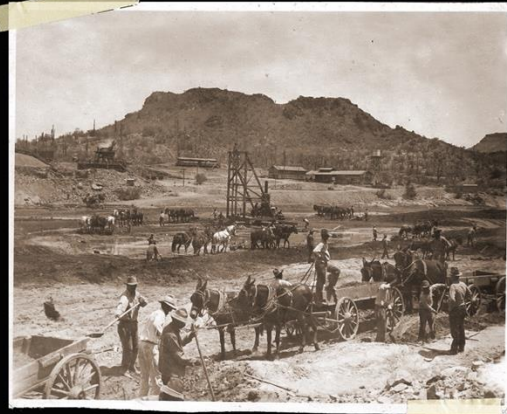


***“Damming the Gila: The Gila River Indian  
Community and the San Carlos Irrigation Project,  
1900-1942”***



David H. DeJong, Ph.D.  
Director, Pima-Maricopa Irrigation Project

The Pima Indians and the  
Florence-Casa Grande Project,  
1916-1928



DAMMING THE GILA

The Gila River Indian Community and  
the San Carlos Irrigation Project,  
1900-1942



David H. DeJong

STEALING THE GILA



The Pima Agricultural Economy  
and Water Deprivation,  
1848-1921

David H. DeJong

DIVERTING  
THE GILA

David H. DeJong

2021

University of Arizona  
Press

2009

2024

In 1924, Carl  
Hayden was  
Immensely Popular

- Elected to 7<sup>th</sup> term in the House
- Carried Pinal County 1,484 to 20
- Secured additional funds for the FCGC

HON. CARL  
**HAYDEN**  
WILL SPEAK AT  
THE AIRDOME

Every-  
body  
Will  
Be  
There  
To  
Welcome  
Our  
National  
Repre-  
sentative

Come  
From  
The  
Country



Come  
And  
Hear  
All  
About  
The  
San  
Carlos  
Dam

Everyone  
Turn  
Out  
In  
The City

CONGRESSMAN CARL HAYDEN

**TUESDAY EVE'G**  
OCTOBER 19, 1915





- The Akimel O’otham abandoned scores of farms
- “In old days ... a low mist would spread over the river ... and every field put in crops.” Now “the river [is] an empty bed of sand.” George Webb, 1959



# Building Momentum for SCIP



ARIZ-267

# By 1923, prospects for San Carlos bill were Good

- April 1924, Senate behind Henry F. Ashurst and Ralph Cameron unanimously approved the bill
- June 1924, the House unanimously approved
- But the bills differed
- Hayden reconciled the competing bills
  - Reflected social reform of Elwood Mead
  - 160 acre yeoman farms
  - House demanded repayment

# The Hayden Bill

- 160 acre maximum farm size
- Land and Water split 50-50 with non-tribal growers
- Hayden's "distributive" policy made it more palatable to split water than reallocate it
- Indian Country was a "last frontier"
- Historian Donald Pisani: irrigation policy between 1890-1920 changed from "civilizing" the Indians to becoming Native Americans "greatest enemy."



# Context for Distributive Policy

- Post Civil War “conquest by kindness”
- Social reformers adopted model of the Freedman’s Bureau (“40 acres and a mule”)
  - Agriculture at the center
  - Land severalty (surplus sold)
  - “civilizing” effects of ownership
  - Yeoman farmers

# A once prosperous people ...



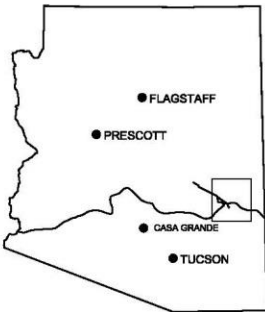
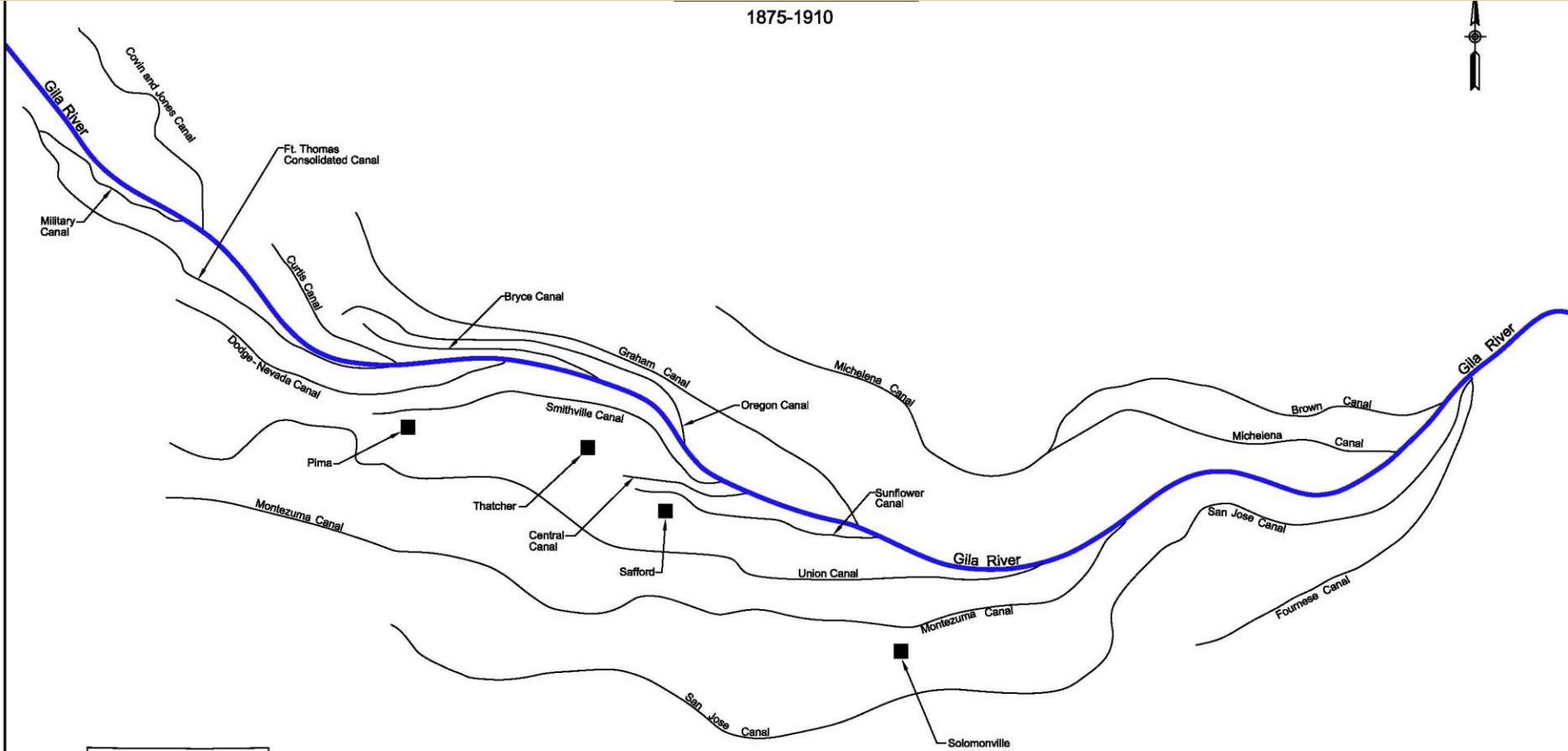
Fell before a national social experiment of yeoman farmers  
In the west water meant stiff competition  
DLA: to prove up land required water





# Upper Valley Canals

1875-1910



- Duncan Valley 2,551 acres
- Safford Valley 18,373 acres
- San Carlos Apache 1,250 acres
- San Pedro River Valley 2,672 acres

# INDIANS STARVING TO DEATH.

---

Six Thousand Perishing on the Gila  
Reservation in Arizona Because  
of Failure of Crops.

---

“That 6,000 Pima Indians, always the consistent and active friends of the white man, should be reduced from a condition of wealth and great prosperity to actual starvation through neglect of the federal government ... seems a ... killing of friends.”

