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Piyahu Nadu - Land of Flowing Waters:
The Water Transfer from Owens Valley to Los Angeles 1913-1939

A thesis submitted in partial satisfaction
of the requirements for the degree Master of Arts
in American Indian Studies

by

Chantal R. Walker

2014

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ABSTRACT OF THESIS

Piyahu Nadu - Land of Flowing Waters
The Water Transfer from Owens Valley to Los Angeles 1913-1939

by

Chantal R. Walker

Master of Arts in American Indian Studies

University of California, Los Angeles, 2014

Professor Duane Champagne, Chair

A partial history of the indigenous Owens Valley Paiute peoples and their relationships to water is presented for the purpose of understanding the Owens Valley Paiute resistance against the water transfer from Owens Valley to Los Angeles. This historical narrative focuses on the early to mid-twentieth century and the Paiutes' pre-contact sociopolitical organization. This thesis will add to the existing literature on the water transfer with new interpretations and perspectives regarding how and why water is culturally important for the Owens Valley Paiute peoples. The central research question for this thesis is why did the Owens Valley Paiute peoples resist the water transfer? The answer to this question is found within how water is thought of, valued, and used within their culture and aspects of their world view which is revealed through stories and interviews.

The thesis of Chantal R. Walker is approved.

Paul Kroskrity

Benjamin Madley

Duane Champagne, Committee Chair

University of California at Los Angeles

2014

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Disclaimer: This paper is a partial narrative of how the transfer of water from the Owens Valley to the city of Los Angeles during the twentieth century has and is still affecting the original inhabitants of Owens Valley. Throughout this paper I cite that the original inhabitants of this valley are the Owens Valley Paiute peoples, but this is not meant to disregard the other indigenous peoples that reside in Owens Valley, including the Shoshone. As a non-native that is from the discipline of History, I do not intend to speak for any of the indigenous peoples of this valley. I only hope to tell a story of their experiences, from selected interviews, of how the water transfer has affected the various individuals of the Owens Valley Paiute peoples. Please note the interviewees who decided to participate in an interview do not intend to speak for the Tribe that they are a part of, but are offering their experiences or their relatives' experiences of how the water transfer affected them or their families.

A Brief Historical Background of the Owens Valley Paiute

The Creation stories of the Owens Valley Paiute tell of them living in Owens Valley since time immemorial. There is reference made to the Owens Valley Paiute originating in Round Valley which is north of Owens Valley.¹ The Owens Valley Paiute have traditionally referred to themselves as *numu*, meaning “the people.”² Ethnographer, Julian H. Stewart stated that the word ‘Paiute’ probably derived from ‘pa’ meaning water while the word ‘ute’ carries little significance to the Owens Valley Paiute.³ The traditional dialect spoken by the Owens Valley Paiute is a Mono language of the Uto-Aztecan Great Basin language family.⁴

The arrival of settlers whom intruded upon Owens Valley Paiute land resulted in a series of armed conflicts from 1862 to 1865.⁵ The battles were mainly fought over resources and territory. Settlers brought cattle which destroyed the native lands that the Owens Valley Paiute peoples had developed and irrigated.⁶ The Euro-Americans monopolized water for their cattle while depriving the Owens Valley Paiute of their village locations and access to water for

¹ Julian H. Stewart, “Myths of the Owens Valley Paiute” University of California Publications in American Archaeology and Ethnology 34:5 (August 19, 1936), 365.

² Julian H. Stewart, *Ethnography of the Owens Valley Paiute* (Berkeley: University of California Press, 1933), 235.

³ *Ibid.*, 235.

⁴ Sven Liljebald and Catherine S. Fowler, *The Great Basin XI*, ed. Warren L. D’Azevedo, (Washington, D.C.: Smithsonian Institution: 1986), 412.

⁵ W.A. Chalfant noted the Owens Valley Paiute Indian War started in 1861 (W.A. Chalfant, *The Story of Inyo* (Bishop: Chalfant Press, Inc., 1922), 147).

⁶ Michael, William H. “*At the Plow and in the Harvest Field:*” *Indian Conflict and Accommodation in the Owens Valley 1860-1880*. MA Thesis (Norman: University of Oklahoma, 1993), 48.

irrigation and horticulture. The lands which included such plants as taboose and nahavita that had been irrigated by the Owens Valley Paiutes were quickly vanishing. With the loss of control over water, the Owens Valley Paiute were deprived of food and often out of desperation resorted to killing cattle which led to conflicts with ranchers and farmers. Thus, the Paiutes began to eat cattle for the purpose of survival.⁷ This, in part, resulted in battles erupting between the pioneers and the Paiute.⁸

By July of 1863, the Owens Valley Paiute were forced by the California Volunteers⁹ to march to the El Tejon Reservation also known as the San Sebastian Reservation.¹⁰ This forced march to the western end of the Tehachapi Mountains above the southern San Joaquin Valley was an unfortunate result of the continued massacres by the Euro-Americans. The Euro-Americans wanted to remove the Owens Valley Paiute so that they would not take cattle, crops and water. Some Indians were strongly enticed to move to Ft. Tejon, which during the 1850s and early 1860s was the policy in California. The state policy wanted to move potentially troublesome Indians, like the Paiute, to reservations to separate them from the settlers, who then would have free control over the land and water. However, some of the Owens Valley Paiute escaped en route to Fort Tejon, while others stayed behind in Owens Valley. Depending on the

⁷ *Ibid.* See also Mary Austin, *Western Trails: A Collection of Short Stories by Mary Austin* selected and edited by Melody Graulich, (Reno: University of Nevada Press, 1987), 107, 110. Mary Austin, a political activist of the Owens Valley Paiutes, wrote *The Basket Woman* published in 1904. It showed “the costs of war from a woman’s point of view, and since *The Basket Woman* is based on Paiute women Austin knew, her story may well reflect their view of history before whites appeared.” In Austin’s *Basket Woman* there is a vivid description on page 110 of how war depressed the community and the women who grew corn and caught insects kept the food stored for the Paiute men.

⁸ Michael, “*At the Plow and in the Harvest Field*,” 48.

⁹ See Frank D. Deering, *The Codes and Statutes of California At the Close of the Twenty Sixth Session of the Legislature, 1865* (San Francisco: Bancroft-Whitney Co., 1886), 576. California Volunteers were groups of militia formed in response to protection of territories under supposed threat by Indians in this case. The United States approved an act on April 27, 1863 that granted bounties for the volunteers. (Deering, *The Codes and Statutes of California At the Close of the Twenty Sixth Session of the Legislature, 1865*, 662).

¹⁰ Sharon E. Dean, et al., *Weaving a Legacy Indian Baskets and the People of Owens Valley, California* (Salt Lake City: University of Utah Press, 2004), 22.

circumstances of a particular family, it was up to them to determine if leaving Fort Tejon was even feasible. For instance, if the family was taking care of elderly grandparents that were in no condition to make it back to Owens Valley, then it was probably in the best interests of the family to remain at Fort Tejon.¹¹

Fort Tejon eventually was dismantled. On March 17, 1864 a bill was introduced that placed California Indians on reservations which now excluded Fort Tejon.¹² The Owens Valley Paiute that remained at Fort Tejon were moved to the Tule River Reservation starting in 1863.¹³

According to social historian John Walton, the Owens Valley Paiute who returned to their homeland discovered their land was now claimed by pioneers, miners, and prospectors.¹⁴ The Owens Valley Paiute peoples, presented in social historian John Walton's, *Western Times and Water Wars* were interconnected into what Walton called, the pioneer settler economy. Males were typically employed as ranch hands, while the females worked in the domestic service sector.¹⁵

¹¹ In Julian Steward's, "Panatubiji, An Owens Valley Paiute" a biography of a Paiute male, as told by Panatubiji's grandson, Tom Stone, described the life of his Grandfather. It was at Fort Tejon where Panatubiji "remained among the captives because his sister and son were with him." Thus, this serves as an example that it was most likely up to the circumstances of the individual family as to whether they were going to take the risk to leave Fort Tejon. (Julian H. Steward, "Panatubiji: An Owens Valley Paiute," in *Languages and Cultures of Western North American: Essays in Honor of Sven S. Liljebald, E.H. Swanson*, ed. Earl H. Swanson, Jr. (Pocatello: Idaho State University Press, 1970), 195).

¹² George Hardwood Phillips. "Bringing them under Subjection:" *California's Tejon Indian Reservation and Beyond, 1852-1864* (Lincoln: University of Nebraska Press, 2004), 250. Fort Tejon was caught in a legal issue over a Mexican land grant, and the government lost the case, and so the land was no longer available for an Indian Reservation.

¹³ Frank Gelya & Carole Goldberg, *Defying the Odds The Tule River Tribe's Struggle for Sovereignty in Three Centuries* (New Haven: Yale University Press, 2010), 24.

¹⁴ John Walton, *Western Times and Water Wars: State, Culture, and Rebellion in California*. (Berkeley: University of California Press, 1992): 23.

¹⁵ *Ibid.*, 26-27. Colin I. Busby, John M. Findlay, and James C. Bard, *A Cultural Overview of the Bureau of Land Management Coleville, Bodie, Benton and Owens Valley Planning Units, California*. (Bakersfield, CA: Bureau of Land Management Cultural Resources Publications Anthropology-History, 1982.), x. The source noted that the Owens Valley Paiutes have to one degree or another adopted "to the social and economic conditions imposed by the white settlement and occupation of the area [referring to Owens Valley]."

By the early twentieth century, another round of major changes were about to transpire in Owens Valley. Los Angeles city officials needed more water to support the increasing population of Los Angeles and Owens Valley was the city's answer to what they needed.

The Transfer of Water from Owens Valley to Los Angeles

Water has been a source of contention, recreation, and necessity for civilizations throughout time. In the arid western United States, water was and remains an issue of controversy. For Los Angeles, a city that currently supports approximately 3.8 million people, in a semiarid climate, it is not surprising that water is channelized, pumped, and dammed for the continued growth of this metropolis.¹⁶ One source of water that Los Angeles currently receives is flowing downstream from the Eastern Sierra via the Los Angeles Aqueduct. The transfer of water from Owens Valley located in Inyo County, California to Los Angeles has been popularized in historical memory within the film *Chinatown*.

To truly appreciate the importance of the Owens Valley Paiute peoples' involvement in the Los Angeles Owens Valley water transfer, one must understand how the story unfolded and how the Owens Valley Paiute peoples remain mainly invisible or inaccurately represented in the history of this controversial water transfer.¹⁷

The scholarship on the Owens Valley Los Angeles water transfer recounts multiple perspectives on what transpired. Throughout time, most accounts are incomplete with few accounts telling the experiences and perspectives of the indigenous peoples. However, none of the accounts provide adequate reasoning and interpretation of how and why water is important

¹⁶ U.S. Department of Commerce, "Los Angeles City Quick Facts from the U.S. Census Bureau," June 12, 2012, accessed January 12, 2014, <http://quickfacts.census.gov/qfd/states/06/0644000.html>.

¹⁷ The present literature review does not cover the entire list of publications that mention the transfer of water from Owens Valley to Los Angeles during the twentieth century. However, the most pertinent publications are reviewed for the purpose of gaining an understanding about how the stories of this water transfer was told and how the Owens Valley Paiute remain mainly invisible or inaccurately represented.

from the Owens Valley Paiute peoples' perspectives and its relation to their resistance towards the Owens Valley Los Angeles water transfer. How water is utilized and understood within the Owens Valley Paiutes' culture, polity and economy provides a more complete story of why there was and still is resistance against the water transfer from Owens Valley to Los Angeles. Arguably the most direct effect of the water transfer towards the Owens Valley Paiute peoples involved the events surrounding the 1937 Land Exchange Act and the deed of June 26, 1939.¹⁸

The distinctions between the 1937 Land Exchange Act and the deed bearing the date June 26, 1939 are important. Throughout the existing literature, some authors refer to 1937 Land Exchange Act or the 1939 Land Exchange Act. The two are different but similar, and both transactions were needed for the Owens Valley Paiute to reside on federally recognized land with access to water. An Act of April 20, 1937 (50 Stat. 70) was enacted to provide the Indians in Inyo county with lands, buildings and water rights held for them by the United States for the benefit of the Indians. However, water rights were not realized in the Act of April 20, 1937. Pursuant to this Act of April 20, 1937 "... an indenture dated June 26, 1939, provided for the exchange of lands between the city and the United States as trustee together with a covenant to deliver 6045.92 acre feet of water per annum."¹⁹

The present research brings the voices of the Owens Valley Paiute peoples to the forefront in an effort of restructuring a narrative of their peoples' experiences during the time of the early to mid-twentieth century.

Literature that Does Not Address the Paiute Peoples

Former local Inyo County newspaper editor, Willie Arthur Chalfant wrote one of his first

¹⁸ See Letter to Commissioner of Indian Affairs from Solicitor, March 16, 1956, Record Group 75 Bureau of Indian Affairs California Sacramento Area Office Case of Records 1908-1958 of Irrigation Projects, 1950-1958 Case No: 3A(9071)-3B Box No 9. Folder, Owens Valley Land Purchase, National Archives and Records Administration, San Bruno, CA.

¹⁹ See Letter to Commissioner of Indian Affairs from Solicitor, March 16, 1956.

histories of the Owens Valley in its entirety. Chalfant's 1922 *The Story of Inyo* mentioned the transfer of water to Los Angeles but separated this event from the early history of the Owens Valley Paiute peoples.²⁰ This made the original inhabitants of the land insignificant in this water transfer.

The history of events in Inyo County produced by journalists continued with Marrow Mayo. Mayo's *Los Angeles* was a history of the city and described the water transfer in a chapter titled "The Rape of Owens Valley."²¹ This chapter provided a sensational account of how L.A. city officials acquired the water from Owens Valley via the Los Angeles Aqueduct. The construction of the Los Angeles Aqueduct started in 1907 and began to carry water to Los Angeles residents in 1912, with 1913 being the official date of completion for the Aqueduct.²² Los Angeles' increasing population growth during the late nineteenth to early twentieth centuries created a demand for acquiring more water. No mention of the indigenous inhabitants of the valley is made within Mayo's "The Rape of Owens Valley." Instead the settlers are credited with creating an oasis from a desert despite the hardships they endured including "... heat, disease, famine, floods, and Piute and Mojave Indians."²³ Dismissively citing the Owens Valley Paiute people in a negative context is also a feature within the autobiographical *The Owens Valley and Los Angeles Water Controversy as I knew It*.²⁴ Richard Coke Wood's first person narrative of the water transfer from Owens Valley to Los Angeles only referred to the Owens Valley Paiute

²⁰ Chalfant, *Story of Inyo*, 21-69 & 337-399.

²¹ Marrow Mayo, "The Rape of Owens Valley" in Marrow Mayo's *Los Angeles*, (New York: Alfred A. Knopf, 1933), 220-246.

²² Caltrans District 9, *Participants and Observers: Perspectives on Historic Native American Information from Independence to Haiwee Reservoir in Owens Valley for the Olancho/Cartago Four-Lane Project, U.S. Route 395, Inyo County, California*, by Shelly Davis-King with research assistance from Lynn Johnson, contract number 06A0387 (Encinitas: ASM Affiliates Inc. 2003), 39, 40.

²³ *Ibid.*, 223.

²⁴ Richard C. Wood, *The Owens Valley and the Los Angeles Water Controversy Owens Valley as I knew It* (Stockton: University of the Pacific, 1974), 7.

in the context of the pioneers battling with the Paiute and the Mojave Indians.²⁵ Wood thus promoted the idea that the pioneers set up permanent settlements after years of battles with the wild, hostile and non-agricultural Paiute Indians.²⁶

W.W. Robinson's "Myth Making in Los Angeles" attempted to dispel common myths of Los Angeles' history. Robinson mentioned the water transfer from Owens Valley to Los Angeles in the context of a syndicate group of speculative land buyers desiring profit from the building of the Los Angeles Aqueduct. This article only added to the lists of publications that promoted the 'myth' that the original inhabitants of Owens Valley were not present during the water transfer.²⁷

The controversy of myth and corruption with the Owens Valley Los Angeles water transfer is present again within Carey McWilliams *Southern California An Island on the Land*.²⁸ McWilliams, a journalist turned attorney, wrote a chapter on the water transfer from Owens Valley to Los Angeles. McWilliams cited that Morrow Mayo's *Los Angeles* was the first complete account on the water transfer. Consequently, this account of the water transfer once again is reduced to a story of Los Angeles city officials as corrupt and evil schemers with no mention of the original inhabitants.²⁹

Unsurprisingly, the Los Angeles Department of Water and Power's own publication describing the water transfer does not portray Los Angeles city officials as villains. Instead, Don J. Kinsey's *The Water Trail* described Owens Valley water as under-utilized. According to Kinsey "a portion of the river's water was used upon the ranch lands of the Valley; the

²⁵ It should be noted that the Mojave Indians lived along the Colorado River and not in Owens Valley.

²⁶ Wood, *Owens Valley and the Los Angeles Water Controversy Owens Valley as I knew It*, 7.

²⁷ W.W. Robinson, "Myth-Making in the Los Angeles Area," *Southern California Quarterly* 45: 1 (March, 1963), 83-94.

²⁸ Carey McWilliams, *Southern California: An Island on the Land* (Santa Barbara: Peregrine Smith Inc., 1973), 187-191.

²⁹ *Ibid.*, 187.

remainder, and the greater share, was wasted by the river as it emptied into Owens Lake...³⁰ Consequently, Kinsey wrote that the water needed to be put to better use by diverting most of it to Los Angeles. Kinsey described Owens Valley as being the Owens Valley Paiutes' historic homeland but then erased them from the ensuing water transfer.³¹

The promotion of a pro-Los Angeles stance continued with a book authored by the great granddaughter of William Mulholland, the former Chief Engineer of what was to become the Los Angeles Department of Water and Power. Catherine Mulholland's *William Mulholland and the Rise of Los Angeles* is a biography of William Mulholland.³² The book provided a look into the accomplishments and disasters William Mulholland experienced throughout his life. In this autobiography, Catherine Mulholland attempted to dispel the myth that the water transfer from Owens Valley to Los Angeles was a controversy by seeking the truth behind the transfer. However, her desire to dismiss the controversy of the water transfer lost credibility when the author failed to mention the Owens Valley Paiute peoples in the story.

The Owens Valley Paiute peoples were once again erased from the water transfer story in Gary D. Libecap's *Owens Valley Revisited: A Reassessment of the West's First Great Water Transfer*.³³ Libecap used an economic approach when discussing the water exchange. He concluded his book by pointing out that the ranchers and farmers strategically sold their land and water rights to the city of Los Angeles in an effort to escape the economic and agricultural depressions of the time. Libecap also pointed out that, contrary to popular opinion, the city of

³⁰ Don J. Kinsey, *The Water Trail* (Los Angeles: Department of Water and Power, 1928), 9.

³¹ *Ibid.*, 6.

³² Catherine Mulholland, *William Mulholland and the Rise of Los Angeles* (Los Angeles: University of California Press, 2002), xiii-xviii.

³³ Gary D. Libecap, *Owens Valley Revisited: A Reassessment of the West's First Great Water Transfer* (Redwood City: Stanford University Press, 2007), Table 3.1. The table is a summary of the land and water negotiations during the time of the water transfer, but there is no mention of the Owens Valley Paiute here nor throughout the text.

Los Angeles was helping the farmers and ranchers by purchasing their land and water rights because Owens Valley was a “region of marginal agricultural potential to begin with.”³⁴

Another location arguably considered to be a region of marginal agricultural production during the late nineteenth and early twentieth centuries was Los Angeles, because of the continued drying of the L.A. River. In Blake Gumprecht’s *The Los Angeles River* the transfer of water from the Owens Valley was mentioned briefly and Gumprecht stated that the “Los Angeles-Owens River Aqueduct did become the new Los Angeles River.”³⁵ However, there was no mention of the Owens Valley Paiute peoples in relation to this water transfer. Although, Gumprecht mentioned the cultural relationship the Gabrielino Indians had with the Los Angeles River in Chapter One.³⁶ This thesis is similar to Gumprecht’s mention of the Gabrielino’s cultural tie to the Los Angeles River. It is noted that before the drying of the Los Angeles River, the indigenous inhabitants of what is now known as Los Angeles, the Gabrielinos, inhabited this region. Gumprecht cited that the custom of bathing each day signified a law given to them by their creator-god Chengiichngech.³⁷ Additionally, in one of the written down oral narratives a river could be used as a moral story of nature and pride.³⁸ This thesis will consider the cultural ties the Owens Valley Paiute peoples have with water within their pre-contact sociopolitical

³⁴ *Ibid.*, 154. See also Gordon R. Miller, “Los Angeles and the Owens River Aqueduct” (*CGU Theses & Dissertations*. Paper 79, 1977), 52, 266, 267, accessed date 4/10/2014, http://scholarship.claremont.edu/cgu_etd/79. Miller came to the same conclusion about Owens Valley being a marginal agricultural region and credited Los Angeles with turning this once agricultural based town into a tourist spot. Unlike Libecap, Miller did briefly mention the Owens Valley Paiute in the context of being the original occupants of the valley and engaged in what Miller terms, simple irrigation, with a reference to the ethnographer Julian H. Steward.

