

Pima-Maricopa Irrigation Project

Education Initiative



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

The Code-Newell-Hill Scheme

Part 18

In October of 1902, Indian Irrigation Engineer William Code informed Commissioner of Indian Affairs Francis Leupp that it was ill advised to construct a storage dam on the Gila River. He did, however, believe the “inexhaustible” supply of water beneath the reservation could be pumped to the surface. The plan was to install “ten pumping stations, each furnishing sufficient water for the irrigation of about 1,000 acres of land.” The cost of these wells would be around \$80,000 with \$460,000 needed to construct a power plant in the Salt River Valley, making a total appropriation of \$540,000 necessary. Put under the control of the Reclamation Service, these funds were to be repaid by the Gila River Indian Community.

The Reclamation Service suspended all investigations along the Gila River in August of 1903. When George Maxwell, President of the National Irrigation Association and landowner in the Salt River Valley, visited the Pima Agency that fall, he stated that the Pima and Maricopa would “receive more benefit from the construction of the [Roosevelt] reservoir than they possibly could have received had the San Carlos dam been built instead.” The reason, Maxwell stated, was the San Carlos site could not generate any electrical power “for pumping purposes.”

Having already secured approval for the Roosevelt reservoir, Frederick Newell, head of the new Reclamation Service, Louis C. Hill, Supervising Engineer of the Reclamation Service, William Code of the Indian Service and “other grafters” in the Salt River Valley devised a “show of restoring the [Pima’s] water.” This scheme was to pump “water from the earth—get half of the Indians land for big speculators, and furnish a market for the electric power from Roosevelt Dam.”

The first step in this scheme was to force the use of groundwater “pumps on the Indians.” At the same time, construction of the modern Santan Canal began but not necessarily to benefit the Pima. “Its intake on the Gila River was at a higher level than necessary for the Indian lands to be irrigated. But this level was necessary to carry the water onto the [reservation] lands [to the west of] the Chandler ranch, which it was proposed to sell.” The canal ran along a ridge before dropping through a series of grades “necessary to bring the water down to the required level.” The canal then forked, with the “smaller branch” heading toward Santan and the “large fork” continuing west in “the direction of the land [proposed] to be sold” four miles west of the Chandler Ranch.

Without the knowledge of the Pima and Maricopa, Code recommended that Commissioner of Indian Affairs Francis Leupp approve of a plan to sink four or five wells at the Sacaton school farm and install a “first class pumping plant” at the Pima Agency capable of irrigating 600 acres of land. Code kept “certain information,” namely dependence on groundwater and cession of land, from the Pima fearing they would not agree to the course of action he laid out. In November 1903, approval was granted with a limit of \$15,000 and the pumps were operational by January. By the following summer, Code claimed the wells were providing 2,000 gallons a minute, enough to irrigate 250 acres of land (600 acres if the pumps ran 24 hours a day). The quality of water, Code assured Leupp, was “much superior” to the water pumped in the Salt River Valley. In May, Agency Superintendent John B. Alexander was authorized to spend \$4,000 to increase the size of the existing plant and evaluate the prospects for sinking two more wells to a depth of 112 feet. This done, the steam powered plant would double the amount of water being drawn from under the reservation.

That same summer, Alexander—having been requested by the US District Attorney through Leupp to provide information relative to Pima water rights—informed the Commissioner that Pima water rights could be “prosecuted to a favorable ending” but because the non-Indian interests upstream

were so varied “and the water is diverted by the whites as far as 200 miles above the Indian’s point of diversion” it “would be impossible for the court to enforce” any decree of rights. Besides, Alexander concluded, the “expense of prosecuting the case” would cost between \$20,000 and \$30,000.

Leupp agreed that the expense “of a large amount of money [served] no purpose” and “could not secure any water to the Indians.” In reality, Leupp and his successor Robert Valentine believed the Pima no longer had any rights to the waters of the Gila River because non-Indians above the reservation were making a “beneficial use” of the water. Not surprisingly, Leupp informed the Justice Department that additional “legal proceedings were not desired.”

With the Indian Office of the opinion that the Pima no longer had any rights to the surface flow of the Gila River, William Code pushed forward with the scheme. First, he ignored a proposal to have the government buy the Florence Canal and the Casa Grande Reservoir as a source of delivering water to the reservation. Instead, Code held firmly to his belief that wells were the only hope of the Pima.

The \$540,000 requested for ten wells and an electrical plant would pay a substantial portion of the hydroelectric power plant below Roosevelt Dam. Code, as the representative of the Indian Office, was “willing to pay the [Pima’s] proportionate part” of the Salt River project using Pima funds. Leupp, having control of the funds, agreed. The contract between Interior Secretary James Garfield and the Salt River Valley Water Users Association (SRVWUA) provided the Association with a significant customer for its “surplus” electrical power.

The contract spelled doom for the Pima. It simply provided the right to use electrical power; this power still had to be purchased. If each Pima and Maricopa received a ten-acre allotment with water, the annual cost for electricity would have surpassed \$2.4 million. By entering into such a contract, the Indian Office was adopting a policy that complimented the scheme proposed by Code. Once the well water project was initiated, the Pima would have been unable to pay the staggering costs associated with operating the wells, thus necessitating the sale of a large portion of their reservation.

Through this contract, the Pima and Maricopa were to become members of the SRVWUA and have their lands charged at the same rate as non-Indians. This was to occur only after their lands were allotted and they received fee simple title to their lands. Under no circumstances, however, was the SRVWUA to furnish water to the reservation. Former Territorial Governor Joseph Kibbey admitted that non-Indians would not have entered into such a contract. Nonetheless, Code approved of it. The Pima and Maricopa were the only ones who ever paid to construct the Salt River project.