*Chicago Tribune*, June 19, 1900

# Land loss and leasing

- 1890s, national push to develop natural resources
- 1890, 12,000,000 acres of tribal land opened
- By 1895, 3,300,000 acres leased
- By 1900, 8,182 acres **sold** every month
- Reservations opened to homesteading
- Arid Southwest had to consider irrigation
  - Reclamation Act compounded matters (competition)
- 1908, Winters followed Winans



# Setting at Gila River

- 1904 Presbyterian Home Missions Board visit
    - 300 growers and all facing hardship
    - All wanted independence
    - Board informed T. Roosevelt: need wells and canals and “a storage reservoir.”
  - Charles Cook (43 years) and Dirk Lay (28 years)
    - Influenced: Joseph Wellington, William Peters, Edward Jackson and Roe Blaine Lewis
-



“Of 586 families visited ... 432 families of industrious Indians eager for work have not been able to raise any crop at all for lack of water.”

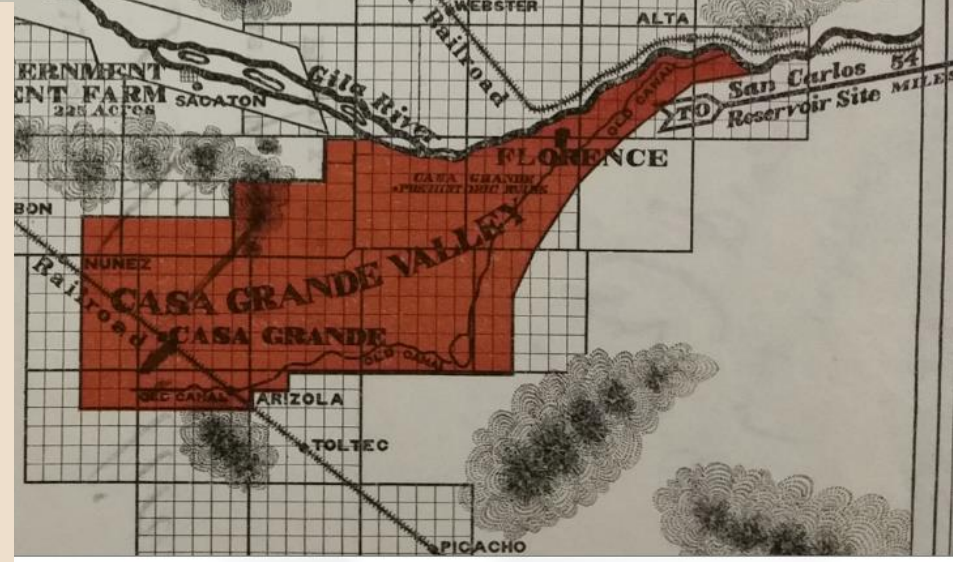
**Reverends Sheldon Jackson and George Spinning, Presbyterian Church (1904)**



# Casa Grande Valley Canal Company

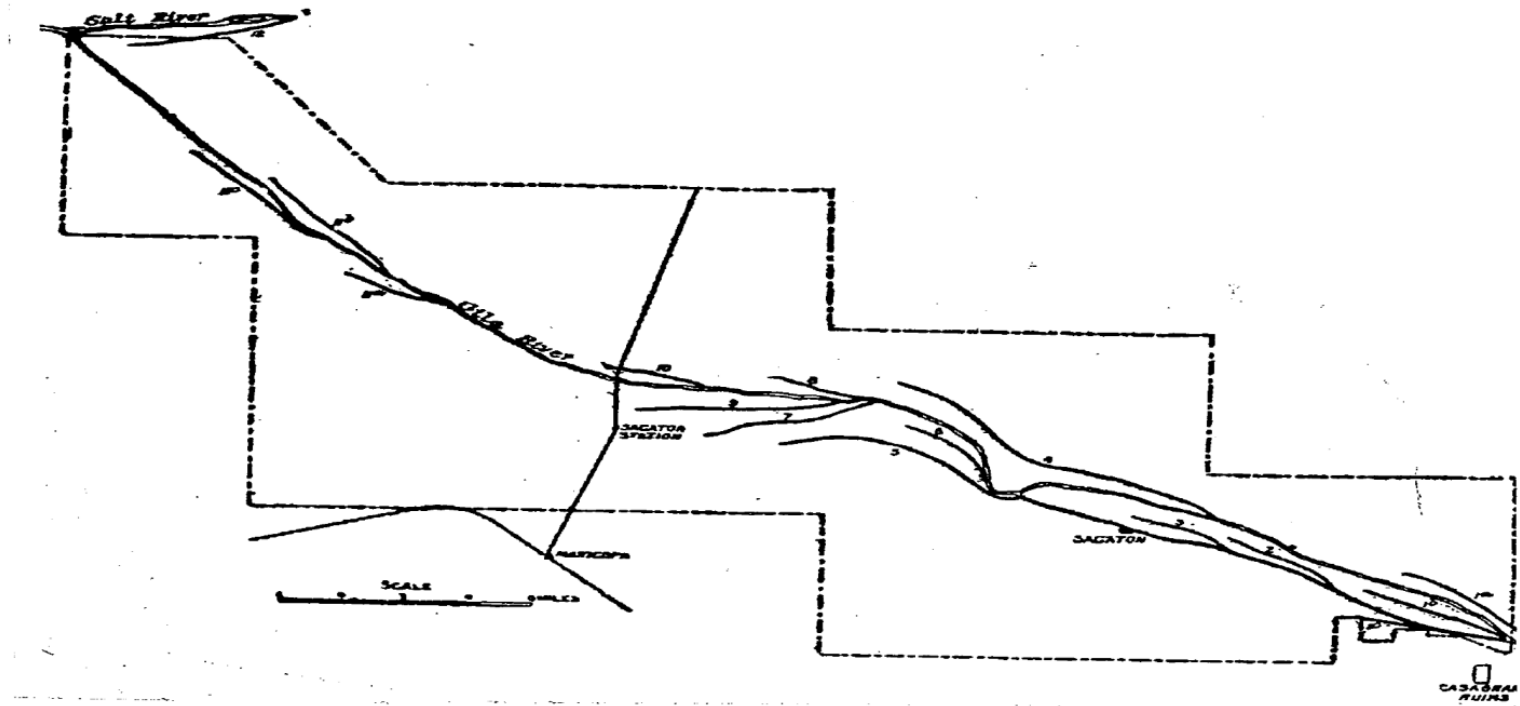


SRV 280,670 acres  
FCGV 41,057 acres  
UV 40,948 acres  
1904 Arthur Davis of the USGS: "Further development of irrigation in Arizona by the simple diversions of water from the Gila River and its tributaries is impossible [because they are] already over appropriated."





In 1859 15,000 acres but by 1900 just 3,600 acres



“We have suffered much loss, our cultivated land was reduced and what fields we do cultivate, do not bring us as much as they did when irrigated by river water.”

49 year-old John Rhodes of Sranuka (1914)

