SC147 MOQU1

13680(incl 1)

1892

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NN011623

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Brief of Mayhugh's report - L-13680-1892

visited & examined some 40 springs at various points, many of which are outside of the recent survey. Some of these springs discharge quite a volume of pure water, particularly the springs situated some 15 miles to the N.W. from the present school building.

Found in the neighborhood of the "third mesa" some 10 springs or watering places in close proximity to several peach orchards.

The total number of springs or watering places is about 60, exclusive of the Non-ock-a-way wash or chasm, and also a ~~small~~ reservoir or small lake of water that is situated some 200 odd miles south of the "first mesa"

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Many of the springs are found in close proximity to each other - sometimes in groups of 2, 3 & 4 - from 100 to 200 feet apart. There are other sources of water supply in seepages or pools which are generally found some distance from the base of the mesas. One pool or nonflowing spring of water was found some four miles east from the first mesa. This water was discovered by a wolf digging some 18 or 20 inches deep. This indicates that the ~~water~~ reservation affords more water than is generally supposed. Thinks other springs may be developed by digging or boring

In examining for additional sources of water supply, noticed in the valleys a number of thrifty cottonwood tr

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which had been planted by the Indians for shade purposes. The vigorous growth of these trees indicates an unusual degree of moisture & that water could be procured by digging or boring 10 to 15 feet. & could be readily lifted by wind mills.

Finds the supply of water much more extensive than at first supposed.

Finds that the Indians are generally inclined to the plan of holding most of the present water supply as common property — except when it is so small as to be only a seepage or small spring and is only enough for domestic purposes for a small family, or where an Indian has developed water by his own labor. But all other natural water supplies such as running spring

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Streams or ponds which have heretofore been in common use for all, should be exempt from allotment thereof for the common use of the Moqui Indians. Or, if the Springs are allotted to an ~~Indian~~ individual Indian, it should be with the distinct understanding that all Indns in that vicinity shall have the right to enter thereupon for the purpose of securing water &

But in view of the fact that all unallotted lands may at some future time pass into the hands of the Gov't for homestead entry, the idea of reserving all Springs from allotment, steps should be taken to preserve the unallotted lands containing the springs & other sources

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of water supply from such entry - otherwise the Indians may be deprived of the use of the water that has been reserved for them.

Understands that as soon as the allotments are approved & the allottees become citizens & subject to all the laws of the territory, among which, will be one regulating the use and distribution of water, prohibiting the exclusive appropriation by any one individual or association of the waters of any springs, lakes or creeks within the territory of Arizona. Under this law providing for the equal use and distribution of the waters within the limits of Arizona, the unallotted springs or water supplies would ~~under this act~~, pass from the control of the Indians

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unless protected by special legislation =
(See page 12 of report) and notes at end of rest. to N.S. laws)
Learns that a considerable quantity of good crop land has been left unsurveyed. Cannot at present tell what portions have been left unsurveyed - Of the portions already surveyed the stakes fail to show the proper notation. The 1/2 & 1/4 mile stakes are placed in an excavation about 1 ft deep & rarely set in the ground more than 3 or 4 in; found many of them lying on the ground & some covered by sand, & some had been removed by Indns.
The few section corners he has been able to find do not indicate what sect nos they represent

In view of the incomplete superscriptions found on the section corners and no

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notations on the 1/2 & 1/4 mile stakes. & the further fact that others have been removed or covered up, requests auth. to employ Surveyor for at least 5 or 6 months.

Estimates that there are some 1750 Indns to receive allots & that it will take at least 9 or 10 months to complete the work.

As far as he can learn, no timber land has been surveyed. This is a matter of great importance to the Indns.

Noticed indications of coal.

Act of Aug 30, 1890. (26 Stats 391) provides "That in all patents for lands hereafter taken up under any of the land laws of the U.S. or on Entries or claims validated by this

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act west of the 100th meridian, it shall be expressed that there is reserved from the lands in said patent described, a right of way thereon for ditches or canals constructed by the authority of the United States." and that

Reservoir sites heretofore located or selected ~~by said act~~ shall remain segregated and reserved from entry or settlement as provided by said act, (25 Stat 527) until otherwise provided by law, and reservoir sites hereafter located or selected on public lands shall in like manner be reserved from the date of the location or selection thereof.

