IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 85264
FILED BY Rodney St. Clair
ON June 25, 20 15

PROTEST

FILED
AUG 05 2015
STATE ENGINEER'S OFFICE

Comes now The Jackson Family Limited Partnership
Printed or typed name of protestant

whose post office address is PO Box 214, Gerlach, NV 89412
Street No. or PO Box, City, State and ZIP Code

whose occupation is ranching and protests the granting

of Application Number 85264, filed on June 25, 20 15

by Rodney St. Clair for the

waters of underground (Casey Hot Springs Well) situated in Humboldt
an underground source or name of stream, lake, spring or other source

County, State of Nevada, for the following reasons and on the following grounds, to wit:
Please see attached statement of reasons.

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2015 AUG -5 AM 11:1
STATE ENGINEERS OFF

THEREFORE the Protestant requests that the application be Denied
Denied, issued subject to prior rights, etc., as the case may be

and that an order be entered for such relief as the State Engineer deems just and proper.

Signed Andrea L Jackson
Agent or protestant

Andrea Jackson, General Partner
Printed or typed name, if agent

Address PO Box 214
Street No. or PO Box

Gerlach, NV 89412
City, State and ZIP Code

775-221-1549
Phone Number

E-mail

State of Nevada
County of Humboldt
Subscribed and sworn to before me on Aug. 03, 2015
by Andrea Van Jackson

Signature of Notary Public Required

OCTAVIO A. CASTANEDA
NOTARY PUBLIC
STATE OF NEVADA
My Commission Expires: 03-01-17
Certificate No: 13-10229-9

Notary Stamp or Seal Required

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ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

Attachment to Protest of Nevada Water Application Numbers 85263 and 85264
in Mud Meadows Basin (026)
by The Jackson Family Limited Partnership

The Jackson Family Limited Partnership, the owners of historic family ranches (Jackson Ranches) in the Mud Meadows Basin of the Black Rock Desert in Humboldt County, Nevada, protests the water applications 85263 and 85264 for the following reasons:

1. The Mud Meadows Basin area has been used historically since at least 1844 for grazing, stock watering and irrigation purposes. The proposed project (especially the construction of a pipeline) could not be completed without disturbing the rich historic and cultural artifacts from the emigrant activity described below.

    a. The first documented use of the Study Area for livestock grazing was by John Charles Frémont and his expeditionary party in early **January 1844**. The California-bound group traveled south through the Mud Meadows Basin with mules and horses, heading "towards a black cape, at the foot of which a column of smoke indicated hot springs." Frémont reached the hot springs area by the Black Rock the next day, noting a "large field of the usual salt grass here," and "cross[ing] the large bed of muddy lake in a southeasterly direction, and encamped at night...." The group continued on to the Boiling Springs area, north of present-day Gerlach, the next day, and continued south on their journey to California.[1]
    b. In **1846**, brothers Jesse and Lindsay Applegate set out from the Willamette Valley in Western Oregon in search of new, more southern route to Oregon for emigrants; this became known as the Southern Immigrant Route, now most commonly referred to as the Applegate Trail, and traversed the Black Rock Desert. The Applegate party traveled west through the Mud Meadows Basin and "found water on their first two days on the Black Rock Desert..."[2]
    c. The United States acquired the southwestern United States, including the Mud Meadows area, from Mexico in **1848,** pursuant to the Treaty of Guadalupe Hidalgo.[3]

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[1] Donald Jackson and Mary Lee Spence, eds., *The Expeditions of John Charles* Frémont, Volume I: Travels from 1838 to 1844 and Map Portfolio (Urbana, Illinois: University of Illinois Press, 1970), 600-602; Georgia Willis Read and Ruth Gaines, Eds., *Gold Rush: The Journals, Drawings, and Other Papers of J. Goldsborough Bruff, April 2, 1849-July 20, 1851* (New York: Columbia University Press, 1949), 645.

[2] Will Bagley, *So Rugged and Mountainous: Blazing the Trails to Oregon and California 1812-1848* (Norman, OK: University of Oklahoma Press, 2010), 297; Oregon History Project, "The Applegates" (http://www.ohs.org/education/oregonhistory/historical_records/dspDocument.cfm?doc_ID=42C156C6-994E-9074-D1378E352DADC5E4). Last viewed July 22, 2015.

[3] Edna B. Patterson, Louise A. Ulph and Victor Goodwin, *Nevada's Northeast Frontier* (Reno and Las Vegas: University of Nevada Press, 1969 and 1991), 3.; The Treaty of Guadalupe Hidalgo available at http://www.loc.gov/rr/hispanic/ghtreaty/

d. Gold was discovered in California in **1848**. Thousands of persons and a commensurate number of animals used this branch of the California Trail, passing through the Mud Meadows Basin and watering their livestock along the way.[4] One such emigrant was J. Goldsborough Bruff, who left extensive journals of his travels. On **September 22, 1849**, Bruff described the Mud Meadows region as notable for "the indentations in it [which] afford plenty of good grass, in patches....also some tanks and springs of Sulphur water."[5]
e. In **1852**, William Nobles developed a wagon trail to Shasta City, California, breaking west of the Applegate Trail at Rabbit Hole Springs at the south end of the Black Rock Desert. This wagon route was one of the easiest routes for emigrants to navigate, bringing thousands of people and livestock across the Black Rock and Smoke Creek Deserts of Nevada, thence across Honey Lake, the present-day Susanville area, and to the Sacramento River, north of current-day Red Bluff. [6]
f. Between **1872** and **1876**, the General Land Office (GLO) Survey showed developments and wagon routes in the Mud Meadows Basin area. Regular grazing on the Mud Meadows Basin had ensued after **1852**, until settlement began in the area before **1884**.[7]
g. The Mud Meadows Basin was the scene of multiple other historical incidents, such as the murder of Peter Lassen in **1859** and the conflicts with Native American groups in the **1860s**. Jackson Ranches reserves the right to bring forward these incidents as evidence of significant historical use at the protest hearing for these water applications.

2. The current Applications 85263 and 85263 would dry up all of the historic water sources in the Mud Meadows Basin, allowing the exhaustion of the groundwater reservoirs currently in use by the Jackson Ranches and other ranches in the area.

    a. The perennial yield of the Mud Meadows Basin is approximately 13,000 acre feet annually (AFA), according to the State Engineer's Recon Reports.
    b. Jackson Ranches, as well as other ranches in the Mud Meadows Basin, have historically used surface waters for grazing since the mid-1800s and the groundwaters for irrigation since before 1929.
    c. These ranches collectively are entitled to irrigate at least 5,659 AFA, which leaves only 7,341 AFA for further allocation, significantly below the amount of 14,241 AFA, requested in the Applications 85263 and 85264.

---

[4] Will Bagley, *With Golden Visions Bright Before Them: Trails to the Mining West 1849-1852* (Norman, OK: University of Oklahoma Press, 2012), 185-6, 202, 204, 279, 285.

[5] Georgia Willis Read and Ruth Gaines, Eds., *Gold Rush: The Journals, Drawings, and Other Papers of J. Goldsborough Bruff, April 2, 1849-July 20, 1851* (New York: Columbia University Press, 1949), 155.

[6] Trails West, "Nobles Trail" http://emigranttrailswest.org/virtual-tour/nobles-trail/. Last viewed on July 22, 2015.

[7] General Land Office maps (see attached).

d. Allowing Applications 85263 and 85264 would cause depletion of the groundwater reservoirs in the Mud Meadows Basin, decimation of the historic hot springs for which the area is famous, and destruction of property through subsidence, as is evidenced in the Hualapai Basin at this time.

3. Jackson Ranches reiterates its concerns in their entirety as stated in their protests previously filed in objection to Applications 84429 and 84430, as follows:

   The Protestant of this Application owns...water rights in the Mud Meadows Hydrographic Basin. The proposed use threatens to prove detrimental to the public interest (NRS 533.371(6). This Application seeks to appropriate water from Mud Meadows ground water basin and transfer it to other basins (interbasin transfer), approximately 100 airline miles to the south. The Applicant did not cite a specific "Project" for utilizing water for this Application. The Applicant is not an Entity authorized to divert water, nor does he have the wherewithal to construct a pipeline of sufficient size and length to move 7,000 acre-feet of water over the distance to the Proposed Place of use. Please refer to NRS 533.370 1 (c), (1) and (2), 2 and 3 (a), (b), (c), (d), & (e). Under NRS 533.370 4 (h), the Applicant does not have authorized entry permission from governmental agencies to move water via pipeline across public lands. Because the Point of Diversion of Application 84429 lies within the Black Rock National Conservation area, special use permits may be required from the U.S. Bureau of Land Management or other governmental agencies before approval of this Application. All Statutes under NRS 533.364 must be strictly followed. In addition, if this Application is approved, it would be subject to all the provisions under NRS 533.438.

   The approval of Application 84429 and 84430 and subsequent pipeline building activities would cause irreparable damage to the Jackson Ranch operations in Mud Meadows.

4. In addition, Jackson Ranches is also concerned by all of the points raised in Protests to Applications 84429 and 84430 by USDOI-Bureau of Land Management and 83849 by Burning Man, attached hereto and incorporated herein.

IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 84429
FILED BY Rodney St. Clair
ON October 9, 20 14

PROTEST

FILED
DEC 19 2014
STATE ENGINEER'S OFFICE

Comes now USDOI -Bureau of Land Management
Printed or typed name of protestant
whose post office address is 5100 E. Winnemucca Blvd., Winnemucca, NV 89445
Street No. or PO Box, City, State and ZIP Code
whose occupation is federal land management agency and protests the granting
of Application Number 84429, filed on October 9, 20 14
by Rodney St. Clair for the
waters of underground (Casey Hot Springs Well) situated in Humboldt
an underground source or name of stream, lake, spring or other source
County, State of Nevada, for the following reasons and on the following grounds, to wit:
Please see attached statement of reasons

RECEIVED
2014 DEC 19 PM 3:14
STATE ENGINEER'S OFFICE

THEREFORE the Protestant requests that the application be Denied
Denied, issued subject to prior rights, etc., as the case may be
and that an order be entered for such relief as the State Engineer deems just and proper.

Signed
Agent or protestant
William Mack Jr.
Printed or typed name, if agent
Address 5100 E. Winnemucca Blvd.
Street No. or PO Box
Winnemucca, NV 89445
City, State and ZIP Code
775-623-1500
Phone Number
wmack@blm.gov
E-mail

State of Nevada
County of Humboldt
Subscribed and sworn to before me on Dec 18 2014
by William Mack Jr.

T. SPERO
Notary Public - State of Nevada
Appointment Recorded in Humboldt County
No: 94-1236-8 - Expires January 6, 2018

Signature of Notary Public Required

Notary Stamp or Seal Required

+ $30 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.
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Attachment to BLM Protest to Application Numbers 84429 and 84430

The applications are located on private land in-holdings within the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area (Black Rock NCA). The Black Rock NCA was designated by Congress in 2000 to '...conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important historical, cultural, paleontological, scenic, scientific, biological, educational, wildlife, riparian, wilderness, endangered species, and recreational values and resources associated with the Applegate-Lassen and Nobles Trails corridors and surrounding areas, there is hereby established the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area in the State of Nevada. (Public Law 106-554, approved December 21, 2000, as amended.)

Management of the Black Rock NCA, as outlined in the NCA act, requires 'The Secretary, acting through the Bureau of Land Management, shall manage the conservation area in a manner that conserves, protects and enhances its resources and values, including those resources and values specified in subsection 4(a), in accordance with this Act, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable provisions of law.' The NCA Act also requires that 'The Secretary shall provide reasonable access to privately owned land or interests in land within the boundaries of the conservation area. '

Approval of water rights applications 84429 and 84430 would prove detrimental to the public interest. The grounds for BLM protest are as follows:

1. The perennial yield for basin 026 is 13,000 AFA. According to the basin summary report, 5,759 AFA of underground water rights have already been permitted within the basin. The combined duty of the two water rights applications is 14,241 AFA, which is 7,000 AFA over the perennial yield.

2. The locations of the proposed wells are on private inholdings within the Black Rock NCA. Double Hot Springs is a natural geothermal spring located approximately 900 feet southeast of proposed POD associated with application 84430. Casey Springs is located just south of Double Hot Springs. The POD for application 84429 would be located within approximately 6,130 feet of this spring on private land and within approximately 1,000 and 2,000 feet of springs on public lands. Both Double Hot Springs and Casey Springs support expansive riparian areas which span across both private and public lands.

   There are also several springs located along the valley fringe in the southern portion of the basin on public land, six of which are within a 5-mile radius of the proposed pumping areas. There are also several springs located in the northern part of the basin associated with the Soldier Meadows spring complex. This area is habitat for the listed threatened desert dace. Within an 11 mile radius around Double Hot Springs there is potential habitat for Barneby Stemflower and Winged Milkvetch, both BLM sensitive plants. Approximately, seven miles to the west, at the base of the Calico Mountain Range are springs, when surveyed were identified as having an

abundance of spring snails, another BLM sensitive species. Depending on the configuration of the pipeline route, other sensitive plant and animal species may be encountered. During drought conditions, California Big Horn Sheep could use these areas to water. Other sensitive species that could potentially be impacted are Golden eagle, Short-eared owl, Western burrowing owl, Western snowy plover, Prairie falcon, Greater sandhill crane, Western least bittern and about six species of bats.

Approval to pump 14,421 AFA could potentially draw down the water table within the basin drying up springs located on public lands within the Black Rock NCA and impacting associated riparian habitats. Hydrogeologic interactions between the local geothermal aquifers and the basin fill aquifer are not well understood. Studies conducted by the USGS suggest that thermal systems within the Black Rock NCA are recharged locally, possibly through basin fill sediments or along faults. Studies also indicate that there are several distinct geothermal systems within the area which are possibly hydraulically connected. Pumping of groundwater, either in the basin-fill or in a geothermal aquifer, could result in impacts to springs within the Black Rock NCA.

Water quality and chemistry changes to the hot springs due to groundwater pumping at these PODs are also a concern. Geothermal springs naturally produce metals and if the spring flows are reduced, the metals can become more concentrated resulting in changes to the spring water chemistry, altering habitat and impacting the wildlife and vegetation they support.

The proposed groundwater pumping associated with these water right applications will not only impact surrounding springs resulting in lower spring flows, it will also negatively impact the wildlife that rely on those springs for habitat and as a water source.

3. BLM has filed four Public Water Reserve 107 federally reserved right claims on springs near the proposed PODs: R04928, R04929, R04930, and R04931. Pumping of the water right applications could impact BLM federally reserved water rights.

