Background: The Gila River Indian Community

Historically the land along the central Gila River has been agricultural land, farmed by the Hohokam and their descendants the Akimel O’othom. The Akimel, the River People, lived in village clusters along the river and used irrigation to raise crops of maize (corn), squash, agave and two species of beans, in addition to the non-food crop of cotton (Rea, p. 71). The Spanish who arrived along the Gila River in the late 1600’s gave these desert farmers a name which is still used today: the Pima.

The Gila River has been the principal water resource for south central Arizona for many centuries. The River looked very different in the 1600’s and 1700’s than it does today. It was a green ribbon of vegetation running through the Sonoran Desert. Cottonwood, willow trees, cattails and other reeds lined its banks. The riparian areas of the river extended for miles on each side, rich with mesquite bosques (groves), and grasslands. There were fish in the river, and birds, beaver, deer, rabbits, and javelina lived in the riparian zones.

The Gila River Indian Community (GRIC), located in south central Arizona, thirty-five miles south of the city of Phoenix, Arizona, is home to both the Akimel (Pima) who historically lived by the Gila River and the Pee Posh (Maricopa) who migrated east from the lower Colorado River area. The reservation was established by Congress in 1859. This reservation occupies land on both sides of the Gila River from its juncture with the Salt River for about 65 miles southeast, encompassing some 371,933 acres. The present population of the Gila River Indian Community consists of 11,257 inhabitants, of which 10,578 are tribal members. (US Census, 2000).

Major changes in the Akimel way of life appeared at the end of the 1600’s and into the 1700s with the arrival of the Spanish explorers and settlers. Wheat was introduced as a new crop and by the 1850’s it had become predominant because of its importance as a commercial crop. Watermelons and muskmelons were also introduced by the Spanish and became significant crops. The Spaniards also brought cattle and other livestock into the American Southwest which had a profound impact on the land and its peoples.

---

1 Large portions of this case are taken from “When Our Water Returns: Gila River Indian Community and Diabetes” written by Jovanna J. Brown for The Evergreen State College.
2 There are alternative spellings for “O’othom.” This spelling is from the GRIC webpage. Hereafter Akimel.
3 There was no ratified treaty with the Pima and Maricopa. The Pima and Maricopa were signatories on a treaty made April 9, 1863 under the auspices of the commander at Ft. Yuma. The Mohave, Papago, Quechan, Chemehuevi, Hualapai, Maricopa and Pima all pledged to allow prospectors to cross their lands and to abstain from intertribal warfare. The purpose of the treaty was to bring peace to the area, which would then allow mineral exploration to increase. RG 75, M734, Records of the Arizona Superintendency, Roll 8. (DeJong, personal correspondence, Aug, 2009) The Reservation was expanded in the 1860’s, in the 1880’s, and again in 1913.
The Gila River became the boundary between the United States and Mexico in 1848.\textsuperscript{4} The Gadsden Purchase of 1854 added a strip of land south of the Gila River in Arizona and in New Mexico necessary to build a southern transcontinental railroad and thereby established the current U.S. – Mexican border. After 1848, the numbers of surveyors, miners, explorers, immigrants and settlers coming to the Gila basin increased. Akimel agriculture played a major role in providing for the food needs of these passers-by and newcomers, resulting in a period of prosperity for the Akimel and Pee Posh (Pima-Maricopa Irrigation Project, Lesson 1). It is estimated that between 1848 and 1854 more than 60,000 American gold-seekers passed through the Akimel and Pee Posh villages en route to California. (Hackenberg, p. 170) The indigenous people of the Gila River were known for their generosity to the white immigrants and settlers. An observer in 1850 noted: “Their regular fields, well-made irrigating ditches, and beautiful crops of cotton, wheat, corn, pumpkins, melons, and beans have not only gladdened the eye but also given timely assistance to the thousands of emigrants who have traversed Arizona on their way to the Pacific”. (Sylvester Mowry, in Rea, p. 67)

Gila River & the Gila River Indian Community. Map by Karl Musser: from Wikimedia Commons, the free media repository. Thanks to Karl Musser for supplying this map of the GRIC specifically for this case.

\textsuperscript{4} The Treaty of Guadalupe Hidalgo in 1848 ended the United States’ war with Mexico. It ceded the territories of what is now New Mexico, most of Arizona, and California to the U.S.
In the 1860’s more white settlers arrived to establish farms and ranches along the Gila River upstream from the Akimel and Pee Posh. The Homestead Act was enacted into law in 1862 and in 1877 Congress passed the Desert Land Act to encourage settlers to develop arid and semi-arid public lands. The Act permitted settlers to acquire 640 acres of land (later 320 acres) provided that the lands be reclaimed, irrigated, and cultivated within three years. Thus the Desert Land Act required settlers to irrigate their land. For the lands upriver from the Akimel and Pee Posh, this meant drawing water from the Gila River. As the non-Indian population increased, more and more water was diverted from the Gila River to irrigate these farms. McNamee in his *Gila: the Life and Death of an American River* states that non-Indian farming changed the face of the Gila basin. Mormon settlers on the middle Gila dammed the river to flood their fields. (p. 103). By the 1890’s over 100,000 acres of desert land were being irrigated from waters of the Salt and Gila Rivers.