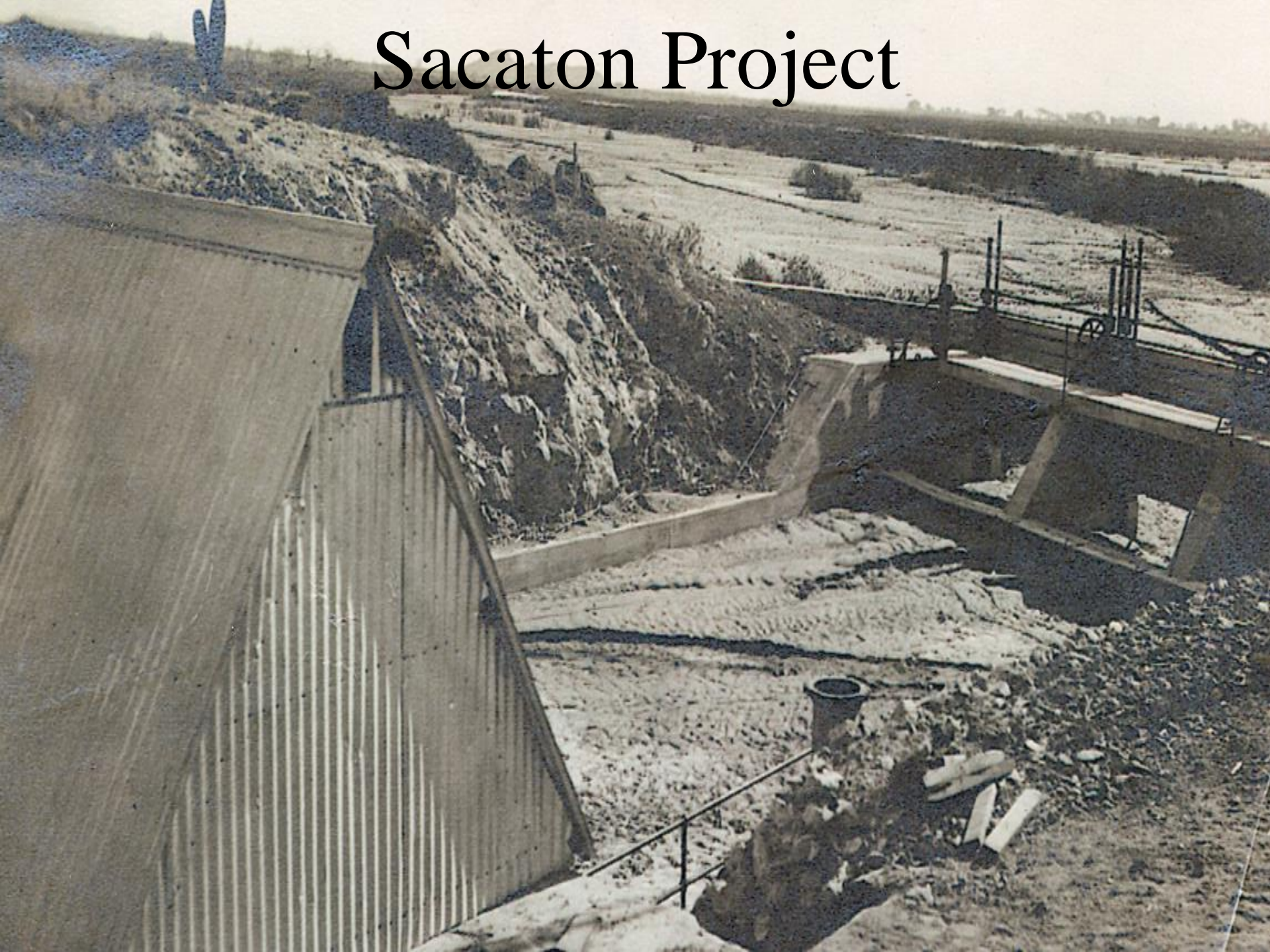
# New Irrigation Projects



In 1908, the Reclamation Service and Indian Service began a series of irrigation projects on the reservation that were tied to allotment in severalty.



# Sacaton Project





# Little Gila Project





# Agency Project





# Casa Blanca Project





# The Blackwater Project





# The Sacaton Flats Project





# Hope for San Carlos Bill?

- 1912 John Stephens (D:TX) introduced legislation for SCP and adjudication of water rights
  - Carl Hayden opposed (wanted Joint Works)
  - House Committee killed it



# Carl Hayden

- Defined the problem of Akimel O'otham deprivation as environmental, not upstream diversions
    - “I am firmly convinced that the loss of an adequate supply of water, which the Pima Indians have suffered, is not due in any great measure to diversions from the Gila River for irrigation by the white settlers whose farms are located above the reservation.”
    - The Akimel O'otham provided the moral agency for a federal project
-

---

# 1914 adjudication survey

- Justice Department: protect Akimel O'otham water to fullest but must show use and damage due to diversions
  - Hayden saw opportunity
    - Friendly lawsuit and no federal intervention
    - Ashurst, Smith, and Hayden united
    - Need to unite Florence-Casa Grande
-

# Florence-Casa Grande Project was first step

- 1902 National Reclamation Act
    - Salt River Project awarded first in Arizona but amidst controversy
    - Yuma Irrigation Project the second
    - Congress not willing to fund a third
  - Hayden wanted SCP as joint works
    - Lockwood Decree followed
    - 1916 FCGP authorized
-



# Florence-Casa Grande Project



ARIZ-267

# San Carlos Irrigation Project



*Cadenbach  
Photo*

General View of Dam and Lake  
N° 373 - Coolidge Dam Construction - Jan-19-1929

SAN CARLOS PROJECT, ARIZ.  
**COOLIDGE DAM**  
ATKINSON, KIER BROS., SPICER CO.  
CONTRACTORS



U.S. GOVERNMENT PRINTING OFFICE  
WASHINGTON, D. C.

# Identifying the San Carlos Site

- 1895 USGS searching for storage sites to restore water to the Akimel O'otham
- 1899 hydrologist Cyrus Babb located the “San Carlos” site on the Gila just below its confluence with the San Carlos River
- 1899 Frank Wilson introduced HR 3733 but no support (Congress appropriated \$30,000 for “support of the Pima”)
- 1901-1912 wrangling over NRA and first project



# 1912 Hayden's H.R. 17016

- San Carlos Project and dam (Joint Works)
- Hayden promised to not interfere in UV rights
- Florence and Casa Grande united
- ACOE 1914 report: 709,626 AF and 2 acre-feet per acre (61-39 split of water)

# Committee on Special Advisors on Reclamation

- Elwood Mead one of six members (Thomas Campbell chairman)
- Adopted Mead's theory of social reform
  - Agrarian nation
  - 160 acre farms
  - Jeffersonian tradition
- 1923 Harding died and Calvin Coolidge became President

# “Armed with a six shooter and a rifle”

- Dirk Lay unified over 5,000 Presbyterian Churches
- December 1923 to DC “to feel out” climate
  - December 11 S. 966 introduced by Cameron
  - Was Indian bill = Committee on Indian Affairs
  - Purpose: to repay “a debt to the Pima Indian which our Government has sadly neglected”

# Calling on President Coolidge and Speaker Gillette

June 6, 1924, Congress was set to adjourn

May 1: House CIA approved

May 27: Presbyterians flooded Congress with telegrams to encourage Speaker Frederick Gillette and Calvin Coolidge to support it

June 2: Need Coolidge to persuade Gillette

June 4: House approved

June 7 Ashurst and Hayden met Coolidge: Dam will be called "Coolidge Dam"

