

Pima-Maricopa Irrigation Project

Education Initiative
2002-2003



Restoring water to ensure the continuity of the Akimel O’otham and Pee Posh tradition of agriculture

Allotment Comes to Gila River

Part 25

The restoration of water for the Pima Reservation was closely intertwined with allotment of land. When irrigation engineer William Code first proposed the idea of developing groundwater for irrigation in the Santan district, he linked it with allotment and the sale of the western half (180,000 acres) of the reservation. It was Code’s belief that the appropriation of water and individual land ownership went hand in hand. Such an opinion was par for the day and was based on the belief that, because the reservation was not a treaty reservation—having been recognized by an Act of Congress and expanded by presidential executive order—the Indian Office could—and had an obligation to—divide the lands of the reservation and assign them to individual tribal members.

Allotment of tribally owned lands into small, private, individually owned tracts of land was the purpose of the General Allotment Act of 1887. This law was designed to undermine the authority of Indian tribes by making landowners of all American Indians. On most reservations, individual Indians received 160 acres of land as an allotment. After a 25-year trust period, during which time the land could not be sold, mortgaged or taxed, the allottee would become a private land-owning American with all rights and responsibilities of citizenship. A 1910 amendment to the Allotment Act gave the Secretary of the Interior the authority to allot “up to 40 acres” of irrigable land to Indians residing on executive order reservations.

Code’s original idea was to allot five acres per adult, a proposal rejected by the Pimas, some of whom farmed 60 or more acres. Code initially considered an allotment of three acres (with water) with the potential of another two acres with water at a later date. It was unlikely these two allotments would be adjacent and there was no guarantee that family allotments would be side-by-side. Code questioned the wisdom of allotting land to each member (as opposed to adults only) for fear “a family should receive 30 or 40 acres and the head of the family could only take care of 10 acres.” It seemed to never cross Code’s mind that there were already Pima farmers cultivating more than 40 acres.

In March 1906, Chief Antonio Azul sent a letter to Indian Commissioner Francis Leupp seeking “enough water to irrigate from 25-30 acres to the family and enough ...desert land” to provide the people with firewood and pastureland. The following year, Azul wrote to Interior Secretary James Garfield, expressing the need for “at least 30 acres of land which can be irrigated for each family.” Hugh Patten and Lewis Nelson, Pima leaders, also protested allotment. The two Pima men stressed they did not desire allotment “but if the Government insisted upon segregating their tribal lands ... the allotments should not be less than ten acres of irrigable lands to each member.”

Garfield responded to Patten and Nelson by agreeing that it was not wise to allot the irrigable lands at present. It would be better, Garfield explained, “to make temporary provision” so that as the lands were brought under irrigation, they could be cultivated by “communities or families under existing customs.” As lands in the Sacaton Project (in the Santan district) were developed, they could be farmed under existing customs, not according to the allotment system. Despite such assurances, this rarely happened. Patten and Lewis, while not preventing allotment, managed to buy valuable time to hold off allotment—and thereby prevented the sale of the western half of the reservation. “In the future, when the extent to which the lands can be irrigated is made known,” Garfield promised, “the question of separate allotments can be taken up in council with your tribe, if it at that time is so desired.”

Code, who officially had little to do with allotment, continued to work against the wishes of the Pima and Maricopa. In the summer of 1909, Antonio Azul was forced to call another meeting of the Pima villages “for the purpose of sending in a strong protest to Washington.” The Pima leaders again objected to having their lands allotted, “because the water supply has been taken from us and is very uncertain now in the Gila Valley.” Furthermore, allotments would not enable the people to “earn a living by agriculture and stock raising,” by which they heretofore had earned their living. Pima protests to the Indian Office made clear that they wished to remain self-sufficient agriculturalists, farming the land as they had done for centuries.

In April 1910, Superintendent John B. Alexander proposed ten-acre allotments for Gila River. Alexander’s proposal caused a division with Code, who continued to favor five-acre allotments, with adults being allotted in Santan and children—at a later date and “unless future developments shall cause such course to be impracticable”—on the south side of the river near Casa Blanca. As a result of the division, allotting agent Carl Gunderson postponed preliminary allotment surveys. In November, the Indian Office tentatively approved of a plan to allot each member five acres with assured water rights, five acres with possible water rights and 40 acres of grazing lands. None of the “surplus” land was to be sold—at least not “at the present time.” Gunderson recommended the plan as a compromise and the Pima were reportedly “well pleased” with it. The Pimas were also pleased when Alexander was removed as Superintendent after 10 years of corrupt rule and Code resigned after a Congressional investigation questioned his integrity.

By the spring of 1911, Commissioner Robert Valentine made preliminary plans for tentative irrigable allotments on the reservation. Tentative allotments were theoretically lands selected and cultivated by the Pimas, with a home built by the allottee. These tentative allotments were encouraged by Alexander and the agency farmer so that when it was time “to make the legal allotments [the allotting agent] has very little to do except run the lines and pare off a corner here and add a corner there to make it conform to the legal subdivisions.”