³⁵ Blake Gumprecht, *The Los Angeles River Its Life, Death, and Possible Rebirth* (Baltimore: The John Hopkins University Press, 1999), 105.

³⁶ Ancestors of the Gabrielinos most commonly now referred to as the Tong’va have been credited through archeological evidence as inhabiting Los Angeles approximately ten thousand years ago. The name Gabrielino has also been debated because it is not clear whether the Gabrielinos themselves had a name for their peoples. Other names for these indigenous peoples include Tong-va and Tobikhar (Gumprecht, *Los Angeles River Its Life, Death, and Possible Rebirth*, 26, 28).

³⁷ This name given by Gumprecht is an unusual spelling and a more common spelling is Chinigchinix. See William David Estrada, *The Los Angeles Plaza: Sacred and Contested Places* (Austin: University of Texas Press, 2008), 17. Additionally, multiple stories reference Chinigchinix as not a creator figure.

³⁸ Gumprecht, *Los Angeles River Its Life, Death, and Possible Rebirth*, 34, 35.

organization, their economy and aspects of their world view. With an understanding of the importance of water from the Owens Valley Paiute peoples' perspectives, the reader then can begin to understand why there was and still is resistance against the events surrounding the water transfer as it relates to law and changes within the Owens Valley landscape.

Although a brief attempt was made by Gumprecht at understanding an indigenous point of view with respect to the Gabrielinos, Abraham Hoffman's *Vision or Villainy* made no such attempt.³⁹ Hoffman retold the history of the Los Angeles Owens Valley water transfer from an objective perspective. In Hoffman's account, his purpose was to retell the facts of what happened without bias and without casting any one person as either a hero or a villain. However, the book like so many others on the water transfer did not mention the Owens Valley Paiute peoples at all.

Literature that mention the Paiute Peoples Inaccurately

Other publications that addressed the water transfer mentioned the Owens Valley Paiute peoples, but did so somewhat inaccurately. Overall these publications attempted to move away from the controversy of the water transfer and told the story based on what happened. The controversy of the water transfer was typically associated with Los Angeles city officials (i.e. J.B. Lippincott,⁴⁰ Fred Eaton, William Mulholland) scheming to acquire more land through the annexation of the San Fernando Valley. This was typically understood as a deal for profit seeking land buyers who bought land in the San Fernando Valley before the Aqueduct was built. As a result of more water, the land purchased by speculative land buyers in the San Fernando Valley would substantially increase in value. Additionally, another aspect to the controversy of the water transfer was the ways in which Los Angeles city officials acquired land and water

³⁹ Abraham Hoffman, *Vision or Villainy Origins of the Owens Valley-Los Angeles Water Controversy* (College Station: Texas A&M University Press, 1981), xii-xix. There was no mention of the Owens Valley Paiute throughout the book.

⁴⁰ Lippincott was a former employee for the U.S. Reclamation Service before he started working for Los Angeles.

rights in Owens Valley from ranchers and farmers. Some authors have depicted LA city officials as forcing the ranchers and farmers to sell their land to Los Angeles. Economist Gary Libecap and historian William L. Kahrl debunked both of these controversies.

Three exceptions to the list of publications that do not mention the Owens Valley Paiute within the context of the water transfer are Marc Reisner's *Cadillac Desert*, Remi Nadeau's *The Water Seekers* and Donald Worster's, *Rivers of Empire*. Reisner's mention of the Owens Valley Paiute peoples was in the context of the pioneers "winning" the land from them. Reisner asserted that when the pioneers arrived during the 1860s fights erupted soon after between the natives and pioneers over false accusations of cattle theft against the Paiute peoples.⁴¹ Reisner pointed out that the "... pious Owens Valley citizens then murdered at least 150 Paiutes in retaliation... Then they [the pioneers] took over the Indians' land."⁴² This account of what seemingly appears to be the retelling of the Owens Valley Paiute Indian massacres marginalizes and inaccurately retells a portion of history that affected these indigenous peoples.⁴³ This is because the Owens Valley Paiute Indian massacres were more complex than one battle and the result was not that the pioneers won the land from the Owens Valley Paiute. Nadeau's *The Water Seekers* explained the history of how Los Angeles acquired water over time from various sources.⁴⁴ Nadeau presented William Mulholland and other water seekers as heroes of the time. Nadeau mentioned the

⁴¹ It could well be that the Paiute, as in other places at the time in California, were raiding cattle, largely because they were economically marginalized from the land and water, and could not produce food as the ranches took the land. So the Indians often raided cattle for food, but that causes more conflict.

⁴² Marc Reisner, *Cadillac Desert* (New York: Viking Penguin Inc., 1986), 59.

⁴³ For a more accurate account of this event see Benjamin Madley's *An American Genocide: A California Indian Catastrophe 1846-1873* (New Haven: Yale University Press, forthcoming).

⁴⁴ Remi Nadeau, *The Water Seekers* (Santa Barbara: Peregrine Smith, Inc., 1974), 3-97. See Part I for a history of how Nadeau presented the ways in which Los Angeles acquired water from Owens Valley.

indigenous inhabitants of the valley by stating their land was rightfully dispossessed by the pioneers.⁴⁵ This portrayal was once again untrue and biased.

Donald Worster's *Rivers of Empire* is the last example of scholarship that did not mention the Owens Valley Paiute peoples in the context of the water transfer.⁴⁶ Worster's *Rivers of Empire* presented a social history over irrigation in the West. The mention of the water history as it pertained to Los Angeles and Owens Valley was miniscule. Since the book was focused on the history of irrigation it would have been beneficial to include more on the irrigation practices of the Owens Valley Paiute peoples. But little is noted besides the false accusation of "irrigation without agriculture" practiced by the Owens Valley Paiute, first termed by the ethnographer Julian H. Steward. In relation to the transfer of water from Los Angeles to Owens Valley, Worster mentioned former Owens Valley resident, Mary Austin, a political activist who was against the transfer and felt "... whoever controlled the water in the land controlled the destiny of life depending on it," but there was no mention as to how the Owens Valley Paiute peoples felt about this transfer.⁴⁷

Despite the three exceptions to the scholarship that do not mention the indigenous peoples in the context of the water transfer, there are still incomplete accounts as to how the Owens Valley Paiute peoples fared in the outcome of the water transfer. One example is William L. Kahrl's *Water and Power The Conflict over Los Angeles' Water Supply in the Owens Valley*.⁴⁸ Kahrl's work has been one of the most comprehensive accounts of the Los Angeles Owens Valley water transfer. Kahrl believed that the history of the transfer has been shaped "... by the

⁴⁵ *Ibid.*, 11.

⁴⁶ Donald Worster, *Rivers of Empire Water, Aridity, and the Growth of the American West* (New York: Pantheon Books, 1985) 65-74.

⁴⁷ *Ibid.*, 71.

⁴⁸ William L. Kahrl, *Water and Power, The Conflict over Los Angeles' Water in the Owens Valley* (Los Angeles: University of California Press, 1983).

controversy itself.”⁴⁹ Kahrl noted there have been only two books that have tried to address the water transfer as a whole. Willie Arthur Chalfant’s *Story of Inyo* and Remi Nadeau’s *Water Seekers*. Kahrl critiqued both books. He called Chalfant’s biased due to his residency in the valley and his active leadership resisting the transfer.⁵⁰ Nadeau’s *Water Seekers* represented the LADWP’s (Los Angeles Department of Water and Power) side of the story in which he “... presents the conflict in terms of the heroic advance of civilization.”⁵¹ Kahrl presented his book as a middle ground between Chalfant’s *Story of Inyo* and Nadeau’s *Water Seekers*. Kahrl credited the Owens Valley Paiutes as the first people to use the waters of the Owens Valley. However, Kahrl offered a general positive picture of how the Owens Valley Paiute peoples were treated during the 1939 land exchange.⁵² Kahrl stated that the Exchange allowed them to have “superior lands and a guaranteed water supply.”⁵³ However, Kahrl failed to consider the Owens Valley Paiutes perspectives on the final outcome of the Land Exchange Act.

Kahrl’s *Water and Power* is representative of publications that followed and their inaccurate accounts of how the 1937 Land Exchange Act affected the Owens Valley Paiutes. Vincent Ostrom’s *Water Politics* is one example.⁵⁴ Ostrom addressed the Owens Valley Paiute Indians as fairsing badly in the valley after Los Angeles started buying land and water rights, but through cooperation with the city and Federal government officials, the “Indian problem” was resolved and now the Owens Valley Paiute peoples are “assured of an economic security and living conveniences which they never enjoyed before.”⁵⁵ This perspective provided an

⁴⁹ *Ibid.*, viii.

⁵⁰ Kahrl, *Water and Power*, viii.

⁵¹ *Ibid.*, ix.

⁵² This is in reference to the indenture of June 26, 1939 and not the 1937 Land Exchange Act.

⁵³ Kahrl, *Water and Power*, 359.

⁵⁴ Vincent Ostrom, *Water and Politics: A Study of Water Policies and Administration in the Development of Los Angeles* (Los Angeles: The Haynes Foundation, 1953), 138-139.

⁵⁵ *Ibid.*, 139.

inadequate portrayal of the experiences they went through during the transfer of water and land to Los Angeles. This is because the cultural viewpoint of the Owens Valley Paiute peoples was not considered.

The last book in the lineup of somewhat inaccurate understandings of how the Owens Valley Paiute peoples fared in the water transfer outcome is Hundley Jr.'s *The Great Thirst*.⁵⁶ This book is a history of California's water and humans interactions with it throughout time. The book discussed the Los Angeles Owens Valley water transfer and mentioned how the Owens Valley Paiutes were affected. Hundley stated that until the 1939 settlement, the Owens Valley Paiutes suffered in a state of abject poverty. According to Hundley, it was the 1939 settlement that resulted in water rights and better lands for the Paiutes.⁵⁷ This settlement has arguably proven unsatisfactory for the Owens Valley Paiute peoples due to ensuing lawsuits regarding the terms and conditions as set forth out of this settlement.⁵⁸ However, Hundley noted the irrigation practiced by the Owens Valley Paiutes and he credited the Paiutes with developing this irrigation and not adopting or learning it from others.⁵⁹

Literature that Deals Directly with the Owens Valley Paiute Peoples

More recently there has been a series of publications that do address various Owens Valley Paiute peoples' perspectives in the context of the water transfer and more generally.

⁵⁶ Norris Hundley Jr., *The Great Thirst: Californians and Water 1770s-1990s* (Los Angeles: University of California Press, 1992), 163-164.

⁵⁷ *Ibid.*, 164.

⁵⁸ See William J. Bauer, "Telling History, Reclaiming Water: Paiute Oral Traditions and the Owens Valley Water Wars," *Boom A Journal of California* 2: 4 (Winter, 2012), accessed date 4/20/2014, <http://www.boomcalifornia.com/2013/03/the-giant-and-the-waterbaby/>. To state that all the Owens Valley Paiute peoples are dissatisfied with the terms and conditions does a disservice to the variety of opinions the Owens Valley Paiute peoples have about the act. In Bauer's article, there is mention of an Owens Valley Paiute during the 1930s that expressed her satisfaction with the city of Los Angeles for meeting the Paiutes halfway and not relocating them.

⁵⁹ Hundley Jr., *Great Thirst*, 18.

Robert Sauder's *The Lost Frontier* aimed to gain a better understanding of the water transfer by analyzing the relationships between Owens Valley settlers and their environment.⁶⁰ Although, the Owens Valley Paiute peoples' experiences in the valley are not the book's focus, there were points made that accurately highlighted aspects of the Owens Valley Paiute peoples' perspectives. Sauder noted that as land and water rights were being sold to and bought by LADWP, the local Indian population suffered the most because the Owens Valley Paiute depended on ranch wage labor and most had no property of their own to sell.⁶¹ The book mentioned the 1937 Land Exchange Act but claimed that it was a successful exchange because it balanced both the needs of Los Angeles and the Owens Valley Paiute.⁶²

Andrew Franklin's Master's Thesis, "Desiccating a Valley and a People" did not mention the 1937 Land Exchange Act because it was outside the scope of Franklin's time period.⁶³ However, he did provide a history of the Owens Valley Paiute from pre-contact to the early 1930s and discussed the Owens Valley Paiute as faring badly during the time Los Angeles city officials started buying land and water rights.⁶⁴

The scholarship that mentioned and or focused on the culture and worldview of the Owens Valley Paiute peoples in the context of the water transfer will now be highlighted. The listed works overall understand aspects of how the water transfer affected different individuals and or more generally the tribes involved, but with each work there will be mention made as to what still needs to be addressed.

⁶⁰ Robert A. Sauder, *The Lost Frontier Water Diversion in the Growth and Destruction of Owens Valley Agriculture* (Arizona: University of Arizona Press, 1994), 3-5.

⁶¹ *Ibid.*, 144.

⁶² *Ibid.*, 144.

⁶³ Andrew Franklin, "Desiccating a Valley and a People: The Effects of the Los Angeles Department of Water and Power on Owens Valley and Its Inhabitants, 1924-1931," M.A. Thesis (California State University, Sacramento, 2000).

⁶⁴ *Ibid.*, 135-153.

Historian William Bauer's article, "Telling History, Reclaiming Water," discussed the transfer of water within the context of Owens Valley Paiute oral traditions.⁶⁵ The oral traditions collected under the Works Progress Administration of the 1930s were evaluated in an effort of understanding aspects of the Owens Valley Paiute worldview and culture in relation to Paiute views of the water transfer. However, the resistance measures taken by Owens Valley Paiute peoples in relation to the water transfer were not emphasized.

Karen Piper's *Left in the Dust How Race and Politics Created a Human and Environmental Tragedy in L.A.* discussed the history of the water wars between Los Angeles and Owens Valley from the twentieth century till the twenty first century with a focus on the toxic dust pollution that resulted from the water transfer.⁶⁶ This book emphasized environmental justice. Piper used newspapers, official reports and interviews to support her claim that LADWP wants to hold on to Owens Valley water instead of returning it. Her chapter on 'DWP versus the Paiutes' introduced the original peoples of this land in the context of the Owens Valley Indian Wars and the forced march to Tejon. A re-telling of the 1937 Land Exchange Act is given with an emphasis on the role LADWP had in the transfer of land/water and the establishment of reservations.⁶⁷ Attention was given to some important cultural aspects of water with particular regard to the destruction of tules by LADWP since it is valued by Owens Valley Paiute people.⁶⁸ The destruction and removal of water and what grows near water is in essence taking away the community and life of the Tribes.⁶⁹ Piper did make a connection to the Land Exchange Act and how this affected the culture of the Tribes involved but only briefly.

⁶⁵ Bauer, "Telling History, Reclaiming Water: Paiute Oral Traditions and the Owens Valley Water Wars."

⁶⁶ Karen Piper, *Left in the Dust How Race and Politics Created a Human and Environmental Tragedy in L.A.* (New York: Palgrave Macmillan, 2006), 1-19.

⁶⁷ *Ibid.*, 102.

⁶⁸ *Ibid.*, 111.

⁶⁹ *Ibid.*

Rebecca Ewan's *A Land Between Owens Valley, California* read as a cross between natural historical narratives of Owens Valley and a personal journal.⁷⁰ Ewan discussed the Owens Valley Paiutes, and she referred to them as the Numu. There is mention of the novelist Wallace Stegner, who described Owens Valley Paiutes as "... Water Utes, taking their name from their rarest and most precious resource."⁷¹ Ewan discussed more about the Owens Valley Paiute peoples' relationship to land than water.⁷² Additionally, the book intended to provide a holistic account of the Owens Valley narrative from all different types of people ranging from ranchers to Japanese internees at Manzanar's Relocation Camp. The water transfer from Owens Valley to Los Angeles was mentioned, but did not include the Paiutes' resistance.⁷³

John Walton's *Western Times and Water Wars* briefly mentioned the resistance measures of the Owens Valley Paiute peoples' residing at Fort Independence, against the 1937 Land Exchange Act.⁷⁴ Walton's theoretical, social history perspective of the Owens Valley water transfer to Los Angeles remains an excellent resource both for its insight into the sociopolitical organization of the Owens Valley Paiute peoples and what claims to land were recognized for them throughout the nineteenth century. However, as with other works reviewed here, more attention is needed with respect to the resistance taken by the Owens Valley Paiute peoples against the water transfer and the reasons why resistance was taken from aspects of their culture and world view.

The most comprehensive account of understanding how the 1937 Land Exchange Act affected the indigenous peoples of Owens Valley is Nancy Walter Peterson's unpublished

⁷⁰ Rebecca Ewan Fish, *A Land Between Owens Valley, California* (Baltimore: The Johns Hopkins University Press, 2000), 1-12.

⁷¹ *Ibid.*, 81.

⁷² *Ibid.*, 4-5. See these pages for mention of the water myths.

⁷³ *Ibid.*, 136-137.

⁷⁴ Walton. *Western Times and Water Wars*, 209.

dissertation, *The 1937 Land Exchange Act: Creation of the Indian Reservations at Bishop, Big Pine, and Lone Pine, California through a land trade between the United States of America and the City of Los Angeles.*⁷⁵ Peterson's main research methodology was from an ethnographic and ethnohistorical perspective. She used oral histories to recount events relating to land and water, both before the 1937 Land Exchange Act and after. The main questions Peterson posed in her dissertation were (1) Did the U.S. abrogate trust responsibility? and (2) Were the Owens Valley Paiutes water rights jeopardized? The answer to both questions was yes, and she provided a thorough and detailed retelling of how the Land Exchange Act was brought forth and put into action. However, the focus of her dissertation was not on the Owens Valley Paiute peoples' uses of water within their sociopolitical organization, their stories, their economy or aspects of their world view related to water. The goal of this thesis is to acquire a better understanding of the Owens Valley Paiute peoples' history and their motivations to resist the loss of their land and water. This is because more attention is needed to explain the Owens Valley Paiutes' interests, goals, and cultural interpretations in relation to the land and water of their homeland.

Methodologies

Qualitative methods will be applied for the purpose of studying oral histories in an effort to understand selected perspectives on how the transfer of water and the various meanings behind water are understood by the Owens Valley Paiute peoples. I will use the oral interviews with current enrolled members of the Big Pine Paiute Tribe and Lone Pine Paiute Shoshone Tribe while researching archival documents at the Eastern California Museum, the San Francisco National Archives and the Big Pine Paiute Tribal Archives. The oral interviews were conducted

⁷⁵ Nancy Walter, "*The Land Exchange Act of 1937: Creation of the Indian Reservations at Bishop, Big Pine, and Lone Pine, California, through a Land Trade Between the United States of America and the City of Los Angeles.*," Unpublished Ph.D. Dissertation (Schenectady, NY:Union Graduate School, 1986), 1-8.

at private locations with volunteers who wanted to tell of their experiences or their relatives' experiences of the water transfer to Los Angeles. The oral interviews complemented the archival documents and provided additional information regarding the events surrounding the 1937 Land Exchange Act. To understand aspects of the Owens Valley Paiute peoples worldview related to water personal interviews needed to be conducted. I chose to research archival documents at the aforementioned archives due to their rich resources on the time period and subject matter of the topic. The methodology that will be used for the purpose of this study is ethnohistory. Ethnohistory, defined by the American Heritage College dictionary, is the study of especially native or non-Western peoples from a combined historical and anthropological viewpoint.

Analysis

This thesis will be broken into two parts. Part I is centered on aspects of the importance of water for the Owens Valley Paiute peoples. Part I will address three main topics. The topics include:

- 1) How water is conceptualized as part of the Owens Valley Paiute peoples worldview.
- 2) A discussion of the Owens Valley Paiute pre-contact sociopolitical organization will highlight the importance of water within this system of governance and ways of living.
- 3) An analysis of how the Owens Valley Paiute peoples responded to the Euro-Americans uses of water and land for exploitation.

Part I seeks to understand how water is thought of, understood, and used, based upon twentieth and twenty first centuries of Owens Valley Paiute recollections.

Part II is about the water transfer from Owens Valley to Los Angeles and how this affected the Owens Valley Paiute peoples. Part II complements Part I because the reader is now better able to understand the importance of how the water transfer disrupted their ways of living

while they, as a people, continued to live in the valley. Part II will answer the five main questions:

- 1.) What was the story of the Jim Olds ranch allotment?
- 2.) What water rights apply to the Owens Valley Paiute peoples on federally recognized reservations and how does this relate to a deed bearing the date June 26, 1939?
- 3.) Why was there the push for an executive order through the 1937 Land Exchange Act that established the reservations at Big Pine, Lone Pine and Bishop?
- 4.) What various resistance measures were taken by the Owens Valley Paiute against the acquisition of land and water rights by Los Angeles city officials?
- 5.) What are the memories of the initial water transfer from the Owens Valley Paiute perspectives during the early twentieth century?

