

C O P Y

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REFER IN REPLY TO THE FOLLOWING:

Land DEPARTMENT OF THE INTERIOR  
Uses  
39976-1909 OFFICE OF INDIAN AFFAIRS  
90080-1909  
E B H WASHINGTON

January 7, 1910.

Right of way.

E. G. Kindred, Esq.,

Attorney for the Southwestern Development Company.

217 Century Building,  
E

Denver, Colorado.

Sir:

The Department has had under consideration the application of your company filed with the Commissioner of the General Land Office for a reservoir site and right of way for an irrigation canal in the valley of Black Creek in Secs. 35, 36, 26, 25, 24, 23 and 13, T1 24 N., R. 20 E., and Sec. 18, T. 24 N., R. 31 E., within the Navajo Indian Reservation.

The Department caused an investigation to be made into the question of the interests of individual Indians which might be affected by the construction of the proposed irrigation system so that it might be in a position to define the conditions under which the application might be approved. As a result of the investigation it is found that a number of Indian Allotments will be overflowed by the proposed reservoir and that other Indians who are located in or near Black Creek Valley, the site of the proposed reservoir, who have

been using water from the creek, will need to be cared for in view of the construction of the irrigation system. Therefore, the following are the conditions which your company must agree to fulfill before the Department can take final action on the application:

Indians whose allotments and improvements will be taken by the reservoir must be compensated for their improvements as follows:

|                    |         |
|--------------------|---------|
| Hastquin Naez      | \$61.00 |
| - Esdsan Naez      | 242.00  |
| Deshchini Badaani  | 120.00  |
| Hash Ke Da Hadza   | 90.00   |
| Altnaba            | 74.00   |
| Na-ba              | 14.00   |
| Dlina-ba           | 75.00   |
| Maashashi          | 45.00   |
| H. L. Pa-sin bega  | 10.00   |
| Keshguli-n-bida    | 50.00   |
| Nidicloï           | 72.00   |
| Tgado k'ozhi Naez  | 25.00   |
| Bitsiltagai Bitsoi | 34.00   |
| Altqiqaz-ba        | 30.00   |
| Esdsantlchi        | 30.00   |

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It will be necessary to reallocate these Indians on other lands, and the Department has set aside Sec. 20, T. 20 N., R. 27 E., G. & S. R. Meridian, for the purpose of allotting to the Indians agricultural lands to which they are entitled on account of the taking of the lands now occupied by them. Accordingly, it will be necessary for your company to agree to furnish free water for domestic and irrigation purposes,  $3\frac{1}{2}$  acre-feet per acre for all the land within the section named that is susceptible of irrigation from the proposed reservoir.

The following Indians who have been using for domestic and irrigation purposes water from Black Creek must be supplied with free water,  $3\frac{1}{2}$  acre-feet per acre for the purposes mentioned, on Sec. 25, T. 22 N., R. 29 E.:

|                                      |          |
|--------------------------------------|----------|
| Hosteen Totl-pi-be-ga-be-has-tan for | 2 acres. |
| Hosteen Be-tse-go-de-ge              | 6 "      |
| A-na-bah                             | 5 "      |
| Be-la-ha-youn-be-ad                  | 3 "      |
| Hosteen Da-tsa-he                    | 3 "      |
| Charley Yashie-be-has-tan            | 2 "      |
| Hosteen Batsa-he-be-tse              | 2 "      |
| Na-ki-i-choe and brother             | 2 "      |

On Sec. 24, T. 22 N., R. 29 E.,

|  |                      |
|--|----------------------|
| Hostan Be-na-ke                        | $1\frac{1}{2}$ acres |
| To-da-kohn-zhy-nez                     | 2 "                  |
| To-da-kohn-zhy-nez-botsi-le-be-has-tan | 2 "                  |
| Ne-da-glow-e                           | 2 "                  |
| Kez-bah                                | 2 "                  |
| Ush-ka-i-pahe-be-ma                    | 3 "                  |
| Kla-ga-ke-hin-be-ga                    | 5 "                  |
| Hosteen D-ha-tse-l-te-he               | $1\frac{1}{2}$ "     |
| Ba-leen-del-pa-hin-be-ga               | 3 "                  |
| Hosteen tse-n-be-ga                    | 3 "                  |
| Hosteen Tse-tah                        | 6 " 2 tracts         |
| Hosteen tse-l-kai                      | 3 "                  |
| Chis-chil-e                            | 7 "                  |
| Hosteen Dax-ba-don-y                   | $1\frac{1}{2}$ "     |

Sec. 26, T. 22 N., R. 29 E.

|                        |         |
|------------------------|---------|
| Tsi-na-ji-ni           | 3 acres |
| Hostan-i-yaz-hie       | 3 "     |
| Hos-ta-l-chee          | 3 "     |
| To-do-kohn-zhi         | 2 "     |
| Hos-tan-l-ba-he        | 2 "     |
| Monroe Ashley          | 5 "     |
| Hostquin T'so-ni Bi-da | 5 "     |

Sec. 23, T. 21 N., R. 28 E.

|                          |          |
|--------------------------|----------|
| Hashkan ae Beesda        | 20 acres |
| Gishi-n-Biye Apgaedaeigi | 10 "     |
| Bi di ch o shi           | 10 "     |
| Lechai Biatti            | 10 "     |

On Sec. 22, T. 21 N., R. 28 E., there are eight claimants for lands aggregating 24 acres who will be entitled to the same amount of water for the acreage mentioned. A formal conveyance of the water must be made to these Indians, conveying the water and making it appurtenant to the land, but this need not be done until after a formal acceptance of these conditions shall have been transmitted to this Department.

The Department will be ready to take final action on your application as soon as these conditions shall have been complied with.

Very respectfully,

Signed, Frank Pierce,

First Assist. Secretary

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