The act approved October 2/88 (25 Stat 527) appropriates for investigating the extent to which the arid region of the United States can be redeemed by irrigation, the segregation of the irrigable lands in such arid

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region, for the selection of sites for reservoirs etc., & provides that all the lands which may hereafter be designated or selected by such surveys for sites for reservoirs, ditches or canals for irrigation purposes, and all the lands made susceptible of irrigation by the same, are from this time henceforth reserved ~~as~~ from sale as the property of the U.S. & shall not be subject to entry settlement or occupation until further provided by law: Provided, that the President may at any time in his discretion by proclamation open any portion or all of the lands reserved by this provision to settlement and the homestead laws.

Also see Sect 7 - Gene Allotmt Act -

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Reserve the Sub: divisions within which the villages on mesas are located.

Reserve 40s containing more than one spring or a running spring or pools that are capable of supplying more than one family.

Allot to no individual two 40s with a spring on each - provided he can get other two 40s in contiguity with only one spring to the two. The object being to distribute the water as much as possible by giving to each allottee no more than is necessary for the domestic use of his family. And further, when an Indian has developed water by his own labor he should be permitted to select the land as a part of his 80 acres unless strong reasons exist to the contrary. The reserved tracts will still be under control of the Indians, for

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their war in Common and they could not be deprived of the war of them except by their own Consent.

The Indns would be favorable to the plan - according to Mayhugh's Rept.

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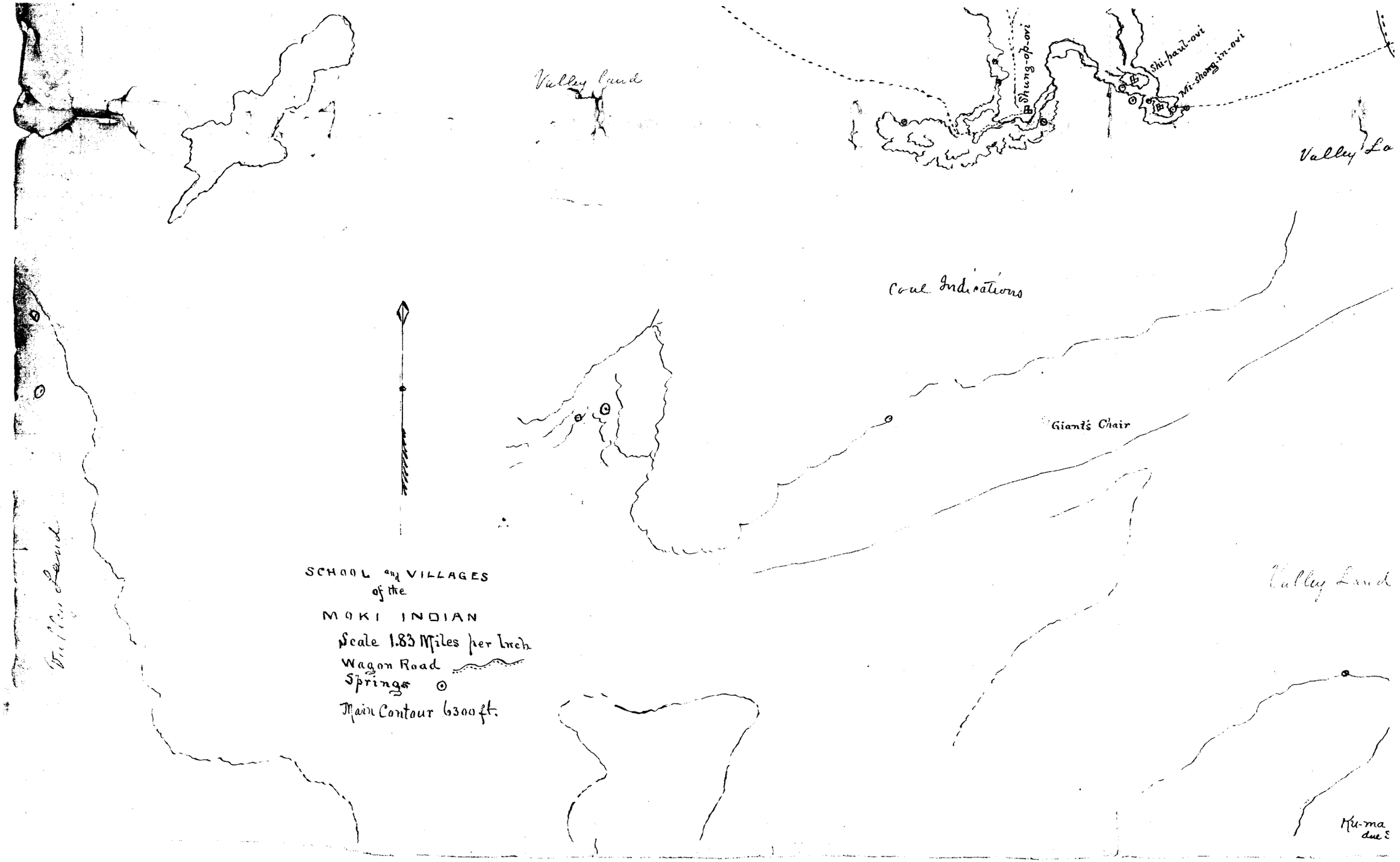

