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**Letter from the Secretary of the Interior, transmitting a copy of a report of United States Indian Inspector J. George Wright on the subject of the Montezuma Valley Canal and its capacity for irrigating land in the Southern Ute Indian Reservation.**

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SUPPLY OF WATER FOR THE SOUTHERN UTE INDIAN  
RESERVATION.

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L E T T E R

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

A COPY OF A REPORT OF UNITED STATES INDIAN INSPECTOR  
J. GEORGE WRIGHT ON THE SUBJECT OF THE MONTEZUMA  
VALLEY CANAL AND ITS CAPACITY FOR IRRIGATING LAND  
IN THE SOUTHERN UTE INDIAN RESERVATION.

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DECEMBER 16, 1897.—Referred to the Committee on Indian Affairs and ordered to be  
printed.

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DEPARTMENT OF THE INTERIOR,  
*Washington, December 15, 1897.*

SIR: The Indian appropriation act, approved June 7, 1897, contains  
the following provisions:

The Secretary of the Interior is hereby directed to confer with the owners of the Montezuma Valley Canal, in the county of Montezuma and the State of Colorado, or any other parties, for the purpose of securing by the Government water rights, or for the supply of so much water, or both, as he may deem necessary for the irrigation of that part of the Montezuma Valley lying within the boundaries of the Southern Ute Indian Reservation, in said State, and for the domestic use of the Indians thereon; and he shall report to Congress at its next regular session the amount of water necessary to be secured for said purpose and the cost of the same, and such recommendations as he shall deem proper.

In response thereto I transmit herewith copy of a report of United States Indian Inspector J. George Wright, who was instructed by the Department, on July 27, 1897, to confer with the owners of the Montezuma Valley Canal, to examine the canal, and to report whether the company can and will furnish the water necessary for the irrigation of that part of the Montezuma Valley lying within the boundaries of the Southern Ute Reservation, and for the domestic use of the Indians thereon; and, if so, the cost of same.

I also transmit herewith copy of the proposal submitted to Inspector Wright by the said Montezuma Valley Canal Company, the substance of which is that the company is to be paid \$150,000 for delivering at the reservation line a sufficient quantity of water to irrigate 10,000 acres of land, with a possible maintenance charge of \$10,000 per annum.

Inspector Wright reports that he conferred with the Montezuma Valley Canal Company and that, in discussing the proposition with

other canal companies in Colorado, it was apparent that no other concern could furnish water on the desired portion of this reservation, for the reason that the Montezuma Company have all the water appropriated from the Dolores River, which is the only water supply in reach. He incloses a map showing the entire system of the ditches of this company, and states that to irrigate 10,000 acres would cost \$150,000, delivered at the north line of the reservation, and that to extend the necessary ditches to distribute the water over the reservation lands will require an expenditure of about \$20,000.

Inspector Wright recommends that the proposition of the company be given favorable consideration, and suggests a modification so as to provide for a twenty years' contract for the furnishing of 166 $\frac{2}{3}$  cubic feet of water at a point on the reservation line, with a lien on the ditch as security, and a provision for the renewal of the contract after twenty years, with provisions also for forfeiture for failure to deliver the quantity of water agreed upon, and that the maintenance charges be placed, say, at \$5,000 per annum. He also suggests the advisability of leasing part of the lands, when irrigated, to white settlers for a term of ten or fifteen years, by which time the Indians will be better qualified to properly care for and cultivate lands themselves.

In view of the fact that so large an expenditure seems to be required to furnish these Indians with water, which it is absolutely necessary they should have to become self-supporting, I have requested the owners of the Montezuma Valley Canal Company to come to this city and submit a more definite proposition than that contained in their proposition to Inspector Wright and submitted with his report. If they comply with this request, their proposition and any further information I may be able to obtain upon the subject will be immediately transmitted to the Congress.

Very respectfully,

C. N. BLISS, *Secretary.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

WASHINGTON, D. C., *November 4, 1897.*

SIR: I have the honor to report that in compliance with Department instructions I have investigated the Montezuma Valley Canal Company, in Colorado, with reference to furnishing water for irrigating purposes on the western portion of the Southern Ute Reservation.