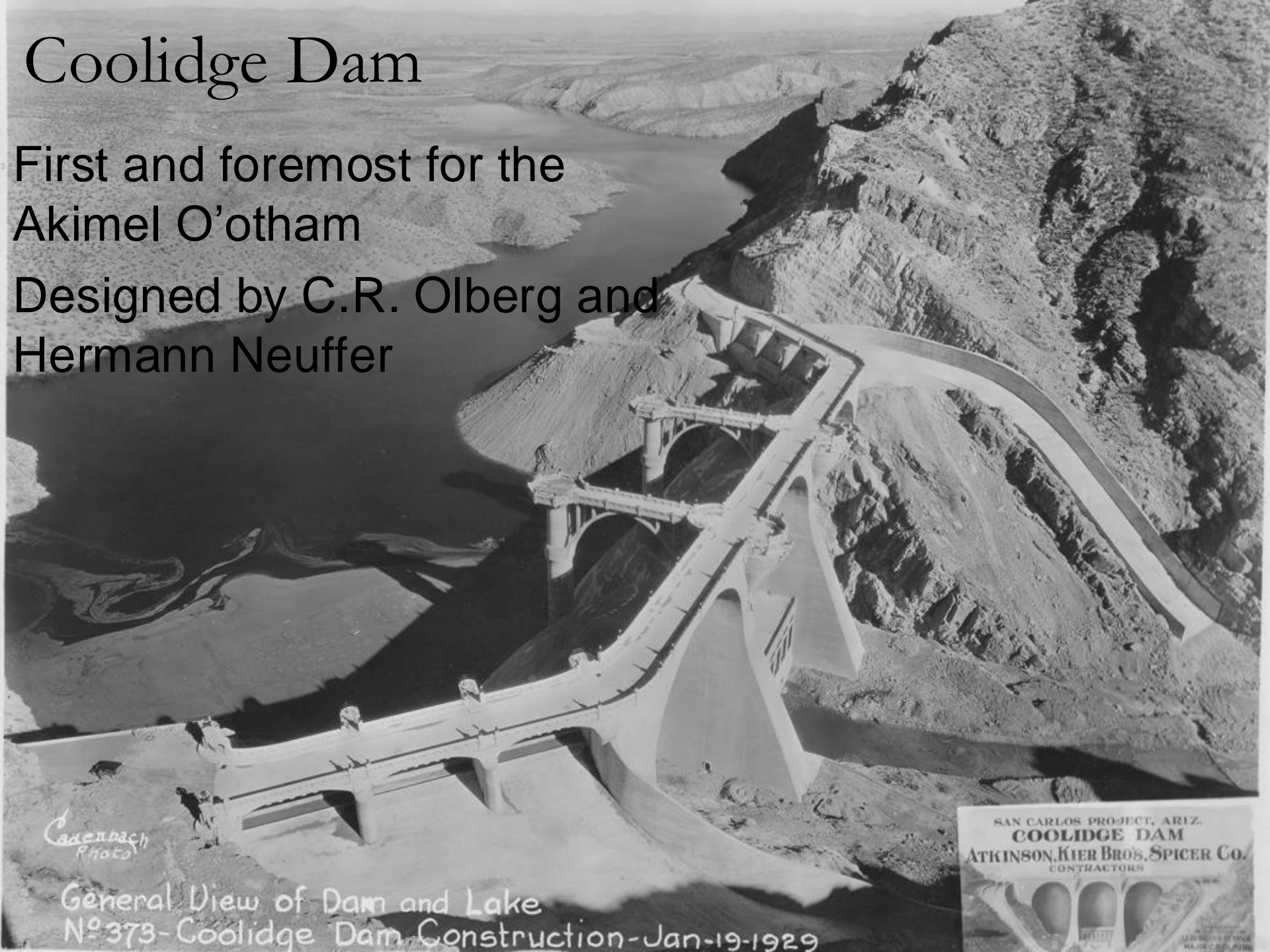
June 7 Coolidge signed the bill



# Coolidge Dam

First and foremost for the  
Akimel O'otham

Designed by C.R. Olberg and  
Hermann Neuffer



*Cadenbach  
Photo*

General View of Dam and Lake  
N° 373-Coolidge Dam Construction-Jan-19-1929

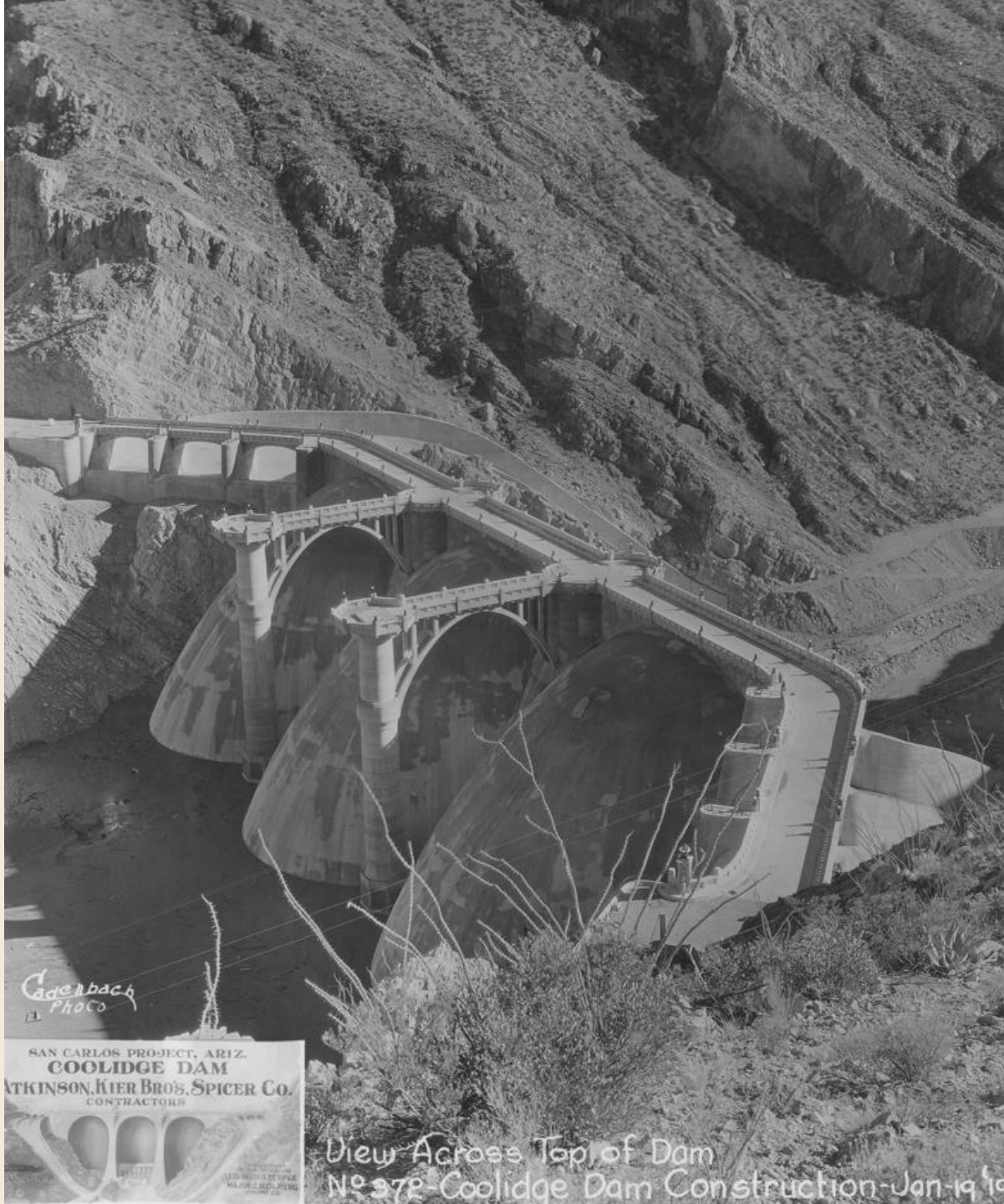


# Coolidge Dam

World's first Multiple  
Dome Dam (1.2  
MAF storage)

Contractor:  
Atkinson, Kier  
Brothers and Spicer  
CO., of Los Angeles  
(\$2,268,525.50)

