of opinion is, that if grain is planted early in March and irrigated copiously until July 1st, a crop can be counted upon. I have personally examined many grain fields now growing which would yield excellent crops without further irrigation this season.

The records of flow at the station named for July 1st during the past five years are as follows:

July 1st, 1902. Gage height not given but 47 sec. feet being in river on July 22- demonstrates that a good flow existed until July 10th at least.

July 1st, 1903. 664 sec. feet and 251 sec. feet on July 9th.

July 1st, 1904. 1082 sec. feet and an abundance until August 31st.

July 1st, 1905. 114 sec. feet on July 6th- 57 sec. feet, a very dry year.

July 1st, 1906- Highest water in many years and an abundance assured for all season.

Since one year of heavy snow fall such as occurred during the past winter generally insures two succeeding seasons of ample summer water, it is altogether probable that the summer of 1907 will also show a substantial flow at Wabuska during July.

It is my belief therefore that sufficient surplus waters can be annually obtained for the growing of grain crops, and that this canal is warranted as in the instance of the new Yakima canal, upon the grounds that a " half loaf is better than no bread."

There are some 5,000 acres of land newly allotted which will be covered by the proposed canal, but probably not to exceed 4,000 acres will be worth irrigating for the present at least.

Some of the lands allotted to old people and situated near Walker Lake are very poor, comprising salt grass flats and sand dunes of a character which no white man would care to lease. Superintendent Casson purposely gave these lands to old people, who would be unable to farm them even if of high grade.

From the results of such preliminary surveys as have been made to date under my direction I estimate the cost ofcovering 5,000 acres at approximately $50,000.00 including the necessary laterals. If this expenditure is spread over a period of three years it will be probably as fast as the work can be prosecuted with the limited number of able bodied men available. With the building of this canal and necessary laterals and the construction of a high line lateral from ditch No.3 covering some few hundred acres of land west of Schurz the Indians will have all the land covered it will be possible for them to farm.

It is a discouraging feature in connection with this recommendation, that the best of the lands to be covered by this canal are mediocre, hence no great expense for reclamation would be warranted, such as would obtain by the building of central steam plant, independent storage reservoirs or Hydro Electric power plants.

The Indians have been given the best and practically all of the irrigable lands however, hence there seems to be no other course to pursue save to build the ditches recommended and let them make the best possible use of their holdings.

The construction of this canal would be an essential preliminary to any plan for their relief which can be suggested.

It would be needed with the quota of surplus or flood waters it will furnish the allotments, in event that supplemental waters be supplied the lands in the future either through storage or by means of pumping plants operated by rented hydro-electric power.

In closing I desire to speak thus early in behalf of these Indians. If the Government acquires and constructs in the future the Alkali Lake reservoir in addition to others in contemplation in connection with the Walker River or other projects, I sincerely hope it will be your pleasure to effect some arrangements whereby these Indians may obtain the behefits of storage, and be insured future independence.

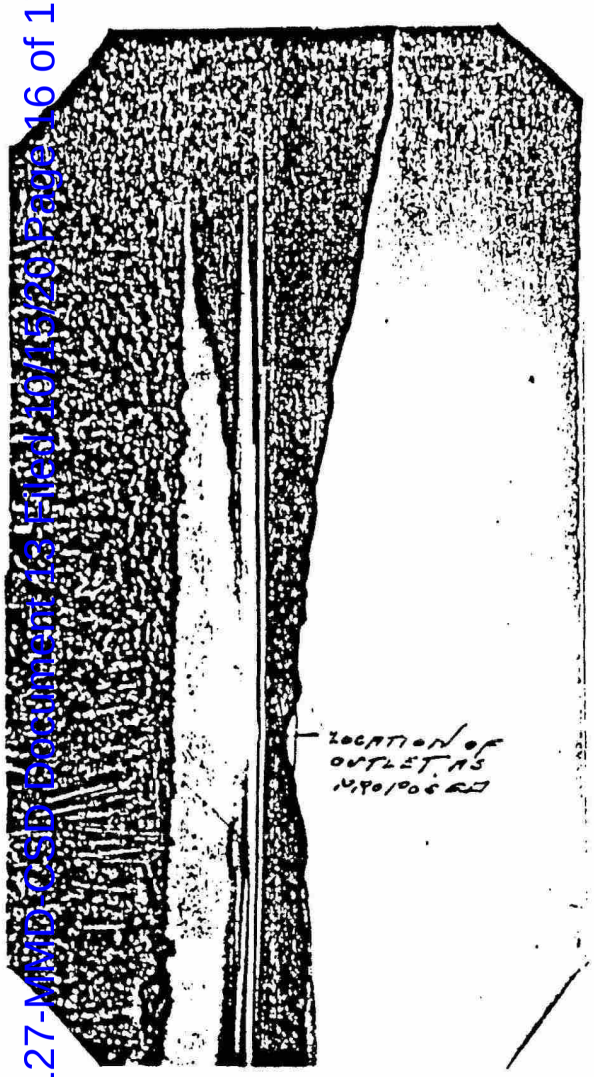
Enclosed herewith are letters forwarded me bearing upon the subject in hand.

