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DEPARTMENT OF THE INTERIOR  
UNITED STATES INDIAN IRRIGATION SERVICE

Purchase of Hubbell  
Ditch.

SUPERINTENDENT OF IRRIGATION

Albuquerque, N. M. April 23, 1913.

The Commissioner of Indian Affairs,

Washington, D. C.

Sir:

Your letter of March 14, 1913, numbered and initialed as above, returning to me papers relative to agreement between the Department and Mr. J. L. Hubbell was received by me April 7, 1913.

Among the things required by this letter was affidavits from persons conversant with the situation, and I wrote to Mr. Hubbell the same day, addressing him at Phoenix, where I had been advised he was, in which I stated in substance, that I had received a letter from the Indian Office asking for affidavits relative to the work he had done on the ditch and similar information and saying: "I would ask you to make an affidavit as to the time you began to take out the ditch, when you first ran water in it, how many years it was in operation, and if possible, what it has cost you. Also, the size the ditch was built." "If you think there is any one else who could make an affidavit to the facts, or any part of them, you might have them make it.

"If you ever made any filings with the Territory or the county to show your rights to take water, a certified copy of the record might be of value.

"Please attend to this as soon as possible so I may get my reply in to the office."

Not receiving any reply to this letter, and hearing that Mr. Hubbell

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had returned to Ganado, I wrote again on the 19th, but to date have not had a reply.

I am just in receipt of your telegram of the 21st, and herewith submit an answer to the letter, without awaiting longer for a reply from Mr. Hubbell.

I first saw the ditch in the summer of 1904, and it was then in operation and had been carrying water.

My next visit to Ganado was in 1907, and it had, seemingly, been in operation since my last visit, and Mr. Hubbell had quite a proportion of the total area ever cultivated in alfalfa and other crops.

This condition continued up to and including 1910, and I believe to 1911, when floods damaged his heading to such an extent that it would have been quite expensive to rebuild. He then took up the matter of the building of the reservoir, and has pushed it to the present time.

In the mean time the ditch has been more or less damaged by floods and drifting sand, and while it could be placed in condition to carry water for a comparatively small sum of money, the plans contemplate putting it in good shape, and rebuilding all structures, including the flumes, and \$1800 is the estimate made.

I have no statement as to how Mr. Hubbell acquired his water right, but presume that it was by actual diversion and use. The memorandum submitted by Mr. Finney to the Hon. Secretary of the Interior, and attached herewith seems to cover the matter pretty fully, in absence of any further definite information.

The ditch as constructed seems to have been about 6 feet on the bottom, and to have had a capacity of perhaps 50 second feet of water, which it could carry at flood periods of the stream, with a lesser capacity as the

stream went down and would not allow water in the ditch to a depth of two feet. The ditch probably cost Mr. Hubbell \$6,000 or over, as he had to contend with floods and other adverse conditions, and it is estimated that \$1,800 will put it in good shape for use.

As to whether the use of this ditch and the acquisition of Mr. Hubbell's water rights, singly or together would be necessary or advantage to the United States would say:

The acquiring of Mr. Hubbell's water rights or their non acquisition would affect the proposition only during low water seasons to the extent that it would be necessary to allow sufficient water for Mr. Hubbell's needs under his water rights to pass down the stream, where a portion would be lost before it reached his headgates. This water will be of advantage to the reservoir as it will equalize losses by seepage and evaporation in the reservoir, and as the water will be clear and free from silt it will be of more value for storage than an equal amount at other seasons. There will be less loss by combining the flow for the Hubbell land with that for the Indians than carrying them separately.

It is not absolutely necessary to acquire the Hubbell ditch as a parallel ditch could be constructed at a cost of perhaps \$5,000 to \$6,000.

The principal value to the department, to my mind, is Mr. Hubbell's guarantee to see to the maintenance of the ditch, which was included in the form of agreement submitted by me, and is not in the form prepared by the Department, and which would be far in excess of any costs incurred by the Department in storing the small amount of water that is to be delivered by Mr. Hubbell.

Actual surveys show that Mr. Hubbell has had under cultivation 118 acres of his quarter section. It is therefore probable that while the

agreement recognizes his rights to the amount of water necessary for his land, "not to exceed 400 acre feet per annum", he would probably not need more than 300 acre feet.

In addition to my statement above I am enclosing an affidavit by Superintendent Reuben Perry, who is conversant with the facts of the building of the ditch, and am sending under separate cover a map of the Ganado Project, showing the Hubbell ditch and the lands irrigated by him and at the mission.

Very respectfully,

W. J. Robinson

Superintendent of Irrigation.