4. Historically, springs are of cultural and religious importance to Native Americans and other cultural artifacts have been documented within the Black Rock NCA.

   The Applegate and Nobles Trails are Nationally Historic Trails that crossed the Black Rock Desert in the mid-nineteenth century. Casey Hot Springs is on private land but was frequently visited by emigrants travelling along the Applegate Trail, often in the late summer when the forage at nearby Black Rock Hot Springs had been exhausted. Near all of the hot springs in the area of the proposed wells there are extensive prehistoric archaeological sites which reflect the limited number of water sources available in the passes.

   Other well-known sites in the area include Black Rock Hot Springs, located on public lands just south of Casey Springs which is another stop on the Applegate Trail with an associated extensive prehistoric site. There are another twenty-five archaeological sites within a 5 mile radius of the

two hot spring locations (Casey and Double Hot) about half of which are determined not eligible for the National Register and half of which are unevaluated.

The most significant impact to cultural resources in this area as a result of potential water pumping at these two springs is to the visual setting of the National Historic Trail. Currently there is very little modern intrusion on the setting of the trail; even interpretive signage is limited in an attempt to preserve the nature of the historic landscape. Changes to the springs themselves (draw down or drying up of springs) would also alter the visitor experience to the area; at present, visitors can read diary entries and imagine how nineteenth century emigrants felt as they encountered the same features of the landscape more than 150 years ago.

Any facilities constructed could be a visual intrusion to segments of the Trails and may impact the known cultural sites. The POD locations are located right along the emigrant trail. A pipeline would potentially need to be located along or across the trail. The Black Rock NCA was established to protect the pristine viewshed along the trail.

5. The Black Rock NCA Resource Management Plan (RMP) was signed in 2004 and outlines measures for the long-term protection and management of the NCA. The plan did recognize the potential future need of utility rights-of-way to private lands and identified the following management standards:

> "LAND-2: Access to private lands and valid existing rights outside wilderness may be authorized by granting rights-of-way that provide for the reasonable use and enjoyment of private lands by their owners while minimizing impacts on resources. "
>
> "LAND-3: No new utility corridors will be established in the planning area."
>
> "LAND-5: Utility rights-of-way may be granted outside of Wilderness where in conformance with visual quality objectives and the NCA Act."
>
> "LAND-6: Permanent above-ground facilities will not be allowed on the 104,546 acre playa of the Black Rock Desert."

If these water permit applications are approved, a potential utility right-of-way, to convey water, of this magnitude, along with other ancillary facilities, could cause a visual intrusion to the NCA. The surrounding public land areas in proximity to the proposed well locations are identified in the Black Rock NCA RMP, through the visual resource management process, as Class II. Class II areas would be managed 'to retain the existing character of the landscape. The level of change to the characteristic landscape should be low. Management activities may be seen, but should not attract the attention of the casual observer. Any changes must repeat the basic elements of form, line. Color, and texture found in the predominant natural features of the characteristic landscape.

IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 84429
FILED BY Rodney St. Clair
ON October 9, 20 14

PROTEST

FILED
DEC 19 2014
STATE ENGINEER'S OFFICE

Comes now Burning Man
Printed or typed name of protestant

whose post office address is 660 Alabama St. 4th Floor, San Francisco, CA 94110
Street No. or PO Box, City, State and ZIP Code

whose occupation is Event Production and Global Culture and protests the granting

of Application Number 84429, filed on October 9, 20 14

by Rodney St. Clair for the

waters of an underground source (Casey Hot Springs Well) situated in Humboldt
an underground source or name of stream, lake, spring or other source

County, State of Nevada, for the following reasons and on the following grounds, to wit:

Please see attached document with detailed reasons for this protest.

RECEIVED
2014 DEC 19 AM 11:55
STATE ENGINEERS OFFICE

THEREFORE the Protestant requests that the application be Denied
Denied, issued subject to prior rights, etc., as the case may be

and that an order be entered for such relief as the State Engineer deems just and proper.

Signed
Agent or protestant

Raymond Allen
Printed or typed name, if agent

Address 660 Alabama St. 4th Floor
Street No. or PO Box

San Francisco, CA 94110
City, State and ZIP Code

415-865-3800
Phone Number

ray@burningman.com
E-mail

State of ~~Nevada~~ California
County of San Francisco

Subscribed and sworn to before me on December 18, 2014

by Raymond Allen

Signature of Notary Public Required

ANGELA SANDERS
Commission # 2065206
Notary Public - California
San Francisco County
My Comm. Expires Apr 20, 2018

Notary Stamp or Seal Required

+ $30 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.

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Protest of Nevada Water Applications #84429 and #84430

in Mud Meadows Basin (026)

By Burning Man

Great Basin Water Network, Inc. *et al* protests two (2) water applications, 84429 and 84430, and asks that you deny these applications for the following reasons:

1. There is insufficient water for this project. State Engineer's Recon Reports indicate approximately 13,000 AFA is available. 5659 AF have been allocated. 3871 AF are certificated; 1788 AF have been permitted. This leaves about 7341 AF for further allocation, way below the amount requested of 14,241 AF.
2. This small amount of water available makes the project requiring a 100 mile pipeline infeasible, in fact, cost prohibitive. We know the Honey Lake Pipeline of approximately 35 miles cost $100 million. We know the SNWA pipeline at 280 miles is projected now at $15.7 billion.
3. The project is very speculative at best. We know of no contracts. Tahoe-Reno Industrial Center (TRI) developer Lance Gilman (RGJ article from September 5, 2014) says it has enough water for new development.
4. There is no demonstrated need for the water. In another article in the RGJ (December 9, 2014), Reno and Sparks (TMWRF and TMWA) are negotiating with developers to use treated effluent, further reducing the need for imported water.
5. Neither the applicant, nor the place of use are municipalities and therefore would fall under the Nevada Supreme Court ruling on Sandy Valley. Since no need for the project has been demonstrated, the water developer would be unable to put the water to beneficial use for foreseeable future.
6. The quality of water normally associated with the thermal waters of the Black Rock Desert should not be imported to south of the Truckee River. The water is not returnable to the Truckee River as effluent because of high TDS levels. TMWRF is already in violations of water quality standards for nitrogen and close for TDS and phosphorous. Water from the Black Rock would add TDS and other known thermal water pollutants such as arsenic and boron.

Interbasin Transfer Considerations—the environment, cultural resources, national public values in the National Conservation Area:

7. The project is on a small former DLE land parcel within the Black Rock – High Rock Emigrant Trails National Conservation Area (NCA), designated by Congress on December 20, 2000 and signed by President Clinton on December 21, 2001. The Act states in Sec.4(a), "Establishment and Purpose--In order to conserve, protect and enhance for the benefit and enjoyment of present and future generations the unique and nationally important historical, cultural, paleontological, scenic, scientific, biological, educational, wildlife, riparian, wilderness, endangered species, and recreational values and resources associated with the Applegate-Lassen and Nobles Trails corridors and surrounding areas, there is hereby established the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation

Area in the State of Nevada." They did this to recognize the area for its unusual resources. Granting 14,000+ acre feet would violate the public interest and trust set by Congress and the President.

8. The former DLE land parcel size is insufficient for a field of wells to pump 7,000 AF. The Land Use Management Plan for the NCA, written and adopted in July 2004 clearly states (Page 2-42, Land-3), "no new utility corridors will be established in the planning area." The proposed pipeline necessarily must request a right-of-way/utility corridor across the NCA which cannot be granted.
9. Additionally, there are many, many cultural sites because this area was part of ancient Lake Lahontan. As the waters receded, Native American campsites followed. The hot springs were especially frequented, used for hunting, cooking, softening pitch for water baskets, while occupants left artifacts virtually everywhere. Hot springs are considered sacred sites.
10. The proposed well to pump 7,000 AF near Double Hot Springs will harm the visual resources of the NCA and will cause irreplaceable adverse impacts on historic trail traces Well development would appear to seriously impact historic Double Hot Spring documented in many diaries kept by emigrants traveling on the Applegate Lassen Trail. The impacts include drying up Double Hot Spring and violating the viewshed of the NCA and Applegate Lassen National Historic Trail. Harm to the national designation is not in the public interest.
11. Water withdrawals in Mud Meadows Basin may impact groundwater flows in the rest of the geothermal faulting that occurs between Black Rock Spring and Soldier Meadows where there are two endangered species- cinquefoil and desert dace. Both species are within an Area of Critical Environmental Concern designated by the BLM and the Fish & Wildlife Service in conjunction with the owner of Soldier Meadows Ranch.
12. Public records indicate groundwater flows at Mud Meadows may come from High Rock Lake, Soldier Meadows and Summit Lake and run towards the Black Rock playa. Withdrawals may affect Summit Lake levels and Lahontan cutthroat trout, and water rights at Soldier Meadows.
13. Further reduction of groundwater to the playa will create more dust/erosion on the playa than already exists now. On windy days, depending on wind direction, Winnemucca, Gerlach, Summit Lake and Reno are known recipients of dust particulate from the Black Rock (Mike Alger, Channel 2 meteorologist).
14. The applications are seeking to take a great deal of water for industrial use out of a large basin. This could result in a lowering of the water table, which would have adverse effects on the environment, community and economy.
15. The requested use would interfere with others who have water rights that are connected to that basin.
16. It would be better to take less water out of multiple smaller basins than to take such a great amount out of one large shared basin.

FOOTNOTES

FOOTNOTE 1

Donald Jackson and Mary Lee Spence, eds., *The Expeditions of John Charles* Frémont, Volume I: Travels from 1838 to 1844 and Map Portfolio (Urbana, Illinois: University of Illinois Press, 1970), 600-602

which was covered by the snow on the bottom, was long and green, and the face of the mountain had a more favorable character in its vegetation, being smoother, and covered with good bunch grass. The snow was deep, and the night very cold. A broad trail had entered the valley from the right, and a short distance below the camp [at High Rock Creek] were the tracks where a considerable party of Indians had passed on horseback, who had turned out to the left, apparently with the view of crossing the mountains to the eastward.

December 30. — After following the stream for a few hours in a southeasterly direction, it entered a cailon where we could not follow; but determined not to leave the stream, we searched a passage below, where we could regain it, and entered a regular narrow valley. The water had now more the appearance of a flowing creek; several times we passed groves of willows, and we began to feel ourselves out of all difficulty. From our position, it was reasonable to conclude that this stream would find its outlet in Mary's lake, and conduct us into a better country. We had descended rapidly, and here we found very little snow. On both sides, the mountains showed often stupendous and curious-looking rocks, which at several places so narrowed the valley, that scarcely a pass was left for the camp. It was a singular place to travel through — shut up in the earth, a sort of chasm, the little strip of grass under our feet, the rough walls of bare rock on either hand, and the narrow strip of sky above. The grass to-night was abundant, and we encamped in high spirits.

December 31. — After an hour's ride this morning, our hopes were once more destroyed. The valley opened out, and before us again lay one of the dry basins [Soldier Meadows]. After some search, we discovered a high-water outlet [Soldier Creek], which brought us in a

few miles, and by a descent of several hundred feet, into another long broad basin, in which we found the bed of a stream, and obtained sufficient water by cutting the ice. The grass on the bottoms was salt and unpalatable.

Here we concluded the year 1843, and our new year's eve was rather a gloomy one. The result of our journey began to be very uncertain; the country was singularly unfavorable to travel; the grasses being frequently of a very unwholesome character, and the hoofs of our animals were so worn and cut by the rocks, that many of them were lame, and could scarcely be got along [at the western edge of Black Rock Desert].

600

New Year's day, 1844.– We continued down the valley, between a dry-looking black ridge on the left and a more snowy and high one on the right. Our road was bad along the bottom, being broken by gullies and impeded by sage, and sandy on the hills, where there is not a blade of grass, nor does any appear on the mountains. The soil in many places consists of a fine powdery sand, covered with a saline efflorescence; and the general character of the country is desert. During the day we directed our course towards a black cape, at the foot of which a column of smoke indicated hot springs.

January 2. – We were on the road early, the face of the country hidden by falling snow. We travelled along the bed of the stream, in some places dry, in others covered with ice; the travelling being very bad, through deep fine sand, rendered tenacious by a mixture of clay. The weather cleared up a little at noon, and we reached the hot springs of which we had seen the vapor the day before. There was a

large field of the usual salt grass here, peculiar to such places. The country otherwise is a perfect barren, without a blade of grass, the only plants being some dwarf Fremontias. We passed the rocky cape, a jagged broken point, bare and torn. The rocks are volcanic, and the hills here have a burnt appearance — cinders and coals occasionally appearing as at a blacksmith's forge. We crossed the large dry bed of a muddy lake in a southeasterly direction, and encamped at night without water and without grass, among sage bushes covered with snow. The heavy road made several mules give out to-day; and a horse, which had made the journey from the States successfully thus far, was left on the trail.

January 3. — A fog, so dense that we could not see a hundred yards, covered the country, and the men that were sent out after the horses were bewildered and lost; and we were consequently detained at camp until late in the day. Our situation had now become a serious one. We had reached and run over the position where, according to the best maps in my possession, we should have found Mary's lake, or river. We were evidently on the verge of the desert which had been reported to us; and the appearance of the country was so forbidding, that I was afraid to enter it, and determined to bear away to the southward, keeping close along the mountains, in the full expectation of reaching the Buenaventura river. This morning I put every man in the camp on foot — myself, of course, among the rest — and in this manner lightened by distribution the loads of the animals. We travelled seven or eight miles along the ridge bor-

dering the valley, and encamped where there were a few bunches of grass on the bed of a hill torrent, without water. There were some

large artemisias; but the principal plants are chenopodiaceous shrubs. The rock composing the mountains is here changed suddenly into white granite [Granite Range]. The fog showed the tops of the hills at sunset, and stars enough for observations in the early evening, and then closed over us as before. Latitude by observation, 40° 48' \5'\

January 4. — The fog to-day was still more dense, and the people again were bewildered. We travelled a few miles around the western point of the ridge, and encamped where there were a few tufts of grass, but no water. Our animals now were in a very alarming state, and there was increased anxiety in the camp [in Granite Creek Desert].

January 5. — Same dense fog continued, and one of the mules died in camp this morning. I have had occasion to remark, on such occasions as these, that animals which are about to die leave the band, and coming into the camp, lie down about the fires. We moved to a place where there was a little better grass, about two miles distant. Taplin, one of our best men, who had gone out on a scouting excursion, ascended a mountain near by, and to his great surprise emerged into a region of bright sunshine, in which the upper parts of the mountain were glowing, while below all was obscured in the darkest fog.