This thesis will emphasize the resistance measures of the Owens Valley Paiute peoples. I desire to present an enduring story of these industrious peoples that are still resisting against the encroachment of adverse changes to their land. A richer and fuller understanding of how the water transfer from Owens Valley to Los Angeles affected the original inhabitants will be provided. Additionally, the history of the 1937 Land Exchange Act can help in explaining why the ramifications of this act is still currently important to all parties involved.

Part I

Indigenous Systems of Knowledge

To understand aspects of the Owens Valley Paiute peoples' worldview, Indigenous systems of knowledge must be applied. The history of the water transfer from Owens Valley to Los Angeles is typically recounted within the framework of linear time. According to Indigenous scholar Leo Killback, "time must be deconstructed, especially when discussing indigenous

peoples and their histories.”⁷⁶ Indigenous scholar Linda Tuhwai Smith has argued that genealogies, place names, cravings and weavings are histories stored within Indigenous systems of knowledge. Smith stated that histories of Indigenous peoples are classified as oral traditions.⁷⁷ According to Smith, more often than naught, the history of colonizers and the colonized are contested in courts and commissions regarding language, land claims and sovereignty.⁷⁸ These contested histories are not within the cultural framework of tribal or clan histories. Therefore, I desire to set forth an understanding of the importance of water from aspects of the Owens Valley Paiute peoples’ worldview.

Oral Traditions and Aspects of the Owens Valley Paiute Worldview

A person’s worldview both informs and shapes the assumptions and parameters for how one will treat and view the environment.⁷⁹ Thus, how we perceive our own systems of knowledge and knowing will have a physical effect on the environment. An analysis of some of the Owens Valley Paiute oral traditions gives insight into aspects of the Owens Valley Paiute peoples’ worldview.

Owens Valley Paiute origin stories describe them living in the Owens Valley since time immemorial. Water is a central component in their oral stories. One story accounting for the Paiutes’ origin recalls the Paiute being born from Coyote and the woman, Korawini. Korawini is described as living north of Owens Valley.⁸⁰ Coyote chased after Korawini, won her favor and

⁷⁶ Leo Killsback, “Indigenous Perceptions of Time: Decolonizing Theory, World History, and the Fates of Human Societies” *American Indian Culture and Research Journal* 37:1 (May, 2013): 134.

⁷⁷ Linda Tuhiwai Smith, “Imperialism, Writing, History and Theory” in Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples* (New York: Zed Books, 1999):107.

⁷⁸ *Ibid.*, 108.

⁷⁹ Karen L. Martin, “Ways of Knowing, Ways of Being and Ways of Doing: A Theoretical Framework and Methods for Indigenous Research and Indigenist Research,” *Journal of Australian Studies*, 13 (2003): 13.

⁸⁰ Steward, *Myths of the Owens Valley Paiutes*, 365.

they had two children in a place translated to mean steep water in Round Valley.⁸¹ Other children were born from Korawini by different men including the Miwok, Shoshoni, Modoc and others but as soon as they were born these children went back to their own countries.⁸² However, Coyote desired to make his own Tribe from his own children. Coyote's children were the poorest looking ones. Coyote instructed them to go live in the valley and that whatever happens they will be better than anyone else. This variation of an Origin of the Paiute story is important in noting the inextricably link of water inherent in their culture.

The Owens Valley Paiutes are not only tied to water because it is an essential component of life but also because the Paiutes literally came from water. Historian William Bauer has argued that the identity of the Owens Valley Paiutes is linked to water.⁸³ Interviews from the 1930s revealed the importance of water and their associated meaning to the Owens Valley Paiutes. George Collins, an Owens Valley Paiute, explained "we are water ditch coyote children."⁸⁴ According to the Paiutes' stories they are "water ditch coyote children" since Coyote placed them near a body of water in Owens Valley.⁸⁵ The passing down of these oral stories from generation to generation reinforced their culture and the importance of water in their creation.

The Categorization and Classification of Living Histories

Owens Valley Paiute oral stories are meant to be passed down from generation to generation, told and retold by various storytellers who each may put their own variation on what happened in the past (depending on the type of story), comment on the present and prepare for

⁸¹ *Ibid*, 366.

⁸² *Ibid*.

⁸³ Bauer, "Telling History, Reclaiming Water: Paiute Oral Traditions and the Owens Valley Water Wars," under 'Identity and Water.'

⁸⁴ Bauer, "Telling History, Reclaiming Water: Paiute Oral Traditions and the Owens Valley Water Wars," under 'Identity and Water.'

⁸⁵ William J. Bauer, "Telling History, Reclaiming Water: Paiute Oral Traditions and the Owens Valley Water Wars," under 'Identity and Water.'

the future. These stories continue to be told from generation to generation, demonstrating cultural continuity while supporting the notion that the Owens Valley Paiutes' oral traditions are living histories.

The linguist and ethnographer Keith Basso has labeled and categorized various Western Apache stories. Basso's label of 'myths' concerned events that occurred in the beginning when the "universe and all things within it were achieving their present form and location."⁸⁶ Sacred Origin stories and Creation of the Earth stories served as myths that are representative of living histories.

The John Shepherd Interview and the Loss of Water from Owens Valley

During the 1930s President Franklin D. Roosevelt created the Works Progress Administration in an effort to get United States citizens back to work. As a part of this larger program, a series of interviews were conducted with various groups including the Owens Valley Paiute peoples. The Owens Valley Paiute, John Shepherd, did an interview that described what appeared to be a story about the changes to the Owens Valley landscape due to the loss of water. Shepherd told a story about a hunter out on a rabbit drive. This hunter saw a hawk and killed it. The hunter proceeded to eat the hawk but some fat fell on his foot and ate its way up the hunter's body until he was a skeleton called *Ākǎ sǎ vǎ*.⁸⁷ *Ākǎ sǎ vǎ*'s sister had seen her brother eating the people and his sister swam across Owens River. *Ākǎ sǎ vǎ* then asked his nephews to make him a bridge. *Ākǎ sǎ vǎ* crossed the bridge and about half way the bridge started to burn and *Ākǎ sǎ vǎ* fell in the Owens River while the bridge was burning. The sound of *Ākǎ sǎ vǎ* landing in

⁸⁶ Keith Basso, *Western Apache Language and Culture* (Tucson: University of Arizona Press, 1990), 115.

⁸⁷ Item No. 210.4c: *Aka sa va* Ethnographic Material by John T. Shepherd (transcribed by Roy Bellas), compiled by Frank J. Essence 1936, CU-23.1 Ethnological Documents Collection, The Bancroft Library, University of California, Berkeley.

Owens River sounded like throwing hot steel into cold water.⁸⁸ The next part of this interview after *Ākā sā vā* landed in Owens River is particularly interesting. An excerpt is provided below:

The river start to dry off. Not only the river but Owens Lake, Mountain lakes, streams and springs. The Owens Valley was dry. Animals, birds, rodient, and every little creature and different type of animals held a meeting about the water. They suggested that if they killed *Akā sā vā* the valley would have the water again.

But next thing was who was going to kill him. They saw him travel from the mouth of Owens River to *Po ka zee ne tah*. Their idea was to wait for him at the mouth and one at *Olancha*.

Wā zēē tā zēē tā [the large white owl] was appointed. Some of the members laugh at these two because they look like they couldn't do nothing but just the same *Wā zēē tā* and the hawk knew they could do it. They start to prepare with the bow and arrows. Hawk was to watch the mouth of the river and *Wā zēē tā* at *Pō kā zēē nēē tāh* (*Olancha*) Soon the *Akā sā vā* came over to the mouth of the river. Then the Hawk took a good aim and shot him. *Aka sa va* died and the valley had the water again.⁸⁹

The animals that gathered together in the story to discuss the drying of the valley seemed to represent the Owens Valley Paiute peoples. The killing of *Ākā sā vā* suggested a reference to a possible solution to the valley's loss of water. The killing of *Ākā sā vā* is not meant to be a physical killing but rather it represented a symbolic need for the valley's return of water. The animals that gathered together in the story to discuss how to get the valley's water back represented resistance against the loss of water. However, to better understand the resistance against the loss of water in the valley an understanding of the valley before water was taken by Euro-Americans needs to be addressed. Moreover, the Owens Valley Paiutes pre-contact sociopolitical organization helps in understanding the multifaceted reasons of water's importance

⁸⁸ Item No. 210.4c: *Aka sa va* Ethnographic Material by John T. Shepherd (transcribed by Roy Bellas), compiled by Frank J. Essence 1936, CU-23.1 Ethnological Documents Collection, The Bancroft Library, University of California, Berkeley.

⁸⁹ Item No. 210.4c: *Aka sa va* Ethnographic Material by John T. Shepherd (transcribed by Roy Bellas), compiled by Frank J. Essence 1936, CU-23.1 Ethnological Documents Collection, The Bancroft Library, University of California, Berkeley.

to the valley's original inhabitants. An emphasis on the Paiutes' sociopolitical organization surrounding water will be described in the following section.

*The Pre-Contact Sociopolitical Organization and how it Relates to Water*⁹⁰

Anthropologist Alfred Kroeber classified the Owens Valley Paiutes as culturally Eastern Mono.⁹¹ The Owens Valley Paiutes sociopolitical organization was divided into two levels - the village and the district. The seventeen villages or settlements were politically independent and each had their own land holding rights.⁹² A district was composed of a number of villages and the district was the main political unit.⁹³ Each district was politically united and had communal hunting and seed gathering rights.

Headmen led allied bands of districts⁹⁴(i.e. fishing and irrigation parties) and they "... governed in decentralized and limited ways subject to popular approval and ratification by a council."⁹⁵ The position of head man was usually based upon patrilineal descent. If the head man had no son or the son was unacceptable to succeed him than a nephew, either a patrilineal or matrilineal descendent took his place after discussion by the people of the district.⁹⁶

When several districts joined together their headmen might form a council.⁹⁷ Steward mentioned the council in terms of how the headmen selected the head irrigator which was subject to popular approval by most likely, the various inter-related families, which composed villages.

⁹⁰ The ways the Owens Valley Paiutes have lived throughout history is an exhaustive study and will not be taken up at length. Additionally, much of the information written on the Owens Valley Paiutes' sociopolitical organization is from the 1930s research from ethnographer, Julian Steward. A disclaimer must be added that what Steward gathered for his research is from selected members of the indigenous communities from Owens Valley and what has been transcribed may have been taken out of context or misunderstood at the time of publication.

⁹¹ Walter, "Land Exchange Act of 1937," 35.

⁹² Walton, *Western Times and Water Wars*, 14.

⁹³ *Ibid.*, 37.

⁹⁴ In the northern portions of Owens Valley, Walton references Steward's work and states that there were certain villages in close proximity to each other that appeared to be allied with one another for the purpose of forming larger bands in what is now known as Big Pine and Bishop. (Walton, *Western Times and Water Wars*, 14.

⁹⁵ Steward, "Ethnography of the Owens Valley Paiute," 238.

⁹⁶ Walter, "Land Exchange Act of 1937," 39.

⁹⁷ *Ibid.*

Sometimes the headman "... submitted other proposals to a popular council for ratification."⁹⁸

Districts were also composed for the purpose of irrigation. It was at *pitana patu* where the position of head irrigator, *tuvaiju* was chosen by popular approval.⁹⁹ The position was honorary and he was elected by a popular vote during a meeting each spring. The time appointed to start irrigation was enacted by the district head man.¹⁰⁰ Irrigation at *pitana patu* was communal. It has been noted that the ways of life the Paiutes engaged in required a vast territory for the purpose of supporting a relatively small native population.¹⁰¹ The fact that the Owens Valley Paiute peoples had their own systems of governance with water irrigation shows the Paiute's importance of water.

Steward noted that the villages themselves were smaller units composed of interrelated families.¹⁰² The families of the villages were matrilineal and matrilocal.¹⁰³ Fishing practices could either be individual or communal. If the fishing was communal, districts were established for the purpose of fishing. These districts were organized and whatever was caught was divided and shared equally among all those who helped in catching the fish.¹⁰⁴

The sociopolitical order surrounding the Paiutes' irrigation and fishing practices indicated

⁹⁸ Steward, "Ethnography of the Owens Valley Paiute," 304. There is no mention as to what these other proposals consisted of for ratification in Steward's *Ethnography of the Owens Valley Paiutes*. However, the use of a council consisting of headmen and issue of a popular vote displays a very structured form of organization.

⁹⁹ "Within the district certain *pinyon* groves, seed plots, etc. were subdivided into family plots which, depending on the district, could be passed on through either matrilineal or patrilineal inheritance" (Busby, Findlay, and Bard, *A Cultural Overview of the Bureau of Land Management Coleville, Bodie, Benton and Owens Valley Planning Units, California*, ix).

¹⁰⁰ Steward, "Ethnography of the Owens Valley Paiute," 247. It should be noted not all irrigation practices of the Paiutes were done the exact same way. For instance, south of Bishop located at Big Pine, the head man served as head irrigator but also had an assistant as noted in Harry W. Waton, Philip J. Wilke, Mary DeDecker, and William M. Mason, "Agriculture Among the Paiute of Owens Valley," *The Journal of California Anthropology*, 3: 1 (Summer:1976),18.

¹⁰¹ Roger D. McGrath, *Gunfighters Highwaymen & Vigilantes Violence on the Frontier* (Berkeley: University of California Press. 1984), 18.

¹⁰² Busby, Findlay, and Bard, *A Cultural Overview of the Bureau of Land Management Coleville, Bodie, Benton and Owens Valley Planning Units, California*, xi. Unrelated families were present also within the village with "marriage usually exogamous to the village."

¹⁰³ Walter, "Land Exchange Act of 1937," 39.

¹⁰⁴ *Ibid.*, 250.

a decentralized form of government. The villages are strictly tied to kinship since they are composed of inter-related families both through blood and marriage. The council does appear to be secular but not separate from their kinship system. This is because the council is composed of villages that are made up of inter-related families. Although the use of the council is not discussed at length in Steward's *Ethnography of the Owens Valley Paiutes* or other materials, I infer that the council was designed to bring various politically independent villages together mainly for the purpose of sharing food and or resources (e.g. water). However, it was the districts that were the controlling force within Owens Valley.

The formation of the council may have depended on the time of season. For instance, during the spring Owens Valley Paiutes irrigated the land where it naturally occurred.¹⁰⁵ The Paiutes' sociopolitical organization can be noted with Sociologist Duane Champagne's comments on how many Indian tribes had "... decentralized, egalitarian, and processual decision-making procedures."¹⁰⁶ As a result the Owens Valley Paiutes appear to have been decentralized with undifferentiated cultural, political, economic and community relations.¹⁰⁷ This form of social order and governance contrasts with the centralized authority and hierarchical forms of governance found in Europe.¹⁰⁸

It is interesting to note that ethnographer Julian H. Steward wrote his description of the Owens Valley Paiutes' pre-contact sociopolitical organization during the 1930s. Thus, the strength and vitality of the oral traditions by various informants describing their pre-contact sociopolitical organization are taken as truth even during the mid-twentieth century. A partial explanation of the Owens Valley Paiute peoples' sociopolitical organization is instrumental in

¹⁰⁵ Dean, et al., *Weaving a Legacy Indian Baskets and the People of Owens Valley*, 10.

¹⁰⁶ Duane Champagne, *Social Change and Cultural Continuity Among Native Nations* (Lanham: AltaMiraPress, 2007), 15.

¹⁰⁷ *Ibid.*, 40.

¹⁰⁸ *Ibid.*, 15.

understanding how water is used and how the people are organized for the distribution of it. Consequently, Euro-Americans' colonization upon the Owens Valley Paiute peoples' homeland created a major change within Owens Valley. The following section will provide a brief description of the settler's use of Owens Valley for economic gain and how the indigenous peoples responded to this.

The Land of Owens Valley and its Value

Owens Valley is an oasis because of its plentiful water in the midst of a desert.¹⁰⁹ Arguably the first explorer to note Owens Valley's beauty was United States Army Captain J.W. Davidson in 1859. A portion of Davidson's glowing report of Owens Valley, with reference to its mild climate, fertile soil and abundant timber, grass and water was printed in the *The Los Angeles Star* newspaper on August 27, 1859.¹¹⁰ The newspaper report enticed foreigners to intrude upon the Owens Valley Paiute peoples and the land.¹¹¹

The intrusion of foreigners produced conflict between Owens Valley Paiutes and the newcomers while also initiating social change within the Paiutes' community. The Euro-Americans invasion had a direct effect on the valley's water. Grazing of sheep and cattle polluted the springs, and farmers diverted water from the Owens Valley Paiutes' irrigation ditches.¹¹²

¹⁰⁹ Don Goldman, "*Owens Valley and Its Water*," M.A. Thesis (Los Angeles: University of California, Los Angeles, 1960), 2.

¹¹⁰ *Ibid.*, 32.

¹¹¹ Dean, et al., *Weaving a Legacy Indian Baskets and the People of Owens Valley, California*, 18.

¹¹² *The Foundation of Basin-Plateau Shoshonean Society In Languages and Cultures of Western North America: Essays in Honor of Sven S. Liljebald*, E.H. Swanson ed., (Pocatello: Idaho State University Press, February 1970), 123. There has been debate concerning the ancient irrigation ditches of the Owens Valley Paiutes due to Julian Steward's false claim that the Paiutes practiced 'irrigation without agriculture' (Steward, 1933). Regrettably, other scholars have taken his account as accurate and have repeated those same words with regards to the Owens Valley Paiutes. However, Steward later went back on what he previously wrote in a later 1970 article. Steward now admits that villages were larger and more closely spaced together and were more permanent. The seed crops were close to the villages. Steward stated that in Owens Valley "irrigation augmented the naturally flooded areas" and that although he is skeptical of this irrigation being aboriginal he has been informed otherwise. Thus, Steward argues if conclusive proof is given for this aboriginal irrigation, user rights would be strong. Additionally the article "Agriculture Among the Paiute of Owens Valley" by Harry W. Lawton, Harry W. et al. further disproved the belief that the Owens Valley Paiute did not engage in agriculture. (Mary DeDecker, Harry W. Waton, Philip J. Wilke, and

Owens Valley Paiutes have a high respect for water and knew that the water must not be polluted by waste or animal matter.¹¹³ Mary DeDecker, a self-taught botanist, cited cattle and sheep grazing as having the most prolonged effects upon the land because accessible springs and native grasses were subject to trampling and pollution.¹¹⁴ The changing and deterioration of the land was a direct result of market forces. The Euro-Americans, who were mainly stockmen that came to the valley to sell cattle to miners, aided in the destruction of the valley's environment. Additionally, ensuing battles erupted between the stockmen and the Owens Valley Paiutes over territory and resources. These battles were massacres brought on by the Euro-Americans that desired the valley for their habitation. After the massacres and the Paiutes' temporary removal to Fort Tejon ended, the Paiutes then had the option of becoming wage laborers. By approximately 1866, the Owens Valley Paiute peoples now had the choice to either join the paid labor sector for survival or potentially starve.¹¹⁵

The Labor Sector and the Paiutes' Lack of Environmental Exploitation

Foreign settlement in the valley can be explained by a combination of the promise of mineral riches and state expansion.¹¹⁶ It is important to note that despite the settlers' reasons for moving to Owens Valley (mainly to raise stock in the valley to sell to miners) the Owens Valley Paiute appear to have had no interest in this market-driven exploitation of the land. One can argue this may be due to the lack of opportunity to partake in the economic benefits of the mining boom. I argue against this because the Owens Valley Paiute peoples reflect more of an

William M. Mason. "Agriculture Among the Paiute of Owens Valley." *The Journal of California Anthropology*, 3: 1 (Summer: 1976).

¹¹³ Mary DeDecker, "Owens Valley, Then and Now" *Journal of the California Garden & Landscape History Society* 11: 3 (Fall 2008), 21.

¹¹⁴ *Ibid.*, 24.

¹¹⁵ Walton, *Western Times and Water Wars*, 25.

¹¹⁶ *Ibid.*, 16.

undifferentiated society where culture, polity and economy are overlapping.¹¹⁷ This is displayed in their irrigation systems where the council is formed (polity), the dividing of resources is shared (economy) and the water was not over exploited (culture). The economic gain received from the exploitation of ranching and stock raising required the polluting of water. Water is sacred to the Owens Valley Paiute peoples and they were not going to destroy their own sacred environment for something that runs counter to their culture.

An example illustrating the Owens Valley Paiutes' refusal to engage in economic gain they could receive from exploiting their environment is within aspects of the Owens Valley Paiute peoples worldview. The interviewee explained how water use is understood in the Owens Valley Paiute ways of living when asked the question about what he thinks about water conservation.

“Water conservation? ... I was always told to respect water um as for conservation, uh, no. It's just respecting it because it's just such a life source and not over using it, just using as much as you need and just always give back from what you take. Yea, so if we use water we have to give back to it, give offerings, things like that. So that can kind of goes with water conservation because it makes you think, 'ok I can't use too much traditionally speaking' but it can translate into 'yea I don't need to use that much.' ”¹¹⁸

Another excerpt from the same interview sheds light on how the desire to exploit the Owens Valley environment runs counter to aspects of the Owens Valley Paiute worldview. The interviewee explained how to think of the land and water as interconnected.