Very respectfully,

W. H. Code

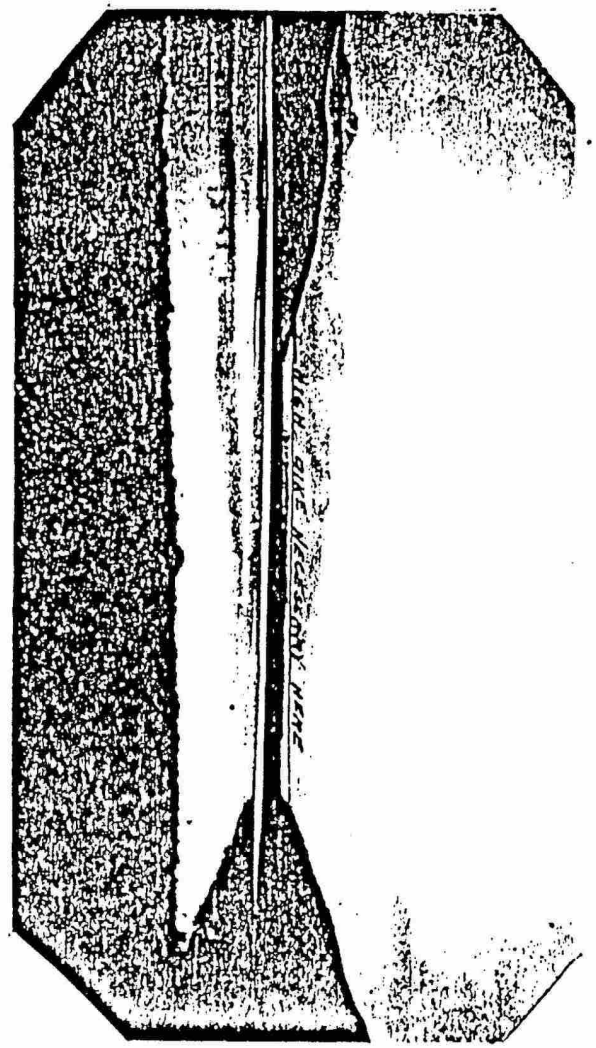
Chief Engineer.

P.S. EXHIBIT 2 AND MAP "A" IN SEPERATE TUBE.
W.H.C.