USIS \$1,098,090 in  
steel and cement



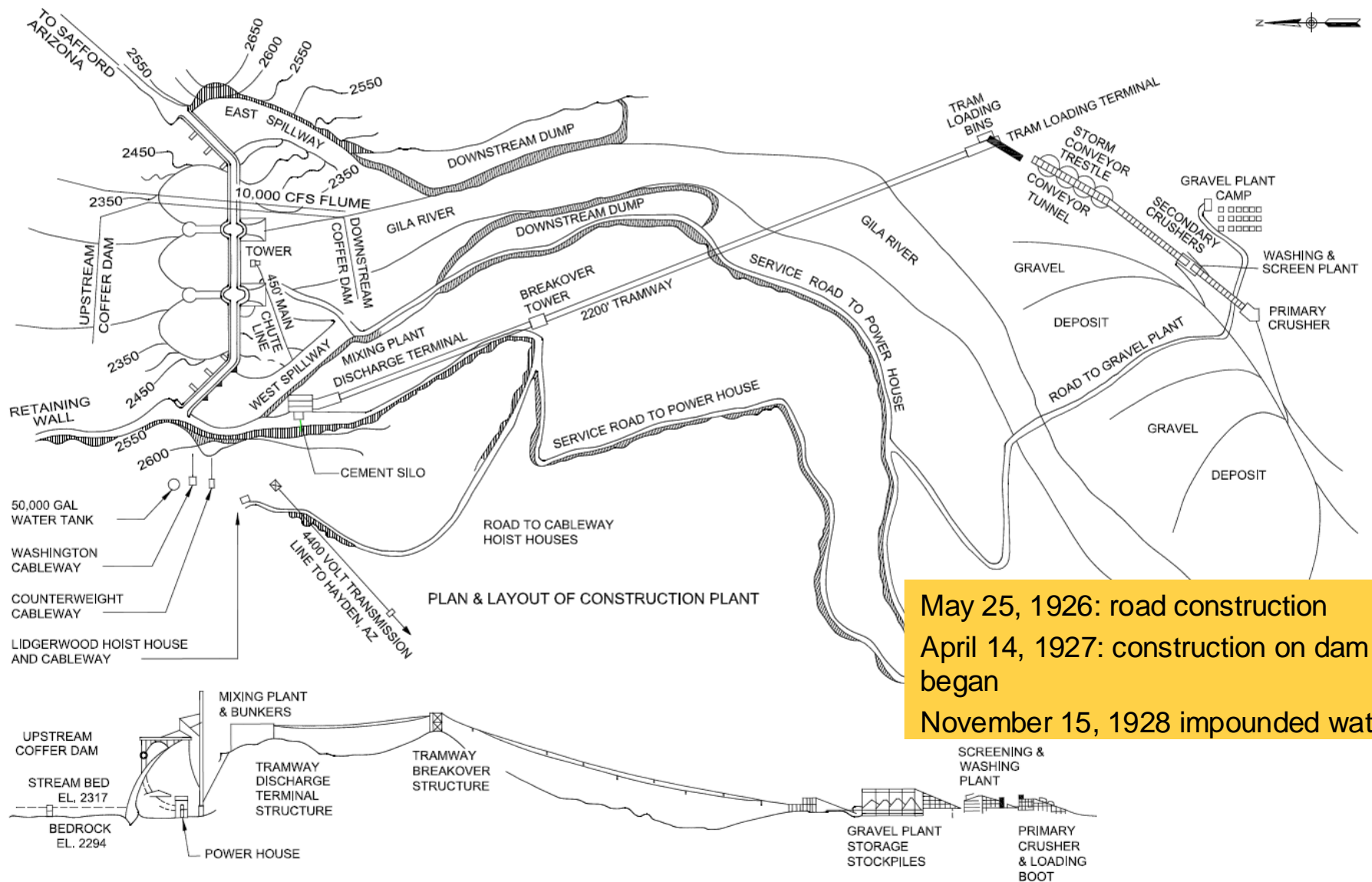
Gadenbach  
Photo

SAN CARLOS PROJECT, ARIZ.  
**COOLIDGE DAM**  
ATKINSON, KIER BROS, SPICER CO.  
CONTRACTORS

View Across Top of Dam  
No 372-Coolidge Dam Construction-Jan-19, 1916

# Coolidge Dam: Timeline

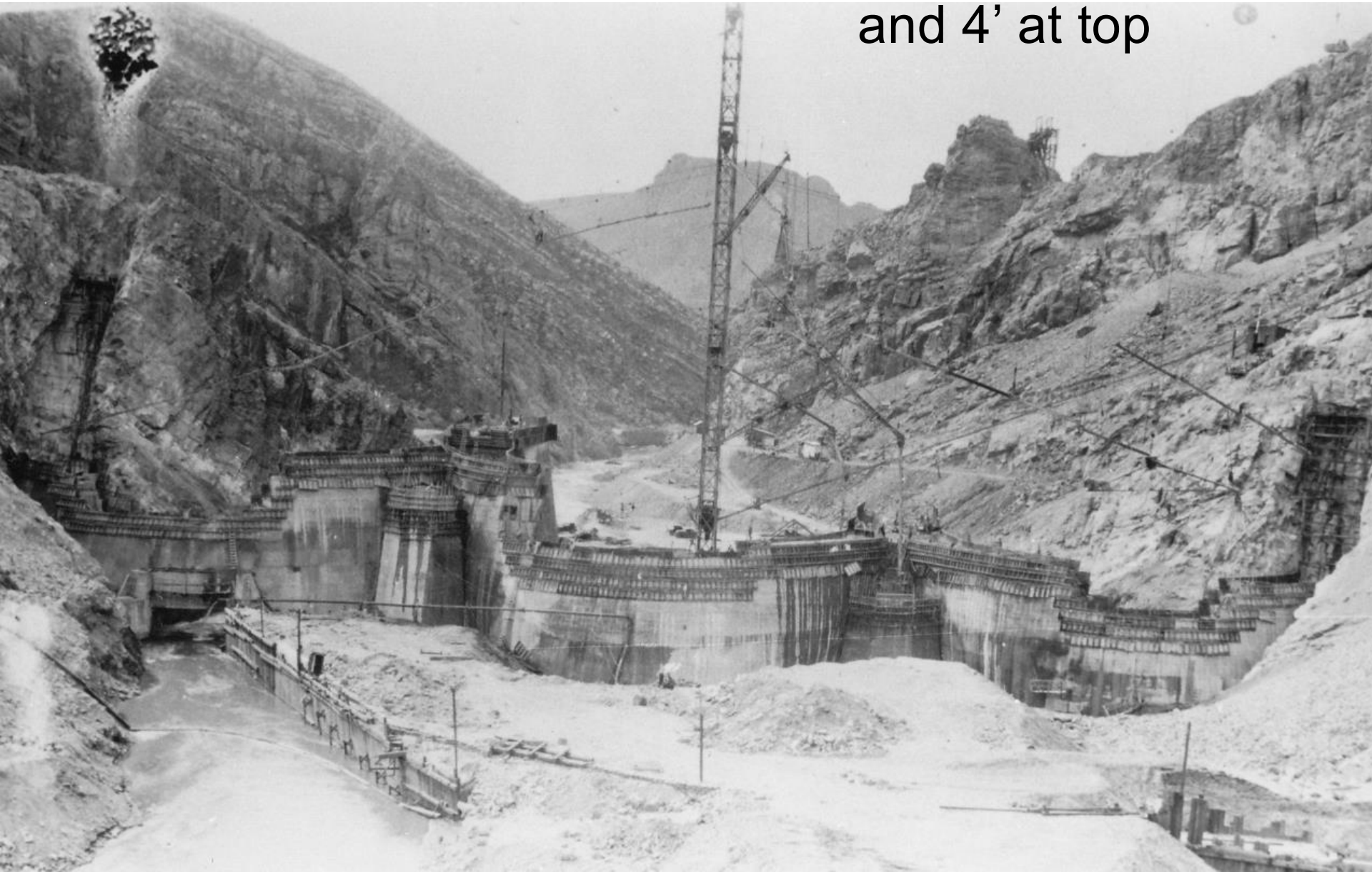
## COOLIDGE DAM CONSTRUCTION SITE 1926-1929





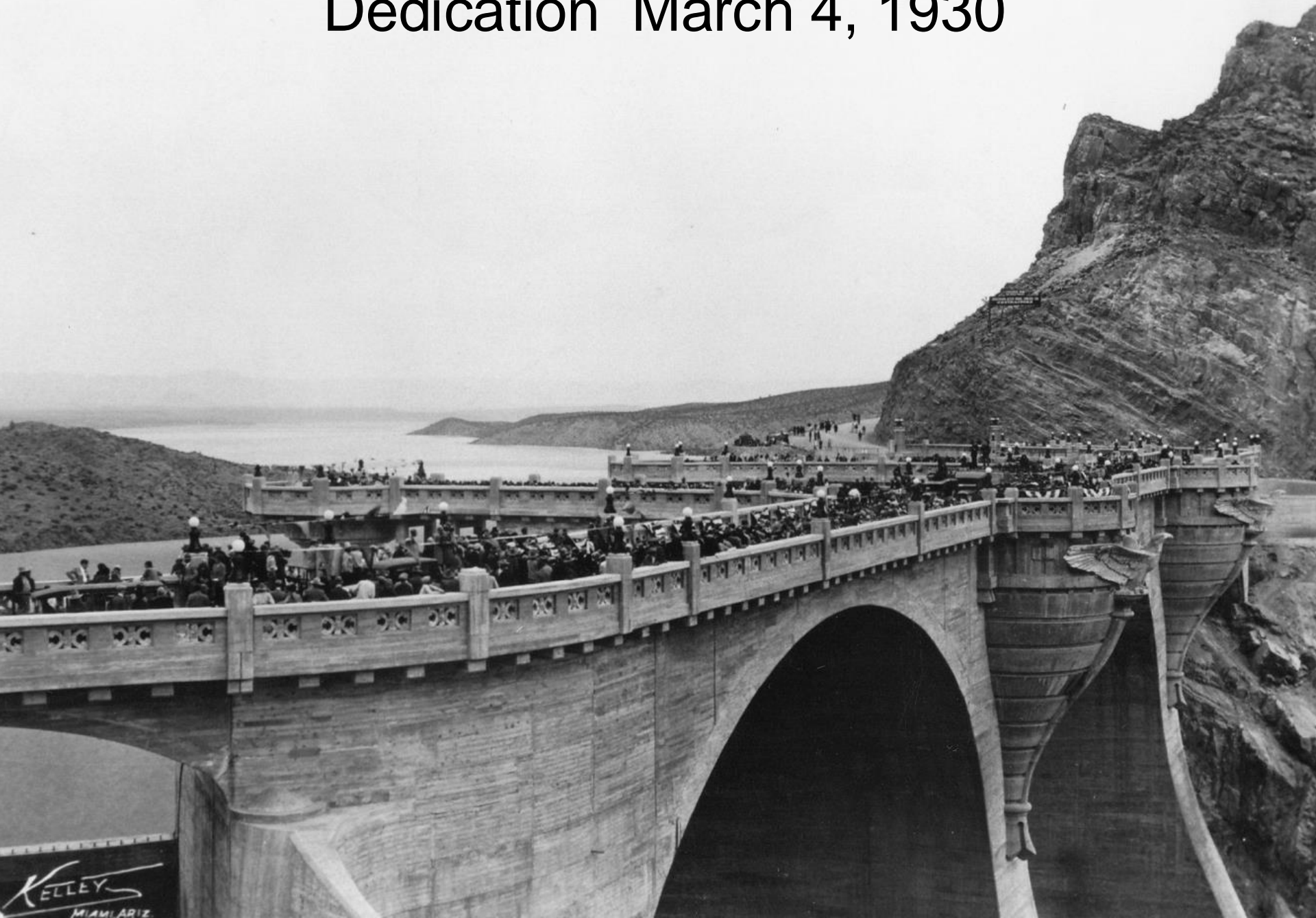
# Coolidge Dam

Tilt: 41 degrees  
24' thick at bottom  
and 4' at top





Dedication March 4, 1930



KELLEY  
MIAMI, ARIZ.