“Because were taught to think for the people. It's not just about yourself. That's the thing about culture today, it's all about me, it's all mine, live my life once, don't care what I think or

¹¹⁷ Champagne, *Social Change and Cultural Continuity Among Native Nations*, 31.

¹¹⁸ A-103 in discussion with the author, August 30, 2013.

you shouldn't care what I do. But us as native people are traditionally taught that we should do things that would work for our people because that's what we represent. It's not just about us, we got to take care of each other as a family, as a nation. And we got to make sure everything is going well. And we can't just think of ourselves, we have to think of our future, of the generation of the kids that are coming and also our Elders, because we don't just represent ourselves, we represent everybody... Whereas myself I'm just a small part in everything and traditionally we are taught not to think of ownership in that why, where I own this or I own that. We belong to this land. We belong to this water, that's how we think.”¹¹⁹

This interview excerpt suggests that the notion of extracting resources for individual profit goes directly against aspects of the Owens Valley Paiute worldview and culture. Because of the respect and sacredness for their land and the resources in the land, they as a people, will not exploit their environment for individual profit.

However, the Owens Valley Paiute who were able to work in the labor sector did so for survival, not for accumulation of individual wealth. During the early twentieth century Owens Valley Paiute females were typically employed in the domestic service industry and Owens Valley Paiute males worked as ranchers.¹²⁰ An interview excerpt from Owens Valley Paiute, Laurine Napoles recounted memories of what her mother did for work during the early twentieth century.

“Laurine: ...but growing up like I said, my mom worked quite a bit all the time ...”¹²¹

“Laurine: and the people she worked with were very good people, she worked with for them all of her life, 3 families she stuck with the whole time

¹¹⁹ A-103 in discussion with the author, August 30, 2013.

¹²⁰ Walton, *Western Times and Water Wars*, 27.

¹²¹ Laurine Napoles interview by Chantal Walker, March 18, 2013, transcript, UCLA American Indian Studies Library, 6.

Chantal: and that's domestic, cleaning cooking or what was the work? What did it (())
for your mother? With the three families do you remember what work she did?

Laurine: my mother was a domestic worker

Chantal: like clean?

Laurine: she does cleaning, washing, and you know that sort of thing,¹²²

The interview excerpt showed how often Laurine Napoles' mother had to work, but it was to provide for her family. Her mother's work was not for the accumulation of wealth or the destruction of the valley's environment. However, the type of work opportunities changed for the Owens Valley Paiutes with the start of the water transfer.

Part II of this thesis will begin with another major change to the land, the building of the Los Angeles Aqueduct. The following section will provide a brief background as to why Los Angeles needed additional water during the early twentieth century. This will be followed by a section addressing how the water transfer directly affected the Owens Valley Paiute peoples through the 1937 Land Exchange Act.

Part II

The Growth of Los Angeles & the Decline of Water

Numerous scholars have recounted the controversies of the water transfer from Owens Valley to Los Angeles.¹²³ The background information of how and why Owens Valley came to be a Los Angeles water source is for the purpose of understanding Los Angeles' supposed need for additional water.

¹²² Laurine Napoles, interview by Chantal Walker, March 18, 2013, transcript, UCLA American Indian Studies Library, 7.

¹²³ These scholars include Kahrl, *Water and Power*; Nadeau, *Water Seekers*; Wood, *Owens Valley and the Los Angeles Water Controversy Owens Valley as I knew It*; Worster, *Rivers of Empire*; Reisner, *Cadillac Desert*; Hundley Jr., *Great Thirst Californians and Water 1770s-1990s*.

The Los Angeles water shortage started with population growth. During the time of the late nineteenth to early twentieth centuries, the need for alternative water sources was becoming increasingly clear with the continued growth in population and the series of droughts. The population of Los Angeles in 1902 was approximately 128,000 people but by 1910 grew to over 300,000 people.¹²⁴ To further complicate matters, from 1897-1900 the average rainfall for the season was 6.9 inches.¹²⁵ This was in contrast to the standard 15 inches of rainfall a year that downtown Los Angeles usually received. By 1904, the entire surface and subsurface flow of the Los Angeles River had to be used to meet the city's rapidly growing demand.¹²⁶ During the same year for a ten day period, "... consumption of water in Los Angeles exceeded inflow into the city's reservoirs by 3.5 million gallons a day. Water use averaged 39.3 million gallons a day. The combined capacity of the city's reservoirs at the time was about 72 million gallons, less than a two-day supply."¹²⁷ At this time, Los Angeles did not have adequate back up reservoirs to supply the growing demand nor the needed water for sustaining Los Angeles' growing population. Consequently, Los Angeles city officials sought alternative water sources.

During the midst of the Los Angeles water shortages, Fred Eaton, former Los Angeles mayor, purchased 50,000 acres in Owens Valley by 1903.¹²⁸ Eaton bought the 50,000 acres for the purpose of creating a joint water and power development with Los Angeles.¹²⁹ Consequently, the Los Angeles Department of Water and Power (LADWP) bought approximately 22,000 acres of land and water rights from Eaton.¹³⁰ The *Los Angeles Times* documented the arrival of Owens

¹²⁴ Gumprecht, *Los Angeles River Its Life, Death, and Possible Rebirth*, 97.

¹²⁵ William Mulholland is credited with stretching the truth on the droughts in California from 1895-1904 (Kahrl, *Water and Power*, 32).

¹²⁶ Gumprecht, *The Los Angeles River Its Life, Death, and Possible Rebirth*, 97.

¹²⁷ *Ibid.*

¹²⁸ Libecap, *Owens Valley Revisited*, 30.

¹²⁹ *Ibid.*

¹³⁰ Libecap, *Owens Valley Revisited*, 30.

Valley water in their July 29, 1905 issue. The timing of this article was strategic given that it was during the same year that the Reclamation Project was dropped in Owens Valley due to limited funds and the absence of a contract for irrigation in the valley.¹³¹ Joseph Lippincott worked for the Reclamation Service. Lippincott was partly credited with forfeiting the Owens Valley irrigation project. Lippincott believed the greatest public necessity in California was for Los Angeles and supported the notion that there was some "... higher public duty by encouraging the Reclamation Service to abandon the Owens Valley in favor of Los Angeles."¹³² This is because there was a belief by certain people that the water in Owens Valley would serve more people and be put to better use. Former President Teddy Roosevelt decided in 1906, "It is a hundred or thousand fold more important to state that this water is more valuable to the people as a whole if used by the city than if used by the people of Owens Valley."¹³³ Roosevelt's decision reflected the motto of his Progressive party: "the greatest good for the greatest number."¹³⁴ The Progressive Era (1890s-1916) was a turning point in United States history.¹³⁵ The Progressive Era was a time when America's economic structure was also changing from manual labor to industrialized capitalism.¹³⁶ At the micro-level Los Angeles' economy was changing. Los

¹³¹ Lawrence J. MacDonnell, *From Reclamation to Sustainability* (Niwot: University Press of Colorado, 1999), 259. Reclamation projects in the U.S. were for the purpose of irrigating dry lands in the West. Congress passed the Newlands Act in 1902 which created the U.S. Reclamation Service. It is noted in Lawrence J. Macdonnell's *From Reclamation to Sustainability* that the dropped project of reclamation in Owens Valley for the purpose of transferring water to Los Angeles "... remains a powerful symbol characterizing the single-minded pursuit of water for growth without concern for its consequences to others [referring to residents of Owens Valley]."

¹³² Kahrl, *Water and Power*, 58.

¹³³ Piper, *Left in the Dust*, 30.

¹³⁴ *Ibid.*

¹³⁵ Martin J. Sklar, *The United States as a Developing Country Studies in US History in the Progressive Era and the 1920s* (Cambridge: Cambridge University Press, 1992), 38.

¹³⁶ "If the depression of the 1890s was the last great crisis of the industrializing competitive-capitalist order, issuing in the corporate reconstruction of capitalism, the great depression of the 1930s was the first great crisis (and so far the last) of the corporate-capitalist order..." (*Ibid.*, 35). Other scholars have come to agree that the 1890s marked a pivotal point in history. As historian Samuel P. Hayes states "In foreign as well as in domestic affairs..., the decade of the 1890s was a dividing point in American history, separating the old from the new and setting a pattern for much of the future." (Samuel P. Hayes, *The Response to Industrialization: 1885-1914* (Chicago: University of Chicago Press, 1957), 192).

Angeles' population was quickly expanding resulting in more business. Thus, the city needed more water to fulfill both domestic and industrial water usage.

The Buying of Land and Water Rights in Owens Valley

The buying of land and water rights from predominately Owens Valley ranchers and farmers took place between approximately 1905-1935.¹³⁷ For Los Angeles to build their aqueduct they needed more land for the purpose of buying more bonds. During the early nineteenth century, California state law declared that any city could not have a debt of more than fifteen percent of its assessed value. Consequently, the San Fernando Valley was annexed for the purpose of obtaining enough bonds to build the aqueduct.¹³⁸

LADWP purchased land and water rights from Owens Valley ranchers and farmers based on the value of the land's agricultural production.¹³⁹ According to economist, Gary D. Libecap, the image of Owens Valley as an agricultural paradise before Los Angeles diverted its water is a myth.¹⁴⁰ Libecap claimed that the valley was "... a marginal farming area."¹⁴¹ He supported his statement by citing the valley's elevation, short growing season, alkaline soil and limited access to markets.¹⁴² Libecap also supported his argument with data. He used 1920 US Census data to compare Owens Valley (Inyo County) to other farmland in similar Great Basin counties. Libecap's research showed that Inyo County farms tended to be smaller compared to

¹³⁷ Gary D. Libecap, "The Myth of Owens Valley" *Regulation* (Summer, 2005), 11, accessed 4/20/2014, www.cato.org/pubs/regulation/regv28n2/v28n2-2.pdf.

¹³⁸ Kahr, *Water and Power*, 32.

¹³⁹ Libecap, "The Myth of Owens Valley," 14. In Libecap's, *Owens Valley Revisited* he did note that LADWP highly desired lands that carried the most water, especially those that were organized as irrigation ditch companies. The prices sold for farms varied but Los Angeles benefited more from the water from Owens Valley and its use in Los Angeles rather than the agricultural value of the water. The Owens Valley Irrigation District formed in the 1920s tried to negotiate for a higher price for their properties. However, "LADWP successfully used its bargaining power to price water more according to the value of its contribution to agricultural production than to the value of water in Los Angeles." (Libecap, *Owens Valley Revisited*, 49, 97).

¹⁴⁰ Libecap, "The Myth of Owens Valley," 11.

¹⁴¹ *Ibid.*, 12.

¹⁴² Libecap, "The Myth of Owens Valley," 12.

other counties and that the average productivity of Inyo County farms per farm was lower by approximately \$6,000 than other similar Great Basin county farms.¹⁴³ Libecap used his data to support his position that Owens Valley was not a feasible agricultural sector, and therefore; farmers desired to sell their land to Los Angeles.¹⁴⁴ Libecap argued against the history that promoted Owens Valley as a superb agricultural sector. Additionally, Libecap also wanted to prove that Owens Valley farmers were not forced to sell their land to Los Angeles city officials, but rather chose to get rid of it due to the unfeasibility of making a living in the valley. Historian William Kahrl pointed out that in later years "... It became convenient... for officials of the Los Angeles Department of Water and Power to deny that the Owens Valley had ever had any significant agricultural production or potential. Residents of the Owens Valley who oppose the city's policies, on the other hand, may tend to exaggerate the natural bounty of the valley before the water was removed."¹⁴⁵ Kahrl came to the conclusion that Owens Valley was denied the potential to expand its agricultural production through the Reclamation Service because the city of Los Angeles needed the water of the valley.¹⁴⁶

Through the veil of data, Libecap argued that Los Angeles never "stole" the water from Owens Valley farmers. Instead Los Angeles presented farmers with a "golden opportunity" during economic depressions.¹⁴⁷ Libecap's research in the field of the Los Angeles Owens Valley water transfers is slanted towards the LADWP.¹⁴⁸ However, Libecap did consider Owens

¹⁴³ *Ibid.*

¹⁴⁴ Additionally, the agricultural depression of the 1920s and the Great Depression of the 1930s made selling land and water to Los Angeles desirable. (Libecap, *Owens Valley Revisited*, 61.)

¹⁴⁵ Kahrl, *Water and Power*, 36.

¹⁴⁶ *Ibid.*, 57.

¹⁴⁷ Libecap, *Owens Valley Revisited*, 154.

¹⁴⁸ Libecap does not credit Los Angeles Department of Water and Power for the dust pollution that comes off the now dry lake bed of Owens Lake even though it is because of the Los Angeles aqueduct as to why the lake bed is dry. Instead, Libecap states the dust pollution "... was a larger externality, involving both the state and federal governments." (Libecap, *Owens Valley Revisited*, 156).

Valley farmers' bargaining leverage in selling their land and water rights. The following section provides an example of an Owens Valley Paiute male who had acquired land in fee simple and his heirs that sold their land and water rights without what appears to have been any bargaining leverage.

The Jim Olds Ranch

On February 8, 1887 an Owens Valley Paiute, Jim Olds, applied for an Indian homestead covering the "... W/2 of the NW/4 of Sec.14, township IIS, range 34E which land is situated about 15 miles north of Independence, California..."¹⁴⁹ On October 17, 1916 a letter to the Commissioner of Indian Affairs from the Superintendent of Irrigation explained that there was a case pending in the local District Court against the city of Los Angeles and the Jim Olds heirs rights to water from Taboose Creek.¹⁵⁰ Los Angeles city officials were interested in investigating the water rights of the Jim Olds heirs because "... at the time the City of Los Angeles was granted a right of way for the aqueduct through the National forests, it was stipulated that this water right was to be recognized."¹⁵¹ An investigation of these water rights began because the water rights they acquired were from Taboose Creek and this water was going to be diverted into the Los Angeles Aqueduct. The entire investigation of the Jim Olds water rights to Taboose Creek was started by Gen. Chaffee, a member of the Board of Public Works for the city of Los

¹⁴⁹ Letter to Commissioner of Indian Affairs from Superintendent March 18, 1909. Inventory of the Reno Agency Land Allotment and Heirship Case Records 1905-1916. Folder [Jim Olds] Land Water right, Record Group 75, Box 31. On file, National Archives and Records Administration, San Bruno, California.

¹⁵⁰ Letter to Commissioner of Indian Affairs from Superintendent of Irrigation October 17, 1916 . Inventory of the Reno Agency Land Allotment and Heirship Case Records 1905-1916. Folder [Jim Olds] Land Water right, Record Group 75, Box 31. On file, National Archives and Records Administration, San Bruno, California.

¹⁵¹ Letter to Commissioner of Indian Affairs from Superintendent of Irrigation October 17, 1916 .

Angeles. Chaffee requested that the U.S. Attorney go to Owens Valley with representatives from Los Angeles in order to complete this investigation.¹⁵²

The location of the Jim Olds ranch and its water rights were in the vicinity of prominent cattle owner T.B. Rickey's lands.¹⁵³ According to historian William L. Kahrl, Rickey was the major land owner in Inyo County.¹⁵⁴ "Rickey's holdings in the Owens Valley included all the lands proposed for the reservoir at Long Valley, and he therefore held the key to the future of the government's project [referring to the Reclamation Service project]."¹⁵⁵ If Rickey decided to not sell his lands and accompanying water rights to Los Angeles, then delays and litigation associated with building the Los Angeles Aqueduct would result.¹⁵⁶

The federal government was involved in the Jim Olds case because they still held this allotment in trust as the property had yet to be changed to a patent in fee.¹⁵⁷ Jim Olds acquired this land under the 1887 General Allotment Act. This act established public domain trust allotments which were individual parcels of land held by American Indian individuals in trust by the federal government.¹⁵⁸ The 1887 General Allotment Act was intended for "... Indians not residing on a reservation or for whose tribe no reservation was created."¹⁵⁹

¹⁵² Letter to Superintendent Carson Indian School, Carson Nevada from C.F. Larrabee Acting Commissioner August 11, 1908 Inventory of the Reno Agency Land Allotment and Heirship Case Records 1905-1916. Folder [Jim Olds] Land Water right, Record Group 75, Box 31. On file, National Archives and Records Administration, San Bruno, California.

¹⁵³ See Letter to Commissioner of Indian Affairs from C.H. Asbury Superintendent March 21 1905. Inventory of the Reno Agency Land Allotment and Heirship Case Records 1905-1916. Folder [Jim Olds] Land Water right, Record Group 75, Box 31. On file, National Archives and Records Administration, San Bruno, California.

¹⁵⁴ Kahrl, *Water and Power*, 42.

¹⁵⁵ *Ibid.*

¹⁵⁶ *Ibid.*, 42.

¹⁵⁷ Letter to C.H. Asbury Superintendent Carson Indian School from Acting Chief Clerk April 5, 1909 Folder [Jim Olds] Land Water right, Record Group 75, Box 31. On file, National Archives and Records Administration, San Bruno, California.

¹⁵⁸ Gary Nakamura and Richard R. Harris, "Natural Resource Inventories of Indian Public Domain Trust Allotments in California," *American Indian Culture and Research Journal* 21, 3 (October, 1997), 49.

¹⁵⁹ Nakamura and Harris, "Natural Resource Inventories of Indian Public Domain Trust Allotments in California," 49.

President William Taft enacted Executive Order 1529 and Executive Order 1603 in 1912 for temporary residence for Indians living in Owens Valley. But these Executive Orders were later withdrawn by presidents Woodrow Wilson, Herbert Hoover and Franklin D. Roosevelt.¹⁶⁰ In California, many Indians did not live on reservations. This was also the case for many Owens Valley Paiutes, except those who resided at Fort Independence.¹⁶¹ The deed to the land through an allotment is held in trust for twenty five years or longer. At the end of the trust period, U.S. citizenship was generally granted to the allottee as long as the allottee separated themselves from their tribe and assimilated into American life.¹⁶² The question of dividing the allotment held by the Jim Olds heirs, into individual parcels, is taken into consideration by Superintendent, C.H. Asbury.

On March 28, 1906 Superintendent Asbury wrote to the Commissioner of Indian Affairs and stated “The original allottee, Jim Olds, has recently died as I suppose this land could now be sold by the U.S. for the benefit of the heirs though I think it would not be advisable to make such sale until the water right is adjudicated.”¹⁶³ From this trace of correspondence, it appeared that Superintendent Asbury did not have the Jim Olds heirs’ best interests in mind. This is because it appeared that Superintendent Asbury desired the allotment to eventually become fee simple land

¹⁶⁰ Walter, “*Land Exchange Act of 1937: Creation of the Indian Reservations at Bishop, Big Pine, and Lone Pine, California, through a Land Trade Between the United States of America and the City of Los Angeles,*” 403-418.

¹⁶¹ The Indians living at what is now Fort Independence Indian Reservation are excluded from this because their reservation was created in 1915 through Executive Order 2264.

¹⁶² Nakamura and Harris, “Natural Resource Inventories of Indian Public Domain Trust Allotments in California,” 50.

¹⁶³ Letter to Commissioner of Indian Affairs from Superintendent Carson School- C.H. Asbury March 28, 1906 Inventory of the Reno Agency Land Allotment and Heirship Case Records 1905-1916. Folder [Jim Olds] Land Water right, Record Group 75, Box 31. On file, National Archives and Records Administration, San Bruno, California.

once the water rights of the heirs to Taboose Creek were established as valid. It was later confirmed that the Jim Olds heirs had a valid water right.¹⁶⁴

A letter dated March 18, 1909 by Superintendent Asbury to the Commissioner of Indian Affairs stated that “Under the law these heirs would now be entitled to patents in fee for their respective portion of this land. I have been in doubt as to the advisability of recommending such patents for if the land is divided up and it is explained that each owns a portion, I fear that they will disagree among themselves... as to their use of the water right that has been defended for them at considerable expense and trouble, then in case some of them should decide to sell his small holding, it would further complicate the division of water.”¹⁶⁵

A letter written by two of the Olds heirs emphasized the congeniality of the family. A sister and brother to the eldest son, Vice Olds wrote to Mr. Asbury as of March 28, 1909. This letter spoke highly of Vice Olds.¹⁶⁶ The letter is signed by Gev F. Old and Maggie Stewart but the letter is most likely written by Maggie Stewart because another letter is directed to only her. Stewart stated that her family was glad to have Vice help on the ranch and credited him for making, “the ranch alright” and stated that he took care of the water as well.¹⁶⁷ Unfortunately, an important letter from Superintendent C.H. Asbury to Maggie Stewart explaining that the land

¹⁶⁴ See Letter to Hon. Commissioner of Indian Affairs from C.H. Asbury Superintendent March 21, 1905 (10 pages) Inventory of the Reno Agency Land Allotment and Heirship Case Records 1905-1916. Folder [Jim Olds] Land Water right, Record Group 75, Box 31. On file, National Archives and Records Administration, San Bruno, California.

