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Long Bridge across By-Pass
looking westward. Hwy. 20

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THE SUTTER BASIN

CONTROVERSY

by

Clement Guise

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THE SUTTER BASIN CONTROVERSY

by Clement Guise

I. Elements concerned in the controversy

The Sutter Basin story and the eventual controversy that resolved around it included all or parts of nine reclamation districts, two levee districts and an assessment district. Names and locations of the seven reclamation districts of concern to this paper: District No. 70 near Meridian, District No. 777 in the Live Oak section, District No. 803 on the Old Rideout Ranch and between Marcus and the tules, District 1000 partly in Sutter County and partly in Sacramento County, District No. 1001 located partly in Placer County and partly in Sutter County along Bear River south to Vernon, District 1500 being the Sutter Basin Project, and District 1600 located north of District 1500. The levee district involved is Levee District No. 1 extending from Yuba City south to the Marcus levee and westward.¹

Besides these areas, there is also an Assessment District involved in Sutter County for flood control, this is the Sutter By-pass Assessment District No. 6.² Assessment District No. 6 is composed of those counties located in the Sacramento Valley. However, the heart of the Sutter Basin contains Reclamation District 1500, largest of all, covering sixty-six thousand two hundred acres of which the Sutter Basin Company owned forty-five thousand acres.

The Sutter Basin was originally an overflow basin of the Sacramento and Feather Rivers, covered by a sea of tules.³ The basin at the time of high water appeared to a man standing on top of the Sutter Buttes as if it were a vast lake.⁴ Eventually when plans to reclaim this area were formed, the project became known as the Sutter Basin Project.

II Early Plans for Reclamation

One of the first suggestions to control overflow into the Sutter Basin was submitted by State Engineer Hall in 1880.⁵ He proposed a By-pass which is an auxiliary passage by which the flow of water can be deflected. However, nothing was done about this plan. Then in 1894, a similar plan was submitted by engineer Grunsky of the State Engineer's staff, but again nothing was done. The state took its first action in 1904 when it engaged Major Dabney of the U. S. Engineers to come to California and formulate a flood control plan for the Sacramento Valley. He made an investigation into the flood situation and presented what is known as the Dabney Report. Major Dabney made no plans for by-passes, but suggested moving the levees back from the rivers in order to give more channel ways in time for floods. Dabney's plan was never adopted.⁶

The beginning of actual reclamation of the Sutter Basin came in 1910 when Captain Thomas H. Jackson appeared upon the scene. Jackson was the head of the California Debris Commission which was formulating a state-wide flood control plan by construction of by-passes.⁷ The Jackson Plan contemplated the reclamation of the entire chain of basins along the Sacramento River including the Sutter Basin.⁸

The state legislature recognizing the need for drainage in the Central Valley passed a great amount of drainage legislation including the creation of a number of drainage and reclamation districts. It formed the Sacramento-San Joaquin Drainage District to control flood waters of the two rivers and to reclaim and protect overflow lands.⁹ The plan included reclamation of the Sutter Basin by a by-pass along the trough of the Basin.¹⁰ The plan adopted was that of the California Debris Commission. It provided for reclamation of land which was valued then at twenty dollars per acre, and estimated that when reclaimed it would be worth one hundred fifty dollars per acre. Land already in use would increase in value to an average value of two hundred dollars per acre.¹¹ To implement the plan the California legislature in 1913 formed Reclamation District 1500¹². The law provided for private companies to reclaim the tule lands.

111. Formation of the Sutter Basin Project

The Sutter Basin was owned by individual farmers and a syndicate known as the Alta Valley Farm Lands Company headed by V. S. McClatchy of Sacramento, but had sold about sixty thousand acres to a group led by W. E. Gerber, a Sacramento banker and J. Ogden Armour of the Chicago Meat Packing firm, for about twenty-five dollars an acre while still retaining some of their land.¹³ The new syndicate, known as the Sutter Basin Company, now proposed to reclaim the basin.¹⁴

When the application of the Sutter Basin Company for reclamation of the Sutter Basin came before the Reclamation Board, problems developed. The original plans for the by-pass provided that it follow the trough of the basin, extending south through the center of the reclaimed area, making two reclamation districts, one on either side. Application was made by the Armour Interests under this plan, but the application was later withdrawn.¹⁵

At the next meeting of the Reclamation Board, the board extended invitations to owners of unreclaimed land to meet with the board to hear the report of the State Engineer and Major Cheney of the Debris Commission.¹⁶ The report was to be on the sixty thousand acre Armour project.¹⁷

Meanwhile a report of the Reclamation Board stated that engineers of the Armour syndicate were working on plans involving a change of location for the by-pass, but were not yet ready to present them. It was also stated that the board had not yet passed upon the Sutter By-pass project.¹⁸