January 6. — The fog continued the same, and, with Mr. Preuss and Carson, I ascended the mountain, to sketch the leading features of the country, as some indication of our future route, while Mr. Fitzpatrick explored the country below. In a very short distance we had ascended above the mist, but the view obtained was not very gratifying. The fog had partially cleared off from below when we reached the summit; and in the southwest corner of a basin communicating with that in which we had encamped, we saw a lofty column of smoke, 16 miles distant, indicating the presence of hot

springs. There, also, appeared to be the outlet of those draining channels of the country; and, as such places afforded always more or less grass, I determined to steer in that direction. The ridge we had ascended appeared to be composed of fragments of white granite. We saw here traces of sheep and antelope.

Entering the neighboring valley, and crossing the bed of another lake, after a hard day's travel over ground of yielding mud and sand, we reached the springs, where we found an abundance of grass,

Gold Rush

THE JOURNALS, DRAWINGS, AND OTHER PAPERS OF J. GOLDSBOROUGH BRUFF

Captain, Washington City and California Mining Association

April 2, 1849—July 20, 1851

Edited by GEORGIA WILLIS READ
and RUTH GAINES

With a Foreword by F. W. Hodge

CALIFORNIA CENTENNIAL EDITION

New York: COLUMBIA UNIVERSITY PRESS
1949

The California Centennial Edition contains Bruff's records forming a continuous account of his journeys, together with a selection of his drawings. It does not include his earlier diaries or some other material appearing in the two-volume edition published in 1944 and now out of print. Critical notes and comment have been abbreviated, but fresh information on persons and routes will be found.

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the Black Rock mountain, and five miles beyond that they found the first good grass since leaving the Humboldt river. They had jumped from the frying pan into the fire, and their troubles had only begun."

55. H 3: "the tall flickering flames lit up the adjacent hills . . . , enlivening the scene all around. Wagons, tents, men, women, children, oxen and horses formed the grouping of the high-toned picture, while the white earth, the tall grass, the sparkling brook, with dark banks and bushes, heightened its effects."

56. Late in 1843 Frémont came down from Oregon, accompanied by Kit Carson, Fitzpatrick, and others. On Christmas Day, 1843, he reached a lake to which he gave the name Christmas Lake (Lewis A. McArthur, *Oregon Geographic Names*, rev. ed., 1944: "probably Hart Lake"). On Jan. 10, '44 he came to Pyramid Lake, also named by him. His exact route between these two points remains to some extent a matter of conjecture, but there seems little doubt that he came down through Surprise Valley, perhaps entered High Rock Cañon from the western end, crossed from the eastern outlet to the Black Rock range — and rounded Black Rock itself, which he described as "a black cape, at the foot of which a column of smoke indicated hot springs" (*Report*, p. 213). Lieut. G. K. Warren, on the map compiled in 1854-57 from government sources to accompany the *Pacific Railroad Reports* — and Frémont's 1843-44 exploration was a government expedition — shows Frémont passing down the east side of Christmas Lake, east of the lakes in Surprise Valley, eastward through the mountains (presumably through High Rock Cañon, coming out just north of High Rock Lake), following the Black Rock range southeast, bending around Black Rock itself, then southwest to Mud and Pyramid Lakes. Frémont's description of High Rock Cañon and Black Rock supports this. Bruff, being a friend of Frémont's and having drawn all the maps for Frémont's *Report* (both expeditions), had in 1849 a fairly clear idea of the Colonel's route. Indeed the emigration had knowledge of Frémont's track here, though none of them seems to have followed it. Delano says (at Black Rock boiling springs, Aug. 17, 1849): "The only other outlet for us at this point is by way of Pyramid Lake & Truckees River by the route taken by Col Fremont which falls into the old road at the latter point & crosses the mountains on the usual pass" (journal, MS, Coe Collection, Yale Library).

On one of these "other peaks" crops out the rock named by Bruff "Frémont's Castle," in compliment to his friend, probably because he knew that Frémont and his comrades were perhaps the first white men who ever saw the Black Rock range. This supposition accords with the map in Frémont's *Memoirs*, "showing country explored by John Charles Frémont. From 1841 to 1854," and bearing the words "Black R. Range" by Frémont's trail at the appropriate point (although the name does not appear on the map accompanying the *Report*). Marcy (*Prairie Traveler*, p. 283) says of Black Rock point: "mentioned by Colonel Frémont in his trip from Columbia River in 1843-4."

57. H 3: same date, corrected to "Bentley." Bentley was shot and mortally

FOOTNOTE 2

SO RUGGED *and* MOUNTAINOUS

Blazing the Trails to Oregon and California 1812–1848

WILL BAGLEY

UNIVERSITY OF OKLAHOMA PRESS ❁ NORMAN

Also by Will Bagley

A Road from El Dorado: The 1848 Trail Journal of Ephraim Green
Frontiersman: Abner Blackburn's Narrative
West from Fort Bridger: The Pioneering of Immigrant Trails across Utah, 1846–1850 (with Harold Schindler)
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Always a Cowboy: Judge Wilson McCarthy and the Rescue of the Denver & Rio Grande Western Railroad
Innocent Blood: Essential Narratives of the Mountain Meadows Massacre (with David L. Bigler)

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3 4 5 6 7 8 9 10

of a clearly defined command had contributed to the dissolution of the previous survey, they chose Jesse Applegate to lead them.[35] Over the next six weeks, the men followed Ogden's trail over the Calapooya Mountains and south, repeatedly encountering small parties coming from Sutters Fort. At the forks of the South Umpqua River at what is now Canyonville, they followed the pack trail up the brush-and boulder-choked Canyon Creek, leaving Ogden's trace near today's Ashland. Up to this point, the surveyors had relied on existing trails, but now they entered uncharted territory. Following a map Ogden had given Applegate and information about the area picked up from a party of southbound French mountaineers, the road finders headed up Emigrant Creek, across the eastern Siskiyou Mountains, and into the Cascades until the Klamath River's deep canyon blocked progress. Some of the men proposed giving up, but Levi Scott and three scouts climbed a butte and spied out a route they felt could penetrate the densely forested mountains to reach the open country that lay beyond.

The men explored "the valleys of the Umpqua, Rogue river, Clamet and Sacramento," Jesse Applegate wrote the next March, confusing the Sacramento with the Lost River, where an Indian showed them a natural stone bridge across the otherwise unfordable river. Their way-worn animals enjoyed a few days of good grazing before enduring several dry marches to get around the Lower Klamath, Tule, and Clear lakes: disgusted at the resulting complaints, Jesse Applegate resigned as leader, but after talking it over, Levi Scott and David Goff agreed to share the burdens of command. From Goose Lake, the road hunters headed southeast, crossing the Warner Mountains and Surprise Valley to High Rock Canyon, where they turned south to Mud Meadows and the increasingly parched desert until they reach the great spring at Black Rock, at the edge of a wide, dry playa.

Here the party's leaders debated how to cross the wastes that lay before them. Applegate thought he could see a pass bordering the desert and set off to the southeast with five men; Scott, Goff, and the rest took a more southerly course. They found water on their first two days on the Black Rock Desert, but the last half of the trip was another dry passage. Scott's party reached the Humboldt and the California Trail well south of present-day Rye Patch Reservoir: after slaking their thirst they began searching for Applegate's men, whom they found in desperate shape.[36]

Jesse Applegate and four companions headed for Fort Hall, while Levi Scott and nine men stayed behind to work out a reasonable route for wagons across the Black Rock Desert. Before splitting up, Scott recalled, the surveyors estimated it would take thirty properly equipped men to open the road, which had not

[35] Applegate, "Notes and Reminiscences," 14. Although attributed to Lindsay Applegate, this memoir was probably written by his son, O. C. Applegate.

[36] Morgan, *Overland in 1846*, 73, 86.

even been marked—and Applegate agreed that if he could not recruit enough volunteers to do the job, he would not encourage emigrants to risk the new trail. Given the repeated challenges of the terrain, notably the precipitous descents to Jenny, Keene, and Tyler creeks, not its mention the route's extreme aridity—it is a testament to pioneer optimism that anyone could believe even an army could open a reliable wagon road. Scott's men worked out a difficult but not impossible crossing from what became known as Lassens Meadow to Antelope, Rabbithole, and Black Rock springs, and his surveyors then headed east on the California Trail to meet Applegate and the parties he had presumably recruited.

Years later, Lindsay Applegate recalled that while hunting antelope on the California Trail, he and Levi Scott had discovered the wreckage of several burned wagons—perhaps those of the unknown party that left Fort Hall in advance of the other 1845 companies—whose owners appeared to have been murdered. The new road had a host of other problems: it avoided the challenges of the Snake and Columbia rivers and the deserts of eastern Oregon, but Jesse Applegate's promise that those who followed it could reach the Willamette in time to build a cabin and sow wheat before the rains came proved to be a cruel fantasy.[37]

After encouraging parties he met heading west on the California Trail to the try the new route, Jesse Applegate appeared at Fort Hall on 8 August. Like other promoters excited by the discovery of a shortcut, he seemed compelled to exaggerate its benefits and downplay its many challenges: "The advantage gained to the emigrant by this route is of the greatest importance—the distance is considerably shortened, the grass and water plenty, the sterile regions and dangerous crossings of the Snake and Columbia rivers avoided, as well as the Cascade Mountain—he may reach his place of destination with his wagon and property in time to build a cabin and sow wheat before the rainy season," he announced in an open letter. "This road has been explored, and will be opened at the expense of the citizens of Oregon, and nothing whatever demanded of the emigrants." Despite Applegate's claims, the southern route was much longer than the road down the Columbia: geographer Richard Rieck calculated that by the old trail it was 730 miles from Fort Hall to Oregon City, while by the South Road it was 985 miles. A year later, after an explosion of controversy, Applegate told his brother Lisbon he had been fully convinced of his new road's advantages, but claimed he "made no effort to induce emigrants to travel the road."[38]

But Applegate was persuasive, and many of those who took the new trace thought otherwise. "There were some men who met us near Fort Hall and through

[37] Ibid., 634, 637–78; and Bancroft, *History of Oregon*, 552, 557. Scott says nothing about this in his memoir.
[38] Smith, "The Southern Route Revisited," 305; and Morgan, *Overland in 1846*, 637–38, 768.

persuasion we took the new route," John E. Lose wrote next spring, fram-
telling indictment of the South Road: "The roads were very bad, pasture
ifferent, having heavy beds of sand without wood, water or grass, for 45 or 50
iles, to travel through; the dust was intense, the sand appears to be mixed with
and salt, and both man and beast had to cough and sneeze, the cattle would
quently bawl from suffering." The Black Rock Desert formed a waterless bar-
that killed many oxen, and Applegate seemed unaware of the hostile Indians
lined virtually the entire route. The Natives "killed some of our men, and
in return killed them, for our feelings were not friendly towards each other,"
reported.[39] "Three or four trains of emigrants were decoyed off by a ras-
lly fellow that came out from the settlement in Oregon, assuring us that he had
und a *near cut-off*," Tabitha Brown recalled in 1854. The scoundrel said "that if
would follow him we would be in the settlement long before those who had
ne down the Columbia."[40]

Applegate had raised a few volunteers to help open the road, one of them
called years later, but the emigrants could spare few able-bodied men. "About
o wagons with 400 or 500 people turned from the old route to follow him,"
uman Powers wrote. Applegate advised them "it would be necessary for a party
precede the wagons and open the way for them through the timber, and he
lled for volunteers from among the immigrants for this work." Powers signed
and recalled that Applegate recruited "a company of twelve as a road party,
d they were furnished with axes from the wagons. These were all the tools that
uld be furnished for road making."[41]

The surveyors—at least those who had not disappeared for points unknown—
nited in Thousand Springs Valley, where on 13 August, Captain Applegate
rged ahead "to mark and open the new road." Levi Scott and David Goff stayed
o guide the wagons, which followed in small detachments. Lacking enough sup-
lies and manpower, and clearly in a hurry to get back home, Applegate and a
w men covered an average of twenty-four miles a day over critical sections of
he trail, and the handful of volunteers they left behind to work on the road had
ittle actual impact on the rough terrain. "We found nothing to dishearten us,
until we came to the canyon in the Umpqua mountain," Truman Powers recalled,
eferring to the canyons cutting through the Umpqua Mountains, the roughest
ection of the trail, which won the name "Terrible Canyon" that fall. Jesse Apple-
ate arrived home in late September: his notice about the new road appeared
n the *Spectator* on 1 October, before the first wagons had reached the Klamath

[39] Lose, "From Oregon," *Defiance Democrat*, 25 November 1847, 3/1–2, courtesy of Kristin Johnson.
[40] Brown, "A Brimfield Heroine, Tabitha Brown," *Covered Wagon Women*, 1:52.
[41] [Powers], "A Pioneer's Reminiscence," *Morning Oregonian*, 12 March 1879, 1/2.

FOOTNOTE 3

Oh Spirit above
There is a long way to go—
Our destination we never know.
What is this
When we part earth's company
Our destination we never know.
Help us, Oh Spirit above,
And show us, Shoshone Indian people,
Pathways to you and our destination.