I conferred with Hon. John V. Farwell, of Chicago, Ill., and Mr. James A. Thatcher, of Denver, Colo., as directed, both gentlemen being interested in this enterprise. They referred me to Mr. L. F. Kimball, of Durango, Colo., located in the vicinity of the country covered by their ditches, and has the directing of the management of the company; also informing me whatever proposition Mr. Kimball submitted would be agreeable to them. I therefore visited that point, and in company with Mr. Kimball, Indian Agent Nyers, ex-Agent Day, of the Southern Ute Agency, and Civil Engineer Wigglesworth (the latter at present employed in directing irrigating ditches on the eastern part of this reservation, and who was considered the best qualified civil engineer in that section of country). I traveled over the line of ditches of this company from their headgate on the Dolores River to end of their ditch, near the reservation; also traveled over the country on reservation proposed to irrigate.

The inclosed map shows the entire system of ditch of this company with two head gates and main canal from the Dolores River.

I submit herewith a proposition of this company, wherein they propose to furnish water during the irrigating season, from April 1 to November 1, at the north line of the reservation, sufficient for irrigating 10,000 acres at the rate of \$900 per cubic foot, each cubic foot to constitute what is called one perpetual water right.

To irrigate 10,000 acres (the duty of water being estimated at 1 cubic foot for 60 acres) would require  $166\frac{2}{3}$  cubic feet of water, which, at \$900 per cubic foot, would make an aggregate of \$150,000 for the right of the above quantity of water delivered at the north line of the Southern Ute Reservation, at such point designated by the route marked in red ink on the inclosed map.

The present ditch of this company is on an average 10 feet wide at the bottom, and to deliver the above quantity will necessitate the enlargement of their ditch to 20 feet on the bottom.

The head gate of main No. 1 is constructed of wood and is 28 feet wide, the water then runs through a cut 15 feet deep and 30 wide to a tunnel cut through a mountain, and which tunnel is 5,400 feet long, 7 by 9 feet in diameter, the deepest place 208 feet from the surface. After leaving this tunnel the water runs 1,700 feet through a rock, cut about 30 feet to the diverting dam, marked A, from which point the "east lateral" (proposed to enlarge and use) extends high up along the mountain sides for a distance of  $2\frac{1}{2}$  miles, the ditch being 10 feet wide on the bottom with 2 feet cut on lower side and from 3 to 30 feet cut on upper side. This is practically all rockwork. There are also a number of wooden flumes across ravines along the route of ditch. The ditch then widens to 20 feet on the bottom for about 3,000 feet on fairly level ground, after which it narrows to 10 feet with an average of 5 feet cut, for a distance of about 2 miles to a drop in a natural waterway or ravine, marked B, which extends a distance of about 7 miles, after which it is taken into a constructed ditch 10 feet wide and 2 feet cut on lower and 3 feet on upper side, for a distance of 3,200 feet, from which it again drops into a natural waterway for a distance of about 2 miles, then by a constructed ditch 10.8 and 6 feet wide along foothills and level country, a distance of 17 miles to a point marked C, the present terminus of the ditch.

The territory traveled by this ditch is more or less settled with white people who are supplied with water. Therefore, to carry the quantity of  $166\frac{2}{3}$  cubic feet of water to the reservation line it is proposed to enlarge the ditch from the diverting dam A to the reservation line, a distance of about 40 miles, to a width of 20 feet, building a reservoir at the point marked D for storage of water necessary, for the reason that water during summer is low in the Doloras River and would not during such time supply requirement. Also building a new ditch from the present terminus to the reservation line, a distance of about 8 miles.

Mr. Wigglesworth, the engineer accompanying me, estimates that this work will require an expenditure of about \$138,000, while the company's figures, as subsequently learned from Mr. Kimball, were \$133,000.

The proposed reservoir will cover about 1,000 acres and will require building about 29,000 feet of dike 9 feet high across lower side and about 39,000 feet of dam 38 feet high in the center to hold 34 feet of water. This, together with head gates, etc., it is estimated will cost about \$56,000, with \$12,000 or \$15,000 more to get eight farmers located on this site to vacate. This cost is all included in the above amount of \$138,000.

Another feasible plan to deliver water at the reservation line is by main No. 2 and constructing a reservoir at the site designated E, which site is preferable to the one selected and could be built at less

expense, enlarging the present ditch from that point east to ditch above reservoir selected, and continue to the reservation on original line.

This route would be less expensive and is estimated by Engineer Wigglesworth could be done for about \$110,000. It is desired, however, by the company to reserve this reservoir (marked E) to supply the country adjacent to their western ditch, or "Lone Pine Lateral," settled by white people.

