

Irrigation
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My dear Governor:

By reference of Supt. L. B. Sandall, of Moapa River Indian Reservation, Moapa, Nevada, there has been received a copy of Certificate No. 270, Book 2, page 270 issued by Hon. Robert A. Allen, State Engineer of the State of Nevada, purporting to show an appropriation of water through Indian canals A and B for irrigation and domestic purposes for use on certain lands within the Moapa Indian Reservation.

This certificate in part reads:

Decree in the matter of Muddy Valley Irrigation Co. et al v. Moapa and Salt Lake Produce Co. et al. Tenth Judicial District Court sets the summer duty of water at 70 acres per Second Foot and winter duty at 100 acres per Second Foot.

U. S. Indian Service was not party to this suit.

(underscoring supplied).

The above quotation shows that the Indian Service was not a party to the suit, and even if this Service was subject to the jurisdiction of the State laws the findings in this case would not in any way affect the rights of the United States and the Indians of this reservation.

It has been on several occasions pointed out to you that the water rights of the Indians of the Moapa River Reservation and other reservations within the State of Nevada are not subject to the operation of the State laws applicable to water rights. This matter was very thoroughly discussed in communication addressed to you while you were State Engineer of Nevada, under date of April 1, 1921, by John F. Truesdell, then Special Assistant to the Attorney General. Your attention is respectfully called to this communication. After you have had an opportunity to go into the matters discussed therein, should there then be any further doubt

in your mind regarding the exclusive jurisdiction of the Federal Government over the water rights of these Indians we shall be glad to further communicate with you concerning same or have Mr. Truesdell, who is now in this service, further discuss the matter with you. In view of the exclusive jurisdiction of the Federal Government over the land and water rights of these Indians it is believed that no grounds exist for controversy between your state and this Bureau, and it is hoped that the matter can be adjusted without resorting to court action.

Cordially yours,

Signe/Chris H. Marks

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Commissioner.

Hon. J. G. Scruggs,
Governor,
Carson City, Nevada.

Copies to Hon. Robert A. Allen,
State Engineer,
Carson City, Nevada.

John F. Truesdell
Hoopa River Agency.