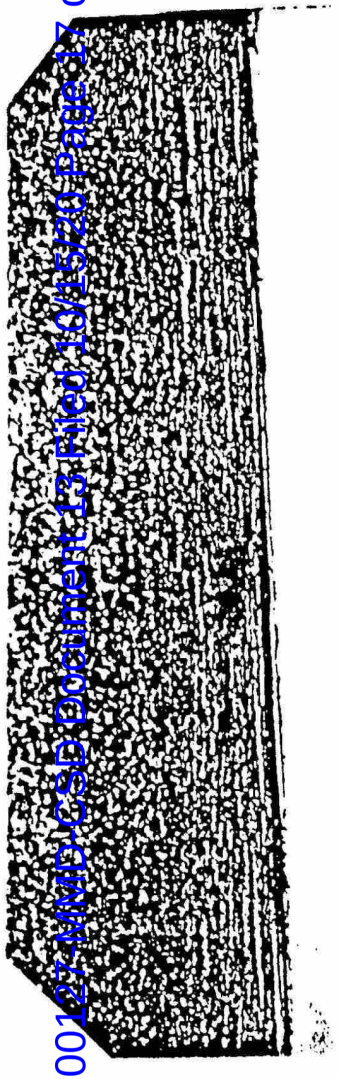


3
ALKALI LAKE SITE.

2
ALKALI LAKE (RICKEY)
RESERVOIR SITE.



1
DAM SITE ON WEST WALKER
LOWER END OF SMITH VALLEY.

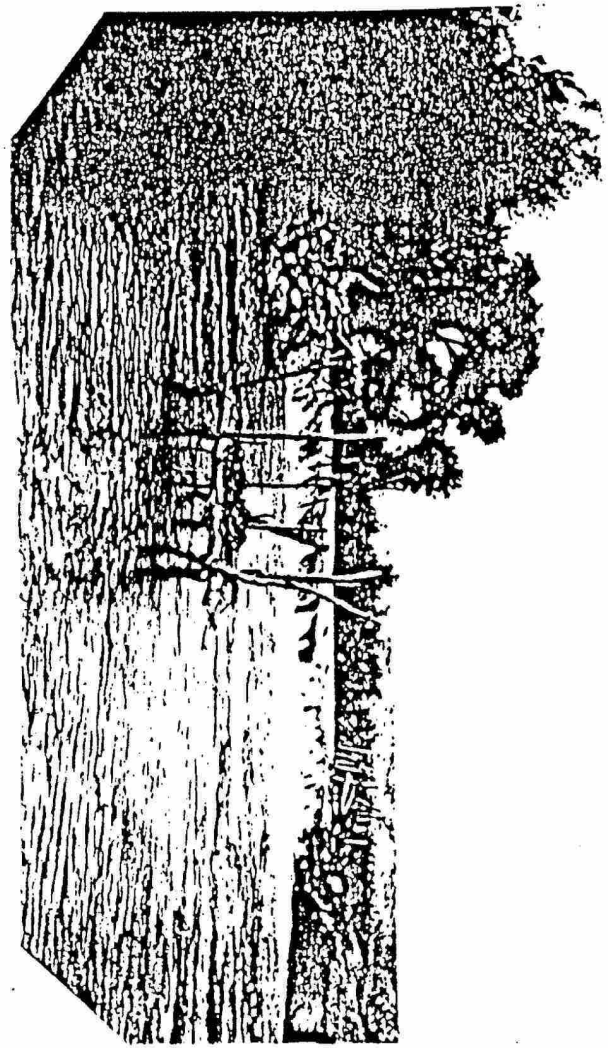


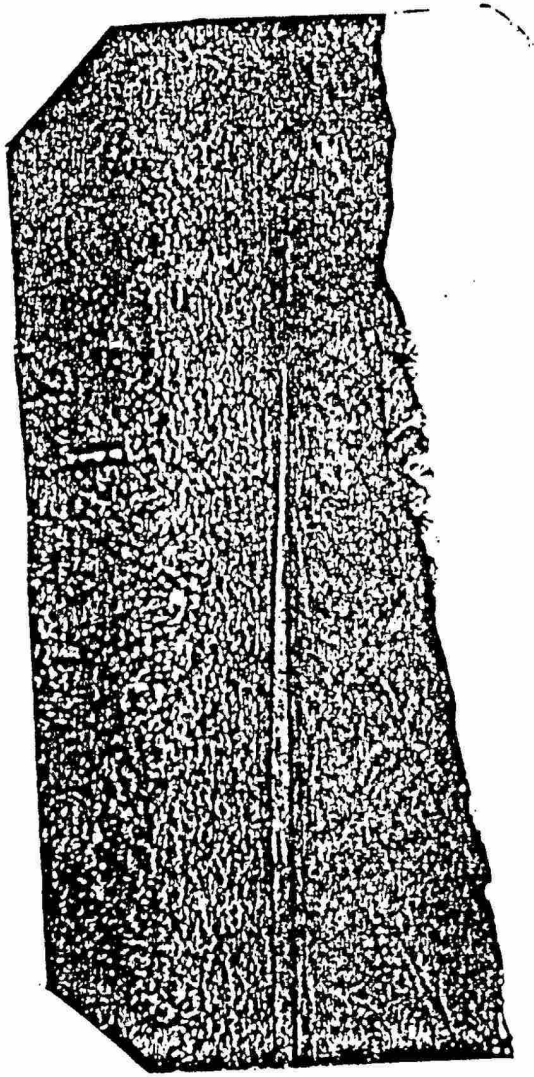
6

SOME SALT GRASS LANDS NEAR WALKER LAKE

5

SHOWING SURPLUS WATER ON RESERVATION IN JUNE. JULY FLOW MUCH GREATER. AT HEAD OF CANAL IT IS PROPOSED OR RECOMMENDED TO ENLARGE.





4

ALKALI LAKE

VIEW FROM POINT ON LINE OF OUTLET WORKS AS PROPOSED

"B"

207.