¹⁶⁵ Letter to Commissioner of Indian Affairs from Superintendent March 18, 1909 (2 pages) Inventory of the Reno Agency Land Allotment and Heirship Case Records 1905-1916. Folder [Jim Olds] Land Water right, Record Group 75, Box 31. On file, National Archives and Records Administration, San Bruno, California.

¹⁶⁶ See Letter to Superintendent C.H. Asbury from Maggie Stewart March 28, 1909 Inventory of the Reno Agency Land Allotment and Heirship Case Records 1905-1916. Folder [Jim Olds] Land Water right, Record Group 75, Box 31. On file, National Archives, San Bruno, California. Although the letter is signed by two people, it was most likely written by Maggie Stewart because response letters is directed to her and she is noted for her intelligence. See Letter to Maggie Stewart from Superintendent (No Date). Inventory of the Reno Agency Land Allotment and Heirship Case Records 1905-1916. Folder [Jim Olds] Land Water right, Record Group 75, Box 31. On file, National Archives and Records Administration, San Bruno, California.

¹⁶⁷ See Letter to Mr. Asbury Superintendent from Maggie Stewart and Gev. F Old March 28, 1909 Inventory of the Reno Agency Land Allotment and Heirship Case Records 1905-1916. Folder [Jim Olds] Land Water right, Record Group 75, Box 31. On file, National Archives and Records Administration, San Bruno, California.

between the Jim Olds heirs would be divided into 5 parcels of 16 acres each had no visible date.¹⁶⁸ The letter's date is important because Asbury did ask Stewart "If you know of any good reason why a different distribution should be made, I would be glad to have your opinion, as you are more familiar with the conditions than I am."¹⁶⁹ If there was a date on the letter from Asbury to Stewart, then Stewart's letter explaining how Vice Olds was helping the ranch and taking care of its water may have been in response to Asbury's question. If this is the case, then there was a complete disregard in Stewart's letter and defense of her eldest brother, Vice Olds. As noted before, if the family began to quarrel over the land and water rights, then the next step would be to divide the land into individual parcels for each heir. Stewart's letter appeared to be a defense against the possibility of dividing the ranch into individual parcels. However, it was not up to Stewart whether the ranch is divided but the neighboring rancher, George Calvert.

George Calvert informed Superintendent, C.H. Asbury about dividing the land between the heirs of the Olds ranch by the suggestion of a relative to the Olds family, Ben Tibbets, on January 23, 1910.¹⁷⁰ This is because the oldest brother of the Olds family, Vice Olds, was taking control of the crops grown by his siblings.¹⁷¹

¹⁶⁸ See letter to Maggie Stewart from Superintendent (No Date). Inventory of the Reno Agency Land Allotment and Heirship Case Records 1905-1916. Folder [Jim Olds] Land Water right, Record Group 75, Box 31. On file, National Archives and Records Administration San Bruno, California.

¹⁶⁹ See letter to Maggie Stewart from Superintendent (No Date). Inventory of the Reno Agency Land Allotment and Heirship Case Records 1905-1916. Folder [Jim Olds] Land Water right, Record Group 75, Box 31. On file, National Archives and Records Administration, San Bruno, California.

¹⁷⁰ See Letter to C.H. Asbury Superintendent from Geo Calver January 23, 1910 Inventory of the Reno Agency Land Allotment and Heirship Case Records 1905-1916. Folder [Jim Olds] Land Water right, Record Group 75, Box 31. On file, National Archives and Records Administration, San Bruno, California.

¹⁷¹ Julia G. Costello, Judith Marvin, and Scott Baker, *Historic Study Report for Twelve Historic-Period Resources on the Aberdeen-Blackrock Four-Lane Project on Route 395, Inyo County, California* (Mokelumne Hill: Foothill Resources, LTD, 2001), 54. And see Letter to C.H. Asbury Superintendent from Geo Calver January 23, 1910 Inventory of the Reno Agency Land Allotment and Heirship Case Records 1905-1916. Folder [Jim Olds] Land Water right, Record Group 75, Box 31. On file, National Archives and Records Administration, San Bruno, California. And see Letter to George Calvert from Superintendent February 2, 1910 Inventory of the Reno Agency Land Allotment and Heirship Case Records 1905-1916. Folder [Jim Olds] Land Water right, Record Group 75, Box 31. On file, National Archives and Records Administration, San Bruno, California.

George Calvert wrote another letter on November 23, 1909 to Superintendent Asbury reaffirming Ben Tibbets suggestion that the ranch be divided. Calvert stated "... now that it is my job of their way it should be divided [referring to the Jim Olds ranch]... and I am sure any division you make would be respectful and I don't think it necessary to consult the Indian dependent[s] about it at all, your word seems to be law with them..."¹⁷² It is Calvert's job to assess what should be done to the allotment of the Jim Olds ranch because according to Superintendent Asbury "If the heirs of Jim Olds desire patents to that land it will be necessary to submit affidavits of heirship. This affidavit would have to be made by someone familiar with the family, either an old settler adjacent to them or some other intelligent Indian who had know[n] them for a number of years. If you should see them within the next few days you might ascertain their wishes and let me know and I will arrange some way of getting these affidavits."¹⁷³ The division of the land is not something that was highly desired according to the Acting Chief Clerk. In a letter to Superintendent Asbury, dated April 5, 1909 the Acting Chief Clerk wrote that "... it is thought to be a better policy to let the heirs hold the land in common rather than to issue them a patent in fee. Should the heirs become restless and insist on a patent in fee, the matter should again be taken up with the Office."¹⁷⁴

¹⁷² See Letter to C.H. Asbury Superintendent Indian Schools Carson Nevada from Geo Calvert November 23, 1909 Inventory of the Reno Agency Land Allotment and Heirship Case Records 1905-1916. Folder [Jim Olds] Land Water right, Record Group 75, Box 31. On file, National Archives and Records Administration, San Bruno, California.

¹⁷³ See Letter to George Calbert from Superintendent March 18, 1909. Inventory of the Reno Agency Land Allotment and Heirship Case Records 1905-1916. Folder [Jim Olds] Land Water right, Record Group 75, Box 31. On file, National Archives and Records Administration, San Bruno, California.

¹⁷⁴ Letter to C.H. Asbury Superintendent Carson Indian School from Acting Chief Clerk April 5, 1909 Inventory of the Reno Agency Land Allotment and Heirship Case Records 1905-1916. Folder [Jim Olds] Land Water right, Record Group 75, Box 31. On file, National Archives and Records Administration, San Bruno, California.

By 1910, the Jim Olds ranch is divided into five individual parcels of sixteen acres each.¹⁷⁵ By 1926, the land that once belonged to the Olds family heirs was sold to the city of Los Angeles.¹⁷⁶ The heirs of the Jim Olds ranch were not involved with the Land Exchange Act of 1937, but the story provided insight into what land claims were recognized for some Indians before the creation of their current reservations. It is unclear how and why the ranch that originally belonged to the Olds family was eventually sold. It remains unclear just how many Owens Valley Paiutes took allotments and if any of the allotments were not sold to LADWP.

Allotments were part of the Land Exchange of 1937 but to understand the terms and conditions of this act an overview of water rights as they pertain to American Indians will be set forth in the next section.

Overview of Water Rights as they Pertain to American Indians

Water law in California has a complicated history. However, it is important to emphasize some important concepts under California state law in relation to United States federal law of American Indian Nations' water rights. In California, there is a mixed system of water law. Prior appropriative doctrine provides for water rights not tied to land ownership.¹⁷⁷ This is where the concept "first in time, first in right" stems from.¹⁷⁸ The appropriative system came about during

¹⁷⁵ See Letter to George Calvert from Superintendent March 16, 1910, Letter to Superintendent from Geo Calvert November 23, 1909 & Letter to Vice Olds from Superintendent February 2, 1910 (2 pages). Inventory of the Reno Agency Land Allotment and Heirship Case Records 1905-1916. Folder [Jim Olds] Land Water right, Record Group 75, Box 31. On file, National Archives and Records Administration, San Bruno, California.

¹⁷⁶ Costello, Marvin, and Baker, *Historic Study Report for Twelve Historic-Period Resources on the Aberdeen-Blackrock Four-Lane Project on Route 395, Inyo County, California*, 44.

¹⁷⁷ Delia Parr & Jedd Parr "California Tribal Water Rights" (Briefing Paper, California Tribal Water Summit, 2009), accessed 3/20/2014, http://www.waterplan.water.ca.gov/docs/tws/CTWS_BriefingPaper_Rights_Parr_v1.pdf.

¹⁷⁸ This concept is important to note because the date of the appropriative water right. The senior appropriative water right has a higher degree of certainty when it comes to deciding who receives water first. The appropriative system can produce conflict with Indian water rights because the reservations at Big Pine, Lone Pine and Bishop were created after LADWP had established claim to most of the water in the valley. This results in the city of Los Angeles having senior water rights to that of the reservations. (Robert Peregoy, "Jurisdictional Aspects of Indian Reserved Water Rights in Montana and on the Flathead Indian Reservation After Adsit," *American Indian Culture and Research Journal* 7: 1 (1982): 42).

the discovery of gold in 1849 as miners and prospectors claimed water for their own use. Miners “...established customs and rules to regulate ownership and operation of the mines, and user rights to water.”¹⁷⁹ An 1866 act of Congress established the appropriative water doctrine into law.¹⁸⁰ In this system of water law, land is not tied to the right to water. Instead whoever put the water to beneficial use first had claim to that water, so as long as they continue to put that water to beneficial use.¹⁸¹

In contrast, riparian water rights are rights based on land ownership when land either touches a waterway or overlies the water. However, riparian water rights need to be shared with upstream and downstream landowners regardless of prior use.¹⁸² The riparian water right goes with the land and the right to water cannot be separated from the land. This water right continues in its existence whether or not the water is put to beneficial use. If shortages occur “... the right of each riparian owner diminishes proportionately.”¹⁸³

As sovereign nations, American Indian tribes do not fall under the legal framework of state water law. Instead, there exist indigenous rights for American Indian tribes in establishing their rights to access sustainable water supplies. American Indian tribes have an implied reserved right to water according to the 1908 Supreme Court case of *Winters v. United States* 207 U.S. 564. An 1888 statute implied a reserved water right for Indians on the Milk River in Montana within the case of *Winters v. United States*. The federally created reserved water right are superior to “...appropriative rights established after the date of the reservation (the priority date)

¹⁷⁹ Peregoy, “Jurisdictional Aspects of Indian Reserved Water Rights in Montana and on the Flathead Indian Reservation After *Adsit*,” 42.

¹⁸⁰ *Ibid.*, 43.

¹⁸¹ *Ibid.*, 42.

¹⁸² Parr & Parr “California Tribal Water Rights,” 1.

¹⁸³ Peregoy, “Jurisdictional Aspects of Indian Reserved Water Rights in Montana and on the Flathead Indian Reservation After *Adsit*,” 42.

and to riparian rights.”¹⁸⁴ This means that when the reservation is created for an Indian tribe, the water right for that tribe is also created. The water right for the tribe is superior to appropriative and riparian water rights, so as long as the reservation creation date is before any appropriative water right claims. For the Owens Valley Paiute affected by the 1937 Land Exchange Act, they had no tribal land before the creation of their reservations under federal law. There were some 75,000 acres on the lava plateau north of Bishop reserved temporarily by a May 9, 1912 Executive Order, but the land was without water and it was revoked by Executive Order of April 28, 1932.¹⁸⁵ Additionally, there were three U.S. homesites before the 1937 Land Exchange was enacted.¹⁸⁶ The land that was exchanged in the 1937 Land Exchange Act included individual allotments and U.S. homesites.¹⁸⁷ The homesites included the Bishop homesite tract, the West Bishop homesite tract and the Big Pine homesite tract all of which held accompanying water rights with the land.¹⁸⁸ Section 7 of the 1887 General Allotment Act gave the Secretary of the Interior the power to “secure a just and equal distribution” of irrigation water among Indians on a reservation.¹⁸⁹ As a result, the ownership of water remained tribal, but “... Congress implied that individual Indians with allotments should have access to available tribal irrigation water.”¹⁹⁰ According to attorney David H. Getches, “Nothing indicates that Congress intended section 7 to enable the Secretary to curtail a tribe’s reserved rights not attributable to irrigation of allotted

¹⁸⁴ *Ibid.*, 45.

¹⁸⁵ Survey of the Conditions of Indians in the United States Before a Subcommittee of the Committee on Indian Affairs United States Senate, ‘Existing Land and Water Rights’, 15259, Eastern California Museum Archives from file cabinet Indians California- Indians Language folder Indians, Claims 1.

¹⁸⁶ A homesite appears to be a suitable place where a person can habitat.

¹⁸⁷ For a description of the lands that were exchanged see Deed. The City of Los Angeles (a municipal corporation) and the Department of Water and Power of the City of Los Angeles, Grantors, to the United States of America, Grantee, June 26, 1939 pages 7-24, LADWP Archives.

¹⁸⁸ Survey of the Conditions of Indians in the United States Before a Subcommittee of the Committee on Indian Affairs United States Senate, ‘Existing Land and Water Rights’, 15259, Eastern California Museum Archives from file cabinet Indians California- Indians Language folder Indians, Claims 1.

¹⁸⁹ David H. Getches, *Water Rights on Indian Allotments* 26 S.D. L. Rev. 405 (1981), 416.

¹⁹⁰ *Ibid.*, 416.

lands.”¹⁹¹ Thus, the only avenue of limiting the reserved water rights for a tribe is through dividing the collective tribal irrigation water through allotments.

The April 20, 1937 Land Exchange Act [H.R. 5299] 50 Stat., 70 officially created the reservations at Big Pine, Lone Pine and Bishop.¹⁹² The terms of the 1937 Land Exchange Act are as follows:

1. The Secretary of the Interior is authorized to accept title on behalf of the United States to lands and water rights now owned by the city of Los Angeles.
2. “No allotted or other lands covered by trust patent or other instrument containing restriction against alienation by the allottee shall be involved in any such exchange except with the consent of the allottees or heirs. Any such allottees or heirs are hereby authorized to relinquish to the United States any lands covered by such patents or other instruments and accept in lieu thereof assignments of land within the new Indian reservations which are hereby authorized to be established by the Secretary of the Interior ...”¹⁹³
3. Additionally “ No tribal lands shall be involved in any such exchange except with the consent of a majority of the adult Indians entitled to use thereof” ¹⁹⁴

It is interesting to note that the lands exchanged on behalf of the Indians had to either be allotments or U.S. homesites. This was because the Survey of Conditions of the Indians in the

¹⁹¹ *Ibid.*, 416, 417.

¹⁹² According to Law Professor William Wood the “Paiute Indians of the Bishop Community of the Bishop Colony” established in 1937 after a settlement was negotiated with the City of Los Angeles, which had purchased “virtually all the land in [the surrounding] Owens Valley” in order to secure water for the City. Whereas Bishop is called a colony, Lone Pine and Big Pine, which were established pursuant to the same settlement agreement, are called reservations--the “Paiute Indians of the Lone Pine Community of the Lone Pine Reservation, California” and the “Big Pine Band of Owens Valley Paiute Indians of the Big Pine Reservation, California,” respectively.” William Wood, 44 *Tulsa L. Rev.* 317 *Tulsa Law Review* (Winter 2008), 245-251.

¹⁹³ Public Acts of the Seventy-Fifth Congress, First Session, 1937, April 20, 1937 [H.R. 5299.] 50 Stat., 70 pages 512-513.

¹⁹⁴ Public Acts of the Seventy-Fifth Congress, First Session, 1937, April 20, 1937 [H.R. 5299.] 50 Stat., 70 pages 512-513.

United Hearings Before a Subcommittee of the Committee on Indian Affairs United States Senate, stated “There being no tribal property in Owens Valley, there appears under present practice to be two gates only through which the homeless Paiute entered wardship status. The allotted Indians whose lands are still held in trust is everywhere considered a ward. And by moving on to one of the Government owned homesites wardship was acquired.”¹⁹⁵

The agreement dated May 18, 1938¹⁹⁶ transferred the place of use for Indian water rights, for the delivery of water to the United States on behalf of the Indians, and for payment by the city of Los Angeles for operation, maintenance and betterment charges.¹⁹⁷

The indenture dated June 26, 1939 was the agreement between the city of Los Angeles and the Department of Interior is as follows:

1. “The city[Los Angeles] desires to exchange a total of 1,511.48 acres of land which it owns in said Owens Valley for a total of approximately 3,126 acres of land in said Owens Valley under the jurisdiction of the United States”¹⁹⁸
2. The United States obtained water rights on behalf of the Owens Valley Paiutes and the act explained that, “The United States owns the right to use water from Owens River and its tributaries for the irrigation of that part of said lands susceptible of irrigation”¹⁹⁹

¹⁹⁵ Survey of the Conditions of Indians in the United States Before a Subcommittee of the Committee on Indian Affairs United States Senate, ‘Wardship Complications’, 15260, Eastern California Museum Archives from file cabinet Indians California- Indians Language folder Indians, Claims 1, 15259-15263.

¹⁹⁶ Los Angeles City Ordinance 79,111.

¹⁹⁷ See Letter to the Secretary of Interior from Frederic L. Kirgis Acting Solicitor April 22, 1939 (14 pages) From Record Group 75 Bureau of Indian Affairs California Sacramento Area Office Case of Records 1908-1958 of Irrigation Projects, 1950-1958 Case No: 3A(9071)-3B Box No 9 Folder : Owens Valley Land Purchase, On File National Archives and Records Administration, San Bruno, California.

¹⁹⁸ Deed. The City of Los Angeles (a municipal corporation) and the Department of Water and Power of the City of Los Angeles, Grantors, to the United States of America, Grantee, June 26, 1939, 5, LADWP Archives.

¹⁹⁹ Deed. The City of Los Angeles (a municipal corporation) and the Department of Water and Power of the City of Los Angeles, Grantors, to the United States of America, Grantee, June 26, 1939 , 2, LADWP Archives.

3. “ Whereas, the City has acquired title to all the lands entitled to the use of water from the Owens River Canal other than lands so entitled and included in the Indian or United States lands hereinabove referred to”²⁰⁰

The indenture of June 26, 1939 went on to specify the amount of water that was to be delivered to the Tribes at Bishop, Big Pine and Lone Pine: “Whereas, by reason of the aforesaid facts and in order to avoid interference with said Indian or United States right to use water, the City has continued to deliver into the canals or ditches used by the United States and said Indians an amount of water...”²⁰¹ This amount of water was not to exceed “four acre feet per acre of the total area of the lands conveyed hereunder to the United States”²⁰²

The final culmination of the 1939 deed included the city of Los Angeles’ obligation to supply the Tribes at Bishop, Big Pine and Lone Pine with four acre feet per 1,511.48 acres that were exchanged.²⁰³ However, considerations as to why there was an executive order that established the reservations at Bishop, Big Pine and Lone Pine needs further examination.

Why the Push for an Executive Order?

²⁰⁰ Deed. The City of Los Angeles (a municipal corporation) and the Department of Water and Power of the City of Los Angeles, Grantors, to the United States of America, Grantee, June 26, 1939 , 3, LADWP Archives.

²⁰¹ Deed. The City of Los Angeles (a municipal corporation) and the Department of Water and Power of the City of Los Angeles, Grantors, to the United States of America, Grantee, June 26, 1939. 4, LADWP Archives.

²⁰² Deed. The City of Los Angeles (a municipal corporation) and the Department of Water and Power of the City of Los Angeles, Grantors, to the United States of America, Grantee, June 26, 1939, 19, LADWP Archives.

²⁰³ This amount of water is approximately equal to

$$1,511.48 \text{ acres} \quad \times \quad \frac{4 \text{ acre foot}}{1 \text{ acre}} \quad = \quad 6,045.92 \text{ acre feet}$$

$$6,045.92 \text{ acre feet} \quad \times \quad \frac{43,560 \text{ ft}^3}{1 \text{ acre foot}} \quad = \quad 263,360,000 \text{ ft}^3$$

Or

$$6,045.92 \text{ acre feet} \quad \times \quad \frac{325,853.38 \text{ gal}}{1 \text{ acre foot}} \quad = \quad 1,970,080,000 \text{ U.S. gallons}$$

The LADWP supported the bill that would eventually create the Bishop, Big Pine and Lone Pine reservations by executive order. Los Angeles city officials desired virtually all land and water rights in Owens Valley.²⁰⁴ Archeologist Nancy Walter Peterson explained that Los Angeles desired the U.S. homesites, with the accompanying water rights, that the indigenous peoples of the valley resided upon for “... conservation of water; to secure better land for the Indian; to improve the sanitation; and to prevent contamination of water supplies.”²⁰⁵ However, before the 1937 Land Exchange Act there was no tribal property in Owens Valley. In a report entitled ‘Survey Conditions of Indians in the United States’ there is a brief explanation given about how the Indians in Owens Valley are protected by the trust doctrine. It was the allotted land where a Paiute resided upon that gave the Paiute wardship status and made the individual portion of land held in trust. Additionally, if any Paiute moved to one of the federally owned homesites, wardship status was acquired.²⁰⁶ The wardship doctrine was related to the trust doctrine in that the trust doctrine can be exercised through the wardship doctrine.²⁰⁷

In order for Los Angeles to receive such land and water rights there needed to be “... a definite arrangement for such exchange, and for the Board of Water and Power Commissioners to adopt a resolution approving such exchange, for the City Council to ratify the understanding

²⁰⁴ “As the 1920s progressed, it became increasingly clear that Los Angeles would have to buy all of the valley’s farms and water rights to meet the needs of the aqueduct and the city that depended upon it.” (Libecap, *Owens Valley Revisited*, 65).

