

REPORT OF BASCOM JOHNSON, January, 1912.

SPECIAL FINDINGS CONCERNING PARTICULAR SETTLEMENTS  
OF NON-RESERVATION NAVAJOS.

COCONINO BASIN.

The report of Inspector W. M. Tipton, made January 27, 1910 (Special Agent's file, box 183), correctly described the allotments completed by Special Allotting Agent George A. Keepers in January, 1909, off of the Western Navajo Reservation just west of the Little Colorado River, south of the line between townships 29 and 30, north of the line between townships 24 and 25, and east of the line between ranges 7 and 8. These allotments have never been occupied by the Indians to whom they were allotted during the winter but only during the months of April, May, June and July, and not even then continuously or exclusively. These Indians live the rest of the year upon a high mesa known as Zith-ala-py, or the Gray Mesa, which breaks off just west of the Little Colorado River between townships 30 and 31 and extends in a south-westerly direction until it merges in the northern foothills of the San Francisco range. About 120 Indians live on this mesa during the aforesaid period, 97 of which were allotted by Mr. Keepers and 23 of which have never received allotments. This mesa is entirely included within the Tusayan National Forest. The Indians have received a general permit from

the Forest Service to graze about 42 sections of this land which embraces the point of the mesa and extends southwesterly along its course for six or seven miles. (See map attached to Exhibit F.) They have built a number of tanks to catch and store rain water which were constructed without tools or appliances and the dirt carried in blankets. In conferring with experts in tank building and in the conservation and protection of water I am thoroughly convinced that all the water needed to maintain those Indians the year round could be stored in similarly constructed tanks placed at proper intervals. The present supply of water gives out about April 10 every year, for the reason that the tanks are not large enough and also are not protected from evaporation, seepage and other waste. (I attach pictures of some of the tanks marked Exhibit ).

Another settlement of these Indians which Mr. Keepers either overlooked or did not have time to allot, resides at Red Mountain in the lower Coconino Basin, which is situated on the rim of the Little Colorado River north of the Gray Mesa and about one thousand feet lower. This community consists of eighty-six more Indians who are affiliated with the Gray Mesa Indians by marriage and blood. Twenty of these Red Mountain Indians have received allotments and the balance are unallotted. (For a census of the unallotted Indians living at Gray Mesa and Red Mountain see Exhibit D hereto attached.

I took the testimony of all the leading men of both of these bands on the ground and many others besides, a condensation of which is attached hereto as Exhibit E. The substance of this testimony is that these Indians have resided in the country west of the Little Colorado River for twenty miles and south of the Grand Canyon for an equal distance since they were born and their parents before them with the exception of ten or fifteen years after their roundup by Kit Carson in 1863 and his transfer of them to Bosque Redondo in New Mexico, from which they gradually drifted westward back to their present locations about the time that the first white men began to come into this country. This history is, I believe, trustworthy and entirely consistent with the sincere belief of the whites that these Indians drifted off of the reservation, as they apparently did. The original occupation of this Grand Canyon country west of the Little Colorado River by the Navajos is borne out by their well-known legend that the San Francisco mountain originally constituted the western boundary of the Navajo country, which was considered as bounded by four well-known mountains. This legend is universally believed and is always shown in their paintings, of which Mr. Wetherill, at Marsh Pass, near the Utah line, has a remarkable collection. The Indians state that owing to the encroachment of the white stockmen they have been gradually pressed back to the lands they are now occupying, and that their grazing habits have been as they now