Finally in March, 1913, before a joint meeting of the Drainage, Swamp, and Overflow Lands Committees, consideration was given to the application made to the Reclamation Board by the Sutter Basin Company to create a reclamation district of seventy thousand acres in the Sutter Basin. The district as outlined called for moving the by-pass from the Central location in the trough recommended by the Debris Commission to a easterly location recommended by the State engineer.¹⁹

The meeting of the Drainage, Swamp, and Overflow Lands Committee was attended by many interested parties. Landowners in the other reclamation districts were opposed to proposal of moving the By-pass on the grounds that it was designed to save the Gerber-Armour firm expense in that the district would be in one piece instead of two.²⁰

The representatives of District 70 in the Meridian area at this meeting, stated that his district was in favor of the plan, but he also stated that the plan would leave unreclaimed a large portion of the acreage in the north part of the basin and raise the flood plane along Reclamation District 70 and Levee District 1.²¹

The report of Major Cheney to the Reclamation Board supported the statement made by the representative of District 70 concerning the raising of the flood plane. Major Cheney stated in the report that moving the By-pass to an easterly location would raise the flood plane to three or four feet above the flood plane of the central location.²² This raising of the flood plane dumped the entire flow of the Sacramento River into the Feather River thus creating a flood danger on this river.^{22(b)}

Sutter County District Attorney although in favor of reclamation opposed the bill. District Attorney Schillig stated that he was opposed to the bill because it would move the levee to an easterly location. He further stated that he was not opposed to the central location.²³

Finally proponents of the project were called upon to testify. W. E. Gerber offered arguments in favor of the bill. He denied that the proposal to move the by-pass was motivated by attempts to make the people pay for the eastern levee by means of an assessment. He explained that Sacramento people had invested nine hundred thousand dollars in the project and that Mr. Armour's corporation intended to finance the rest of the project. Gerber then explained the reason for the change in the By-pass location. He said that the eastern By-pass was chosen because it was recommended by the State engineer because the new location put the proposed district in one unit instead of two as under the original plans. Gerber ended his arguments by stating that the enterprise had bought and paid for thirteen thousand seven hundred acres which they would never use because the by-pass would be located on it.²⁴

Later a hearing was held on this new plan before the Reclamation Board, land owners in Levee District No. 1 made strenuous objections. The three board members included Peter Cook of Rio Vista, V.S. McClatchy of Sacramento who was selling the land, and W. T. Ellis, Jr. of Marysville who was a flood control expert. The board considered itself to be more or less a judicial body and listened to both sides of the controversy and expressed no opinion, but endeavored to bring out all the information that was available. When the issue of the new location of the by-pass came before the board for a decision, the vote was two to one in favor of the change, McClatchy and Cook voting for it, W. T. Ellis against it.²⁵

After the decision, members of the board tried to explain their positions. McClatchy defended his stand by stating that even though he owned land in the basin he did not let it interfere with his decision. The Marysville Democrat agreed saying:

The chairmen (McClatchy) had full confidence in his ability to consider the facts intelligently and reach a just conclusion regardless of his personal interest and he notified his partners in land matters that they must act independently of him as though he were in the heart of Africa.²⁷

McClatchy continued to explain the reason why he voted the way he had. He explained there were two classes of protests against the proposed change. The first type being that of land owners of districts who do not want to be included in a larger district. The second type came from land owners of districts who would be outside the district and who did not want the additional expense occurred by the eastern levee if an assessment was levied upon them when they would not benefit by it. He then stated that the Reclamation Board did not see sufficient reason back of these protests to issue a desenting opinion.²⁸

After McClatchy had finished giving his reasons why he voted for the change, W. T. Ellis then gave his reasons for voting against the proposed change in the location of the by-pass. Ellis explained that the plan first formulated by the Debris Commission would be departed from radically if the change were made. He then explained that the easterly by-pass made the levee longer and thus it did not afford a rapid runoff of flood water. He further explained that this easterly position required that the building of the levees be higher and stronger and that there would be an additional cost because of the great amount of silt and debris deposited by the slow moving water would have to be cleared away every year.²⁹

Following the decision of the Reclamation Board, the legislature passed the bill permitting the reclamation of the Sutter Basin as proposed by the Armour interests. With the passage of the bill, the Sutter Basin Company was ready to make the final payment of two hundred thousand dollars on the eight thousand acres of land that was a part of the Sutter Basin Reclamation Project. The Alta Valley Farm Company still retained

two thousand acres. This company which had originally paid one hundred thousand dollars for its entire holdings, now doubled its money and still retained acreage.³⁰