At the present time this company has about 4,000 acres under irrigation, but they hope to ultimately supply 100,000 acres as the country becomes more settled, which they calculate they can do by storing flood waters from the river in the spring.

In discussing the proposition with other canal companies in Colorado, it was apparent that no other concern could submit a proposition or bid to furnish water on the desired portion of this reservoir for the reason that the Montezuma Valley Canal Company have all water appropriated from the Doloras River, as was found to be the case from the State engineer, and, furthermore, that an entire new canal to carry water to the desired point would require a much greater expenditure of money, even if water were available, which it is not.

The white settlers located along the ditches of this company are at present furnished water at a yearly rental of about \$1.50 per acre, or \$90 for 1 cubic foot of water (sufficient for 60 acres), but the company assert that they have lost money yearly in maintaining their system, and that hereafter they should charge a rental of \$2.50 per acre.

The result of irrigation in this section has proven highly satisfactory, large crops of hay, grain, vegetables, and all kinds of fruit being raised in great abundance, while on arid portions there is no vegetation whatever.

On the reservation in sections proposed to water the climate appears even milder and more favorable for fruit, tobacco, etc.

I find that in the San Louis Valley, farther north in the State, the Rio Grande Land and Canal Company operating, are irrigating about 30,000 acres at present, and charge \$8 per acre for perpetual water right, with an annual maintenance fee of about 50 cents per acre where land is located on their line of ditch, and where principally grain is raised, with but little if any fruit.

The water to be furnished (166 $\frac{2}{3}$  cubic feet) it is calculated would supply the first year 10,000 acres, costing \$150,000, or \$15 per acre, but as the same quantity of water would, after the second or third year supply 15,000 or more acres, after the land has become thoroughly saturated, the price would appear reasonable and water desirable at the price proposed inasmuch as the lands are practically worthless in their present condition, and these Indians must either be furnished water or remove to some other locality, and for the further reason that there is no other source of supply. The long distance to carry water, the loss from seepage and evaporation would be great; therefore, to supply 166 $\frac{2}{3}$  cubic feet, a much larger quantity of water must be supplied to the ditch at the head.

The favorable condition of climate for large crops requiring a much less area of land for support of a family renders the water supply more valuable in this section than further north in the State, where the returns are smaller and the crops limited to a few products, it being reported that 1 acre in this section properly irrigated would be worth as much as 3 or 4 acres located in the San Louis Valley.

In regard to amount required, while the quantity proposed to furnish would not be necessary at this time or for some years, it would appear desirable that no less quantity be contracted for, as it might be diffi-

cult, if not impossible, to secure it later, when otherwise appropriated, while the quantity proposed will be sufficient to cover all lands needed by the Indians located in that section.

With reference to the company's guaranty or security for fulfilling and perpetuating the agreement, the present company may be able at this time and so disposed to execute this agreement in good faith, but in a few years hence might be utterly unable to do so, or their successors or assignees may not be able to fulfill the requirements of the agreement.

It may be questioned if any bond or guaranty, outside of a lien on the ditch can be perpetuated or made sufficient. I therefore respectfully recommend that their proposition be given favorable consideration, with the following modifications:

That a twenty years' contract be entered into with the company for the furnishing of 166 $\frac{2}{3}$  cubic feet at a point on the reservation line, with a first lien upon the ditch as security, and a provision for the renewal of the contract after twenty years.

The agreement should provide specifically for the constant delivery of the amount of water agreed upon during each irrigating season. A forfeiture of 50 per cent of the annual maintenance charge for failure to deliver the amount of water agreed upon during any ten consecutive days during the months of June, July, and August is suggested, and a further forfeiture of the entire amount of annual assessment charge in case of failure to deliver the amount of water stipulated during thirty consecutive days during said three months.

The company should be required to construct their ditch and works in a most substantial manner, subject to the examination and approval of the Department, otherwise the Government could have no assurance that the agreement could be carried out in good faith. It would appear that the company should be required to execute a portion of the proposed improvement before any payment should be made, subsequent payments to be made as the work progresses, such proceedings being customary.

The company should be required to construct and maintain a proper measuring weir or device at the point of delivery to determine the quantity delivered, and which should be open at all times for inspection.

The maintenance charges should be placed at some reasonable figure. I would suggest \$5,000 per annum for the 166 $\frac{2}{3}$  cubic feet provided for and paid from the beginning of the delivery. In which event there will be no uncertainty in the matter and no ground for misunderstanding, and more desirable than their proposition to tax not exceeding a certain amount per acre, inasmuch as a certain quantity is to be furnished without reference to acreage to be covered, and the same quantity of water would supply a larger area in a few years.