are for several generations; namely, to occupy the highlands where there is good range and plenty of wood to keep them warm in winter and to descend into the valley to the east and southeast along the Little Colorado River during the spring and summer where they remain until August and September. They stated that they informed Mr. Keepers at the time he made the allotments above referred to that they preferred to have their allotments on the winter ranges, but that Mr. Keepers for some reason failed to comply with their request. I suggest that the probable reason of Mr. Keepers' action, contrary to the wishes of the Indians, was that the land that they desired allotted to them was within the National Forest, and there was no law at that time which permitted allotments to be made in National Forests. However, there is no doubt in my mind that if allotments are to be made they should be made in partial compliance <sup>at least</sup> with the original requests of the Indians and that the present allotments are not valuable to the Indians except for small portions of the year, both by reason of the fact that the forage thereon is exhausted by midsummer and because of the lack of permanent water. The only permanent water aside from the river within the territory tributary to these allotments is Tappan Springs, located within a mile and a half of the river, not far from Tanners Crossing in T. 29, R. 9. There is no good grazing land within reach of this spring and its value for stock purposes is of slight importance for that reason. The river, although it usually runs

dry by the first of June, is always a source of water supply to the Indians by digging shallow wells in its bed, and the land along both banks of the river is valuable to them for raising small patches of corn and melons where it has overflowed its banks. The good grazing land does not begin for from six to ten miles west of the river and the only possibility for water aside from the river and Tappan Springs is the construction of tanks or small reservoirs for the collection of rain water. As the summer rainy season does not begin until July and as the supply of valuable forage is exhausted or greatly depleted by that time by the combined grazing of white and Indian sheep and the Indians return shortly thereafter to their winter ranges, the water that is used on these summer ranges must be collected from the winter rains and snows. No tank was found west of this six-mile limit constructed and owned by Indians and, in fact, the only tank within that territory which is within reach of the western central allotments made by Mr. Keepers is a tank known as "Poverty Tank" located in Section 27, T. 28, R. 8 E., now owned by Mr. Robinson, cashier of a bank at Flagstaff. This tank the Indians have heretofore used, sometimes with and sometimes without the permission of its owners. And this fact, together with the claim by one of the Indians of ownership by allotment of Tappan Springs has constituted the chief source of irritation and conflict between these Indians and the whites. If any of the allotments are to be approved here,

that were made by Mr. Keepers, it is necessary that "Poverty Tank" be purchased for the Indians or a tank of equal size and capacity be constructed near by. I tried, on several occasions, to get Mr. Robinson to say that he would sell "Poverty Tank" but he always refused to do so, but I understand that "Poverty Tank" has recently washed out and that Mr. Robinson is now willing to sell the site. The Indians strongly desire this purchase, or the construction of a similar tank near by under Government supervision and reserved for the free and common use of all these Indians. The purchase of this tank, or the construction of a similar one, was, in fact, made a condition precedent to an agreement by these Indians in council assembled to withdraw their applications for allotment west of the line between ranges 8 and 9. The agreement referred to was one made after going over the whole situation with the Indians on the ground and in a council at Leupp and was drawn up at Flagstaff and submitted to and signed by the most of the members of the Northern Arizona Sheepmen's Association and the more important members of the Northern Arizona Cattlemen's Association. The agreement is attached hereto as Exhibit F, and presents a solution of the difficulties between Indians and whitesmen in this territory which is satisfactory to both parties and to the representatives of the Indian Rights Association who accompanied the investigating party, as well as the attorney in fact for these Indians, Mr. W. R. Johnston. This agreement was made binding

on both parties pending the final settlement of the question by the Government and has been, I believe, lived up to by both parties thereto from its date, May 5, 1911. It involves the allotment of the ninety Indians above described who have not heretofore received an allotment and the reallocation of certain Indians who have agreed to withdraw their applications west of a certain line indicated therein. If this agreement is adopted by the Government, it will be necessary to send an allotting agent to this territory to do the allotting and to locate and supervise the building of tanks for the storage of water and it would be of great benefit to him if he were familiar with grazing and water conditions in this country.