PRAYER—WESTERN SHOSHONE NATION

Early Relations Between Indians and White Men

In 1826 Joseph Walker called the Nevada Shoshones "The Shoshokoe,"[1] and in 1860, Gen. F. W. Lander, who was sent by the Government to survey a road along the Humboldt, also called the local Indians "Shoshokoes."[2] White men present at the signing of the Treaty of 1863 first gave the native people the name Western Shoshone.[3] The Western Shoshones were not within strictly delineated boundaries, but rather they formed:

> Temporary and shifting inter-village alliances, and therefore, instead of allying people of well-defined territories, entailed a linkage of village with village which extended through the entire area. Political bands, like subsistence areas, inter-locked in all directions.[4]

General Lander observed the loose alliances of the Western Shoshones and the connection of the Chief of Utah with them:

> Chief Pocatello, of the Northwestern Shoshones, sent runners the entire length of the Humboldt Valley, a distance of 400 miles, in order that thirteen of my men might be passed through the various bands of Shoshones in safety.[5]

Interest in Nevada's natives on the part of the U. S. Government dates back to 1849, the year following acquisition of the territory contained within the limits of the present State of Nevada and acquired from Mexico by the treaty of Guadalupe Hidalgo. In 1850, by an act of Congress dated September 9, the Territory of Utah was created, which along with other vast areas, embraced what later became the State of Nevada. According to the Act, the Governor of the Utah Territory became the Superintendent of Indian Affairs within the territory. On September 23 of that year Brigham Young was appointed Governor of the Territory and assumed office on January 3, 1851. On July 21, 1851, Governor Young established three Indian Agencies in the territory. The first or Paravan Indian Agency included most of the land that later became the State of Nevada. During his governorship, Governor Young appointed several Indian Agents among whom were Major Holeman, Jacob Farney, Major Fredrick Dodge and Garland Hurt. On March 2, 1861, the Territory of Nevada was created and James W. Nye was appointed Governor and Ex-Officio Superintendent of Indian Affairs. At the time Nye assumed his duties in Nevada, he found Warren Wasson, Major Dodge's appointed Indian Agent, headquartered in Carson City and Nye asked him to remain in office. When Nevada became a state, on October 31, 1864, the

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Transcript of Treaty of Guadalupe Hidalgo (1848)

TREATY OF PEACE, FRIENDSHIP, LIMITS, AND SETTLEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED MEXICAN STATES CONCLUDED AT GUADALUPE HIDALGO, FEBRUARY 2, 1848; RATIFICATION ADVISED BY SENATE, WITH AMENDMENTS, MARCH 10, 1848; RATIFIED BY PRESIDENT, MARCH 16, 1848; RATIFICATIONS EXCHANGED AT QUERETARO, MAY 30, 1848; PROCLAIMED, JULY 4, 1848.

IN THE NAME OF ALMIGHTY GOD

The United States of America and the United Mexican States animated by a sincere desire to put an end to the calamities of the war which unhappily exists between the two Republics and to establish Upon a solid basis relations of peace and friendship, which shall confer reciprocal benefits upon the citizens of both, and assure the concord, harmony, and mutual confidence wherein the two people should live, as good neighbors have for that purpose appointed their respective plenipotentiaries, that is to say: The President of the United States has appointed Nicholas P. Trist, a citizen of the United States, and the President of the Mexican Republic has appointed Don Luis Gonzaga Cuevas, Don Bernardo Couto, and Don Miguel Atristain, citizens of the said Republic; Who, after a reciprocal communication of their respective full powers, have, under the protection of Almighty God, the author of peace, arranged, agreed upon, and signed the following: Treaty of Peace, Friendship, Limits, and Settlement between the United States of America and the Mexican Republic.

ARTICLE I

There shall be firm and universal peace between the United States of America and the Mexican Republic, and between their respective countries, territories, cities, towns, and people, without exception of places or persons.

ARTICLE II

Immediately upon the signature of this treaty, a convention shall be entered into between a commissioner or commissioners appointed by the General-in-chief of the forces of the United States, and such as may be appointed by the Mexican Government, to the end that a provisional suspension of hostilities shall take place, and that, in the places occupied by the said forces, constitutional order may be reestablished, as regards the political, administrative, and judicial branches, so far as this shall be permitted by the circumstances of military occupation.

ARTICLE III

Immediately upon the ratification of the present treaty by the Government of the United States, orders shall be transmitted to the commanders of their land and naval forces, requiring the latter (provided this treaty shall then have been ratified by the Government of the Mexican Republic, and the ratifications exchanged) immediately to desist from blockading any Mexican ports and requiring the former (under the same condition) to commence, at the earliest moment practicable, withdrawing all troops of the United States then in the interior of the Mexican Republic, to points that shall be selected by common agreement, at a distance from the seaports not exceeding thirty leagues; and such evacuation of the interior of the Republic shall be completed with the least possible delay; the Mexican Government hereby binding itself to afford every facility in its power for rendering the same convenient to the troops, on their march and in their new positions, and for promoting a good understanding between them and the inhabitants. In like manner orders shall be despatched to the persons in charge of the custom houses at all ports occupied by the forces of the United States, requiring them (under the same condition) immediately to deliver possession of the same to the persons authorized by the Mexican Government to receive it, together with all bonds and evidences of debt for duties on importations and on exportations, not yet fallen due. Moreover, a faithful and exact account shall be made out, showing the entire amount of all duties on imports and on exports, collected at such custom-houses, or elsewhere in Mexico, by authority of the United States, from and after the day of ratification of this treaty by the Government of the Mexican Republic; and also an account of the cost of collection; and such entire amount, deducting only the cost of collection, shall be delivered to the Mexican Government, at the city of Mexico, within three months after the exchange of ratifications.

The evacuation of the capital of the Mexican Republic by the troops of the United States, in virtue of the

above stipulation, shall be completed in one month after the orders there stipulated for shall have been received by the commander of said troops, or sooner if possible.

ARTICLE IV

Immediately after the exchange of ratifications of the present treaty all castles, forts, territories, places, and possessions, which have been taken or occupied by the forces of the United States during the present war, within the limits of the Mexican Republic, as about to be established by the following article, shall be definitely restored to the said Republic, together with all the artillery, arms, apparatus of war, munitions, and other public property, which were in the said castles and forts when captured, and which shall remain there at the time when this treaty shall be duly ratified by the Government of the Mexican Republic. To this end, immediately upon the signature of this treaty, orders shall be despatched to the American officers commanding such castles and forts, securing against the removal or destruction of any such artillery, arms, apparatus of war, munitions, or other public property. The city of Mexico, within the inner line of intrenchments surrounding the said city, is comprehended in the above stipulation, as regards the restoration of artillery, apparatus of war, & c.

The final evacuation of the territory of the Mexican Republic, by the forces of the United States, shall be completed in three months from the said exchange of ratifications, or sooner if possible; the Mexican Government hereby engaging, as in the foregoing article to use all means in its power for facilitating such evacuation, and rendering it convenient to the troops, and for promoting a good understanding between them and the inhabitants.

If, however, the ratification of this treaty by both parties should not take place in time to allow the embarcation of the troops of the United States to be completed before the commencement of the sickly season, at the Mexican ports on the Gulf of Mexico, in such case a friendly arrangement shall be entered into between the General-in-Chief of the said troops and the Mexican Government, whereby healthy and otherwise suitable places, at a distance from the ports not exceeding thirty leagues, shall be designated for the residence of such troops as may not yet have embarked, until the return of the healthy season. And the space of time here referred to as, comprehending the sickly season shall be understood to extend from the first day of May to the first day of November.

All prisoners of war taken on either side, on land or on sea, shall be restored as soon as practicable after the exchange of ratifications of this treaty. It is also agreed that if any Mexicans should now be held as captives by any savage tribe within the limits of the United States, as about to be established by the following article, the Government of the said United States will exact the release of such captives and cause them to be restored to their country.

ARTICLE V

The boundary line between the two Republics shall commence in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, otherwise called Rio Bravo del Norte, or Opposite the mouth of its deepest branch, if it should have more than one branch emptying directly into the sea; from thence up the middle of that river, following the deepest channel, where it has more than one, to the point where it strikes the southern boundary of New Mexico; thence, westwardly, along the whole southern boundary of New Mexico (which runs north of the town called Paso) to its western termination; thence, northward, along the western line of New Mexico, until it intersects the first branch of the river Gila; (or if it should not intersect any branch of that river, then to the point on the said line nearest to such branch, and thence in a direct line to the same); thence down the middle of the said branch and of the said river, until it empties into the Rio Colorado; thence across the Rio Colorado, following the division line between Upper and Lower California, to the Pacific Ocean.

The southern and western limits of New Mexico, mentioned in the article, are those laid down in the map entitled "Map of the United Mexican States, as organized and defined by various acts of the Congress of said republic, and constructed according to the best authorities. Revised edition. Published at New York, in 1847, by J. Disturnell," of which map a copy is added to this treaty, bearing the signatures and seals of the undersigned Plenipotentiaries. And, in order to preclude all difficulty in tracing upon the ground the limit separating Upper from Lower California, it is agreed that the said limit shall consist of a straight line drawn from the middle of the Rio Gila, where it unites with the Colorado, to a point on the coast of the Pacific Ocean, distant one marine league due south of the southernmost point of the port of San Diego, according to the plan of said port made in the year 1782 by Don Juan Pantoja, second sailing-master of the Spanish fleet, and published at Madrid in the year 1802, in the atlas to the voyage of the schooners Sutil and Mexicana; of which plan a copy is hereunto added, signed and sealed by the respective Plenipotentiaries.

In order to designate the boundary line with due precision, upon authoritative maps, and to establish upon the ground land-marks which shall show the limits of both republics, as described in the present article, the two Governments shall each appoint a commissioner and a surveyor, who, before the expiration of one year from the date of the exchange of ratifications of this treaty, shall meet at the port of San Diego, and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte. They shall keep journals and make out plans of their operations; and the result agreed upon by them shall be deemed a part of this treaty, and shall have the same force as if it were inserted therein. The two Governments will amicably agree regarding what may be necessary to these persons, and also as to their respective escorts, should such be necessary.

The boundary line established by this article shall be religiously respected by each of the two republics, and no change shall ever be made therein, except by the express and free consent of both nations, lawfully given by the General Government of each, in conformity with its own constitution.

ARTICLE VI

The vessels and citizens of the United States shall, in all time, have a free and uninterrupted passage by the Gulf of California, and by the river Colorado below its confluence with the Gila, to and from their possessions situated north of the boundary line defined in the preceding article; it being understood that this passage is to be by navigating the Gulf of California and the river Colorado, and not by land, without the express consent of the Mexican Government.

If, by the examinations which may be made, it should be ascertained to be practicable and advantageous to construct a road, canal, or railway, which should in whole or in part run upon the river Gila, or upon its right or its left bank, within the space of one marine league from either margin of the river, the Governments of both republics will form an agreement regarding its construction, in order that it may serve equally for the use and advantage of both countries.

ARTICLE VII

The river Gila, and the part of the Rio Bravo del Norte lying below the southern boundary of New Mexico, being, agreeably to the fifth article, divided in the middle between the two republics, the navigation of the Gila and of the Bravo below said boundary shall be free and common to the vessels and citizens of both countries; and neither shall, without the consent of the other, construct any work that may impede or interrupt, in whole or in part, the exercise of this right; not even for the purpose of favoring new methods of navigation. Nor shall any tax or contribution, under any denomination or title, be levied upon vessels or persons navigating the same or upon merchandise or effects transported thereon, except in the case of landing upon one of their shores. If, for the purpose of making the said rivers navigable, or for maintaining them in such state, it should be necessary or advantageous to establish any tax or contribution, this shall not be done without the consent of both Governments.

The stipulations contained in the present article shall not impair the territorial rights of either republic within its established limits.

ARTICLE VIII

Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they possess in the said territories, or disposing thereof, and removing the proceeds wherever they please, without their being subjected, on this account, to any contribution, tax, or charge whatever.

Those who shall prefer to remain in the said territories may either retain the title and rights of Mexican citizens, or acquire those of citizens of the United States. But they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty; and those who shall remain in the said territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States.

In the said territories, property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy with respect to it guarantees equally ample as if the same belonged to citizens of the United States.

ARTICLE IX

The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican

Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States. and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution; and in the mean time, shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

ARTICLE X
[Stricken out]

Article XI
Considering that a great part of the territories, which, by the present treaty, are to be comprehended for the future within the limits of the United States, is now occupied by savage tribes, who will hereafter be under the exclusive control of the Government of the United States, and whose incursions within the territory of Mexico would be prejudicial in the extreme, it is solemnly agreed that all such incursions shall be forcibly restrained by the Government of the United States whensoever this may be necessary; and that when they cannot be prevented, they shall be punished by the said Government, and satisfaction for the same shall be exacted all in the same way, and with equal diligence and energy, as if the same incursions were meditated or committed within its own territory, against its own citizens.

It shall not be lawful, under any pretext whatever, for any inhabitant of the United States to purchase or acquire any Mexican, or any foreigner residing in Mexico, who may have been captured by Indians inhabiting the territory of either of the two republics; nor to purchase or acquire horses, mules, cattle, or property of any kind, stolen within Mexican territory by such Indians.

And in the event of any person or persons, captured within Mexican territory by Indians, being carried into the territory of the United States, the Government of the latter engages and binds itself, in the most solemn manner, so soon as it shall know of such captives being within its territory, and shall be able so to do, through the faithful exercise of its influence and power, to rescue them and return them to their country. or deliver them to the agent or representative of the Mexican Government. The Mexican authorities will, as far as practicable, give to the Government of the United States notice of such captures; and its agents shall pay the expenses incurred in the maintenance and transmission of the rescued captives; who, in the mean time, shall be treated with the utmost hospitality by the American authorities at the place where they may be. But if the Government of the United States, before receiving such notice from Mexico, should obtain intelligence, through any other channel, of the existence of Mexican captives within its territory, it will proceed forthwith to effect their release and delivery to the Mexican agent, as above stipulated.

For the purpose of giving to these stipulations the fullest possible efficacy, thereby affording the security and redress demanded by their true spirit and intent, the Government of the United States will now and hereafter pass, without unnecessary delay, and always vigilantly enforce, such laws as the nature of the subject may require. And, finally, the sacredness of this obligation shall never be lost sight of by the said Government, when providing for the removal of the Indians from any portion of the said territories, or for its being settled by citizens of the United States; but, on the contrary, special care shall then be taken not to place its Indian occupants under the necessity of seeking new homes, by committing those invasions which the United States have solemnly obliged themselves to restrain.

ARTICLE XII
In consideration of the extension acquired by the boundaries of the United States, as defined in the fifth article of the present treaty, the Government of the United States engages to pay to that of the Mexican Republic the sum of fifteen millions of dollars.

Immediately after the treaty shall have been duly ratified by the Government of the Mexican Republic, the sum of three millions of dollars shall be paid to the said Government by that of the United States, at the city of Mexico, in the gold or silver coin of Mexico. The remaining twelve millions of dollars shall be paid at the same place, and in the same coin, in annual installments of three millions of dollars each, together with interest on the same at the rate of six per centum per annum. This interest shall begin to run upon the whole sum of twelve millions from the day of the ratification of the present treaty by--the Mexican Government, and the first of the installments shall be paid-at the expiration of one year from the same day. Together with each annual installment, as it falls due, the whole interest accruing on such installment from the beginning shall also be paid.

ARTICLE XIII
The United States engage, moreover, to assume and pay to the claimants all the amounts now due them, and those hereafter to become due, by reason of the claims already liquidated and decided against the

Mexican Republic, under the conventions between the two republics severally concluded on the eleventh day of April, eighteen hundred and thirty-nine, and on the thirtieth day of January, eighteen hundred and forty-three; so that the Mexican Republic shall be absolutely exempt, for the future, from all expense whatever on account of the said claims.