²⁰⁵ Walter, “Land Exchange Act of 1937,” 196, 212.

²⁰⁶ Survey of the Conditions of Indians in the United States Before a Subcommittee of the Committee on Indian Affairs United States Senate, ‘Wardship Complications’, 15260, Eastern California Museum Archives.

²⁰⁷ Bruce E. Johansen, “Doctrine, Trust of,” ABC-CLIO, 2011, accessed 12/8/2013, <http://www.historyandtheheadlines.abc-clio.com/ContentPages/ContentPage.aspx?entryId=1171832¤tSection=1161468&productid=5>.

“Wardship,” in American Indian law and policy, refers to a special version of the trust relationship in which the government assumes near total control of individual Native Americans' lives. This legal doctrine has been said to have been based on opinions by Chief Justice John Marshall (in *Cherokee Nation v. Georgia*) that Native Americans live in “dependent domestic nations” and are therefore wards of the federal government. The BIA was initially established to hold Indians' land and resources “in trust.” Wardship status rationalized the establishment of Indian reservations and schools to assimilate Native Americans into mainstream U.S. culture.”

and for the voters to assent thereto.”²⁰⁸ This was because Section 219 of the Los Angeles City Charter at the time stated, “The city shall not sell, lease or otherwise dispose of its rights in the waters of said Los Angeles River, in whole or in part. No other water or water right ... shall ever be sold, leased or disposed of, in whole or in part, without the assent of two-thirds of the qualified voters of the city voting on the proposition at a general or special election.”²⁰⁹ For the exchange of water with the Indian tribes and the federal government to take place with the city of Los Angeles, the City Council had to ratify with an assent of two thirds of the city voters. According to Walter “... sufficient latitude was granted to the Secretary of the Interior under Congressional legislation which authorized the exchange to enable acceptance of the guarantee from the City of Los Angeles that water in this amount, 6,064 acre feet, would be delivered in perpetuity [to the Tribes at Big Pine, Lone Pine and Bishop].”²¹⁰

A definite agreement also needed to be made for the transaction of land held by the federal government on behalf of the Indians for Los Angeles to legally acquire the 3,126 acres in exchange for 1,511.48 acres. City officials from Los Angeles arranged a definite agreement for the transfer of land with the Indians and the federal government through the passage of the 1937 Land Exchange Act and the indenture of June 26, 1939.

The California pauper act made Los Angeles city officials think twice about relocating the Indians of Owens Valley. This was because, “In any move outside of Owens Valley a definite understanding in advance would have to be made with the supervisors of any county into

²⁰⁸ Ray L. Chesebro to H.A. Van Norman, December 26, 1935, Department of Water and Power City of Los Angeles Legal Division, folder Indians DWP, Inyo National Forest History Archives at the Eastern California Museum in Independence, CA.

²⁰⁹ Ray L. Chesebro to H.A. Van Norman, December 26, 1935, Department of Water and Power City of Los Angeles Legal Division, folder Indians DWP Inyo National Forest History Archives at the Eastern California Museum in Independence, CA.

²¹⁰ Walter, “*The Land Exchange Act of 1937*,”²¹³.

which Indians were to be moved, in order not to run foul of the California pauper act²¹¹ with respect to responsibility for indigents.”²¹² Essentially this stated that an understanding with another county would have to be made for the support of the Indians if they were to be moved. This technicality could further complicate matters for LADWP. As a result, arguably the easiest solution was to leave the Indians in Owens Valley, within their own county of Inyo, in order for LADWP to avoid the complications of the California pauper act.²¹³

Additionally at the time of deciding what to do with the Indians of Owens Valley, Commissioner of Indian Affairs, John Collier was adamant that the Owens Valley Paiute come to that decision themselves. And it was the Owens Valley Paiute who stressed the fact that they wanted to stay in the valley and therefore, Collier was adamant on seeing that through.²¹⁴

As a result, the LADWP pushed for the executive order that created the present reservations of Big Pine, Lone Pine and Bishop.²¹⁵

The Vote for the 1937 Land Exchange Act

The 1937 Land Exchange Act required the consent of the majority of the adult Owens Valley Indians for the exchange of the 3,126 acres of allotted and U.S. homesite lands. Walter noted that the ballot the Indians used for voting on the land exchange was not found in the

²¹¹ “The Pauper Act of 1901 requires every California county to “support all pauper, incompetent, poor, indigent persons and those incapacitated by age, disease or accident, lawfully resident therein, when such persons are not supported and relieved by their relatives or friends, or by their own means, or by state hospitals or other state or private institutions.” The 1901 law also made it a misdemeanor to bring indigent or incapacitated people into a county or to leave them there.”(Rebecca LaVally, 200 Significant Statutes and Constitutional Amendments of the 20th Century, December 1999 accessed 12/8/2013, <http://sor.govoffice3.com/vertical/Sites/%7B3BDD1595-792B-4D20-8D44-626EF05648C7%7D/uploads/%7B0B59457A-0B89-49AF-8AF0-C0E52E797CAF%7D.HTM>.

²¹² Survey of the Conditions of Indians in the United States, ‘Some of the Legal Difficulties,’ 15262, Indians California-Indian Language at the Eastern California Museum in Independence, CA.

²¹³ Survey of the Conditions of Indians in the United States, ‘Suggestions and Recommendations,’ 15263, Indians California- Indian Language at the Eastern California Museum in Independence, CA.

²¹⁴ See Minutes of a Meeting held in a Courthouse Independence, Owens Valley, California February 23, 1935, 8 Tribal Group Files, 1915-1972, Record Group 75, folder: minutes of 1935 Owens Valley meetings, On file, San Bruno National Archives.

²¹⁵ See Appendix A & B. Both letters taken from Inyo National Forest History Archives at the Eastern California Museum in Independence, CA.

records of the National Archives or the archives of the Department of Water and Power.²¹⁶ Additionally, Walter questioned whether or not the native population of Owens Valley could have made an informed decision on the land exchange.²¹⁷

The documentation that lists the signatures and x-marks for those who gave their consent to the 1937 Land Exchange Act is unorganized and problematic.²¹⁸ For instance, one letter addressed to Harold L. Ickes, Secretary of the Interior, stated “I, the undersigned adult Indian from Owens Valley in Inyo County, California, do hereby give *our* [emphasis added] consent to an exchange of lands.”²¹⁹ However, the individual who signed this document did not speak for the indigenous communities in Owens Valley. This might be a typo, but there is another letter addressed to Ickes that stated “*We*, [emphasis added] the undersigned adult Indians, resident in Owens Valley in Inyo County, California, do hereby give *our* [emphasis added] consent to an exchange of lands between the Federal Government and the City of Los Angeles.”²²⁰ There was one signature for this statement, that of Florence Williams. Florence Williams was an adult Indian from Owens Valley but she did not sign nor speak for her entire tribe.

²¹⁶ Walter, “*Land Exchange Act of 1937*,” 366.

²¹⁷ *Ibid.* City officials from Los Angeles most likely pushed for the native population to sign for this Land Exchange Act because they had land and water rights they desired to gain. By 1938, Los Angeles owned 99% of Owens Valley ranchland and 88% of town and commercial acreage in the Valley. This is in comparison to 1935 when Los Angeles owned 96% of farm properties and 85% of town properties. See Gary D. Libecap, “Water Rights and Water Re-allocation: Los Angeles, Owens Valley, and the Mono Basin, 1930-2006” (April 2006): 3, http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCkQFjAA&url=http%3A%2F%2Fwww.econ.ucsb.edu%2Fconferences%2Ftakings06%2Fdocs%2FLibecap.doc&ei=_fVZU768NoahyAT0_4GQAg&usg=AFQjCNFkvvBxZ9ZBgoV3nwYlorX_qDLBg&sig2=IobqJmHFQzLWJyVuInKX_Q&bvm=bv.65397613,d.aWw.

²¹⁸ Scott Lyons wrote a book on the significance of x-marks made by American Indians and states that “An x-mark is a sign of consent in a context of coercion; it is the agreement one makes when there seems to be little choice in the matter.” (Scott Richard Lyons, *X-Marks Native Signatures of Assent* (Minneapolis: University of Minnesota Press, 2010), 1).

²¹⁹ See Appendix C. Taken from Big Pine Tribal Archives, 1937. Land Exchange Act Binder located in Big Pine, CA, originally from LADWP Archives.

²²⁰ See Appendix D. Taken from Big Pine Tribal Archives, 1937. Land Exchange Act Folder, located in Big Pine, CA, originally from LADWP Archives.

The Resistance Against the Changes to the Owens Valley Landscape in the form of a Committee

During the early 1930s, certain Owens Valley Paiutes formed a committee for what appears to have been the protection of their future in the valley. A December 27, 1931 letter addressed to Los Angeles Mayor John L. Porter stated that the Indian leaders of Owens Valley had appointed a special committee to learn more about changes taking place in Owens Valley while noting that they had “.... never been approached with any plans to our knowledge...”²²¹ Another letter, addressed to Mayor John L. Porter on December 30, 1932, from the Indians of California Inc. elected a council to confer with the mayor in an effort to secure employment for their people. This letter stated that over protest and opposition Los Angeles had essentially made the valley “... a barren waste.”²²² It is unclear whether the protest and opposition came exclusively from the indigenous communities of Owens Valley but the mention of opposition from this committee is a form of protest in and of itself.

Los Angeles city official, E.A. Porter, did not care for this committee. In a January 13, 1932 memorandum to A.J. Ford, Porter mentioned the formation of what Porter called “a self-styled Indian Committee” and how they had contacted him about an appropriation of \$30,000 that the city had given in cash to Mr. L.L. Goen and Mrs. Bertha Hall for distribution among the Indians in Owens Valley.²²³ According to Porter, this committee had a “chip on their shoulders” when they approached him.²²⁴ Moreover, this committee felt that any personnel employed by the

²²¹ Letter H.B. Cornwell & J.E. Clinton to Mayor Porter, December 27, 1931. Inyo National Forest History Archives at the Eastern California Museum in Independence, CA.

²²² Letter H.B. Cornwell & J.E. Clinton to Mayor Porter, December 27, 1931. Inyo National Forest History Archives Eastern California Museum in Independence, CA.

²²³ Letter E.A. Porter to A.J. Ford, January 13, 1932. File Title Owens Valley Indians and Letter to Mayor Porter, Inyo National Forest History Archives Eastern California Museum in Independence, CA.

²²⁴ Letter E.A. Porter to A.J. Ford, January 13, 1932. File Title Owens Valley Indians and Letter to Mayor Porter, Inyo National Forest History Archives Eastern California Museum in Independence, CA.

city in Indian welfare work (referring to Goen and Hall) should consist of educated Indians and not those of Anglo descent. Porter thought he succeeded in telling the committee that "... they, nor anyone else in Owens Valley, had any right to dictate to the City how this money should be spent."²²⁵ Porter did not take into consideration that the indigenous peoples living in the valley have inherent sovereignty and they had their own laws and governments for their own peoples since time immemorial. Nor did he consider that, it should have been up to the indigenous peoples of Owens Valley to determine how the appropriated money was spent.

Porter researched the four members of this committee and wrote that they "... are above the average in education and ability. However, it would appear that their education has made them feel superior, and it is this complex which has enabled them to prey to a certain extent on the ignorance of the majority of the uneducated Indians... In my opinion this self-styled "Committee" is not truly representative of the Owens Valley Indians."²²⁶ Porter felt that the duties this committee has assumed were the responsibilities of the federal government. But he then stated that any program worked out should be "... solely under the responsibility of The City of Los Angeles and the Federal Government, and at no time should the Indians, or the self-styled "leaders" be recognized in any preliminary program which is adopted..."²²⁷ Porter's memorandum reflected how difficult it was and still is to resist the decisions made by the city of Los Angeles and federal government on behalf of the indigenous peoples in Owens Valley.

The Resistance Against the Passage of the 1937 Land Exchange Act

²²⁵ Letter E.A. Porter to A.J. Ford, January 13, 1932. File Title Owens Valley Indians and Letter to Mayor Porter, Inyo National Forest History Archives Eastern California Museum in Independence, CA.

²²⁶ Letter E.A. Porter to A.J. Ford, January 13, 1932. File Title Owens Valley Indians and Letter to Mayor Porter, Inyo National Forest History Archives Eastern California Museum in Independence, CA.

²²⁷ E.A. Porter to A.J. Ford, January 13, 1932. File Title Owens Valley Indians and Letter to Mayor Porter, Inyo National Forest History Archives Eastern California Museum in Independence, CA.

The bill for the 1937 Land Exchange Act was introduced in the United States House of Representatives on March 3, 1937 and passed on March 10, 1937.²²⁸ Members of the Owens Valley Paiute peoples came to the hearing and wanted to express their views on the proposed land exchange. Republican, Usher Lloyd Burdick from North Dakota voiced his concern that a number of Indians desired to be heard on the bill.²²⁹ However, this request was dismissed supposedly because there was no request made by the Indians for them to be heard by the Committee of Indian Affairs. The fact that there were many Indians present from Owens Valley at this hearing speaks volumes. The Owens Valley Paiute peoples were and still are keeping up with the changes to their homeland. To have flown all the way from California to Washington D.C. to be heard on the passage of this bill meant they had something important and pressing to say.

It is difficult to speculate as to what members of the Owens Valley Paiute peoples wanted to say. But aspects of their worldview in relation to water, their uses of water in relation to their pre-contact sociopolitical organization and their respect for the land given by their Creator have been dismissed. The 1937 Land Exchange Act was meant for the benefit of the Indians but the terms of this transaction never took into account their ways of conceptualizing water and the many uses of water within their sociopolitical organization that had existed since time immemorial. This is important to note because their resistance against the passage of this act has more meaning and depth. Their resistance against the changes to their landscape through the buying of land and water rights by Los Angeles is more than a fight for the best deal that affords the Owens Valley Paiute peoples the most desirable land and highest quality water. It is also about protecting their sacred environment, being able to participate in their ceremonies, as

²²⁸ Piper. *Left in the Dust*, 101.

²²⁹ "Exchanging of Certain Land and Water Rights in California, Congressional Record (March 10, 1937), 2077.

their ancestors did, and telling their oral histories with the significant landscape markers that should not be destroyed by any human interference. Although at the time of this hearing, the Owens Valley Paiute peoples were not heard on this matter, they were never completely silenced.

The Memories of the Land Exchange Act and the Importance of Water

The memories and past experiences of what happened before, during and after the Land Exchange Act are many. Each story offers its own individual experience or recollection from their relatives' perspectives of how this Land Exchange Act has affected them.

The interview of Truman Buff by Richard Potashin²³⁰ provides an individual perspective from an Owens Valley Paiute regarding the transfer of water to Los Angeles,

RP: ... "Was there any anger at the fact that you worked for the City of L.A. and they were in some peoples minds drying up the valley?"

TB: "Every now and then ya they would get to that but I would always have a come back especially, I met people them old pioneers. I met them in Phoenix, I met them in San Francisco. I met them all over and I they talked about it. I had a couple of them talk and "I suppose you work for the City, help drain," And I said, "I did." I said, "What did you move out here for?" "If you had stayed there we would have had lots of water in the valley." They had to have the money. Get a bigger ranch. Ya there was some feeling when I talked to some of them."²³¹

RP: "I guess in the thirties DWP swung some kind of deal with a number of the tribes and reservations that were on creeds and things. Do you remember that at all?"

²³⁰ This oral interview was conducted in 1992 between interviewer, Richard Potashin and interviewee, Owens Valley Paiute Truman Buff for the Eastern California Museum Oral History Collection.

²³¹ Truman Buff Interviewed by Richard Potashin, 1992. Eastern California Museum Archives, Oral History Collection, ECM, OH155, 65.

TB: "I knew a little of that. The Taboose Creek was one of them. Those Indians should have had all of that Taboose Creek today and all that country made and they built a canal right where that Jap camp right where that little stone house was. They got a nice irrigation ditch come on but it was just abandoned. It was supposed to be a reservation there see. Old Uncle Sam just forgot about it just simple forgot them."

RP: "Right, so there was a little group at Taboose and they ended up giving it back."

TB: "But at Taboose Creek they had the same set up but the only thing with those Indians is they wanted money so bad they all sold their rights to the City of Los Angeles."

The description of a certain group of Indians that had land and water rights but sold them to the city of Los Angeles sounds very similar to the Jim Olds case. Most likely this is the Jim Olds case. Potashin continued with his questions and asked about the current status concerning the continued issues of water rights between the city of Los Angeles and the Indians.

RP: "This reservation here has the land ownership changed at all? Was there, isn't there a part of the reservation on the other side?"

TB: "No nothing up here. Of course there is some that belongs to the Reservation. The BLM still claims it too. We got to stay on this end."

RP: "What kinds of problems have you had in terms of keeping your water rights here?"

TB: "They are still working on it. They don't know who comes and goes. Right now see. But like I told these guys when we start fighting the City when there is water we have a certain little group investigating it one day. They are bellyaching and I told them I have spent thirty-three years working for the City of Los Angeles and I now [know] what the hell is going on. I said I worked for the engineers all these years I said why don't we play ball with the City, why

don't we play ball with the farmers and get what we want. We don't need all this water see? But they want the whole thing."²³²

RP: "I see, so there are two different schools of thought. You would rather work for the City than..."²³³

Although interviewer, Potashin (RP) did not complete his statement, it is difficult to sum up the various Owens Valley Paiute peoples into two separate schools of thought. Some may have mixed feelings about how the federal government and the city of Los Angeles handled the events surrounding and leading up to the 1937 Land Exchange Act. Others may have bitter feelings about what resulted overall. But to state that there are two schools of thought about how the original inhabitants felt about the water transfer over simplifies and generalizes the various experiences and opinions of each individual.

For instance, interviewee A-101 recalled the experience of relocation when the 1937 Land Exchange Act was enacted. Interviewee A-101 was about four years old when A-101 had to leave Owens Valley to go to North Fork. An excerpt is provided below:

A-101: "Oh when we left it took us three days to get to North Fork

A-101: now it's about a ten hour trip

A-101: We did about fifty miles a day. We went to Little Lake, Walker Pass and down in the Valley and the third day we went to the...

A-101: That was sad....awe... leaves my folks...they had to leave me there

W: So do you always identify yourself as Paiute or Mono?

A-101: Mono

²³² Truman Buff Interviewed by Richard Potashin, 1992. Eastern California Museum Archives, Oral History Collection, ECM, OH155, 71.

²³³ Truman Buff Interviewed by Richard Potashin, 1992. Eastern California Museum Archives, Oral History Collection, ECM, OH155, 72.

W: Mono

A-101: My dad was Mono and my mother was Paiute and Shoshone

W: So then they moved you over to Fresno?

A-101: [For] 9 yrs.

W: What was your experience there? North Fork? Is it North Fork?

A-101: Yea, North Fork

W: What was it like there ...? At the school?

A-101: terrible....

A-101: ... I had to read the Bible I don't know how many times ...of course there's church every Sunday. If you're sick you had to recite at least one verse in the Bible....I'll always remember that.

A-101: I will always remember the shortest verse was, "Jesus Loves"

(Laughter)

W: They had to recite that?

A-101: Yea ... I don't think the missionary ever understood we figured out that was the shortest verse in the Bible.

W: Did you know Mono or Paiute?

A-101: Mono

A-101: So when we'd go over I lost everything ... I mean when I got back I couldn't even talk to any Indians... My grandfather, I used to go visit him I had to take an interpreter with me, so I could understand what he was saying.... I lost my language all together

A-101: and my grandmother... we called her ... she was myeverybody called her grandma let's put it that way... and I used to go visit her and uh... I couldn't understand her after 5 or 6 years”²³⁴

As the interview progressed it became clear as to who forced relocation upon the interviewee.

W: “Was it the BIA officials that did that? Who transported [interviewee A-101]?”

A-102: The US divided this country up between the churches and then back during the turn of the century the idea was to get these kids away from their families away from the reservations and send them to boarding school so they would forget everything and so that's what this was and so they were forced to go there and their Parents didn't dare say no, their parents didn't want to send them but they had to. And that's where all the Monos are, [it] is up in that area and that's where the mission school was, at North Fork. And North Fork and South Fork and... there's Bass Lake and the Friant reservoir is just below and that's where that water coming out it's like straight across from Mammoth...

W: And it was a Presbyterian mission? So it was the church that took [interviewee A-101]?”

A-102: Right. So that's a whole thing that the government says, separation of church and state but yet they give all the Tribes to the churches. That's why you see up in North and South Dakota it's Episcopal, Utah is Mormon, over here its Presbyterian yea they divided... because the churches wanted to save the Indians so the government divided this whole country. I've seen maps that show how they divided [the Tribes] among the churches.”²³⁵

²³⁴ A-101 Interviewed by Author, September 1, 2013.