By the 1870’s the amount of water from the Gila River reaching the Gila River Indian Community had decreased to a trickle. (Pima-Maricopa Irrigation Project, lesson 5). In another 20 years most of the surface flow of the river had been appropriated by upstream non-Indian farmers and cattle ranchers. Water diversions and environmental changes upstream in the Gila River watershed were now challenging the very existence of the GRIC. (DeJong, 2004, p. 37) A drought struck the southwest in the years 1892-1904. Combined with the loss of the waters of the Gila River, the Akimel and Pee Posh could not grow sufficient crops to sustain themselves. Instead of selling wheat, they had to accept government commodities. They were well aware of what had happened to the Gila River.

White people began to take water from the river about forty years ago. The first diversion being so small we hardly noticed it, but they gradually took more out each year till we noticed our loss by not being able to irrigate all our fields. We were forced to abandon them little by little, until some twenty years ago when we were left high and dry.


The Gila River had disappeared. What was once a “ribbon of green” running through the lands of the Akimel and Pee Posh was now a dry bed of sand. The lush riparian habitat of cottonwood, mesquite, willow trees, reeds, and grasses and the shelter provided for wildlife and birds was gone. The mesquite trees had been cut down to sell as firewood when the people had no other means of support. The Gila River riparian zone dried up from lack of water. The wildlife and birds disappeared. The people of the river had lost their means of living. The period from 1880 to 1920 was one of famine and deprivation for the Akimel and the Pee Posh.
The 1880’s and beyond is known as the period of assimilation and allotment in federal Indian policy. Ironically, at the same time that the policy of the federal government was to transform Indians into farmers in order to “civilize” them, the Akimel and Pee Posh who had, in fact, successfully raised crops near the Gila River for hundreds of years, were deprived of their critical water and forced to abandon their agriculture. By 1895 the people who had so generously supplied the early settlers and immigrants with food were destitute and received 250,000 pounds of wheat from the Indian Agent. In 1901 they received some 675,000 pounds of wheat, 60,000 lbs. of beans, and 7,675 pounds of bacon as rations. (Wilson, p. 282)

The Akimel and Pee Posh began a century long appeal to the federal government for the return of their water. When the Gila River Indian Community saw the water in the Gila River drying up in the 1880’s due to upstream use, they began their fight to regain their water. Wee Paps, a farmer, stated in 1895: “Until the past few years we have always had plenty of water to irrigate our farms, and we never knew what want was.... The Government refuses to give us food and we do not ask for it, we only ask for our water...” (DeJong, 2007, p.63) Chief Antonio Azul petitioned President Theodore Roosevelt for redress in 1903, stating: “our water supply during low water has been taken from us by whites, and there has been much suffering for the necessities of life.” (DeJong, 2007, p.63). This was the first of many such appeals and petitions. These claims were ignored or deemed too expensive to investigate by the Indian Service. The U.S. Congress did not want to address Indian water rights because of strong opposition from western congressmen. (DeJong, 2007, p. 64)

**Struggles to Save the River: The San Carlos Project and the IRA**

In 1924, a bill was passed in Congress to authorize the San Carlos project, which was the construction of a dam on the Gila River to benefit the GRIC. This legislation was one of the first water projects to use what is now called the “Indian blanket.” Hayden quite blatantly used the public perception that the project would benefit the Indians to get the bill passed. (August, p. 56) Although the GRIC ostensibly was granted first rights under the legislation, the real beneficiaries were the Gila River valley non-Indian farmers. Completed in 1928 the project, initially seemed to benefit the Gila River Indian Community, but not for long. In *A Pima Remembers*, George Webb states:

What came of this was the San Carlos Dam, later called Coolidge Dam. This dam was built up in a canyon of the Gila River, and its purpose was to conserve water

---

5 The Dawes (Allotment Act) was passed in 1887. Allotment of the GRIC under the Dawes Act began in 1914. Each tribal member was to receive ten acres of “irrigated land.” Later this was increased by another ten acres of pasture land. (Wilson, pp. 340-341) However there was no water to irrigate the original ten acres.