ARTICLE XIV

The United States do furthermore discharge the Mexican Republic from all claims of citizens of the United States, not heretofore decided against the Mexican Government, which may have arisen previously to the date of the signature of this treaty; which discharge shall be final and perpetual, whether the said claims be rejected or be allowed by the board of commissioners provided for in the following article, and whatever shall be the total amount of those allowed.

ARTICLE XV

The United States, exonerating Mexico from all demands on account of the claims of their citizens mentioned in the preceding article, and considering them entirely and forever canceled, whatever their amount may be, undertake to make satisfaction for the same, to an amount not exceeding three and one-quarter millions of dollars. To ascertain the validity and amount of those claims, a board of commissioners shall be established by the Government of the United States, whose awards shall be final and conclusive; provided that, in deciding upon the validity of each claim, the boa shall be guided and governed by the principles and rules of decision prescribed by the first and fifth articles of the unratified convention, concluded at the city of Mexico on the twentieth day of November, one thousand eight hundred and forty-three; and in no case shall an award be made in favour of any claim not embraced by these principles and rules.

If, in the opinion of the said board of commissioners or of the claimants, any books, records, or documents, in the possession or power of the Government of the Mexican Republic, shall be deemed necessary to the just decision of any claim, the commissioners, or the claimants through them, shall, within such period as Congress may designate, make an application in writing for the same, addressed to the Mexican Minister of Foreign Affairs, to be transmitted by the Secretary of State of the United States; and the Mexican Government engages, at the earliest possible moment after the receipt of such demand, to cause any of the books, records, or documents so specified, which shall be in their possession or power (or authenticated copies or extracts of the same), to be transmitted to the said Secretary of State, who shall immediately deliver them over to the said board of commissioners; provided that no such application shall be made by or at the instance of any claimant, until the facts which it is expected to prove by such books, records, or documents, shall have been stated under oath or affirmation.

ARTICLE XVI

Each of the contracting parties reserves to itself the entire right to fortify whatever point within its territory it may judge proper so to fortify for its security.

ARTICLE XVII

The treaty of amity, commerce, and navigation, concluded at the city of Mexico, on the fifth day of April, A. D. 1831, between the United States of America and the United Mexican States, except the additional article, and except so far as the stipulations of the said treaty may be incompatible with any stipulation contained in the present treaty, is hereby revived for the period of eight years from the day of the exchange of ratifications of this treaty, with the same force and virtue as if incorporated therein; it being understood that each of the contracting parties reserves to itself the right, at any time after the said period of eight years shall have expired, to terminate the same by giving one year's notice of such intention to the other party.

ARTICLE XVIII

All supplies whatever for troops of the United States in Mexico, arriving at ports in the occupation of such troops previous to the final evacuation thereof, although subsequently to the restoration of the custom-houses at such ports, shall be entirely exempt from duties and charges of any kind; the Government of the United States hereby engaging and pledging its faith to establish and vigilantly to enforce, all possible guards for securing the revenue of Mexico, by preventing the importation, under cover of this stipulation, of any articles other than such, both in kind and in quantity, as shall really be wanted for the use and consumption of the forces of the United States during the time they may remain in Mexico. To this end it shall be the duty of all officers and agents of the United States to denounce to the Mexican authorities at the respective ports any attempts at a fraudulent abuse of this stipulation, which they may know of, or may have reason to suspect, and to give to such authorities all the aid in their power with regard thereto; and every such attempt, when duly proved and established by sentence of a competent tribunal, They shall be

punished by the confiscation of the property so attempted to be fraudulently introduced.

ARTICLE XIX

With respect to all merchandise, effects, and property whatsoever, imported into ports of Mexico, whilst in the occupation of the forces of the United States, whether by citizens of either republic, or by citizens or subjects of any neutral nation, the following rules shall be observed:

(1) All such merchandise, effects, and property, if imported previously to the restoration of the custom-houses to the Mexican authorities, as stipulated for in the third article of this treaty, shall be exempt from confiscation, although the importation of the same be prohibited by the Mexican tariff.

(2) The same perfect exemption shall be enjoyed by all such merchandise, effects, and property, imported subsequently to the restoration of the custom-houses, and previously to the sixty days fixed in the following article for the coming into force of the Mexican tariff at such ports respectively; the said merchandise, effects, and property being, however, at the time of their importation, subject to the payment of duties, as provided for in the said following article.

(3) All merchandise, effects, and property described in the two rules foregoing shall, during their continuance at the place of importation, and upon their leaving such place for the interior, be exempt from all duty, tax, or imposts of every kind, under whatsoever title or denomination. Nor shall they be there subject to any charge whatsoever upon the sale thereof.

(4) All merchandise, effects, and property, described in the first and second rules, which shall have been removed to any place in the interior, whilst such place was in the occupation of the forces of the United States, shall, during their continuance therein, be exempt from all tax upon the sale or consumption thereof, and from every kind of impost or contribution, under whatsoever title or denomination.

(5) But if any merchandise, effects, or property, described in the first and second rules, shall be removed to any place not occupied at the time by the forces of the United States, they shall, upon their introduction into such place, or upon their sale or consumption there, be subject to the same duties which, under the Mexican laws, they would be required to pay in such cases if they had been imported in time of peace, through the maritime custom-houses, and had there paid the duties conformably with the Mexican tariff.

(6) The owners of all merchandise, effects, or property, described in the first and second rules, and existing in any port of Mexico, shall have the right to reship the same, exempt from all tax, impost, or contribution whatever.

With respect to the metals, or other property, exported from any Mexican port whilst in the occupation of the forces of the United States, and previously to the restoration of the custom-house at such port, no person shall be required by the Mexican authorities, whether general or state, to pay any tax, duty, or contribution upon any such exportation, or in any manner to account for the same to the said authorities.

ARTICLE XX

Through consideration for the interests of commerce generally, it is agreed, that if less than sixty days should elapse between the date of the signature of this treaty and the restoration of the custom houses, conformably with the stipulation in the third article, in such case all merchandise, effects and property whatsoever, arriving at the Mexican ports after the restoration of the said custom-houses, and previously to the expiration of sixty days after the day of signature of this treaty, shall be admitted to entry; and no other duties shall be levied thereon than the duties established by the tariff found in force at such custom-houses at the time of the restoration of the same. And to all such merchandise, effects, and property, the rules established by the preceding article shall apply.

ARTICLE XXI

If unhappily any disagreement should hereafter arise between the Governments of the two republics, whether with respect to the interpretation of any stipulation in this treaty, or with respect to any other particular concerning the political or commercial relations of the two nations, the said Governments, in the name of those nations, do promise to each other that they will endeavour, in the most sincere and earnest manner, to settle the differences so arising, and to preserve the state of peace and friendship in which the

two countries are now placing themselves, using, for this end, mutual representations and pacific negotiations. And if, by these means, they should not be enabled to come to an agreement, a resort shall not, on this account, be had to reprisals, aggression, or hostility of any kind, by the one republic against the other, until the Government of that which deems itself aggrieved shall have maturely considered, in the spirit of peace and good neighbourship, whether it would not be better that such difference should be settled by the arbitration of commissioners appointed on each side, or by that of a friendly nation. And should such course be proposed by either party, it shall be acceded to by the other, unless deemed by it altogether incompatible with the nature of the difference, or the circumstances of the case.

ARTICLE XXII

If (which is not to be expected, and which God forbid) war should unhappily break out between the two republics, they do now, with a view to such calamity, solemnly pledge themselves to each other and to the world to observe the following rules; absolutely where the nature of the subject permits, and as closely as possible in all cases where such absolute observance shall be impossible:

(1) The merchants of either republic then residing in the other shall be allowed to remain twelve months (for those dwelling in the interior), and six months (for those dwelling at the seaports) to collect their debts and settle their affairs; during which periods they shall enjoy the same protection, and be on the same footing, in all respects, as the citizens or subjects of the most friendly nations; and, at the expiration thereof, or at any time before, they shall have full liberty to depart, carrying off all their effects without molestation or hindrance, conforming therein to the same laws which the citizens or subjects of the most friendly nations are required to conform to. Upon the entrance of the armies of either nation into the territories of the other, women and children, ecclesiastics, scholars of every faculty, cultivators of the earth, merchants, artisans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all persons whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, unmolested in their persons. Nor shall their houses or goods be burnt or otherwise destroyed, nor their cattle taken, nor their fields wasted, by the armed force into whose power, by the events of war, they may happen to fall; but if the necessity arise to take anything from them for the use of such armed force, the same shall be paid for at an equitable price. All churches, hospitals, schools, colleges, libraries, and other establishments for charitable and beneficent purposes, shall be respected, and all persons connected with the same protected in the discharge of their duties, and the pursuit of their vocations.

(2). In order that the fate of prisoners of war may be alleviated all such practices as those of sending them into distant, inclement or unwholesome districts, or crowding them into close and noxious places, shall be studiously avoided. They shall not be confined in dungeons, prison ships, or prisons; nor be put in irons, or bound or otherwise restrained in the use of their limbs. The officers shall enjoy liberty on their paroles, within convenient districts, and have comfortable quarters; and the common soldiers shall be dispose(in cantonments, open and extensive enough for air and exercise and lodged in barracks as roomy and good as are provided by the party in whose power they are for its own troops. But if any office shall break his parole by leaving the district so assigned him, or any other prisoner shall escape from the limits of his cantonment after they shall have been designated to him, such individual, officer, or other prisoner, shall forfeit so much of the benefit of this article as provides for his liberty on parole or in cantonment. And if any officer so breaking his parole or any common soldier so escaping from the limits assigned him, shall afterwards be found in arms previously to his being regularly exchanged, the person so offending shall be dealt with according to the established laws of war. The officers shall be daily furnished, by the party in whose power they are, with as many rations, and of the same articles, as are allowed either in kind or by commutation, to officers of equal rank in its own army; and all others shall be daily furnished with such ration as is allowed to a common soldier in its own service; the value of all which supplies shall, at the close of the war, or at periods to be agreed upon between the respective commanders, be paid by the other party, on a mutual adjustment of accounts for the subsistence of prisoners; and such accounts shall not be mingled with or set off against any others, nor the balance due on them withheld, as a compensation or reprisal for any cause whatever, real or pretended Each party shall be allowed to keep a commissary of prisoners, appointed by itself, with every cantonment of prisoners, in possession of the other; which commissary shall see the prisoners as often as

he pleases; shall be allowed to receive, exempt from all duties a taxes, and to distribute, whatever comforts may be sent to them by their friends; and shall be free to transmit his reports in open letters to the party by whom he is employed. And it is declared that neither the pretense that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending the solemn covenant contained in this article. On the contrary, the state of war is precisely that for which it is provided; and, during which, its stipulations are to be as sacredly observed as the most acknowledged obligations under the law of nature or nations.

ARTICLE XXIII

This treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the President of the Mexican Republic, with the previous approbation of its general Congress; and the ratifications shall be exchanged in the City of Washington, or at the seat of Government of Mexico, in four months from the date of the signature hereof, or sooner if practicable. In faith whereof we, the respective Plenipotentiaries, have signed this treaty of peace, friendship, limits, and settlement, and have hereunto affixed our seals respectively. Done in quintuplicate, at the city of Guadalupe Hidalgo, on the second day of February, in the year of our Lord one thousand eight hundred and forty-eight.

N. P. TRIST
LUIS P. CUEVAS
BERNARDO COUTO
MIGL. ATRISTAIN

Transcription courtesy of the Avalon Project at Yale Law School.

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FOOTNOTE 4

OVERLAND WEST

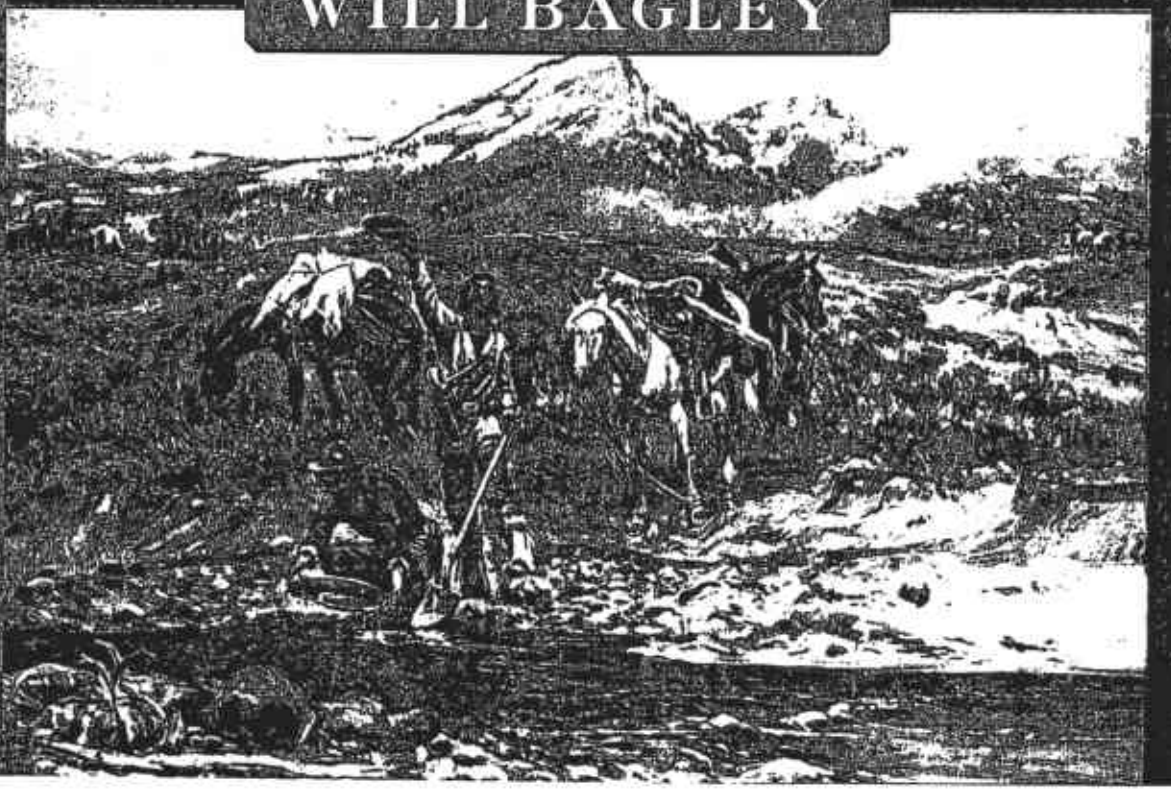
THE STORY OF THE OREGON AND CALIFORNIA TRAILS