In April, Valentine dispatched a letter to Allotting Agent Charles E. Roblin directing him to “bring sufficient irrigable land within the reservation under ditch to afford allotments ... of at least 5 acres.” Allotments would be given to heads of families, their spouse and adult children only. Those not old enough to use their allotment were to have their right to select an allotment protected and would receive one “from irrigable land not yet under water.” Acting superintendent H.C. Russell acknowledged “the work of allotting” the reservation could begin in the fall.

Concerns over water again postponed the allotment process. It was not until 1914 that the first temporary allotments were made. That year there were 1,661 allotments totaling 16,632 acres of land. This amounted to a ten-acre allotment with assurance of water. None of these allotments was approved by the Indian Office pending confirmation of water rights to the land. Nonetheless, another 1,492 allotments for 14,920 acres of land were made in 1915 and another 1,733 allotments totaling 23,930 acres were made in 1916. By the end of 1916, 4,886 allotments were completed, nearly all of them for irrigable land. Secondary allotments (grazing) were being prepared “as rapidly as possible.”

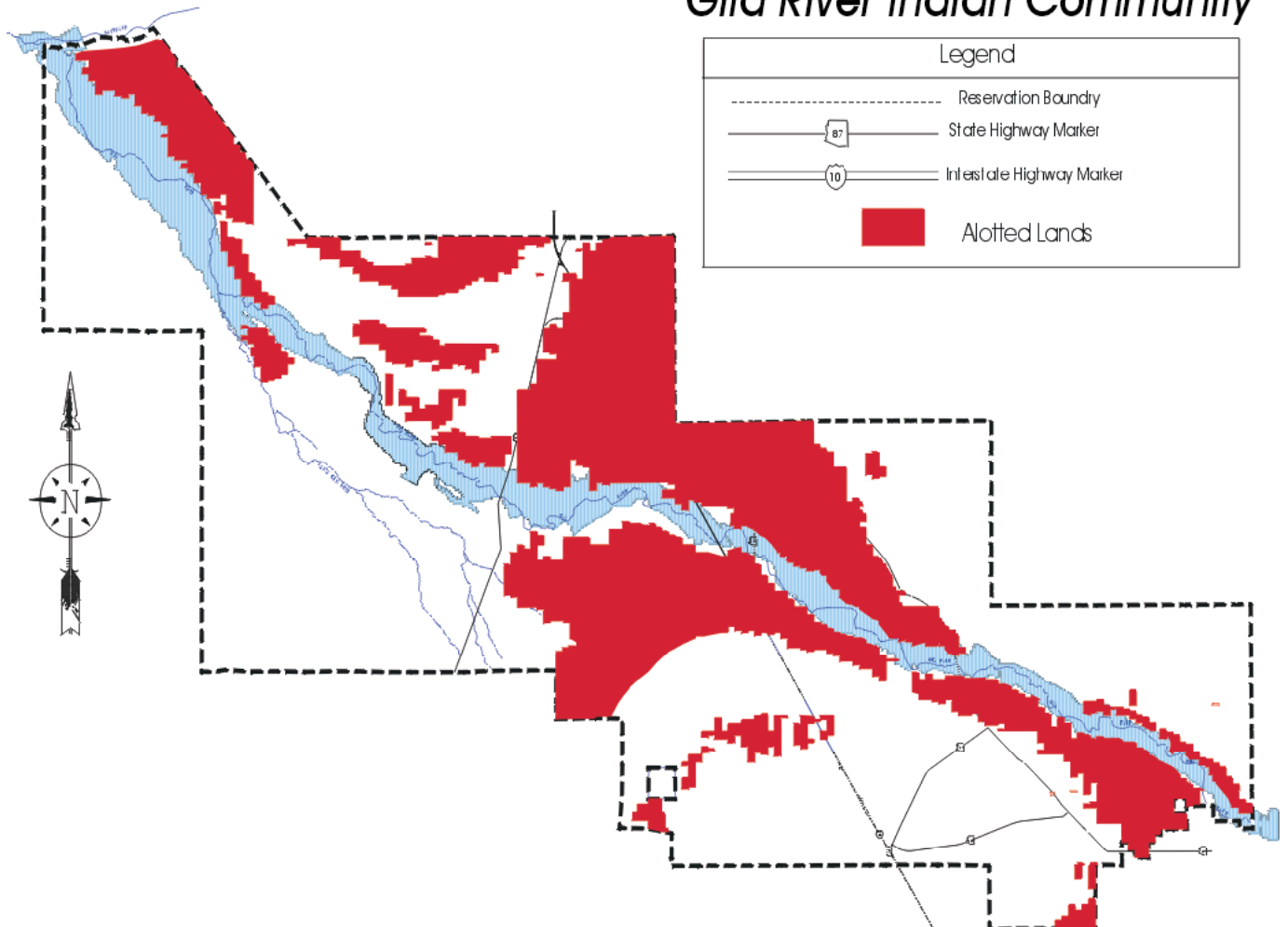
In 1916, Superintendent Ralph Ward optimistically reported the Pimas were “very willing to farm their new allotments,” particularly the younger members of the tribe. Young Pima farmers were “making all haste to get these new allotments under cultivation.” In the first sign of the growing need for capital resources, Ward added that the Pimas were “handicapped in this matter considerably by reason of the cost of the [barbed] wire required to build stock-proof fences.” The need for better, modern farming equipment was also becoming apparent. While these allotments were to be farmed under existing customs, it was becoming clear that to do so was difficult. Nonetheless, many of the younger Pimas worked their allotments and built “substantial small houses.” And, as of yet, none of the reservation land was leased; in fact, two Pima farmers were “farming outside land leased from whites.”