# Final Analysis

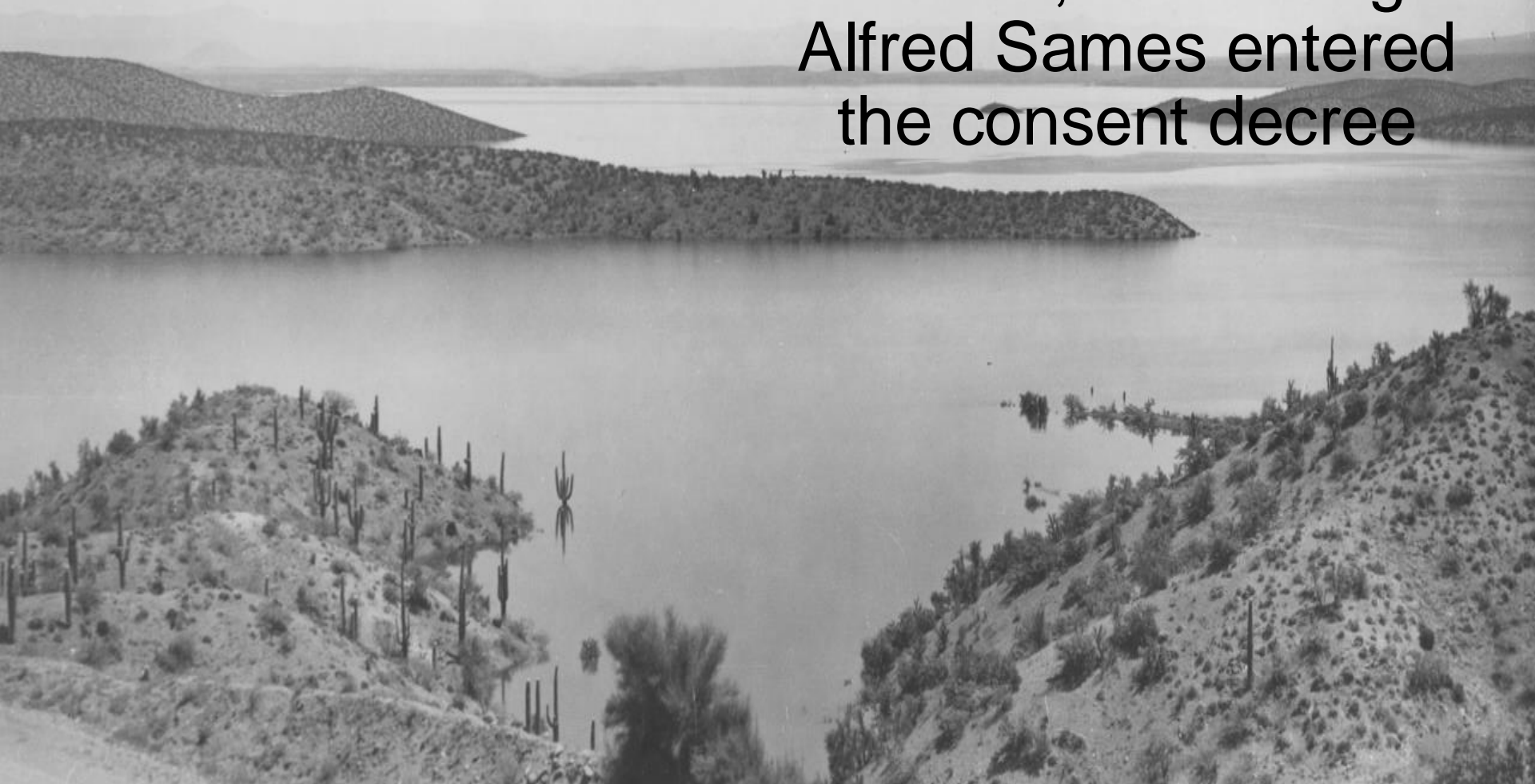
Charles Olberg  
believed the  
Akimel O'otham  
should not pay any  
of the costs due to  
the theft of their  
water

1932 acreages:  
SCIDD 39,482  
GRIC 14,123

# Initiating the Gila River Decree

Oct 2, 1925 filed

June 29, 1935 Judge  
Alfred Sames entered  
the consent decree



# Precursor to Gila Decree

- Justice Attorney John Truesdell believed Akimel O'otham claims were weak since Winters Doctrine had “not been thoroughly established”
  - Prior appropriation: must show use and increase (hard when U/S users have water)
  - Charles Southworth and L.H. Woolsey demonstrated effect of U/S users on D/S growers
  - Indian Service convinced Charles Burke to initiate action
-



# United States v. Winters (1908)

- 1905 Milk River dry at Ft. Belknap due to U/S diversions
    - Treaty tribes
    - District Court ruled in favor of Ft. Belknap
    - Appellate court affirmed and 1908 US Supreme Court (8-1) upheld: tribes “were reserving something that was already theirs.”
  - Conrad v. U.S. filed six months earlier
    - Same court, judge and federal prosecutor
    - Included “future needs”
-

# Post Winters

## •Montana attempted to force allotment of Blackfeet

- Suspend all federal litigation
  - 5 years from allotment to use water (second attempt 2 years)
  - Water subject to laws of Montana
  - President Roosevelt vetoed
    - Congress must appropriate funds if only 2 years time
    - Non-Indians might use water before Blackfeet could
  - Failed, but it showed Congress was willing to skirt the intent of the courts
-

# U.S. v. Wightman (1916)

- San Carlos Apache spring serving old Camp Goodwin lands
  - William Sawtelle held
    - SCAT non-treaty tribe
    - Water not appurtenant to the reservation
    - US never “exercised the power” to reserve water
  - Court distinguished between treaty and non-treaty
-

# U.S. v. Hampelman (1916)

- Wind River Shoshone allotted in 1904 and ceded 1,480,000 acres
- Allotments within ceded lands
  - Wyoming argued state jurisdiction and
  - Allottees have junior right
- 1868 focus of Ft. Bridger Treaty was agricultural and protected water sufficient to fulfill the purposes of the reservation
- Reserved rights upheld and strengthened Winters



# Uintah Ute cases (1923)

- 1849 treaty of peace and friendship but EO established reservation in 1864
  - Truesdell encouraged reserved rights and prior appropriation claims
  - Would the court consider EO reservations?
  - 1923 decrees provided water for 60% of rez.
  - Neither reserved rights nor prior appropriation (but Utah was unique in that Congress granted jurisdiction)
-

# Congress Acts Again

- Montana sought to open reservations immediately, focusing on Ft. Belknap
  - Consider three years' time to put water to use
  - Strong opposition to reserved rights (but did respect treaty rights)
  - Did nothing to protect tribal water (numerous opportunities)
  - Piecemeal approach: FCGP for Gila River
-

# Ft. Hall Shoshone-Bannack

- 1868 Ft. Bridger Treaty
  - Reservation allotted but water not immediately put to use
  - 1921 Skeen v. US: no loss of right due to non-use
  - 1928 US v. Hibner reserved rights on allotted lands owned by non-Indians
    - Still apply
    - Only change is state jurisdiction
-



# Pyramid Lake Paiute (Orr Ditch)

- Established under secretarial order 1859 and EO confirmed 1874
  - 1902 Newlands Project using Carson and Truckee river water
    - Reservation to have been allotted and included in Newlands
    - Only “bench” lands totaling 3,130 acres (later added 2,745 acres)
    - Reserved rights applied
-

# U.S. v. Walker River (1936)

- US argued reserved rights for 10,000 acres
  - District Court held no reserved rights
    - No treaty
    - US never reserved the water
    - “no existing right”
  - 9<sup>th</sup> circuit reversed and upheld implied reserved rights
-

# Summary of cases prior to Gila Decree

- Three stipulated decrees (as was Gila Decree):
  - Walker River
  - Pyramid Lake
  - Uintah
- Rejected reserved rights (no treaty)
  - San Carlos Apache
  - Walker River
- John Truesdell involved in most of these and they influenced his decisions on the Gila River decree



# The Ten-Year Negotiations of the Gila River Decree

Globe Equity No. 59

---

---

In the District Court of the United States  
In and for the District of Arizona

---

THE UNITED STATES OF AMERICA

vs.