VOLUME II

WITH GOLDEN VISIONS BRIGHT BEFORE THEM

TRAILS TO THE MINING WEST 1849–1852

WILL BAGLEY



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CHAPTER 5

Shortcuts to Death

Cutoffs, Detours, and Delusion in 1849

By the first of September 1849, no more than a third of the emigrants who had set out for California had reached the goldfields. Those who fell behind faced grim prospects. "There are fearful apprehensions by many persons about the emigrants, who are some distance back; it is believed that at least half of the wagons can't possibly get here in consequence of grass being in many places," wrote D. H. Moss from Sacramento.[1] "If the emigrants do not this side of the California mountains before the last of October," Edward Ord predicted, "it is very doubtful whether they will be able to get through alive."[2] The grass was gone, "and God only knows how the last trains can get through," Lorenzo Delano observed. "Many with families of little children are suffering. Those behind on the Humboldt must suffer severely if not perish."[3] On the Carson River, "men were left dead & dying, uncared for, for nearly all were weak & suffering and all fearing to share the same fate," Edmund Booth told his wife.[4] The human tide reached the Black Rock Desert in mid-August, a strange mirage drew most of the emigration onto the Lassen Trail and its imagined riches in the mines. This was a costly mistake for a third of the Forty-niners, who relieved pressure on the routes across the Forty-mile Desert. Similar forces led to other alternatives, as when fear of meeting the fate of the Donner party induced perhaps a thousand adventurous folk to try a southwestern trace from Salt Lake the Saints to the City of the Angels. Only a single wagon had tried the route, but the following year's experiment left behind a wagon road and Mormon Valley its name. Even the Hastings Cutoff, whose evil reputation after the debacle should have ended its use, saw its heaviest travel in 1849 and

[1] [illegible]ber 1849, in Wyman, *California Emigrant Letters*, 65.
[2] [illegible] 2 September 1849, "Letters from California," *Missouri Whig*, 29 November 1849.
[3] [illegible]*nia Correspondence*, 13 September 1849, 18.
[4] [illegible] "Mary Ann," 3 November 1850, in *Edmund Booth (1810–1905), Forty-niner*, 31.

1850, after which no wagon ever used it again. These variants had few advan and none saved distance or time, but they all provided choices that reduced devastating impact emigrants and their animals had on western grasslands.

At Goose Creek in early August, Edward Jackson found "the valley wou beautiful, were it not that the immense emigration that has gone before u camped on every foot of ground which gives it the appearance of a Boston mon after a 4th of July." Ironically, Peter Lassen's terrible road attracted en travelers to make the old road a better choice. By the time Jackson reached Tr River and the old California Trail, the detours to Lassens Ranch and Carson had absorbed most of the traffic on the road. "The two cut-offs which so have taken had made the grass on the regular road very good," Jackson noted motto is, 'Never forsake an old for a new.'"[5]

The revolution of 1849 remade the road west, but the transformation trail in that extraordinary year was part of an ongoing, organic evolution trail grew as relentlessly as cheatgrass, developing entirely new trunk lines li Cherokee Trail, which connected Fort Bridger with Fort Smith, Arkansas. W travelers sought out new paths around apparently insurmountable obstacle as the trackless deserts of the Great Basin or the ramparts of the Sierra Ne It is a dramatic story, an adventure that exacted a telling cost from anyone answered the Siren's call of a cutoff to El Dorado. In the face of what looke an inevitable catastrophe, a remarkable effort by the military government an people of California—an astonishing example of frontier compassion toward who had dallied too long or had taken too many purported shortcuts—av total disaster. Singular acts of benevolence saved hundreds, perhaps thous including the most rugged of the individualists who owed their lives to the ge osity and cooperative effort of a newborn community, from starving in the d or freezing in the mountain passes.

To Apprise the Prairie Traveler of a New Road: The Cherokee Trail

Forty-niners who reached Fort Bridger at the end of July met one of the most ble wagon trains ever to cross the plains. On 24 April 1849, some 130 Ark and Cherokees calling themselves the Washington County Gold Mining Co left the salt works on the Grand Saline in the Cherokee Nation with forty w to join the scramble to California. A few of its members were veterans of the rush to the mines of northern Georgia, whose discovery precipitated the re

[5] Jackson, Journal, 8 August, 3 September 1849, BYU Library.

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ber, *Southern Trails to California*, 333–3
ely, *Cherokee Trail Diaries*.
ton, "Report," 400; Bieber, *Southern T*

large an accession of mouths, in addition to those of our own emigration," [illegible] wrote, "threatened almost a famine for bread."[75]

Those who took the Salt Lake Cutoff had mixed reactions about the qua[illegible] the road and the nature of their reception, but the Mormon lion's encounte[illegible] the Forty-niners was generally a happy experience for both sides. Some who [illegible] on the main trail regretted not visiting civilization. "We are lamenting very [illegible] that we did not go by the way of Salt Lake and pay a visit to the *Mormons* a[illegible] who went that way enjoyed themselves so well," wrote Cyrus Sumner. "It wo[illegible] worth 10 dollars to see a human habitation again and some ladies—they sa[illegible] are 3 women for every man at Salt Lake—and that the Ladies are very cle[illegible] sociable and will not let the poor Emigrants want for anything."[76]

Seem Like Crazy Men: The Hastings Cutoff

Not a single wagon had ventured over Lansford Hastings's road across th[illegible] Desert since the Donner party disaster in 1846. The size of the emigration, a[illegible] popularity of Edwin Bryant's book and T. H. Jefferson's *Map of the Emigrant* [illegible] helped revive this dry and difficult route. The hectic summer of 1849 mad[illegible] "so anxious to reach the diggings in the shortest possible time that they ch[illegible] any and every reported cutoff which might be supposed to shorten the dista[illegible] Charles Kelly observed. When he published his study of the Hastings Cut[illegible] 1952, the only information about the road in 1849 was from secondhand re[illegible] recorded by diarists "who themselves remained on the regular California Trail [illegible] whose friends took the cutoff."[77]

The redoubtable Saint Louis attorney P. Dexter Tiffany once again fills a [illegible] the historical record. After abandoning the Pioneer Line near South Pass, Ti[illegible] headed west on the Hastings Cutoff on the morning of 20 August 1849 w[illegible] companions who were "packing it" to El Dorado. "For the first time in m[illegible] I packed a mule without instruction or assistance & succeeded so well [illegible] packs never came loose," he observed proudly. After a dip in the Great Sa[illegible] his party camped "on a small brook some 2 miles beyond Hastings Well[illegible] today's Grantsville. Following Jefferson's map, about fifteen men spent a da[illegible] advantage of the excellent forage at Hope Wells to prepare for the ma[illegible] the Salt Flats, with Tiffany "mowing grass & sewing up my India rubber [illegible] to put water in for my stock." After grazing their mules on the fine bu[illegible]

[75] Brigham Young, 8 October 1849, in Roberts, *Comprehensive History*, 3:338–39.

[76] Sumner, Letters from Uncle Cyrus, 15 August 1849, Bancroft Library. For the political evolu[illegible] tionship, see Bigler, "The Elephant Meets the Lion."

[77] Kelly, "Gold Seekers on the Hastings Cutoff," 9–10.

Dell, at 5:00 P.M. the packers and fifteen more men from the Ithaca and Mining Company began "the 'Long drive.'" They climbed "some six or the top of the ridge, the last two miles of which was up some very steep Hastings Pass, where Tiffany took in the expansive view from Scorpion in today's Stansbury Mountains. He "saw nothing of the dreariness & of the horror" Edwin Bryant had experienced in 1846.

noted at the edge of the Great Salt Lake Desert, "Our route was nearly as far as I could judge, it appeared to be a succession of plains separated by ges of 10 or 20 feet high. Some appeared to curve around so as to form the immense basin." Part of the playa was "entirely destitute of all vegetation so as your parlor carpet & perfectly white," and "most of these plains are afford fine roads although the ridges are mostly of sand as white as snow." approached Silver Island, Tiffany found "the surface of which is not broken vegetation & as smooth as water about the colour & consistency of wet into which the feet of our horses & mules sank in some few places just over Wagon wheels sank "some six or 8 inches though these places are not though frequent." As Samuel Hensley had learned in 1848, after a rainstorm man nor beast could cross the playa. Not long before dawn, "down this swept a very strong current of air so cold that it immediately compelled me button up my coat to my chin, tie 2 handkerchiefs around my throat then put gloves & my blanket coat & still was very cold."

With the coming of daylight, Tiffany found six wagons "apparently abandoned as I came up I found men in them, some of whom arose as I came up." The had loaned their oxen to their companions "to help them out expecting the hour after they should cross this long drive. It was the most dreary desolate discouraging sight I have seen on the way." Exhausted oxen littered the trail's next miles. He finally reached the "fine springs & fine grass" at Pilot Spring at M., "my horses in good condition, myself not very tired, having been out 12 hours & having been about 18 in motion." The not-very-tired Tiffany col- and slept till sundown. His friends had fared much worse, losing two horses mule. The debilitated livestock "had been driven from Missouri this year & broken down & the same was the case with the ox teams." Unlike many others crossed the Salt Desert, he thought that "with fresh animals or those in condition I should have no hesitation in making the trip whether with waggons It has been represented as being much more difficult than it really is to this place for to a resolute man there are none." Tiffany did note, however, the effect of a heavy rain might be on the 12 miles [of] *mud* I know not."

all who survived the crossing, Tiffany's company lay over the next day and out again in the evening after a second day's rest. "I felt sick & weak & slept

& dozed all day & thought I should have a return of the fever & could not go o
I did," he wrote. His party traveled until 1:00 A.M., rested, and did not make
until almost noon the next day. After visiting the "warm sulphurous" Mound Sp
where "the water boiling up has thrown up a mound some ten or 15 feet
and as big as a square in Saint Louis, the packers crossed Ruby Valley. Their
showed that the Hastings road meandered 120 miles to get only thirty miles
so the Ithacans "determined to make a cut-off over the mountain." The guide
soon hopelessly lost among the canyons of the Ruby Mountains. In disgust, Ti
"told the men I would go not a step further as I would not risk my horses ove
steeps." Backtracking alone, he encountered five Shoshones, who fortunately g
him with "How do" and "Swop." He fell in with some of his old friends "withi
rods of an old camping ground" on the main trail down the Humboldt: "A
good guess for a Yankee," Tiffany wrote proudly. His friends had found the
over Secret Pass and they all camped together once again on 2 September.[78]

Most who risked the purported shortcut found the "roads dusty and hard w
ing," wrote O. J. Hall. Those who took Hastings Cutoff "went 60 miles wi
grass or water, many died—some that reached water were past speaking
black tongue, blood ran from mouth. When they revived they carried water b
others. It must have been a horrible scene. Wagons lay in piles, and property,
the trail," Hall said. The "very thievish" Indians had stolen eleven head of ca
one place: "Some lost their whole train by death or theft and have to take pa
back and seem like crazy men."[79] A pack train from the Colony Guards and
cutoff veterans told Goldsborough Bruff about their "great sufferings on the
desert of 'Utaria.'" Hastings Cutoff was "82 miles perfect arid waste," Captain
McNulty complained. "They suffered much—reduced to the necessity of dri
their mules' urine, &c.," Bruff reported. McNulty then made a dire predic
The rest of the Guard proposed taking a southern road from Great Salt L
California, "a route in my humble opinion, which will consign many emigra
their animals to the wolves, and the rest to much suffering."[80] McNulty wa

Great Chains of Mountains: Forgotten Corridors

As he painfully made his way up Carson Valley in late September, Gordo
was overtaken "by a 'pack' train from the south that started to go the 'Fort S
rout." Everyone who "started on that trail, found that it was uterly impossible
through, have come north to the Santefee rout, and finding this also impra

[78]Tiffany, Diary, 20 August to 3 September 1849, Missouri Historical Society.
[79]Hall, Diary of a Forty-Niner, 23 September 1849, Utah State Historical Society, 7.
[80]Bruff, *Gold Rush*, 17 September 1849, 560, 176.

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urnal of Travels," 2 October
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Diary, 139, 171n104.
ell, *A Forty-niner from Tennessee*,
, *Death Valley in '49*, 74–101. M
California. See ibid., 84.

Mormons to get out of Zion as it had been to get in. Brigham Young did leaving the Salt Lake Valley to be easy.[130]

Eventually, the benefits of the route became too great to ignore. The Stage came down Parleys Canyon in 1862, and that same year a new to Silver Creek Canyon shortened the route. Mormon trains began using th Pass, and it soon became the preferred road into the Salt Lake Valley, even it still had its problems. "The road through this kanyon again was very liam Ajax reported in 1862, "and it was a source of wonder to me why it such a wretched condition, as the bestowal of a little sum, even where of labour is as high as it is in this country, would make it a good one."[131]

The Story Was Not True: The End of the Hastings Cutoff

Exactly why anyone used the Hastings Cutoff in 1850 is a mystery. Th ous reputation of the road across the Salt Desert was no secret—and, a Waldo observed, "All remember the fate of the Donner party."[132] Forty-nin revived the trail had nothing good to say about it. Yet in 1850 someone w the same false claims used in 1846 to lure travelers onto "*Hastings Longtr* hundreds of gullible emigrants began "fixing to get a short cutt off in fif to save twenty days travel, and we thought it best to go the nearest roa Robert Chalmers.[133] "We calculate to take Hasting's cut-off, which is said nearest route," Samuel Ayres told his wife.[134] At Great Salt Lake that Ju excitement prevailed among the emigrants in relation to this Cut-off. S mountaineers proffered, for a considerable sum of money, to be paid in ad conduct companies by a new route across the Great Basin Desert to the 'G gings,' in eighteen or twenty days," wrote Adam Brown. "Many companie these proposals, and others followed the trail of the proceeding compani prepare for the "Morman Cut Off," Costmor Clark's party made pack sad "disposed of all our provisions excepting rations for 25 days, which we last us through,"—a costly mistake.[136] "We were told of a much shorter r that taken by wagons, through which we might 'swiftly glide' on horseb pack animals," William Bennett recalled. "We believed in this cutoff."[137]

[130]Ibid.; and author's conversations with Harold Schindler.
[131]Ajax, Journal, 5 October 1862, BYU Library.
[132]"News from the Plains," 12 September 1850, *The Gazette* (Davenport, Iowa), 28 November 18
[133]Chalmers, "Journal," 20 July 1850, 47.
[134]Ayres to "My dear girl," 27 July 1850, Western Historical Manuscripts.
[135]Brown, "Over Barren Plains," 12 August 1850, 25.
[136]Clark, "Trail of Hardship," 17, 18 July 1850, 149.
[137]Bennett, *The Sky-Sifter*, 278–79.