6 The dam was built on the western edge of the San Carlos Apache Reservation. In building this dam “to aid the Indians” one of the results was to flood the best farmland in the area, causing a temporary famine throughout the Apache nation. ((McNamee, p. 151) Linda Moon Stumpff, San Carlos Apache tribal member and Evergreen faculty notes that the Coolidge Dam waters also flooded the San Carlos cemetery and other cultural and historic sites.
especially for the use of the Pima Indians. ...Lands were made ready for the flow of irrigation water, and the people were happy, thinking that now they would be able to farm again... And there was (plenty of water). For about five years. Then the water began to run short again. After another five years it stopped altogether. (Webb, p. 123)

In terms of benefiting the Gila River Indian Community, the San Carlos Project was a failure. Although the legislation required that the Indian part of the project be built first, it was never completed, and the off-reservation portion took priority. (Lewis, testimony, 2008) Furthermore, the reservoir filled up sporadically through the years and silting up almost instantly. (McNamee, p. 151) An added factor was that the non-Indian farmers in the area were using more ground water, i.e., drilling wells for irrigation, particularly to irrigate the burgeoning cotton fields, further depleting the flow of the Gila River. In short, the non-Indian farmers ended up with the larger share of the project water.7

Wilson in his history of the Pimas and Maricopas states: “Water deprivation had, over a number of decades, turned the Pimas and Maricopas into non-farmers. When water again became available on a modest scale, few were interested. Those few generally lacked access to capital, credit, and the larger-size land holdings that made economies of scale possible.” (p. 405)

A new era was coming to Indian nations across the country with the passage of the Indian Reorganization Act (IRA) in 1934. This ended the allotment policy and also provided “model constitutions” for American Indian nations who chose to govern themselves under these constitutions. Among those accepting the IRA constitution was the Gila River Indian Community. By 1939 the new GRIC constitution and an elected Tribal Council were in place.8 Membership in the GRIC were the Akimel and the Pee Posh people.

Though the Gila River Indian Community now had an elected Tribal Council, the BIA continued to be in charge of decisions on their land and resources. One of the many decisions made by the BIA was to lease tribal land on the GRIC to non-Indians. By the 1940’s 11,500 acres of irrigated lands were leased to four different non-Indian farmers. Much of the water for irrigation had to come from drilling wells and alfalfa, which requires a great deal of water, was the primary crop.

Changes were slow ones. Regaining control of their lands was primary. In 1949 the Gila River Indian Community for the first time was able to hire its own attorney, Z. Simpson Cox.

7 The U.S. v. Gila Valley Irrigation District decision of 1935 (Globe Equity Decree) gave farmers upstream from the Gila River Indian Community the right to divert water from the San Carlos Project, disregarding the Akimel and Pee Posh water rights.
8 In 2009 a Gila River Tribal Constitution Reform Project Task Force is in the process of revising the GRIC constitution. (Gila River Indian News, May, 2009, p.1)
Unfortunately they had to have BIA permission to do this. “Not until 1983 was the GRIC able to hire its own Counsel without BIA approval.” (DeJong, personal communication, Aug, 2009)

Though the Indian Reorganization Act of 1934 formally brought the allotment period to an end, it was followed in the Eisenhower administration (1953-1961) by the equally disastrous termination policy.9 Tribal leaders, Indian people and their allies continually fought to “reassert some measure of tribal sovereignty... In the 1960’s growing political and legal action by Indian people and tribes resulted in tremendous political, social and education gains.” (Wilkins & Lomawaima, p. 7) The GRIC worked to exercise their sovereignty and take charge of making their own decisions. Loyde Allison, Governor of the Gila River Indian Community, (GRIC) 1965-1971, capitalized on the Office of Economic Opportunity (OEO)10 programs and supervised the creation of a development plan called “It Must Happen Now.” (Dobyns, p, 92) This plan sought to develop GRIC infrastructures to improve health and education, and to provide jobs, job training, and development. (Cobb, p. 7)

The GRIC website states:

This (period) was the beginning of a long climb out of the economic trenches. Men began to find work off the reservation following World War I and World War II as the introduction of cars made travel to booming Phoenix possible. Eventually, small businesses began to appear on the reservation as well, launched both by the community and individual tribal members. Schools, health centers and new housing appeared. Income levels slowly grew and famine was erased. These trends continue today as the Gila River Indian Community looks toward a promising future. (www.gilariver.org/index.php/about-tribe/5-history/115-tribal-history)

The Gila River Indian Community has fought for the return of its water since the Gila River water was diverted. In the last thirty years this fight intensified. In 1976 the GRIC filed water claims in the Gila River system general stream adjudication. In addition they began negotiating a water settlement with the major water users on the Gila River.

---

9 Tribes such as the Menominee and the Klamath were actually terminated. This policy ended a tribe’s existence as a sovereign nation. The tribe’s lands were expropriated and the federal trust responsibility was ended.
10 During the Johnson administration (1963-1969) the Economic Opportunity Act passed Congress in 1965. This legislation established the Office of Economic Opportunity (OEO) which sponsored joint projects with other federal agencies which tribes used to benefit Indian nations. (Cobb, p. 7)