GILA VALLEY IRRIGATION DISTRICT, ET AL.

---

DECREE ENTERED JUNE 29, 1935

---

---

# Filing the Complaint

- John Truesdell assigned to it (involved since 1915)
  - Must include FCGV growers since federal rights
  - No reserved rights, prior appropriation only
  - Post 1924 SCIP
    - Stored water changed matters: allowed for division
    - Low flow priorities “less important”
    - Enough water for all
  - Feb. 1925 fired (hired by USIIS as superintendent)

# Revolving Door of Attorneys (6)

- Harold Baxter (fired November 1925)
  - 1876 priority for GRIC (after FCGV and UV)?
  - Filed case October 3, 1925
- Edward A. Smith (fired 1931) promised not “to disturb any of the existing rights enjoyed today” and US would “adjust rights by mutual agreement”
- Oliver Morton (fired 7-1-33) directed to execute consent decree or be fired
- John Gung’l, Gustave Iverson and E. Ward

# Compromise

- UV: wanted reservoir; got “substituted storage plan”
- UV refused to recognize PA rights: would leave little water in the river
- UV gave up little (and actually gained preference)
- Nevada Consolidated Mining Co. kept water (jobs)
- SCIDD received 50% of stored water and natural flow rights
- GRIC water reduced from 252,730 AF to 210,000



# Akimel O'otham Objected

- GRIC water first (Margold agreed)
- SCIDD objected: deal with “blow up” if stored water is GRIC's
- Traveled to District Court and Sames refused to seat them
- June 29, 1935, decree accepted
  - Was an agreement of appeasement
  - Hayden manipulated events
  - Based on faulty hydrology

# Gila River Decree 1935

Globe Equity No. 59

---

---

In the District Court of the United States  
In and for the District of Arizona

---

THE UNITED STATES OF AMERICA

vs.

GILA VALLEY IRRIGATION DISTRICT, ET AL.