²³⁵ A-102 Interviewed by Author, September 1, 2013.

At the young age of four, the interviewee was forced to live in North Fork, Fresno at a Presbyterian mission to be “educated” and converted to Christianity. It is deeply unfortunate that the people in charge of this forced relocation did not respect the indigenous beliefs, customs, sociopolitical organizations or laws. To force a foreign system upon any person who is part of a sovereign nation disregards their systems of government, culture and worldview.

When I asked this particular interviewee why is water important, I received laughter. I read a story from Keith Basso’s, *Western Apache Language and Culture* in which a Western Apache, Nick Thompson, responded to a question posed by an attorney. The attorney asked Thompson why water was important to him. Thompson responded: “Because we drink it!” and then discussed a historical tale about a large spring with the place name ‘lots of water flows up and out’- where long ago a man was mysteriously drowned after mistreating his wife. When Thompson finished this story he explained: “We know what happened, so we know not to act like that man who died. It’s good that we have that water. We need it to live. It’s good we have that spring too. We need it to live right.”²³⁶ I thought I might receive a similar response to the one Thompson gave in his reply to the attorney in defense of why water is important. However, I failed at this time to understand that each person’s response and each tribe’s culture will be different and not necessarily similar to anything else. I added that the reason why I would ask such a question was because other people might think water is important because it can be used for business purposes, like industries and economic growth. The interviewee responded:

A-101: “we can’t follow that”

The interviewee may have been referring to the traditions and beliefs of the Owens Valley Paiute peoples. It is not their way to use water for economic purposes, but rather it is used

²³⁶ Basso, *Western Apache Language and Culture*, 137.

for such purposes as drinking, bathing and cooking. Water is not meant for exploitation, it is meant to be used carefully and respected.

Another excerpt from a different interview provides insight in the interviewee's grandmother's stories of the past and the interviewee's own stories of what the land and water means in Owens Valley.

W: "Ok so I guess that leads into the next question about experiencing you or others experienced removal from your land like boarding schools?"

A-103: I did attend boarding school in Santa Fe, New Mexico

W: Oh you did

A- 103: But it was by choice it was different from back in the days when they took the families and separated them. My grandmother was actually one of those people that was in a boarding school the Stewart Indian school in Carson City and uh she always talks about it and uh there's always negative stories but hers is actually one of the um positive ones where she did enjoy her time there and had a good time working whereas a lot of other people were traumatized and understandably went through a lot of pain. Ah, what I did notice though was the loss of culture because she was very fluent in Paiute before then afterwards she just focused in the uh work they were teaching her which was like um working the laundry, domesticated stuff and her focus kinda turned towards that. So she wasn't able to connect when she got home to like the basket weaving or the food gathering um tradition preparation of plants and things like that because she was taught at the boarding school to just be a civil servant of the community at large and yeah so she wanted to maintain the language but it was difficult for her because she did go back there and you know spoke only English and was encouraged just to take a day to day labor job as opposed to maintain[ing] her cultural identity ...

W: Do you know what time that was approximately?

A-103: She was born in 1920's? So it must been 1940's, 1930's time frame"²³⁷

This excerpt re-emphasizes the forced relocation that the indigenous peoples in the valley had to experience and the loss of culture that resulted. The following excerpt will discuss ties to the lands of Owens Valley.

W: "So this also leads into another question. Since you have lived elsewhere did you miss your land and if so, what made you specifically home sick?

A-103: Ok um ah just thinking back... in the summer time growing up I already had like this traveling thing going on so I was used to leaving the land but I noticed after I graduated high school I started traveling internationally and in Europe for about 4 years constantly and during that time I did come to realize how much I missed the mountains we have here. It's very unique uh in the way that they are set up and uh just how we have some ... to the natural landscape and you know it's easy for us to go out and connect with land we could take a short cruise a little drive or a walk and be totally isolated and the wilderness, it's not like a pristine green wilderness it's a different type of wilderness its uh like a desert type... So ah it's just something I've just always connected with and yeah I always did think about it when I was traveling and I think the mountains had a big play in that because it's like a big cradle or valley the way it's set up. The mountains are on both sides and the valley is in the center, so it feels very secure.

W: Oh I see, um so specifically about the land do you remember what your grandmother stated about how it was before? Like the lake?

A-103: Well even legend wise going way back this land was always very lush it had a lot of water. Even the Creation story tells of this whole entire area being under water and are people

²³⁷ A-103 Interviewed by Author, August 30, 2013.

living on the tips of the mountains like islands. That's where we came from. And when the water subsided and it had all went down then we all came down from the mountains and started habituating. Uh so that's like one of our Creation stories or one of the more ancient stories was that we came down to this land after the water went away but it still kept all the lakes and everything and we have a lot of water creature legends. Kind of like if you looked at the land now you would think 'What the?' 'Why are you guys telling stories about water creatures so much?' I mean there's barely anything. I mean I remember my mom even back when they were growing up she said there was a lot of swamps. The Bishop reservation, this whole area, used to be a big swamp. And it was dried out. Big Pine used to have a real big swamp next to it too. And uh there were a lot of things that just changed with the environment. And my grandma talked about how the whole entire valley was covered with trees at one time. You could walk down the whole valley and just be shaded all the way by all this huge trees. But they were cut down during the water wars because a lot of native men were contracted to cut them down and get paid ... it kind of just helped with the desecration of the land I would say. See if you were to walk around nowadays you could see all the little stumps where it's all dry and looks all desert there's stumps everywhere.²³⁸

This interviewee tied stories from their relatives back to their ancestors' stories of the Paiute Creation and mentioned other legends connected to water. Stories passed down from generation to generation are important and the notion that water is tied to some of their stories emphasizes the significance of this molecule. Another excerpt of this interview discussed how the land has changed in the valley.

²³⁸ A-103 Interviewed by Author, August 30, 2013.

W: “Right um with your grandmother talking about the changes in the land did she ever mention how she just... what did she particularly not like how the land looks? Is it like the lake or maybe the dust pollution?”

A-103: Yea it’s very different it’s kind of arid dry. A lot of different weeds came in because of the dryness. The tumble weeds that’s not native to the land here. Because before you could just walk across and not be hit with any sticks or anything, that’s what she said. But uh eventually it just kept growing and growing and just infesting the land. So it made it more harsh, the landscape, and she just remembers how green it used to be when she talks about that and just all the water that was everywhere and that’s kind of what she misses seeing that stuff like that. But now it’s kind of dried up, the dust storms, more wind, more scorpions she says.”²³⁹

The subsequent excerpt of this interview showed the differences between Euro-American thinking and an individual Paiute perspective regarding water conservation.

W: “So do you remember your family, families’ stories or yourself having to conserve water?”

A-103: Water conservation? Uhh I was always told to respect water um as for conservation uh, no. It’s just respecting it because it’s just such a life source and not over using it, just using as much as you need and just always give back from what you take. Yea, so if we use water we have to give back to it, give offerings, things like that. So that can kind of goes with water conservation because it makes you think, ‘Ok I can’t use too much traditionally speaking’, but it can translate into, ‘Yea I don’t need to use that much’.”²⁴⁰

The last excerpt from this interview discussed the naming of what is now known as Owens Valley and why this name is problematic.

²³⁹ A-103 Interviewed by Author, August 30, 2013.

²⁴⁰ A-103 Interviewed by Author, August 30, 2013.

A-103: “*Piayano Haaru*. That was the name of the Valley before Richard Owens. He had picked the name and Richard Owens was the man that was passing by with Sutter, John Sutter. As they were passing by they kind of casually looked over and said ‘Oh look at that valley right there ah ohh that’s a nice valley’ and John Sutter said ‘You know what? Since you’re the first one that saw it lets call it Owens Valley.’ And so that’s how the name got stuck and I think back and I’m like ... you’re acknowledging this name that this non-native man has given just for looking at it.

W: That’s an interesting point. What does this loosely translate to?

A-103: *Piayano Haaru?* ... Land of the Flowing Waters”²⁴¹

The Stories of Water, its Importance, Its Meanings & Uses

The usurpation of water by Los Angeles did not result in the Owens Valley Paiutes search for better economic opportunities elsewhere. Despite the ranchers and farmers selling their land and water rights to Los Angeles because of factors including the Great Depression and the possibility of greater economic opportunity elsewhere, the Owens Valley Paiute peoples tended to stay put. This was because the Paiute have been given the land of Owens Valley since time immemorial for residence. The land of Owens Valley is sacred, the ancestors of the Paiute have passed the land to their future generations to inhabit and the Paiute existence literally came from the waters of Owens Valley. Thus, no economic value can replace what their environment and their water means for them.

Recorded and transcribed oral interviews done for the Eastern California Oral Interview Collection are used to emphasize the importance of water to the Owens Valley Paiute peoples.

²⁴¹ A-103 Interviewed by Author, August 30, 2013.

The Owens Valley Paiute, Pearl Budke, recalled certain memories of her history to Potashin. In this interview, the importance of water for the Owens Valley Paiute peoples is displayed in several ways, one being the harvesting of cane sugar as the excerpt below elaborated upon.

PB: “So then when they shake the leaves, the same as they did in baskets, then all the food or the sugar would be on their tarp that they had²⁴² ... And they’d get that together and then they’d make sure that everything was clean. And then how they got it together in those blocks, now I don’t remember what my mother did with that. They must have put a certain amount of moisture in it, too, unless moisture was there already ...”

RP: ... “Do you remember when this cane sugar was harvested, Pearl?”

PB: The last time we did any harvesting on it was when I was about twelve years old, and right now I’m sixty-two, so I might have been twelve or thirteen, somewhere around that. It was in the late 30s, I think.

RP: Was it usually summer or fall?

PB: Oh, I think it was fall²⁴³

RP: And was this a plant growing in wet areas or dry areas?

PB: It had to be around water. And that’s the other thing that ruined this out here is when the cattle came in out here north [of the fort area]. Then my folks no longer wanted to be here because the cattle were stepping all over in the water and they didn’t feel it was clean anymore...

RP: So the last time you recall it being harvested in the 30s?

²⁴² Pearl Budke Interviewed by Richard Potashin August 3, 1992 Eastern California Museum Archives, Oral History Collection, ECM OH208, 12.

²⁴³ Pearl Budke Interviewed by Richard Potashin August 3, 1992 Eastern California Museum Archives, Oral History Collection, ECM OH208, 13.

PB: Uh-huh. Now, maybe the other Indian people in this valley went longer than that, but that's when my mother and father quit, for their own reasons.²⁴⁴”

This interview excerpt displays the multiple levels of meaning that water has for the indigenous communities in Owens Valley. These levels include connections to sociopolitical organization, the use of water for their livelihood, and the spiritual qualities of water. With regards to their sociopolitical organization, Budke does not speak for her peoples. As noted before, the sociopolitical organization of the Paiutes is a decentralized form of government. Inter-related families were the daily decision makers unless there was something such as a communal gathering that required a centralized form of leadership.

Water naturally served as a means for the Paiute peoples' livelihood but water was not something purely to drink. Water was used during the harvesting of this sugar cane that was found near water sources. To gather this sugar cane Budke noted that the water needed to be clean and once foreigners entered into their territory their cattle contaminated the water. Consequently, her family stopped gathering this sugar cane. The cleanliness of water can be applied for the purpose of their health and possibly spiritual reasons. The use of water was more than a molecule needed for their daily lives. Water also served medicinal purposes as the next excerpt will show.

PB: “... I've seen my grandmother take shells... Now, I think those shells they went after down along Owens Lake or Haiwee, down in that area.²⁴⁵

RP: Shells?

²⁴⁴ Pearl Budke Interviewed by Richard Potashin August 3, 1992 Eastern California Museum Archives, Oral History Collection, ECM OH208, 14.

²⁴⁵ Pearl Budke Interviewed by Richard Potashin August 3, 1992 Eastern California Museum Archives, Oral History Collection, ECM OH208, 15.

PB: Yeah, like seashells, little shells- I don't know what kind of shells they were- and they ground those up very fine with rocks and made like a paste of it, for toothaches or sores."

Shells found along water sources were used as medicinal remedies. It is becoming increasingly clear that with the loss of water from Owens Lake there are multiple facets and interrelationships connected to water use.

A continuation of the interview from Buff expanded on the different uses of water.

RP: "Where would you go to swim?"²⁴⁶

TB: On the edge. You got to watch what you are doing when your [you're] swimming. You know, you got to stay pretty close to the edge. [referring to Owens Lake]

RP: Did you swim in the water for medicinal purposes?

TB: No we would go to Coso for that."

Not only did Owens Lake serve recreational purposes but it was a place of trade for other native communities.

TB: "See they traded. Indians come even to own their own course. They traded things over here. They come after salt. Like they go over to the Saline Valley. They come clean from the coast too. They bring stuff over and traded with Indians for salt. That was their route."²⁴⁷

The desecration of Owens Lake by draining of water via the Los Angeles Aqueduct destroyed both an ecosystem and a viable trading center. This trading center was important to the Owens Valley Paiutes economic system and trade via Owens Lake was virtually destroyed by the time the lake had all but disappeared in the 1930s.

²⁴⁶ Truman Buff Interviewed by Richard Potashin, 1992. Eastern California Museum Archives, Oral History Collection, ECM, OH155, 43.

²⁴⁷ Truman Buff Interviewed by Richard Potashin, 1992. Eastern California Museum Archives, Oral History Collection, ECM, OH155, 45.

The spiritual aspect of water was revealed when Buff discussed the uses of Coso Hot Springs.

RP: “You mentioned Coso Hot Springs. Did you or your family visit there frequently?”²⁴⁸

TB: Not lately no.

RP: But you used to go over there?

TB: Yawp. About once a year or once someone got really sick.

...

RP: Did your family or do you remember anybody ever cooking over the hot water?”²⁴⁹

TB: Ya, they done all that. The special hot water that they cook in. One of those little springs coming up. They cook a stew or whatever they take over there. They put that pot in there and it cooks up nice. And there was certain water in there that you got to use for that. A special water.”

For certain dishes Buff noted that special water was needed for a particular dish. It is unknown whether any dish cooked with this special water is used for spiritual purposes. Regardless, the above excerpt showed the different uses water has for the Owens Valley Paiute peoples based on locality.

Recounting the transfer of water from Owens Valley to Los Angeles takes on many different perspectives. Economists, historians and archeologists have shared their expertise on what transpired during the transfer and its aftermath. The stories of how the indigenous inhabitants of Owens Valley remain affected by the water transfer cannot be classified as any one perspective that encompasses law, economics, archeology or the like. This is because the

²⁴⁸ Truman Buff Interviewed by Richard Potashin, 1992. Eastern California Museum Archives, Oral History Collection, ECM, OH155, 29.

²⁴⁹ Truman Buff Interviewed by Richard Potashin, 1992. Eastern California Museum Archives, Oral History Collection, ECM, OH155, 50.

different viewpoints of the indigenous inhabitants of this region provide insight into law, economics, ethnography, medicine, archeology, history, politics and more.

Why the ramifications of the 1937 Land Exchange Act are still Currently Important to All Parties Involved

There are some unaddressed issues of the 1937 Land Exchange Act that have not been realized. In a letter dated August 13, 1945 to the Carson Indian Agency in Stewart, Nevada from the Acting District Engineer, Thomas H. McCarthy, there is discussion about the city of Los Angeles wanting two stock certificates. The first certificate No.406 has 80 shares of stock in the Owens River Valley Irrigation Company. The second certificate No. 384 has 3.5 shares in the Big Pine Water Association.²⁵⁰ The first certificate was transferred to the United States for use on behalf of the Indians on April 10, 1920. The second certificate was transferred to the United States on December 22, 1926. The city of Los Angeles wanted these certificates transferred to the Los Angeles Bureau of Power and Light because "... water is now supplied to Indian lands through canals, etc. belonging to the Los Angeles Bureau of Power and Light."²⁵¹

A letter dated July 13, 1949 to the District Counsel of Los Angeles, Geraint Humpherys from C.H. Southworth Acting Director of Irrigation showed that the transfer of the stock certificates to Los Angeles had yet to be made. In this letter Southworth wrote that Los Angeles

²⁵⁰ Record Group 75 Bureau of Indian Affairs California Sacramento Area Office Case of Records 1908-1958 of Irrigation Projects, 1950-1958 Case No: 3A(9071)-3B Box No 9, Folder, Owens Valley Land Purchase, On File National Archives and Records Administration, San Bruno, California.

²⁵¹ Record Group 75 Bureau of Indian Affairs California Sacramento Area Office Case of Records 1908-1958 of Irrigation Projects, 1950-1958 Case No: 3A(9071)-3B Box No 9, Folder, Owens Valley Land Purchase, On File National Archives and Records Administration, San Bruno, California.

city officials desired dissolving the irrigation companies because the United States holds stock in them.²⁵²

It appears that these stock certificates were never given to the city of Los Angeles, and if this is the case then the Owens Valley Paiute peoples are entitled to an additional 847.68 acre feet of water per annum for irrigation and domestic uses as specified in the Los Angeles City Ordinance 79,111 of 1938.²⁵³

The terms and conditions with respect to the 1937 Land Exchange Act and the Deed of 1939 have not been fully realized and there is still ongoing litigation with respect to the Tribes entitlement to their Winters reserved water rights and additional land acreage.²⁵⁴

Conclusion

The Owens Valley Paiute have continued to resist the usurpation of their land and water since the 1937 Land Exchange Act. For example, the Indian Claims Commission Court in 1965 decided that the Owens Valley Paiutes were entitled to receive compensation in the amount of \$935,000 dollars for their land from the United States government as a result of the transfer of property that was affected by the Treaty of Guadalupe Hidalgo of 1848. Northern Paiute Nation and the Bands thereof, et. al. v. United States of America, 16 Ind. Cl. Comm. 215 at 340.

Then in the late twentieth century, the Owens Valley Indian Water Commission was chartered by the Owens Valley Paiutes in 1991 for the purpose of negotiating “the Tribe’s water rights with the federal government and the Los Angeles Department of Water and Power

²⁵² Record Group 75 Bureau of Indian Affairs California Sacramento Area Office Case of Records 1908-1958 of Irrigation Projects, 1950-1958 Case No: 3A(9071)-3B Box No 9, Folder, Owens Valley Land Purchase, On File National Archives and Records Administration, San Bruno, California.

²⁵³ See Los Angeles City Ordinance 79, 111 Of 1930 From Record Group 75 Bureau of Indian Affairs California Sacramento Area Office Case of Records 1908-1958 of Irrigation Projects, 1950-1958 Case No: 3A(9071)-3B Box No 9 Folder : Owens Valley Land Purchase, On File National Archives and Records Administration, San Bruno, California.

²⁵⁴ Personal Communication with Author 5/28/2014

(LADWP)...²⁵⁵ It is within this consortium that two commissioners are appointed (in Big Pine's case they are elected) for the purpose of representing the tribes at Bishop, Big Pine, and Lone Pine.

More recently in 2011 a 9th Circuit Federal District Court case entitled Paiute Shoshone Bishop Colony v city of Los Angeles, held that the Owens Valley Paiutes were not entitled to land previously acquired by the city in a deal with the United States (referring to the 1937 Land Exchange Act). See Paiute Shoshone Bishop Colony v city of Los Angeles, 637 F.3d 993 at 999. This was because the Owens Valley Paiutes lost their claim to land due to the statute of limitations of the Indian Claims Commission Act of 1946 (ICCA). The court ruled Tribes had to file their claims within five years. Unfortunately, the Paiutes did not file their land claim with the United States Federal District Court until 2010, well after the ICCA statute of limitations had expired.

Whether it is a court case, a video promoting the fight against the destruction of the Owens Valley environment or the formation of a committee, the Owens Valley Paiute are still resisting against the appropriation of their land and water. This is because part of the Owens Valley Paiute peoples' worldview emphasizes protecting the land and water of the valley. The Owens Valley Paiute peoples literally came from water and have lived in the valley since time immemorial. They are not going to allow their homeland and original birthplace to be brought to waste. Hence, the resistance of the Owens Valley Paiute continues.

The resistance continues because water is part of the community's lifeblood. It is in their creation stories, in their spirituality and in their ways of life. An attempt was made at uncovering why water is important to the Owens Valley Paiute peoples from their perspectives and why

²⁵⁵ Todd Olinger, Indian Water- 1997 Trends and Directions in Federal Water Policy, A Summary of the Conference Proceedings, letter from the Owens Valley Indian Water Commission, 88.

there was and still is resistance against the water transfer to Los Angeles. However, water's importance to the Owens Valley Paiute peoples cannot be adequately summarized in written English words. The full complexity cannot be spoken or transmitted through scholarship. Rather, the full meanings of water and its importance to the Owens Valley Paiute peoples are something that remains in the respective communities. Nonetheless, with a background regarding aspects of water's importance according to Owens Valley Paiute peoples' perspectives, the reader may better understand how the water transfer affected and is still affecting the indigenous peoples of the valley. The Los Angeles Aqueduct is still extracting water from Owens Valley, the Owens Valley Paiute peoples are still fighting for their water and land, and the lake bed of Owens Lake is still virtually dry. Regardless of the harsh, bleak outcomes of the water transfer, the fact still remains that there is something positive and encouraging to be said. The Owens Valley Paiute peoples' resilience and resistance is remarkably strong and with that instilled in their future generations it will only be a matter of time until *Piyahu Nadu* (Land of Flowing Waters) becomes what it once was again.