The following year, the Indian Office drew up plans to increase the allotment size to 20 acres of irrigable land, with the remainder of the reservation to be allotted in 35-acre tracts as grazing lands. With 6,253 Pimas, Papagos and Maricopas on the agency roll, this would have amounted to 125,060 acres of irrigable land and 218,855 acres of grazing land. The total number of acres allotted would have been 343,915. Concern over water availability, despite the recent passage of a bill to construct the Sacaton and Ashurst-Hayden diversion dams, doomed this plan and allotments remained at 10 acres. In 1917, another 3,407 allotments for 33,737 acres of mostly grazing land were made.

The final allotments on Gila River were made in 1920, with the first trust patent issued June 25, 1921. By 1922, 4,894 Pimas, Maricopas and Papagos received trust (restricted) patents to two allotments within the reservation. The first trust patent was for a ten-acre irrigable allotment referred to as an A, or primary, allotment with rights to water. The second was for a 10-acre non-irrigable grazing allotment referred to as a B, or secondary, allotment with no assurance of water. Because of the trust patents, the land could not be sold, mortgaged, taxed or otherwise “encumbered” for 25 years.

By the time allotment ended, more than 96,000 acres of land was assigned to nearly 4,900 Pimas and Maricopas. Some 7,693 acres of land was being farmed on the reservation, with an additional 18,500 acres of land waiting for water. While the Pima were “willing to work” and canals and ditches were put in, “lack of water in the Gila River” made it difficult to put the land to good use. Pima rights to the water had still not been protected.

Gila River Indian Community



Teacher Plan for “Allotment Comes to Gila River”

Terms to know and understand

- Allot
- Adjacent
- Irrigable
- Custom
- Self-Sufficient

Students will be able to:

1. Problem solve ways to address the issue of land fractionation.
2. Define allotment and be able to describe the general plan of allotment on Gila River.

Objectives

Critical Thinking:

- Allotment had its roots in the Jeffersonian idea of yeoman farmers. President Thomas Jefferson (1801-1809) believed the best defense citizens had against both a foreign power and an all-powerful federal government was a nation of landowning Americans. It was this idea that fueled the Homestead Act of 1863, which allowed American citizens to acquire up to 160 acres of land for agricultural purposes. In the arid west, citizens could acquire up to 640 acres under the Desert Land Act. Such lands had to be irrigated and brought in to productive use within five years. It was under the Desert Land Act that most off-reservation land under the San Carlos Irrigation Project was settled. Was Jefferson correct? How do zoning ordinances impact the rights of landowners? Do they give the government too much authority? Explain.

Activities

- Have students research allotment within their own families. Have them find the original allottees in their family. Where was the A (irrigable) allotment and where was the B (grazing) allotment? Have students map the allotted lands of the Community. What rights do allottees (landowners) have? What authority does the Community have via its laws and ordinances? What authority does the Bureau of Indian Affairs have?
- Fractionation refers to land that has been divided so many times that the landowners now own very small parcels of land. The original allotments were 10 acres in size. Explain to students that each generation that passes on without a will, the land is divided among living heirs. Today, there are instances where 150-250 people own some 10-acre allotments. This poses significant challenges to utilization of the land, as a majority of the landowners must agree before the land can be used. Explain to students that the original allotments were like pizza. The whole pizza belonged to the landowner. After the first generation passed on, the pizza was cut into slices, and now the second generation owned only a slice of the original pizza. The third generation received only a portion of one of the slices. The fourth and generations beyond received smaller and smaller pieces. Have students brainstorm ways to solve the challenge of further fractionation.

About P-MIP

The Pima-Maricopa Irrigation Project is authorized by the Gila River Indian Community to construct all irrigation systems for the Community. When fully completed, P-MIP will provide irrigation for up to 146,330 acres of farmland. P-MIP is dedicated to three long-range goals:

- Restoring water to the Akimel O’otham and Pee Posh.
- Putting Akimel O’otham and Pee Posh rights to the use of water to beneficial use.
- Demonstrating and exercising sound management to ensure continuity of the Community’s traditional economy of agriculture.