---

DECREE ENTERED JUNE 29, 1935

\*Hydrology

\*GRIC time immemorial

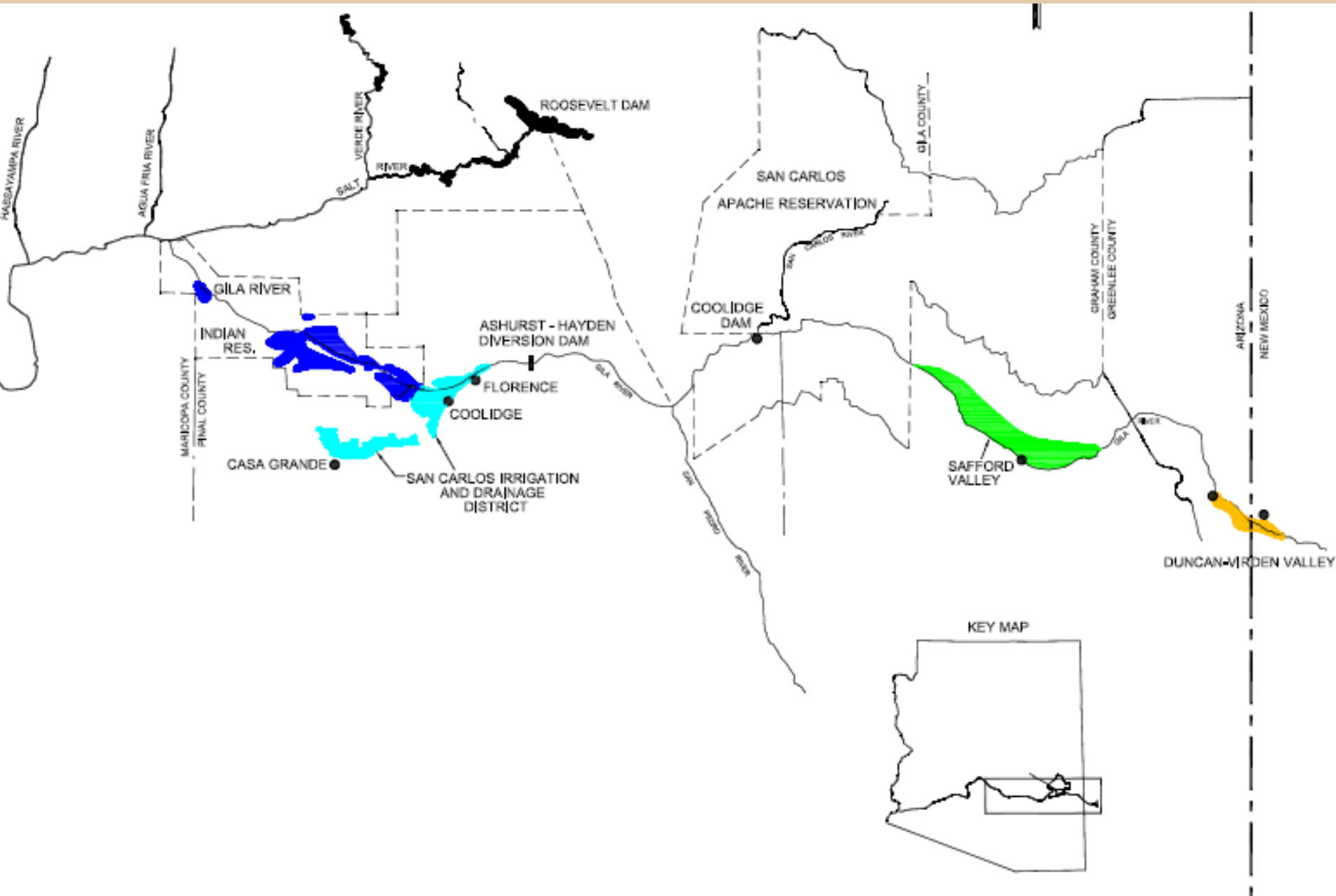
pre-1925: 404,405 AF

\*Substitute Storage

Post 1925: 297,859 AF

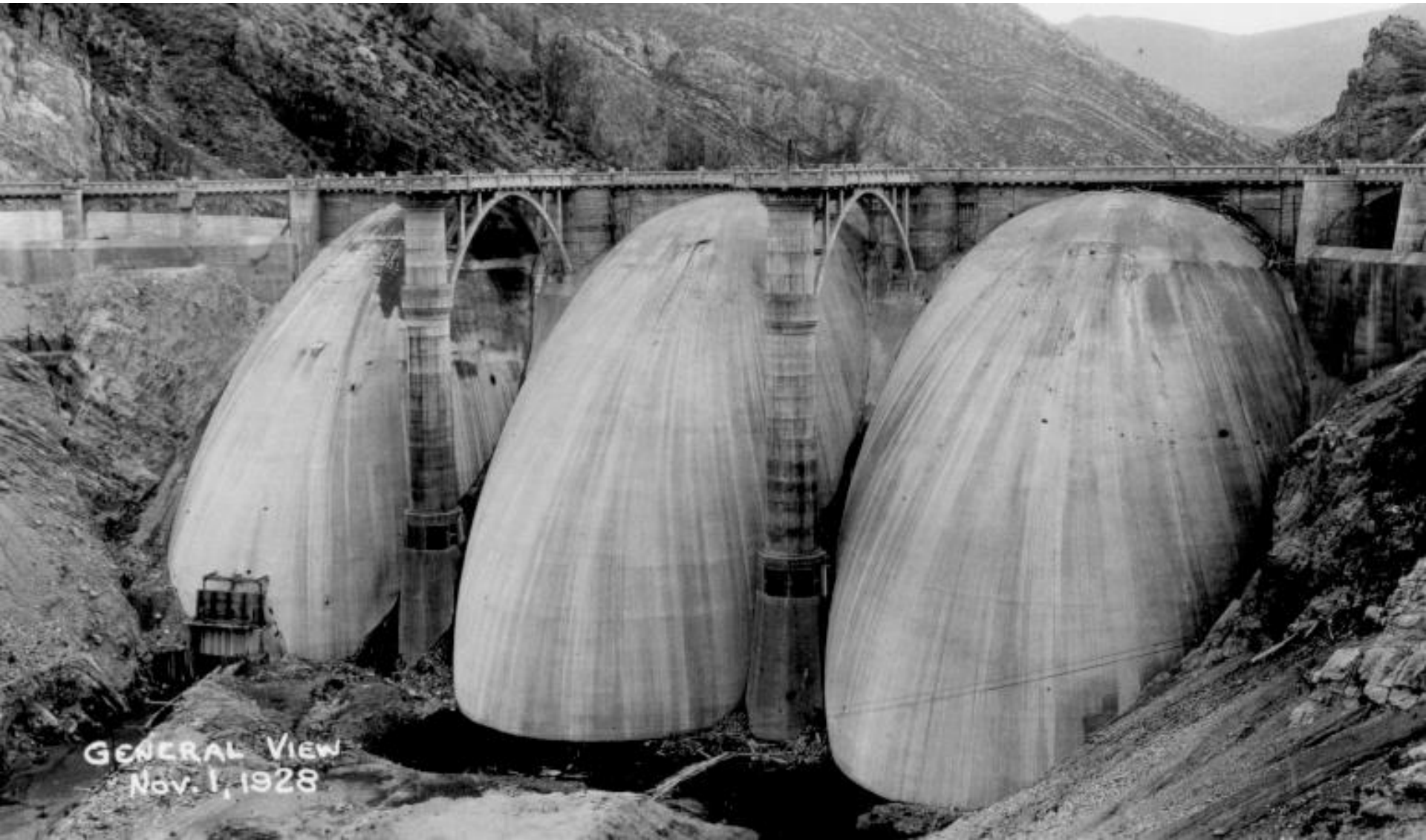
\*Stored water 50-50

# Decreed Lands



# San Carlos Irrigation Project: GRIC Only?

Too little water and too many acres



GENERAL VIEW  
Nov. 1, 1928





“Subjugation” of 50,000 acres of land.

1933 subjugation



ARIZ-253



Over half the land was unsuitable





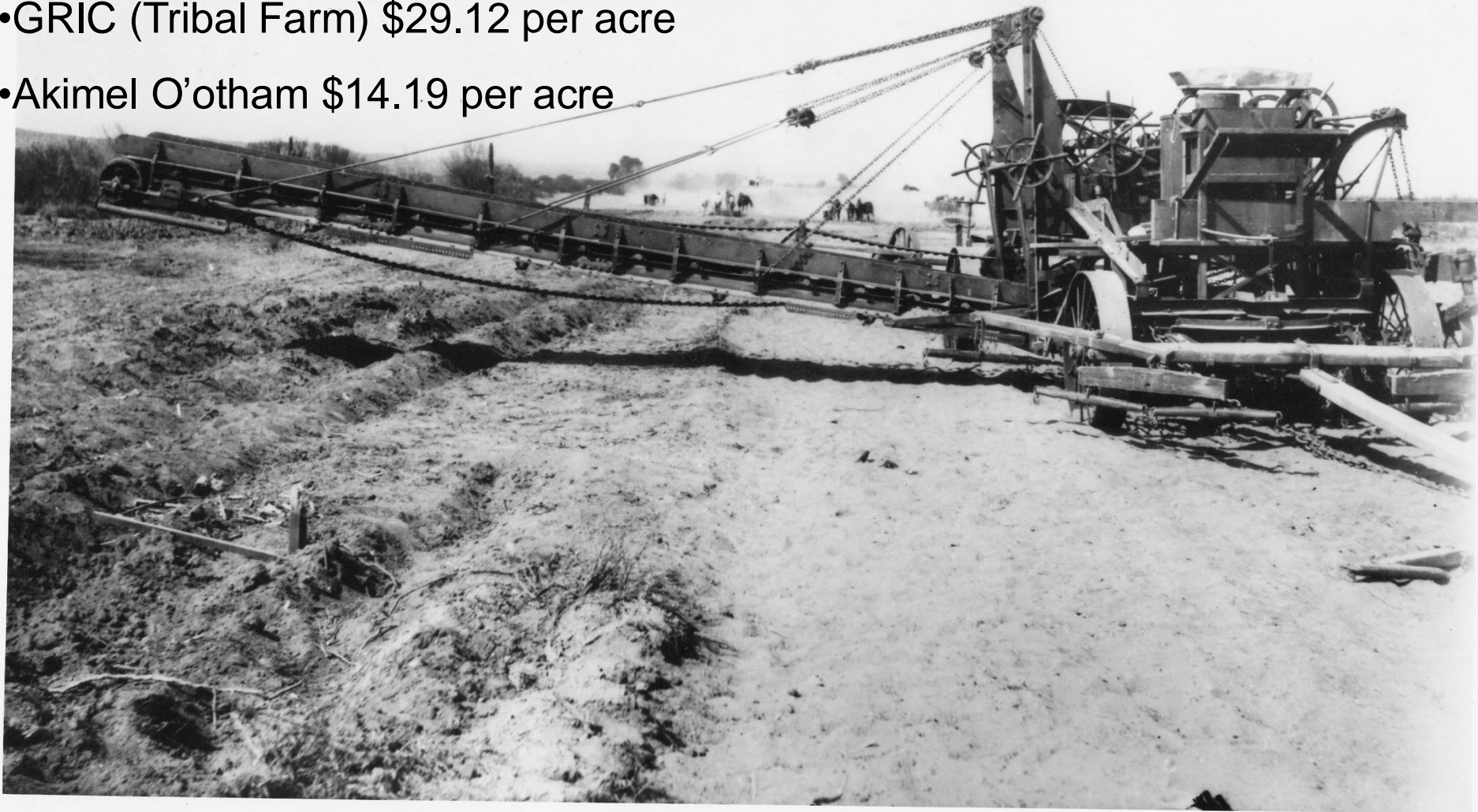
# O&M Assessments





# Post SCIP and Coolidge Dam

- Upper Valleys: \$110.38 per acre
- SCIDD \$58.12 per acre
- GRIC (Tribal Farm) \$29.12 per acre
- Akimel O'otham \$14.19 per acre



# Final Analysis

- Hayden married a joint works project:

- Akimel O'otham moral and legal rights
- FCGV political strength
- Protected Upper Valleys

- Between 1910 & 1945 GRIC irrigated lands lagged

Year	Upper Valley	FCGV	GRIC
1910	33,715	18,789	12,000
1920	39,374	28,647	12,813
1925	40,948	41,057	11,860
1945	41,975	42,100	28,230

---

# THE 20<sup>TH</sup> ANNIVERSARY OF THE ARIZONA WATER SETTLEMENTS ACT (2004-2024)



# WHAT THE SETTLEMENT MEANS

- A firm supply of water has been restored (ten-year rolling average of 653,500 acre-feet)
  - Statutory recognition of the water rights
  - Funding to convert “paper” water to “wet” water
  - Community has re-established itself as a water partner and powerhouse in the Southwest
-



# GILA RIVER INDIAN COMMUNITY WATER BUDGET (ACRE-FEET PER YEAR)

■ Underground Water	173,700	■ SRP Stored Water	20,000
■ Globe Equity Decree	125,000	■ Chandler Reclaimed	4,500
■ CAP Indian Priority	173,100	■ Chandler Reclaimed Ex.	2,230
■ RWCD CAP (NIA)	18,600	■ Mesa Reclaimed Ex.	5,870
■ RWCD Surface Water	4,500	■ New CAP NIA	102,000
■ HVID CAP Water (NIA)	18,100	■ Haggard Decree	5,900
		<b>Water Budget</b>	<b>653,500</b>

---

# P-MIP WAS ALWAYS AT THE CENTER OF THE A/WSA-HAD TO DEMONSTRATE USE





# System improvements transformed Pima Canal from this ...







**... to this**





---

A century after the SCIP promised to restore water, the future is looking brighter for the Gila River Indian Community. Today it is coming full circle to rebuild its agricultural heritage.