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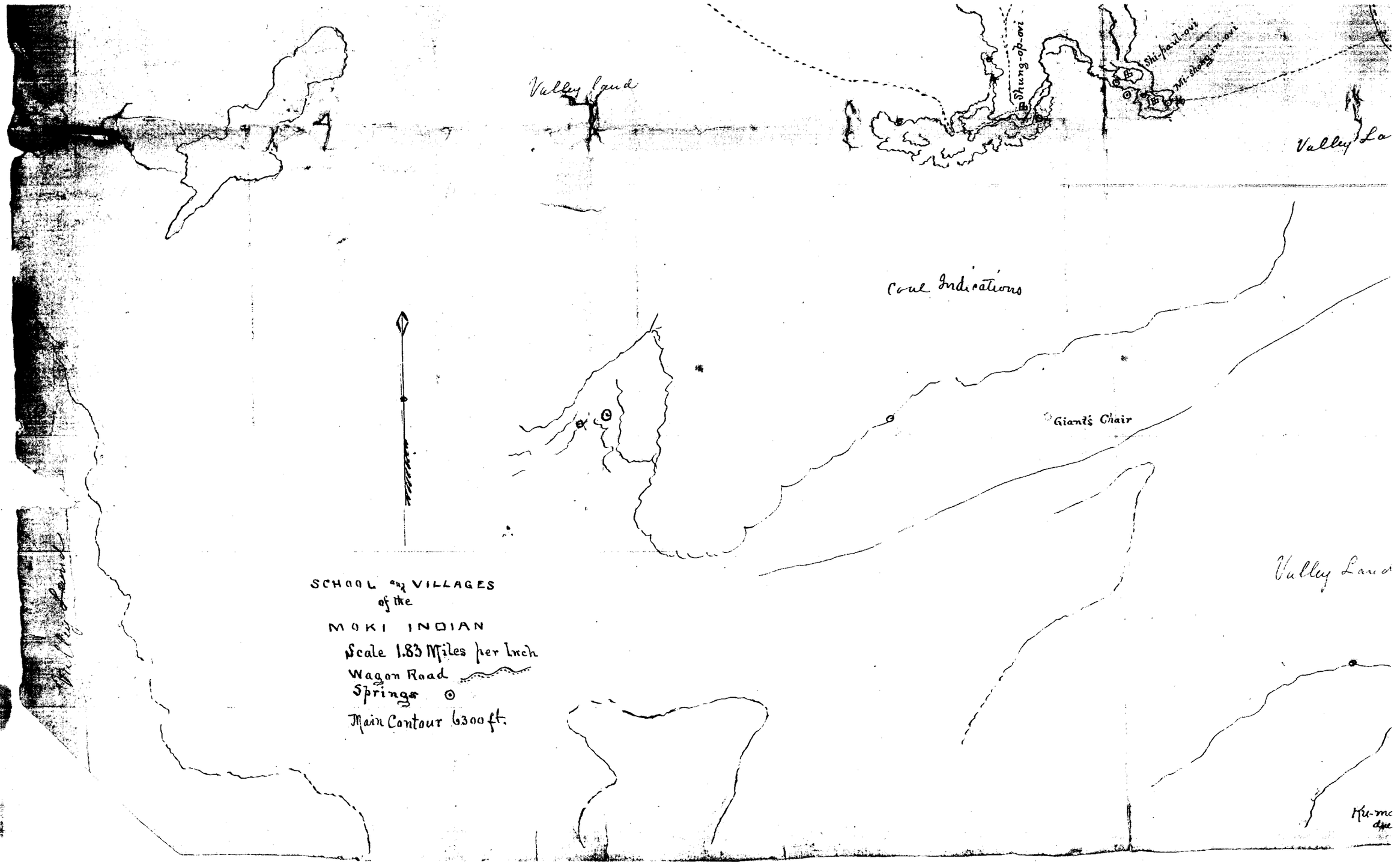