H. A. VAN NORMAN
CHIEF ENGINEER AND
GENERAL MANAGER
OF WATER WORKS



207 SO. BROADWAY
LOS ANGELES
MICHIGAN 4211

BUREAU OF WATERWORKS & SUPPLY

January 13 - 1936

The Honorable Board
of Water and Power Commissioners
BUILDING

Gentlemen:

For some years the Department of Water and Power has been negotiating with the Bureau of Indian Affairs for the purpose of developing a plan that would solve the Indian problem in the Owens Valley. There are certain lands and water rights belonging to the Department of Water and Power that we propose to exchange for other lands and water rights that are in the custody of the Secretary of the Interior for the United States Indian Service.

The plan is to provide the Indian Service with arable land with water supply sufficient to support colonies near Bishop, Big Pine, Independence, and Lone Pine. An investigation of the lands has been made by the engineers of the Department in cooperation with representatives of the Indian Service and the tracts selected for the colonies appear to be satisfactory to all concerned.

A tentative bill has been prepared by the Indian Service, copy of which is attached, that will be introduced in Congress at this session provided it is satisfactory to your Board. Also attached is a copy of an opinion rendered at my request by the Legal Division wherein it is stated that such an exchange of lands and water rights may be accomplished if the Board of Water and Power Commissioners will adopt a resolution approving such exchange, for the City Council to ratify the understanding, and for the voters to assent thereto. The Legal Division points out that Section 219 of the City Charter provides that "The city shall not sell, lease or otherwise dispose of its rights in the waters of said Los Angeles River, in whole or in part. No other water or water right shall ever be sold, leased or disposed of, in whole or in part, without the assent of two-thirds of the qualified voters of the city voting on the proposition at a general or special election"

January 15, 1936.

WATER:

Honorable Board of Water and Power
Commissioners, City of Los Angeles,
B U I L D I N G.

Gentlemen:

For some years the Department of Water and Power has been negotiating with the Bureau of Indian Affairs for the purpose of developing a plan that would solve the Indian problem in the Owens Valley. There are certain lands and water rights belonging to the Department of Water and Power that we propose to exchange for other lands and water rights that are in the custody of the Secretary of the Interior for the United States Indian Service.

The plan is to provide the Indian Service with arable land with water supply sufficient to support colonies near Bishop, Big Pine, Independence, and Lone Pine. An investigation of the lands has been made by the engineers of the Department in cooperation with representatives of the Indian Service and the tracts selected for the colonies appear to be satisfactory to all concerned.

A tentative bill has been prepared by the Indian Service, copy of which is attached, that will be introduced in Congress at this session provided it is satisfactory to your Board. Also attached is a copy of an opinion rendered at the request of Mr. H. A. Van Norman, Chief Engineer and General Manager of the Bureau of Water Works and Supply by the Legal Division wherein it is stated that such an exchange of lands and water rights may be accomplished if the Board of Water and Power Commissioners will adopt a resolution approving such exchange, for the City Council to ratify the understanding, and for the voters to assent thereto. The Legal Division points out that Section 219 of the City Charter provides that "The city shall not sell, lease or otherwise dispose of its rights in the waters of said Los Angeles River, in whole or in part. No other water or water right shall ever be sold, leased or disposed of, in whole or in part, without the assent of two-thirds of the qualified voters of the City voting on the proposition at a general or special election"

My suggestion is that your Board approve this procedure by resolution, authorize the Chief Engineer and General Manager, together with the Right of Way and Land Agent, to cooperate with the Indian Service in consummating the deal; that our representatives in

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Washington assist the representatives of the Indian Bureau in getting the bill through Congress; and upon Congressional approval the matter of transferring the water rights, as required by the Charter, be submitted to a vote of the people at the next general or special election.

The description of the lands involved, together with a statement of the water rights, is in the accompanying report of E. A. Porter of the Right of Way and Land Division.

Respectfully submitted,

APPROVED:

Chief Engr. & Gen. Mgr.
Bureau of Water Works & Supply
FH/VH
Attach.

CLARENCE S. HILL
Right of Way and Land Agent.

C O P Y

(c
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October 11, 1937

Honorable Harold L. Ickes,
Secretary of the Interior,
Washington, D. C.

Dear Mr. Ickes:-

I, the undersigned adult Indian from Owens Valley in Inyo County, California, do hereby give our consent to an exchange of lands between the Federal Government and the City of Los Angeles, whereby the Federal Government deeds to the City the parcels of land in Owens Valley set aside by Executive Order or purchased and held in trust for our use by the Government, with the exception of the Fort Independence tract, and whereby the City deeds to the Federal Government to be held in trust for our use in perpetuity tracts of good agricultural land situated near Bishop, Big Pine, and Lone Pine and containing approximately 870, 240 and 240 acres respectively, provided that the exchange insures our right to receive in perpetuity an average of four acre feet per acre per annum of water on the total acreage received from the City and held in trust by the Government for our use.

Respectfully,

(Signed) Ethel Smith

(c
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y)

September , 1937

Honorable Harold L. Ickes
Secretary of the Interior
Washington, D. C.

Dear Mr. Ickes:

We, the undersigned adult Indians, resident in Owens Valley in Inyo County, California, do hereby give our consent to an exchange of lands between the Federal Government and the City of Los Angeles, whereby the Federal Government deeds to the City the parcels of land in Owens Valley set aside by Executive Order or purchased and held in trust for our use by the Government, with the exception of the Fort Independence tract, and whereby the City deeds to the Federal Government to be held in trust for our use in perpetuity tracts of good agricultural land situated near Bishop, Big Pine, and Lone Pine and containing approximately 870, 240 and 240 acres respectively, provided that the exchange insures our right to receive in perpetuity an average of four acre feet per acre per annum of water on the total acreage received from the City and held in trust by the Government for our use.

Respectfully,

(Signed) Florence Williams

Bibliography

- Austin, Mary. *Western Trails A Collection of Short Stories by Mary Austin*, selected and edited by Melody Graulich. Reno: University of Nevada Press, 1987.
- Baker, Scott, Julia G. Costello, and Judith Marvin. *Historic Study Report for Twelve Historic-Period Resources on the Aberdeen-Blackrock Four-Lane Project on Route 395, Inyo County, California*. Mokelumne Hill: Foothill Resources, LTD, 2001.
- Basso, Keith. *Wisdom Sits in Places*. Albuquerque: University of New Mexico Press, 1996.
- Basso, Keith. *Western Apache Language and Culture*. Tucson: University of Arizona Press, 1990.
- Bauer, William J. "Telling History, Reclaiming Water: Paiute Oral Traditions and the Owens Valley Water Wars." *Boom A Journal of California* 2, no. 4 (2012).
<http://www.boomcalifornia.com/2013/03/the-giant-and-the-waterbaby/>.
- Bean, Lowell J. and Thomas C. Blackburn. *Native Californians: A Theoretical Perspective*. Ramona, CA: Balleena Press, 1976.
- Big Pine Tribal Archives, located in Big Pine, CA
- Bureau of Indian Affairs, 1905-1916 Inventory of the Reno Agency Land Allotment and Heirship Case Records 1905-1916. Folder [Jim Olds] Land Water right, Record Group 75, Box 31. On file, National Archives, San Bruno, California.
- Bureau of Indian Affairs, 1908-1958. Inventory of the Sacramento Area Office Case of Records Irrigation Projects. Folder Owens Valley Land Purchase, Record Group 75, Box 9. On file, National Archives, San Bruno, California.
- Busby, Colin I., James C. Bard and John M. Findla. *A Cultural Overview of the Bureau of Land Management Coleville, Bodie, Benton and Owens Valley Planning Units, California*.

- Bakersfield, CA: Bureau of Land Management Cultural Resources Publications
Anthropology-History, 1982.
- Caltrans District 9. *Participants and Observers: Perspectives on Historic Native American Information from Independence to Haiwee Reservoir in Owens Valley for the Olancho/Cartago Four-Lane Project, U.S. Route 395, Inyo County, California.* By Shelly Davis-King with research assistance from Lynn Johnson, contract number 06A0387
Encinitas: ASM Affiliates Inc. 2003.
- Chalfant W.A. *The Story of Inyo.* Bishop: Chalfant Press Inc., 1922.
- Champagne, Duane. *Social Change and Cultural Continuity Among Native Nations.* Lanham: AltaMiraPress, 2007.
- Congressional Record-House. "Exchanging of Certain Land and Water Rights in California."
March 10, 1937.
- Dean, Sharon E., Peggy S. Ratcheson, Judith W. Finger, Ellen F. Daus and Craig D. Bates.
Weaving a Legacy Indian Baskets and the People of Owens Valley, California. Salt Lake City: University of Utah Press, 2004.
- DeDecker, Mary, Harry W. Waton, Philip J. Wilke, and William M. Mason. "Agriculture Among the Paiute of Owens Valley." *The Journal of California Anthropology*, 3, no. 1 (1976): 13-50. <http://www.jstor.org/stable/27824857>.
- DeDecker, Mary. "Owens Valley, Then and Now" *Journal of the California Garden & Landscape History Society*, 11, no.3 (2008):21-24
- Deering, Frank D. *The Codes and Statutes of California At the Close of the Twenty Sixth Session of the Legislature, 1865.* San Francisco: Bancroft-Whitney Co., 1886.

Estrada David, William. *The Los Angeles Plaza: Sacred and Contested Places*. Austin:

University of Texas Press, 2008,

http://books.google.com/books?id=eJu4Wau5G5UC&pg=PA17&lpg=PA17&dq=creator+god+of+Tongva&source=bl&ots=IKI-_3fx0a&sig=HAngd72uAn2lGOFfRBToc6g0Wpk&hl=en&sa=X&ei=Jr9EU5-ZM_DyyAHJoYHwBQ&ved=0CEAQ6AEwAzgK#v=onepage&q=creator%20god%20of%20Tongva&f=false_

Ethnological Documents at the Department and Museum of Anthropology, 1875-1958,

University of California Berkeley Bancroft Library, Berkeley.

Ewan, Fish. Rebecca. *A Land Between Owens Valley, California*. Baltimore: The Johns Hopkins University Press, 2000.

Franklin, Andrew. "Desiccating a Valley and a People: The Effects of the Los Angeles

Department of Water and Power on Owens Valley and Its Inhabitants, 1924-1931," M.A. Thesis, California State University, Sacramento, 2000.

Frank, Gelya & Carole Goldberg. *Defying the Odds The Tule River Tribe's Struggle for Sovereignty in Three Centuries*. New Haven: Yale University Press, 2010.

Getches, David H. *Water Rights on Indian Allotments* 26 S.D. L. Rev. 405 (1981): 405-433

http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCYQFjAA&url=http%3A%2F%2Fdigitool.library.colostate.edu%2Fwebclient%2FDeliveryManager%3Fpid%3D125062&ei=tyVfU6zsHO_lygGC1oGQCw&usq=AFQjCNF3yMTcn1sTAZMz4hrai2dDYnsV7w&bvm=bv.65636070,bs.1,d.aWw

Gordon R. Miller, "Los Angeles and the Owens River Aqueduct" (1977). *CGU Theses & Dissertations*. Paper 79. http://scholarship.claremont.edu/cgu_etd/79.

Gumprecht, Blake. *The Los Angeles River Its Life, Death, and Possible Rebirth*. Baltimore: The John Hopkins University Press, 1999.

Hardwood Phillips., George. “*Bringing them under Subjection*” *California’s Tejon Indian Reservation and Beyond, 1852-1864*, Lincoln: University of Nebraska Press, 2004.

Harris, Richard R. and Gary Nakamura, “Natural Resource Inventories of Indian Public Domain Trust Allotments in California,” *American Indian Culture and Research Journal* 21, no.3 (1997): 49-61.

Hayes, P. Samuel. *The Response to Industrialization: 1885-1914*. Chicago: University of Chicago Press, 1973.

Hoffman, Abraham. *Vision or Villainy Origins of the Owens Valley-Los Angeles Water Controversy*. United States of America: Texas A&M University Press, 1981.

Hundley, Jr. Norris. *The Great Thirst Californians and Water 1770s-1990s*. Los Angeles: University of California Press, 1992.

Indians California-Indians Language. Folder: Indians Claims 1 pages 15259-15263 from Eastern California Museum in Independence, California.

Inyo National Forest History Archives at the Eastern California Museum in Independence, California

Johansen, Bruce E. “Doctrine, Trust of.” *ABC-CLIO*. Accessed Date 12/8/13.

<http://www.historyandtheheadlines.abc-clio.com/ContentPages/ContentPage.aspx?entryId=1171832¤tSection=1161468&productid=5>.

Kahrl, L. William. *Water and Power The Conflict over Los Angeles' Water in the Owens Valley*.
Los Angeles: University of California Press, 1983.

Killsback, Leo. "Indigenous Perceptions of Time: Decolonizing Theory, World History, and the
Fates of Human Societies." *American Indian Culture and Research Journal* 37, no.1
(2013): 127-156. <http://aisc.metapress.com/content/2272718771244566/>.

Kinsey, J. Don. *The Water Trail*. Los Angeles: Department of Water and Power, 1928.

LaVally, Rebecca, "200 Significant Statutes and Constitutional Amendments of the 20th
Century," *Laws of the Century*, Accessed Date 12/8/13.
<http://sor.govoffice3.com/vertical/Sites/%7B3BDD1595-792B-4D20-8D44626EF05648C7%7D/uploads/%7B0B59457A-0B89-49AF-8AF0-C0E52E797CAF%7D.HTM>

Liljebald, Sven and Catherine S. Fowler. *The Great Basin XI*, Edited by Warren L. D'Azevedo.
Smithsonian Institution Washington: 1986.

Libecap, D. Gary, "Water Rights and Water Re-allocation: Los Angeles, Owens Valley, and the
Mono Basin, 1930-2006." April 2006.
http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCkQFjAA&url=http%3A%2F%2Fwww.econ.ucsb.edu%2Fconferences%2Ftakings06%2Fdocs%2FLibecap.doc&ei=_fVZU768NoahyAT0_4GQAg&usg=AFQjCNFkvwvBxZ9ZBgoV3nwYlorX_qDLBg&sig2=IobqJmHFQzLWJyVuInKX_Q&bvm=bv.65397613,d.aWw.

Libecap, D. Gary. *Owens Valley Revisited: A Reassessment of the West's First Great Water
Transfer*. Stanford: Stanford University Press, 2007.

Libecap, D. Gary, "The Myth of Owens Valley." *University of Arizona*. 2005.
www.cato.org/pubs/regulation/regv28n2/v28n2-2.pdf.

“Los Angeles City Quick Facts from the U.S. Census Bureau.” Last modified June 12, 2012.

U.S. Department of Commerce, <http://quickfacts.census.gov/qfd/states/06/0644000.html>

Lyons, Richard Scott. *X-Marks Native Signatures of Assent*. Minneapolis: University of Minnesota Press, 2010.

Madley, Benjamin. *An American Genocide: A California Indian Catastrophe 1846-1873 for Yale University Press*. New Haven: Yale University Press. Forthcoming.

Mayo, Marrow. “The Rape of Owens Valley” in *Los Angeles*. New York: Alfred A. Knopf, 1933.

McGrath, Roger D. *Gunfighters Highwaymen & Vigilantes Violence on the Frontier*. Berkeley: University of California Press, 1984.

McWilliams, Carey. *Southern California: An Island on the Land*. Santa Barbara: Peregrine Smith Inc., 1973.

Macdonnell J. Lawrence. *From Reclamation to Sustainability*. Niwot: University Press of Colorado, 1999.

Martin, Karen L. “Ways of Knowing, Ways of Being and Ways of Doing: A Theoretical Framework and Methods for Indigenous Research and Indigenist Research.” *Journal of Australian Studies*, 13 (2003): 203-214

<http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCYQFjAA&url=http%3A%2F%2Fprints.qut.edu.au%2F7182%2F1%2F7182.pdf&ei=IQ1fU4D3IqiMyQH37YCoDQ&usg=AFQjCNGGeH25WzIDKfM8D5xh20G1DaDbVw&bvm=bv.65636070,bs.1,d.aWw>

Mulholland, Catherine. *William Mulholland and the Rise of Los Angeles*. Los Angeles: University of California Press, 2002.

Nadeau, Remi. *The Water Seekers*. United States of America: Peregrine Smith, Inc., 1974.

Olinger Todd. Indian Water Trends and Directions in Federal Water Policy, A Summary of the Conference Proceedings, letter from the Owens Valley Indian Water Commission, 1997. Oral History Collection. Eastern California Museum Archives located in Independence, California.

Ostrom, Vincent. *Water and Politics: A Study of Water Policies and Administration in the Development of Los Angeles*. Los Angeles: The Haynes Foundation, 1953.

Paiute Indians v. Los Angeles, United States Court of Appeals for the Ninth Circuit, Filed March 14, 2011

Parr, Delia & Jedd Parr, "California Tribal Water Rights." *California Indian Legal Services*. 2009.
http://www.waterplan.water.ca.gov/docs/tws/CTWS_BriefingPaper_Rights_Parr_v1.pdf.

Pearl Budke Interviewed by Richard Potashin August 3, 1992 Eastern California Museum Archives, Oral History Collection, ECM OH208

Peregoy, Robert. "Jurisdictional Aspects of Indian Reserved Water Rights in Montana and on the Flathead Indian Reservation After Adsit." *American Indian Culture and Research Journal* 7, no. 1 (1982): 41-86.

Piper, Karen. *Left in the Dust: How Race and Politics Created a Human and Environmental Tragedy in LA*. New York: Palgrave Macmillan, 2006.

Public Acts of the Seventy-Fifth Congress, First Session, 1937, April 20, 1937 [H.R. 5299.] 50 Stat., 70 pages 512-513

Ray L. Chesebro to H.A. Van Norman, December 26, 1935, Department of Water and Power City of Los Angeles Legal Division, Eastern California Museum Archives

Reisner, Marc. *Cadillac Desert*. New York: Viking Penguin Inc., 1986.

- Robinson W.W., "Myth-Making in the Los Angeles Area," *Southern California Quarterly* 45, no. 1 (1963) <http://www.jstor.org/stable/41169765>.
- Saunders A., Robert. *The Lost Frontier Water Diversion in the Growth and Destruction of Owens Valley Agriculture*. Arizona: University of Arizona Press, 1994.
- Sklar J., Martin. *The United States as a Developing Country Studies in US History in the Progressive Era and the 1920s*. Cambridge: University of Cambridge, 1992.
- Smith, Tuhiwai Linda. "Imperialism, Writing, History and Theory" in *Decolonizing Methodologies: Research and Indigenous Peoples*. New York: Zed Books, 1999.
- Steward H., Julian. "Panatubiji: An Owens Valley Paiute." In *Languages and Cultures of Western North America: Essays in Honor of Sven S. Liljebald, E.H. Swanson*. Pocatello: Idaho State University Press, 1970.
- Steward H., Julian. Berkeley: University of California Publications in American Archaeology and Ethnography. 1936.
- Steward H., Julian. *Ethnography of the Owens Valley Paiute* Berkeley: University of California Press, 1933.
- Steward H. Julian & Erminie Wheeler-Voegelin. *Paiute Indians III The Northern Paiute Indians*, Garland Publishing Inc.: New York, 1974.
- U.S. Census Bureau, Los Angeles City Quick Facts 6, 12, 2012, U.S. Department of Commerce, Accessed 03, 01, 2014 <http://quickfacts.census.gov/qfd/states/06/0644000.html>
- Walton, John. *Western Times and Water Wars: State, Culture, and Rebellion in California*. Berkeley: University of California Press, 1992.
<http://publishing.cdlib.org/ucpressebooks/view?docId=ft2g5004qj&brand=ucpress>

Walter, Nancy Peterson. "The Land Exchange Act of 1937: Creation of the Indian Reservations at Bishop, Big Pine, and Lone Pine, California Through A Land Trade Between the United States of America and the City of Los Angeles." PhD diss, Union Graduate School, 1986.

William, H. Michael "At the Plow and in the Harvest Field:" Indian Conflict and Accommodation in the Owens Valley 1860-1880." Master's Thesis, University of Oklahoma, 1993.

Wood, C. Richard. *The Owens Valley and the Los Angeles Water Controversy Owens Valley as I knew It*. Stockton: University of the Pacific, 1974.

Wood, William. 44 Tulsa L. Rev. 317 Tulsa Law Review. Winter 2008, University of Tulsa. 245-251.

Worster, Donald. *Rivers of Empire Water, Aridity, and the Growth of the American West*. New York: Pantheon Books, 1985.