

YUMA PUMPING IRRIGATION COMPANY.

JULY 12, 1892.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. ENGLISH, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany H. R. 9526.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 8701) granting to the Yuma Pumping Irrigation Company the right of way for two ditches across that part of the Yuma Indian Reservation lying in Arizona, submit the following report:

The reservation mentioned in the bill is about 1,500 feet wide and 1,800 feet long, and was formerly known as the Yuma depot quartermaster's reservation. It lies upon the Arizona side of the Colorado River and was used, before the railroad days at Yuma, as the landing place for freight coming riverwards from the Gulf of California, but has been abandoned for that purpose and turned over through executive order by the War Department to the Department of the Interior, who have annexed it to the Yuma Indian Reservation. The latter is upon the California side of the river.

This plat of ground is not used by the Indians, nor is it fit for occupancy in its ordinary state.

After it had been abandoned as a landing place, it was entered upon by the Yuma Pumping Irrigation Company, under provisions of section 18 of the act of March 3, 1891, in order to form canals and ditches for the purpose of irrigation. The company complied with the law by filing the act of incorporation with the Secretary of the Interior during 1891. It erected a pumping plant, flume, and ditches, at an expense of over \$15,000. It also planted trees (15,000) and 150,000 grape vines, and reduced a large acreage to cultivation, but on February 11, 1892, the Department of the Interior held that the ground was an Indian reservation under the executive order, and was annexed to the Yuma Indian Reservation on the opposite side of the river. On February 27 the Secretary of the Interior, in a case then before him, held "that the word reservation, in said section 18, was, in fact, unconstitutional when applied to Indian reservations, as it tended to avoid treaties between the Government and the Indians." The decision was made applicable to the company and the Secretary declined to recede from his decision, leaving relief to Congress.

The bill introduced for this purpose (H. R. 8701), on being submitted to the Department, was by them referred to the Assistant Attorney-General for his opinion, and met with three objections. The Department recognized the proper objects of the company, but held: (1) That the title of the bill should be amended from the Yuma depot quartermaster's reservation to the Yuma Indian Reservation; (2)

that the width of one ditch (300 feet) was not necessary except to a specified point, after which it should be limited to 200 feet; (3) that the number of Indians living below the location of the company's works should receive the benefits of the water supply, under such equitable terms and conditions as should be fixed by the Secretary of the Interior.

The bill embodying these points, and prepared under the supervision of the Department, has been submitted to this committee (see Department letter annexed), and after careful consideration has been by them substituted, and they recommend its passage, with a motion that the original bill be laid upon the table.

DEPARTMENT OF THE INTERIOR,
Washington, July 9, 1892.

SIR: I transmit herewith copy of S. 3195, "granting to the Yuma Pumping Irrigation Company the right of way for two ditches across that part of the Yuma Indian Reservation lying in Arizona."

The bill herewith inclosed was prepared in this Department as a substitute for S. 3103, and was recommended to Congress by letters of May 20 and 21, 1892, to the Senate and House Committees on Indian Affairs.

Very respectfully,

GEO. CHANDLER,
Acting Secretary.

The Chairman COMMITTEE ON INDIAN AFFAIRS,
House of Representatives.