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Diary, 20 July 1850, Calif
211, 114.
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Mormons offered their services as guides across the cutoff, but the route's main promoter was Auguste Archambault, who had crossed the Salt Desert in 1846 with John C. Frémont and now served as Captain Howard Stansbury's chief guide. Neither the local citizens nor the government explorer recommended the route to Islanders, and Archambault admitted Frémont had lost ten mules and several [illegible] crossing the Salt Desert. Joseph Pike was worried enough about the pur[illegible] shortcut to call on the topographical engineer "and found out what informa[illegible] could about Hastings cut off." Stansbury, who had crossed the Salt Desert's [illegible]like landscape the previous autumn, was well aware of the trail's problems: "[illegible]hole plain is as desolate barren & dreary as can well be imagined," he wrote [illegible] his expedition camped amid the wreckage of abandoned wagons. But [illegible]er Stansbury told him, Pike took the cutoff immediately after speaking [illegible] captain.[138]

[illegible] Newcomb's friends made the year's first recorded crossing of the cutoff [illegible] behind the grim route's only known humorous anecdote. Newcomb met [illegible] Vedder, Marsh, and their pack train on the Humboldt, at the end of their [illegible] arduous trek. The men advised "all to Keep the old road as being safest [illegible]—They are nearly out of eatibles and provisions being generally scarce. [illegible]k with foreboding to the future." Carlisle Abbott recalled that as the three [illegible]uggled through the desert, one of them prayed, "O Lord Almighty, send [illegible]ne drop of rain!" Soon a few clouds appeared and rain began to fall. The [illegible] men spread out a rubber blanket, but no more than a scattering of drops [illegible] damnphool," cursed Marsh, "might just as well have prayed for a barrel [illegible]s for a drop, for he got ten times as much as he asked for."[139]

[illegible]argest party ever to cross the Salt Desert, consisting of no fewer than [illegible]ndred men, left Great Salt Lake City on 22 July "to take the much-lauded [illegible]nder the guidance of a Frenchman who said he had traveled that way [illegible]hree times with Fremont and others." This was, of course, Archambault. [illegible]halmers set out a day earlier after meeting the renowned guide. "We [illegible]om S. L. City with 20 days provisions but expected to be in California [illegible]as we heard others had gone there in that time; but we found that the [illegible]ot true," he wrote. His delusion was widely shared, and William Ben[illegible] the guide who told this unlikely story. Archambault caught up with [illegible] Donner Springs "with his company of two or three hundred, which [illegible] to pilot them this far. They had lost some of their animals and had [illegible] dead on the plains," who had died of fatigue. This was not the only

[illegible] July 1850, California State Library, 15; Chalmers, "Journal," 49n23; Stansbury, *Exploration*

[illegible]verland Journey, 4 August 1850, Beinecke Library, 143; Abbott, *Recollections*, 53–56.

casualty of the Hastings Cutoff: Finley McDiarmid attributed a death at Willow Creek to cholera. John Lowery Brown, with one of the two Cherokee companies that used the route in 1850, reported four deaths due to "the Sickness pervading in the company" between today's Grantsville and Skull Valley. Four more died of "diarear" at Pilot Peak.[140]

On the edge of the Great Salt Lake, Costmor Clark went to bed "expecting to sleep to dream of salt—of swimming in salt and breathing sulphurretted hydrogen and every other stink on earth." In late July, Clark found hundreds waiting at Redlum Spring, competing for a trickle of the very bad water "found by digging holes at the bottom of a ravine" as they tried "to recruit their animals and prepare for crossing the great '90 mile desert.'"[141] Finley McDiarmid admitted he was "taking Hastings cut off, the lefthand road from the city contrary to the advice of the Mormons and Captain Stansbury. Thus we intend to risk the alkalie swamp or desert." Like the thousands of others who took that gamble, McDiarmid came to regret it. The wagon road crossed the Cedar Mountains over Hastings Pass "about 5 miles north of where Frémont crossed" in 1846 and "by far the most perpendicular of any we have found upon the whole route," he complained. He gave a graphic account of the dangerous muck lurking below the thin crust of the Salt Flats. "Captain H. Stanbury told me this is a very dangerous desert," McDiarmid wrote. "An ordinary rain would make the road altogether impassible for foot [to] say nothing about stock and wagons. Out of the roads there is no *bottom* to the ashy, sticky, stuff." Joseph Pike endured "a terable storm of wind and rain" in July. Three days later on the Salt Desert, "It began to rain finely and continued to rain for an hour or more which mad[e] a plenty of mud." He broke his whip tongue but somehow pulled through the mire.[142]

Previously unknown 1850 narratives provide surprising detail on the Hastings Cutoff's precise route across the Salt Desert playa, a subject of much controversy. A. S. Davies gave a short but powerful description of his crossing in mid-August. After taking on sixty-five gallons of water at Hope Wells, he "rolled out 12 miles to the last spring" at Redlum Spring, where "we watered our teams resting till 4 pm, then went out 4 miles to the summit of the mountain" and found "plenty of bunch grass." Davies stopped at sunrise, ate breakfast, and drove five miles

[illegible] spring was the last source of [illegible] of the parched Salt Desert. [illegible] ling at the spring in 1929. U

[140]Bennett, *The Sky-Sifter*, 287; Chalmers, "Journal," 28 July, 5 August 1850, 48–49, 55; Kelly, "Gold Se[illegible] the Hastings Cutoff," 16, 25; McDiarmid, *Letters to My Wife*, 4 August 1850, 50; Brown, "Journal," 7 August [illegible]

[141]Clark, "Trail of Hardship," 27 July 1850, 150. Redlum Spring apparently derived its odd name from [illegible] Jackson Redden (1817–1891), a bodyguard to Joseph Smith and scout for Brigham Young in 1847. During [illegible] Redden acquired a notorious reputation along the Humboldt as a "white Indian" but ended his days in [illegible] justice of the peace.

[142]Madsen, *Exploring the Great Salt Lake*, 186; McDiarmid, *Letters to My Wife*, 2, 6, 8 August 1850, 49; [illegible] Diary, 23, 26 July 1850, California State Library, 17. The relentlessly positive Pike concluded the rain "was [illegible] to us in the end so we had no reason to complain."

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REDLUM SPRING

pring was the last source of water on the Hastings Cutoff before emigrants had to cross ninety of the parched Salt Desert. Charles Kelly probably took this picture of his brother Dwight ing at the spring in 1929. Utah State Historical Society. All rights reserved.

Grayback Ridge. After pushing on another eight miles he stopped, "gave the c
4 gallons of water each [and] rested 4 hours." Next came the "big salt flat th
7 miles *to a bend in the road to the north west* thence 8 miles to a point of moun
at Floating Island. "Here we saw men and beasts suffering for water [and]
offering $5 a pint for water." He crossed Silver Island by 9:00 A.M. and calle
ten-mile playa to Pilot or Donner Spring, "a welcome sight. I must say that
the most suffering here than I ever saw with man and beast. We was told
only 60 miles accrost but it is 90 miles measured."[143]

Like most parties, Costmor Clark's pack train started the fearful long
across the Salt Desert in late afternoon. Beyond Grayback the harsh terrain,
ingly composed of sand ashes and salt mixed with cobble stones into which w
almost knee deep," nearly crippled his moccasin-clad feet, while "the dust
by the travel ahead and blown into our faces by a strong wind was almost b
endurance," he wrote. "It was the greatest difficulty we could either see or br
The desert playa was "a perfect level, resembling a lake covered with ice—th
on the surface white and glittering in the sun like snow," which made for pl
traveling. Clark passed the sand-covered ruins of "the bones of animals, wa
and various other articals of property"—probably forsaken in 1846 or 1849
which he thought belonged to "a company of Mormans, who, while attempti
cross the desert were overtaken by a rain which so softened the crust which co
the surface of the plain that it would not bear up their teams, they were obl
to abandon them to their fate." Now "in many places the crust will scarcel
up a waggon however no one has broken through as yet." Learning Silver
was still twenty-five miles from water, Clark's relentless optimism gave
despair: "All around us were animals dying of hunger thirst and fatigue and
men as well as women in nearly the same condition." His party met a young
carrying two canteens; he invited them to drink as much as they pleased and
them about "a waggon load of water sent back by parties" only a half-mile a
"The 'water man' informed us that he was hired to meet the emigrants," a hu
arrangement funded by contributions. Clark finally reached Pilot Springs
noon: "The place has quite the appearance of a town. Tents are pitched on
side and men and women are moving about in every direction."[144]

John Ferrill was with the rearguard of the emigration. Like those before
his party found the cutoff to be twice as long as advertised. They managed to
without much trouble but found desperate families strung out for miles. "S

[143] Davies, Journal to California, 15–17 August 1850, Idaho State Historical Society, emphasis added. T
experts, Rush Spedden and Roy D. Tea, have made significant contributions to our understanding of the
Cutoff but disagree on important details. Davies's short account helps resolve the controversy. See Spedd
Fearful Long Drive," 2–16; Tea, "The Salt Lake Desert Treadmill"; "The Limitless Plain," 20–38, and 61–
[144] Clark, "Trail of Hardship," 28–30 July 1850, 150–51.

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[145] Ferrill, "Early Days," 26 June
Library, 17–18.

sing sight I had never seen," Ferrill recalled. "We found some of them with tongues swelled out of their mouths, and one poor fellow who attempted ed himself and drink his own blood." Opportunists were selling water at pint. On reaching Donner Springs, Ferrill and his friends borrowed two ns, loaded them with water, and returned to the desert to relieve the suf- families. "After using our water, we loaded our two wagons with human , which so lightened the loads that all arrived safely and rested for two he remembered. John Wood confirmed Ferrill's recollection. "Emigrants iving here all the time from the desert, almost famished for water; they say women and children are dying with thirst and fatigue. All start in ignorance distance across, and many take but little water and they must perish," he "Our company rigged out a team loaded with water and have gone back e desert to relieve the suffering, without money and without price. They many at the point of death, and saved them, many suffering extremely." elief work had been underway for a month. Joseph Pike met men returning desert, "sending out water by the wagon load and many were packing it in canteens" as he struggled over the last miles to water. "A more benovelent men I never saw. The next morning the emigrants raised a $100 dollars to out water to the perishing."[145]

worst of Hastings Cutoff ended at Pilot Peak, but the ordeal was not yet ver. Two mountain ranges and sixty more miles of sagebrush and greasewood ated travelers from the refuge at "Fountain Valley," where John Wood passed eds of springs that created what he called "the most beautiful stream in the Ruby Valley's Franklin River. Here Wood saw a dead Shoshone with "a n one hand and an arrow in the other," apparently shot off his horse. "The intense excitement now prevails among the emigrants; all are in a dread ar of the Indians." Rumor said five packers had been "barbarously murdered Indians" while crossing Secret Pass, "and this intelligence has excited the e of all the emigrants, and every Indian is shot that can be seen." Wood's almost shot two old traveling companions, having mistaken them for Indians. migrants "were in an enemy's land, in the midst of a host of blood-thirsty vengeful savages, expecting their vengeance to be wreaked on us this night." ntington Valley, Wood heard guns firing almost constantly, accompanied "most desperate yelling, as if death was being dealt out by wholesale." He ht he was hearing emigrant cries, but on reaching camp J. H. Robinson said mpany had assaulted a Western Shoshone band "and it was the effect of this hat made the Indians scream so terrific." His men "killed eight or ten of

rill, "Early Days," 26 June 1892; Wood, "The Journal," 7 August 1850; Pike, Diary, 27 July 1850, California rary, 17–18.

them in the willows," Robinson guessed. Upon reaching the Humboldt, [illegible] party "felt like we ought to have satisfaction from the Indians so we rallied [illegible] of 35 men" who attacked a Native village "and fought them four hours, an[illegible] fortune, killed fifteen of the rebels."[146]

Many had abandoned their wagons after crossing the Salt Desert, but tho[illegible] kept them had to make the cutoff's long southern detour to traverse another [illegible] tain range at Overland Pass. There the trail turned north up Huntington [illegible] for forty miles to the trail down South Fork Canyon. Costmor Clark "cro[illegible] stream 24 times in passing through—Waggons were obliged to keep the [illegible] of the stream most of the way" before they emerged into the grass, clo[illegible] wild flax fields of the Humboldt River Valley, where he found "encampm[illegible] emigrants in all directions." In fifteen miles, "we crossed it about twe[illegible] times, some places having to wade along in it crotch deep, for a half mile" [illegible] John Wood. It was the perfect ending to Hastings Cutoff, which James R[illegible] calculated to be 461 miles long.[147]

"All the emigrants that come that road say that it is at least one hundre[illegible] farther than the north road besides crossing a ninety three mile desert o[illegible] they tell us there is a great deal of suffering, there being neither grass nor wa[illegible] that distance," wrote Solomon Litton, who heard "the Indians are also ver[illegible] what's called the cut-off from Salt Lake." He saw a man reduced to "begging [illegible] that had left all that he had on the desert even to his coat, shoes, butcher kni[illegible] He got so weak they were two heavy for him to carry. He had nothing o[illegible] shirt and pantaloons and his feet wrapped up with rags." A great many "lo[illegible] animals and some lost their outfits entirely and came very near losing their li[illegible]

"I have seen a number who came by this route, and by comparing no[illegible] ascertained that the Cut-off was a 'cut-on,'" commented Adam Brown. Th[illegible] parison showed "we had made this point in three days less time than pack[illegible] teams who came by the Hastings route!" Before returning to Great Salt La[illegible] the edge of the Salt Desert, the cutoff's "guides" assured their trusting clie[illegible] El Dorado lay only days ahead and provided them with "full directions," b[illegible] ruining their teams, their "arrival at the Humboldt river exposed the dec[illegible] The emigrants had suffered "almost beyond endurance," Brown wrote [illegible] provisions are exhausted, and they have yet nearly five hundred miles to tra[illegible]

"I never suffered so much before in all my life & thousands as well as us" [illegible] George Lawson. "We started out that road as we heard it was one hundre[illegible]

[146] Wood, "The Journal," 17–23 August 1850.