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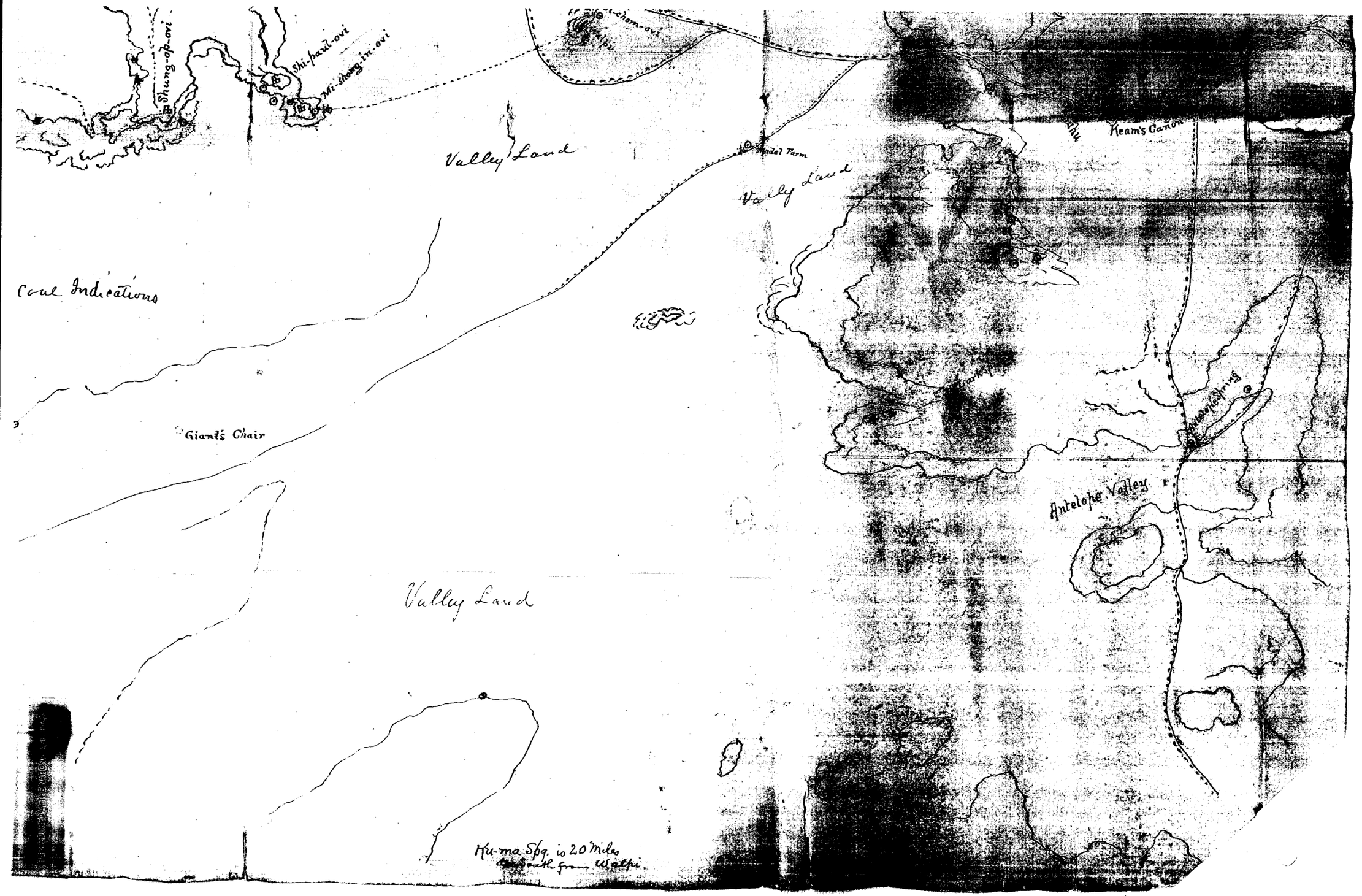