To extend the necessary ditches to distribute the water over the reservation lands from the point of supply will require an expenditure of about \$20,000, covering a distance of about 10 miles. This work could and should be done by Indians under the direction of the Indian agent. The lands are on gradual slopes and on comparatively level grounds, therefore the work will not be difficult, there being but little if any rock to encounter.

There are 15,000 or more acres in this section which can be covered, and which will be more than sufficient for about 700 Indians now located there.

I would, however, suggest the advisability of leasing part of the lands when irrigated to white settlers for a term of ten or fifteen years (a less would not enable them to plant and grow fruit trees profitably),

by which time Indians would be better qualified to properly care for and cultivate the same.

It is considered that the delivery of water, as proposed, from April to November will supply all requirements of water for domestic purposes.

All of the above recommendations and suggestions are submitted after conference with Mr. Walter H. Graves, superintendent of construction of irrigation ditches on the Crow Reservation in Montana, who is considered complete authority on such matters and familiar with the character of country in Colorado, all of which is respectfully submitted.

Very respectfully, your obedient servant,

J. GEO. WRIGHT,  
*United States Indian Inspector.*

The SECRETARY OF THE INTERIOR.

PROPOSAL SUBMITTED TO THE GOVERNMENT BY THE MONTEZUMA VALLEY CANAL COMPANY.

The SECRETARY OF THE INTERIOR,  
*Washington, D. C.*

DEAR SIR: The Montezuma Valley Irrigation Company, of Cortez, Montezuma County, Colorado, owning and operating one of the largest irrigation systems in the State of Colorado, hereby makes the following proposition to furnish water for irrigation and domestic purposes to the Southern Ute Indian lands, situated south of and below the above company's water system in Colorado.

This company will furnish water during the irrigation season (say April 1st to Nov. 1st, in each year) at the north line of the said Ute Reservation, at a convenient point, to be hereafter decided upon, sufficient for the irrigation of, say 10,000 acres, or more (the duty of water being estimated at not less than one cubic foot for sixty acres), at the rate of nine hundred dollars (\$900) per cubic foot, each cubic foot to constitute what is called one perpetual water right; the Government to become the absolute owner of the water rights so paid for, and to be under no expense whatever thereafter, except to pay pro rata for each water right so owned; its proportion of the annual assessment for maintenance of the company's ditches, but which annual assessment is stipulated and guaranteed at not over the normal charge of one dollar per acre; water sufficient for domestic purposes to be furnished during the whole year; it being distinctly understood that all liability of this company, for the delivery of water, condition of laterals, etc., ends at said north line of said Ute Reservation; the distribution of the water thereafter, and its disposition upon said Indian lands, to be entirely under the control of and at the expense and risk of the Government.

The company agrees to furnish said amount of water as above described within one year after receiving duly authorized notice of acceptance of the above proposition, payments for the perpetual water rights to be made to this company by the Government, as follows:

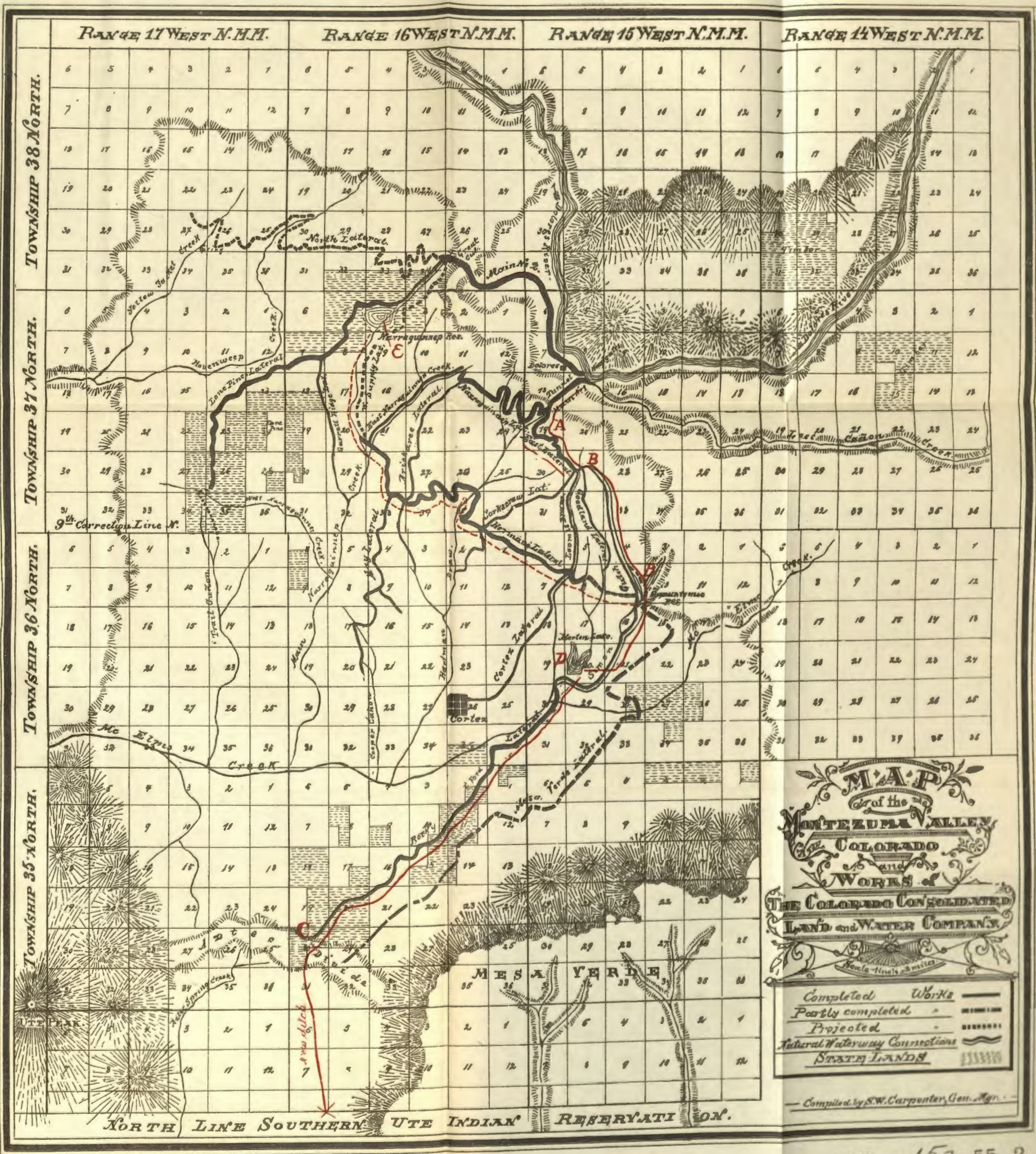
One-half of the amount immediately upon acceptance of this proposition, and the remaining half upon delivery of water as stipulated to the said reservation line; payment for annual assessments on each water right, for maintenance, to be made on January 1st of each year, the Government to be allowed full privilege, through some accredited agent, of examination of said Montezuma Valley Irrigation Company's books if desired, that the assessment levied for each preceding year may be duly audited.

Referring to terms of payment, this company desires to state that it is some forty miles from the head gate of the ditch to the reservation line; that to comply with the terms of this contract a large proportion of the main line of said ditch will have to be enlarged greatly; that some thirty miles, altogether, of new work will have to be performed; that a large reservoir will have to be constructed, meaning an outlay in actual cash of nearly \$100,000, all to handle the increased water supply and conduction contemplated, and in asking payment in advance of delivery for one-half the company is only asking to be guaranteed to that extent for a necessarily large outlay in completing this special work.

Bond for the complete and satisfactory fulfillment of the company's contract, or for the purpose of securing advances made by the Government will be furnished.

This is a correct copy of proposal submitted to the Government.

F. L. KIMBALL.



**M.A.P.**  
*Map of the*  
**MTEZUMA VALLEY**  
*and*  
**COLORADO**  
*and*  
**WORKS of**  
**THE COLORADO CONSOLIDATED**  
**LAND and WATER COMPANY**

Scale - 1 inch = 1 mile

Completed Works	—————
Partly completed	- - - - -
Projected	.....
Natural Waterway Connections	~~~~~
STATE LANDS	

Compiled by S.W. Carpenter, Gen. Mgr.

- D** PROPOSED RESERVOIR
- A** DIVERTING DAM.
- PROPOSED LINE.
- B** NATIONAL WATERWAYS
- - - - - ANOTHER FEASIBLE LINE.
- C** END OF PRESENT DITCH.