Subject to the adoption of the Permit System suggested by me in the body of this report, I recommend that such an agent be sent into this country to carry out any program agreed upon. The agreement above referred to contemplates on the part of the Indians the approval of all the allotments west of the line between Townships 8 and 9. So far as the white sheep and cattlemen are concerned, they would be better pleased if all the allotments made by Mr. Keepers were disapproved and the Indians reallocated on their winter ranges. I do not believe that the Indians would raise strenuous objection to such a reallocation of grazing lands if water is developed on their winter ranges sufficient to last them the year around. And this, I believe, after consultation with experts in tank building and water conservation, can be done. The country which the Indians graze on the Gray

Mesa under permit from the Forest Service contains approximately 26,000 acres; and the records of the forest ranger who counted the sheep is that 7,000 Indian sheep occupy this area during eight months of the year. This is on the basis of one sheep to every 3.7 acres per year, although the burden on the range is actually less than this, because a certain proportion of all sheep and goats (approximately 25 %) are under six months of age and therefore breast-fed. Making correction for this condition, the area per sheep is about five acres per year. The Indians are not, however, using this country more than eight months so that another correction is necessary which increases the forage per sheep to an amount equal to that contained on seven acres. The forage on this mesa is of the first quality and is rated by Forest Supervisor Smith at Williams, Arizona, who has charge of this forest, as capable of supporting one sheep per year for every six acres. In order to provide a margin to allow for increase in stock and for decrease in forage due to dry years, I would recommend that a range for at least 3,000 of these 7,000 sheep and goats be provided for these Indians elsewhere so as to relieve this range for a portion of every year, thereby affording the necessary rest for recuperation and reseeding. This can be done in entire harmony with the present habits of these Indians by purchasing "Poverty Tank" or by building a similar tank at some point in the center of the best grazing

land near where Mr. Keepers made the allotments (and allotting a certain portion of these Indians the public domain sections surrounding this tank.) Whatever plan is adopted concerning the land surrounding this tank, this tank site should not be allotted to an individual, but if allotted at all, allotted to the community or made an Indian reservation, or in any event kept perpetually free and open to all of these Indians and their descendants. The railroad sections surrounding these allotments can if necessary be leased by these Indians as is being done by certain of the New Mexico Navajos, or the Government can purchase these sections for the Indians. A first-class tank of the size of "Poverty Tank" can be constructed for from \$600 to \$1,000, if the Indians were paid for their labor and for considerably less if their offer to work for nothing under Government supervision and with Government tools is accepted. Such a tank would make available for grazing round it an area five miles in circumference, or 50,000 acres, or enough to accommodate comfortably 4,000 sheep per year, or 12,000 sheep for the three or four months of spring and summer, during which these Indians have heretofore occupied this country.

In no event am I in favor of approving any allotment made by Mr. Keepers which is more than five miles from water during this period. At present none of the allotments located in or near good grazing country are within reach of such water except the 35 tributary to "Poverty Tank", which the Indians

are not now able to use, and until "Poverty Tank" is made available by lease or purchase for Indian use or other water possibilities are discovered and developed, none of the allotments should be approved. Before any of these allotments can be approved the legal question must be determined as to whether these Indians themselves or through their husbands, parents or guardians have complied with the provision of the law requiring settlement, since they have never occupied these allotments continuously or exclusively, but at the best have made them an occasional headquarters during a portion of each year. There is room for allotment of 160 Indians on the Gray Mesa within the territory now used by the Indians under permit from the Forest Service if 160 acres of grazing land are given to each Indian; but, as above stated, there is actually barely room for the 120 now there, so that not to exceed that number of allotments should ever be made within this territory. The Red Mountain Indians have ample pasturage for their approximately 6,000 sheep, but have been accustomed to migrate south to the neighborhood of "Poverty Tank" and Tappan Springs because they were not able to get or keep enough water in their tanks at Red Mountain to last them during the dry spell from April to July. There are many feasible tank sites in the Red Mountain country. The Indians have laboriously constructed some fourteen or more small ones. With proper instruction and tools the tanks at Red Mountain and Gray Mesa can be greatly increased in number,

size and capacity, and enough water collected and retained to last them through the dry season. The country over which the Red Mountain Indians are scattered and graze their stock excluding that within the National Forest is approximately 20 miles long and five miles wide, or 70,000 acres, or 11.7 acres per sheep. The quality of the forage is fair and sufficient to support the present stock now there.