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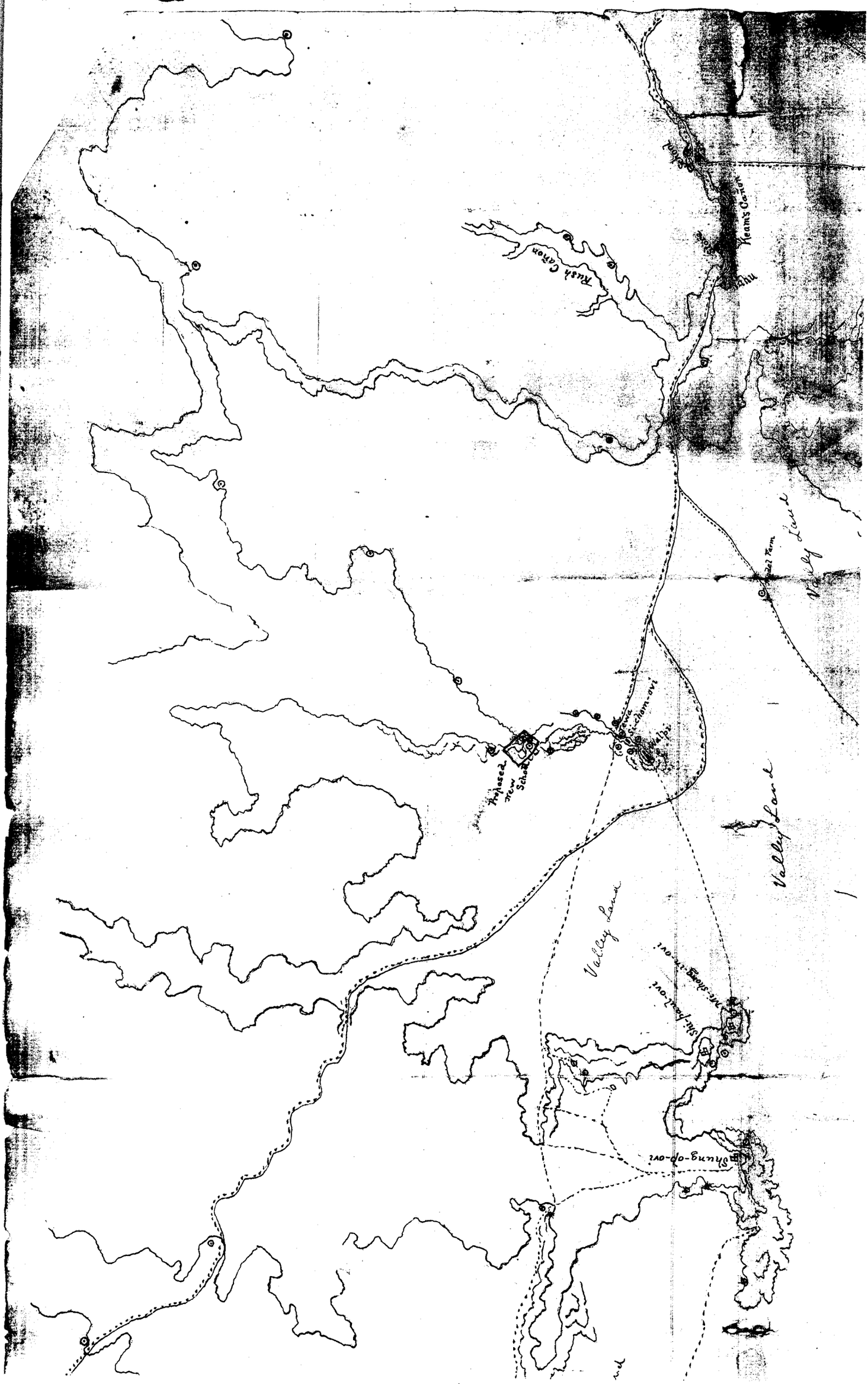