[147] Clark, "Trail of Hardship," 19 August 1850, 152; Wood, "The Journal," 19 August 1850; Korns [illegible] *West from Fort Bridger*, 232–33.

[148] Litton to "My Dear Wife," 30 November 1850, Western Historical Manuscripts.

[149] Brown, "Over Barren Plains," 12 August 1850, 25.

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Manuscripts.

miles shorter than the one by the north of the lake [the Salt Lake Cutoff], but we found it about fifty or a hundred miles farther."[150] On his last day on the Hastings Cutoff, Joseph Pike called it "the hardest and worst road I ever undertook to travel."[151] The only woman known to have kept a journal of the ordeal expressed relief upon reaching "land and water" after crossing the Salt Desert. "We are across the great horn valley. The men are all tired to death as well as the cattle," Sarah Davis wrote. "We [lost] no catle nor horses. We got through safe and are thankfull."[152] Despite her gratitude, Hastings Cutoff had not served its victims well. Mormon guides and couriers used it occasionally during the 1850s, but no overland emigrant ever made the long, hard drive again.

The Desert Was like the Whirlpool: The Humbug

Many 1850 travelers packed enough supplies to carry them through to California. By the time they reached the Humboldt, most were running low or already out of provisions. Supplemented by bands from outside the Great Basin, local Paiutes and Shoshones launched nightly raids on livestock that made sleep almost impossible. Many travelers died in these raids, but angry overlanders killed many more Indians as they meted out rough justice. The march down the desert river became a spectacle of violence, despair, frustration, and starvation. "Country all around to the world's end dry as powder, no vegetation, except on the river," Henry Wellenkamp wrote at Travelly Ford. "The river is lined with dead horses, mules and oxen, shattered wagons in every direction."[153] Was it strange that "some should become desperate, and commit suicide, rather than continue a living death?" asked Alonzo Delano. Three men and two women drowned themselves in the river, "frantic from suffering." The women could no longer witness the suffering of their children, and "chose the dreadful alternative." No one who had not experienced the ordeal could realize the depths of desperation they faced: but Delano could "readily understand their effect despair under the circumstances."[154] The rocky and dusty roads down the river were "enough to kill the devil," complained William Hanna.[155]

The wet season of 1850 flooded the old roads, which complicated getting down the river. "The Humboldt River was very high, said by some who travelled the road last year, to be six to ten feet deeper than last year. Its waters spread wide over

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Lawson to "Dear Parents," 16 September 1850, Huntington Library. Lawson said he "had good grass & water all way untill we struck the main road. Then it was rather scarce."

Pike, Diary, 14 August 1850, California State Library, 22.

Davis, "Diary from Missouri to California," 30 August 1850, 2:194.

Wellenkamp, Travel Diary, 20 July 1850, Western Historical Manuscripts.

Delano, *Life on the Plains*, 238.

Hanna, Diary, 1850, Oregon Historical Society Library.

FOOTNOTE 5

Sun Set clear and calm, Temp. 68°. Dusk a light breeze sprang up N.

Next to the strip of grease-wood, — running length of valley, is an elevated plateau, parrallel, and at the base of the hills. The indentations in it afford plenty of good grass, in patches. Here are also some tanks and springs of sulphur water. 8¾ ms. from noon-halt to this camp, making 11¾ miles to day. — The trail was a circuitous one, on account of springs and marshes. A straight line, from this to Black Rock, Boiling Spring about 8 ms. — The rock bears S.E. by E. from this camp. There are many companies camped here, — 10 P.M. Dr O'Brian & family came up, and camped close by, with Dr McDonald & lady. Here are Missourians, Illinoisians, Cherokees, &c — A small compy of Missourians, close to us, lost a member to day — board at head of grave: —

"John Chancellor,
of Lexington, Mo.
Died Sept. 22. '49,
of Typhoid Fever."

SEPT. 23. Commences clear and calm, Temp. 46°

The springs and tanks of sulphur water are cool.

On inspection, find we have 1,925 lbs bread-stuffs, which at 60 lbs pr day, allows us 32 days' rations. Some of the mules are very poor and weak, and several wagons require repairs. I condemned one, and distributed the cargo and team.

Merdn clear and calm, Temp. 90°

A few hundred yards below our camp is is [sic] a levil white sun-baked mud plain, sprinkled over with fragments of black volcanic scoriae, lava, pumice, & obsidian. In many spots, in an area of ½ mile, are dark brown volcanic stones, in lumps from size of a man's head to that of a barrel, evidently had been projected from some volcanoe near this. — they are all more or less buried, — according to their weight, and surrounded by fragments and minute particles of the same rock. And the indentations in the neighborhood, and the cracks and dreins therefrom are filled with granular fragments wased [washed] away by the rains.

Found on the surrounding plain, fragments of beautiful agates, and some arrow-heads of quartz and obsidian.

The companies camped here, moved off to-day, except the Cherokees, and an Arkansas company.

Some of the travellers, among other rascalities, are in the habit of putting up erroneous notices to mislead and distress others. I had the pleasure of correcting some of these statements, and thereby prevented misfortune. (*Fremonts'*

FOOTNOTE 6

Trails West, "Nobles Trail" http://emigranttrailswest.org/virtual-tour/nobles-trail/

Nobles Trail

In the spring of 1852, William Nobles convinced the merchants of Shasta City, near present day Redding, California, that he had discovered a viable wagon road to their thriving town. Nobles proceeded to show them the new wagon route that initially branched off the Applegate Trail at Black Rock and headed southwest across the Black Rock and Smoke Creek Deserts to Honey Lake Valley and Susanville. From there the trail continued westerly through forested and volcanic country, finally descending to the upper end of the Sacramento Valley at Shasta City. The Nobles Trail proved to be one of the easiest of all the wagon routes into northern California and received heavy use in subsequent years. For more information on the opening and development of the Nobles Trail, see Trails West's A Guide To The Nobles Trail. Enjoy your photo tour of this historic emigrant trail.

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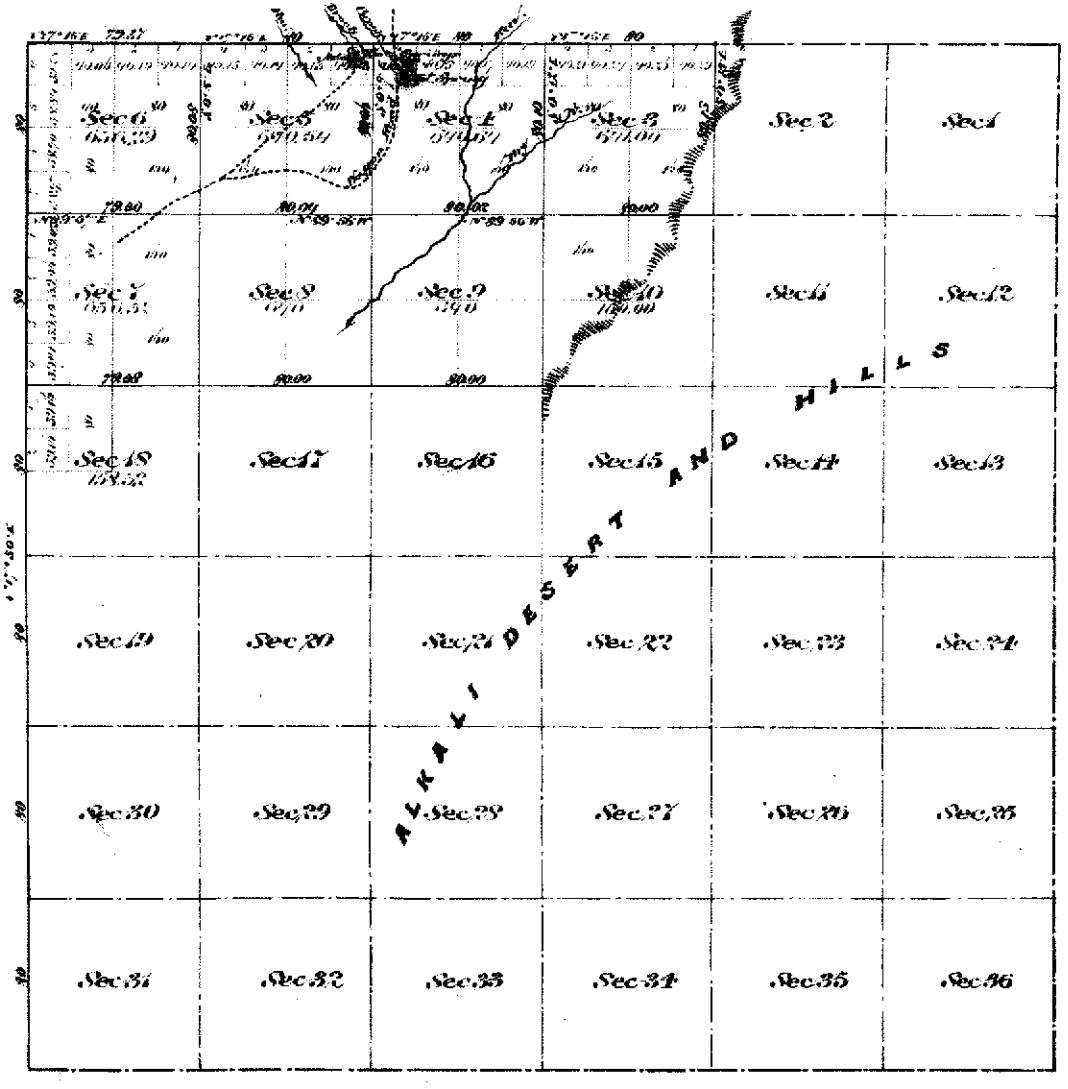
FOOTNOTE 7

Township No. 36 North Range No. 26 East Mount Diablo Meridian



Aggregate area of Public Land Surveyed 4,723.11 acres
Estimated " " Wholly deficit 15,334.96 "
Aggregate 23,012.07 "

Commenced February 7th 1877
Completed " 3rd "

Subdivision lines not otherwise noted run with the Township lines

Surveys designated	By whom surveyed	Date of contract	Amt of Surveys	When surveyed	Miles
West boundary	Geo. W. Yarnside	Dec 12 1876	6 – 00 – 00	1877	65
North "	" "	Nov 11 1876	4 – 00 – 00	1877	74
Subdivisions	" " "	" "	23 – 79 – 53	February "	"

The above Map of Township No. 36 North Range No. 26 East Mount Diablo Meridian is strictly conformable to the field notes of the survey thereof on file in this office which have been examined and approved
U.S. Surveyor General's Office
Virginia City Nev.
April 6th 1877

C. S. Ogden
U.S. Deputy Surveyor

0556

T36N, R26E.

VD

TOWNSHIP 36 NORTH RANGE 26 EAST OF THE MOUNT DIABLO MERIDIAN, NEVADA

SECTION	SUBDIVISION: NE ¼				NW ¼				SW ¼				SE ¼				LOTS	OTHER DESCRIPTION	ACRES	KIND OF ENTRY —OR— PURPOSE OF ORDER	SERIAL FILE —OR— ORDER NUMBER	DATE OF ACTION	DATE POSTED	—REMARKS— E. G. DATE CLOSED, TERMINATED, REJECTED OR RESCINDED
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	FOR ORDERS EFFECTING DISPOSAL OR USE OF UNIDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION, MINERALS, WATER, AND/OR OTHER PUBLIC PURPOSES, AND INDIAN TREATIES, REFER TO INDEX OF MISCELLANEOUS DOCUMENTS						
4						X												14N 19E	40.8	SS Act of Cong 6/16/1880	4	1/7/1884		
5																	1	16N 22E	40.12	SS Act of Cong 6/16/1880	24	10/25/1897		
34					X	X													80.00	OLE	CC 014276	10/25/1923		Canc 2/3/1926
9															X	X								
16													X				1,2,9,16		303.03	HE	CC 014757	2/5/1924		Canc 9/17/1926
16														X	X		7,8,10,15							
21	X	X																	320.00	HE Pat	985465	9/17/1926		
33	X			X																				
34						X	X												160.00	HE	CC 015557	4/13/1927		Rel 11/8/1930
33	X			X																				
34						X	X												160.00	HE	CC 017647	11/8/1930		Rel 9/28/1937
16																	1,2		63.03	OLE	CC 017652	8/5/1932		Rel 1/12/1939
					ENTIRE				TOWNSHIP									33N 24E		PLO Wdl Mil Res	53	11/4/1942		Rev PLO 153 7/28/1943. Nev 041789
					ENTIRE				TOWNSHIP									33N 24E		PLO Rev PLO 53 11/4/1942	153	7/28/1943		Nev 041789
					ENTIRE				TOWNSHIP									33N 24E		SLUP	Nev 041789	1/31/1945		Rev 4/17/1946
					ENTIRE				TOWNSHIP									39N 19E		Apln Wdl Mil Res	Nev 040230	6/27/1955		Rel 12:00 NoON 7/1/1958
4					X		X	X	X	X									200.14					
5								X					X					37N 26E	80.00	OG Lse	Nev 058643	9/1/1962	9/9/1964 8:00 am	Term 8/31/1964
																		See Rmks; 39N 25E		BLM O Proposed Cl Multiple Use	N 891	3/23/1967		See Cl O for legal Des; Segr F.R. 3/30/1967; Cl BLM O 6/5/1967
																		See Rmks; 39N 25E		BLM O Cl Multiple Use	N 891	6/5/1967		All public land in the part of Tp designated on Cl Map; Vac 12/1/1982; OE 1/3/1983
																		See Rmks; 37N 24E						All public lands in that Tp in Soldier-Meadow,Mahogany Creek Area as designated
																				Corrected BLM O Cl Multiple Use	N 1279	6/20/1968		on Cl map; Segr F.R. 6/27/1968
3																								
4																								
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8																								
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23																								
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27																								
34																		See Rmks; 46N 27E		Proposed Wdl & Res Geothermal	N 871	10/31/1969	7/6/1976 1:00 pm	Canc 6/1/1976;Segr Canc 6/15/1976; Available Public Domain & Acq Lands In Sections; F.R. 6/8/1976
3																		All						
4																		All						
5																		All						
8																		All						
9																		All						
10																		All						
15-16																		All						
21-23																		All						
26-27																		All						
34																		All; 31N 47E		KGRA	N 5465	3/25/1971		Double Hot Springs; Amdt to add F.R. 8/19/1975
																				Continued on Page 2				

T 36N
R 26E
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