Wells also provided Code, Newell and Hill with the means of quietly detaching half the reservation and attempting to throw it open to non-Indian speculators. Code’s proposal for pump irrigation required the unsuspecting Pima and Maricopa to relocate to the Santan area and sell the surplus lands after allotments were issued. The Indian Appropriation Act of 1903 had opened this door by providing funds for general irrigation works on Indian lands across the nation. Using this authority, Code, with the knowledge of Leupp and Secretary Ethan Allen Hitchcock, began drilling wells.

It was largely Code who furnished the particulars of the power contract drafted by Kibbey, who represented the SRVWUA. At Code’s insistence, the plant was to be built with Reclamation Act monies, which by law had to be re-paid. The contract obligated the Pima to repay \$540,000 to the Reclamation Service for ten wells on the reservation and an electrical power plant. To repay the costs, Code recommended the “sale” of 180,000 acres of the reservation at \$3 per acre, even though the land with water was worth more than \$100 per acre. This included all land west of the line separating Range 4 south and Range 5 south (present-day Price Road).

In January 1905, the Senate Subcommittee on Indian Affairs met to discuss the proposed action of Code, Newell and Hill. Newell explained the proposition was to build “a power plant on Salt River, Arizona, and by an electric transmission line pump water for the Pima Indians from beneath the surface of their own land.” Newell stressed the fact the funds would be repaid to Congress. It was proposed, Newell noted, “that a portion of the lands of the reservation be thrown open which is not now utilized or occupied by the Indians, and which may have some value in the future; but that is

secondary to the main consideration of providing an appropriation for constructing these works for irrigation.” When asked about potential alkalinity problems, Newell assured the Senate that the pumped water was “not too salty” and that “this is the only feasible proposition for supplying these Indians with water.”

Arthur Davis also recommended that power be delivered to the Pima Reservation—with “the cost thereof to be returned through the sale of unallotted lands which could be thrown open to settlement.” Leupp referred the matter back to Code, who naturally believed the whole matter was “extremely favorable to the Indians.” Code did make two exemptions to the land to be opened up. First, he recommended that 1,500 acres at Maricopa Colony (with Salt River water rights for a 1,000 acres) be allotted to the Maricopa. He further recommended that 5,000 acres around Gila Crossing be allotted as there was sufficient “seepage water” to irrigate “between 4,000 and 5,000 acres.”

By 1904 a plan had been carefully put into effect to defraud the Pima of much of their land and water—with Code, Newell and Hill the central figures. Acting on behalf of the Pima and Maricopa—but without their knowledge or consent—Code pushed forward a scheme to open up to non-Indian settlement some of the most fertile and productive lands of the reservation. Indian Commissioner Francis Leupp did nothing to stop the matter. The Reclamation Service prepared the necessary legislation with Leupp forwarding it on to Hitchcock. Hill, the Supervising Engineer in charge of constructing Roosevelt dam, supported the entire concept and Code recommended it. A.J. Chandler and other speculators in the Salt River Valley stood poised to acquire more than half of the Pima Reservation.

Teacher Plan for “The Code-Newell-Hill Scheme”

Terms to know and understand

- Diversion
- Beneficial use
- Reimbursable
- Hydroelectric
- Defraud

Critical Thinking:

- The Pima and Maricopa have always had “time immemorial” rights to the water. This means their rights to the water supercede any one else’s. But now the water that has sustained the people for centuries is gone. The Gila River is greatly over-appropriated and it no longer flows across the Community. To get water you are told that it must be pumped from underground via electrical pumps. If you choose to reject the pumps, it may be another twenty years or more before water is available. If you accept pumped water, who should be responsible for the expense? The tribe (because of its immemorial rights) or the United States (because it allowed your water to be taken by others)? Or do you take your chances and wait for a technological solution that may restore Gila River water?

Activities

- Discuss with the students that allotment of Indian land was by no means a new proposition in the early 1900s. The origin of allotment goes back to the early Indian removal treaties in the 1820s. It became an official government policy in 1887, when Congress enacted into law the General Allotment Act. Once a reservation was allotted, the Indian Office (or, in some cases, Congressional delegates) made “agreements” (or treaties) with the tribes for the sale of the unallotted lands, which were declared “surplus.” Before allotment began, Indian nations owned more than 148,000,000 acres of land. By the time allotment ended in 1928 (officially ending in 1934), Indian nations held less than 48,000,000 acres of land. Some of the most notorious “surplus” land sales occurred in the Oklahoma “land runs” of the 1890s. What was unique about allotment at Gila River is that Code, Newell and Hill—along with J.B. Alexander and A.J. Chandler—made an underhanded attempt to acquire Pima land by prolonging the years of famine and starvation by lack of water. If water had been made available to the reservation, there would have been no real cover for the scheme. By prolonging the years of hardship through lack of water (and there is evidence to suggest that Code and Alexander did much to prolong the suffering of the Pima) Code hoped to cajole the Pimas into accepting the reduction of their land resources by consolidating them in the Santan area. As many before him (and many after, as well), Code failed to take into account the tenacious desire of the Pima to retain their land and water resources, even if it required great personal sacrifice. The Pimas still desire the return of the Gila River waters, which are preferable to other sources of water.

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.

Students will be able to:

1. Describe the intent of the Code-Newell-Hill scheme and how it would have benefited speculators such as A.J. Chandler.
2. Analyze the arguments used by Code, Newell and Hill in seeking to force well water on the Pima and secure Congressional approval for their plan to defraud the Pima.

Objectives