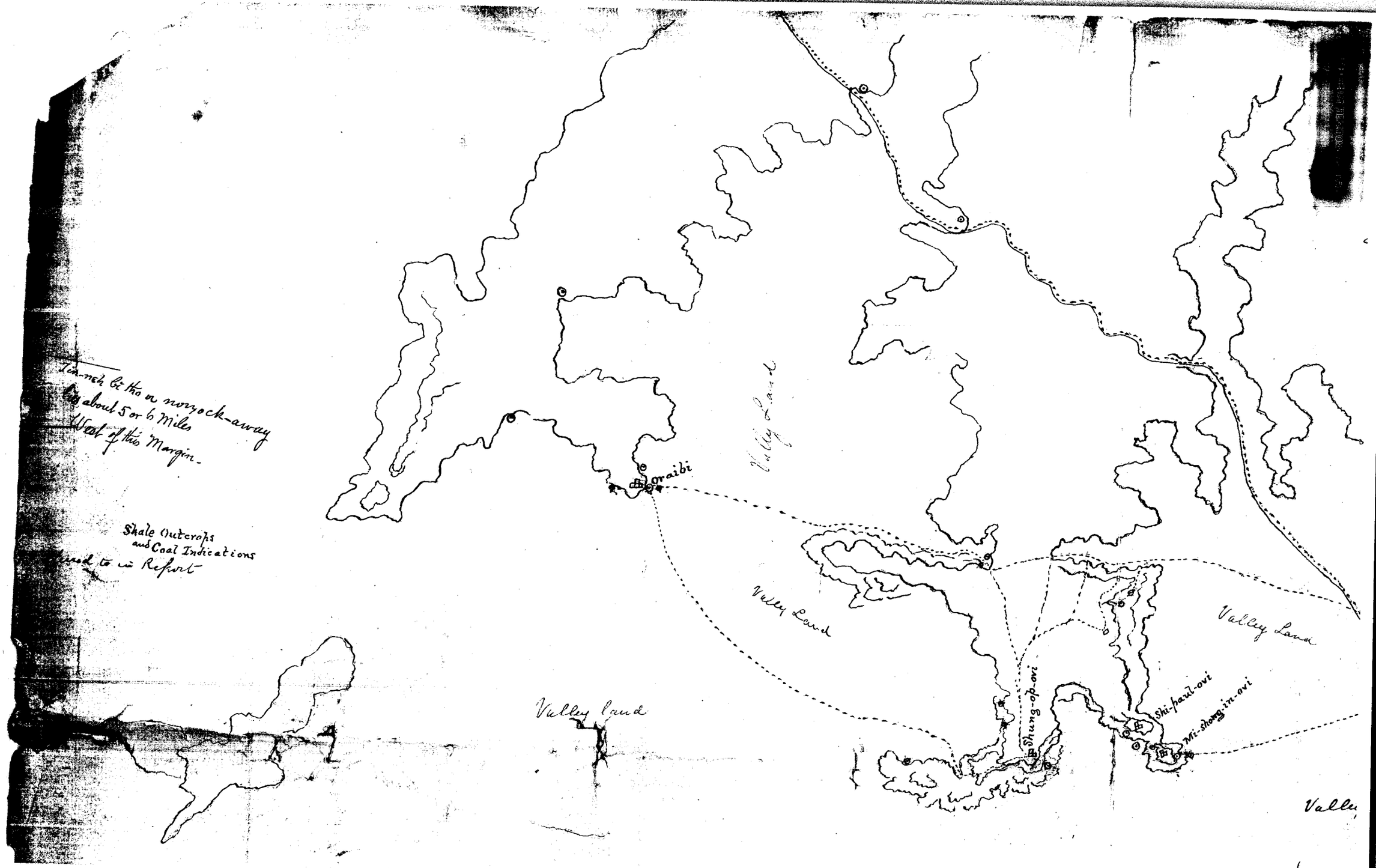

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