With this last purchase of land, the Sutter Basin Company was ready to begin reclamation in the district. Preliminary engineering work was started on the project and dredgers were on their way to the area to begin throwing up the levees. "The improvement means the expenditure of two million five hundred thousand dollars in Sutter county within the next two or three years!"³¹

IV The Controversy

As a result of the Reclamation Board's action in approving the change of location of the by-pass from the central to the eastern location, the property owners wanted the work stopped until a definite understanding could be arrived at between them and the district.³² However, the district went right ahead with its reclamation work despite protests of the land owners. A State engineer and his crew began a preliminary survey of the reclamation work.³³

To finance the project, the Sutter Basin Company began the sale of two million seven hundred fifty thousand dollars in collateral trust notes of the company at an interest of six percent a year and redeemable at the end of five years. This money was placed in a fund for the reclamation of the district and for the construction of the by-pass to drain the upper portions of the land and to keep overflow waters away from land already reclaimed.³⁴

Along with the selling of the collateral trust notes, the Sutter Basin Company also obtained a mortgage on its property. The amount of the mortgage was six million dollars. This was the largest mortgage to be executed in the county up to this time.³⁵

Meanwhile, the ranchers who still retained land in the basin, in November, 1913, were trying to find out from the Reclamation Board who was going to bear the major expense of construction of the levees. The Reclamation Board replied that the construction of all portions of the by-pass not already underway would be of general benefit and the cost would be assessed to the entire area benefited³⁶ according to the procedure set down in the Shinn Bill which provided that land owners in the reclamation district on both sides of the by-pass be assessed for the reclamation work.³⁷

Later that month, land owners of the Sutter Basin along with A. H. Hewitt, representing District 70, suggested that the Reclamation Board provide simultaneous construction of both west and east levees of the by-pass or compel District 1500 to defer enclosing its district until the remainder of the by-pass could be constructed in order to prevent the water from backing up into dry sections of the county. The Reclamation Board replied that if the

land owners wanted immediate construction then it could only be had through cooperation of the land owners and the reclamation district.³⁸

The fight between Sutter County and District 1500 was begun in earnest in April, 1914. The Board of Supervisors of Sutter County decided that the county should ask for an injunction against Armour and Company, to prevent it from continuing work on canals in the western part of the county. The decision by the supervisors to try to obtain an injunction and the granting of it would mean a loss of thousands of dollars to the Armour interest.

A temporary restraining order was issued in May by Judge Mahon of Sutter County against District 1500 and a hearing was set. The complaint that brought on the issuance of this order stated that the proposed east levee would raise the flood plane of the Sutter Basin. This rise in water level would be diverted by the levee and the canal it would not discharge into the Sacramento River as was its custom, but it would be forced into the Feather River eight miles above the junction with the Sacramento thus raising the flood plane of the Feather River and force it to overflow and break its levees. This raising of the Flood Plane would endanger Sutter County property, the courthouse and hall of records plus thirty thousand acres of valuable land as well as one hundred miles of roads and numerous bridges.⁴⁰

With the issuance of the restraining order, all the work in the district came to a stand still.⁴¹

Newspapers maintained that Sutter County was going to press the suit if a fight was put up by District 1500. A compromise was possible providing the reclamation district would agree to place the canal in the center of the district as originally intended.⁴²

When the case came before the court, Judge Emmett Seawell of Santa Rosa, presided in the place of Judge Mahon, who had disqualified himself. Judge Seawell heard arguments upon the demurrer of the defendants, and a motion to strike out certain portions of the complaint.⁴³

The attorney for District 1500 argued that the county had no right to resist the enactment of a public statute enacted by the legislature for the common welfare. He further alledged that the county had no legal right to be a plaintiff in this action, as the property in danger was public property belonging to the state and entrusted to the county.⁴⁴ Upon conclusion of the arguments court was adjourned. The decision was to come eight months later.

The argument for the project was made by the attorney and the engineer of the district. They contended that the easterly by-pass location was the better location.

The District Attorney of Sutter County made the argument for the county, and contended that the only place for the by-pass was in the center of the tule basin. He made it plain that the people of Sutter County would be satisfied with nothing but a change of plans which would locate the by-pass in the center of the tule basin.⁴⁶

He also contended that if the people of Sutter County could not induce District 1500 to change to the central location and if the courts or the legislature could not force District 1500 to do so then as a matter of justice, District 1500 should not be permitted to close its north levee until some measure or protection was given to the people to keep the water from being forced onto their lands.⁴⁷

After hearing the arguments, the association appointed a committee to see if they could adjust the differences existing between the Armour-Gerber people and the land owners of Sutter County.⁴⁸ The report given by the committee to the association stated that the completion of the Sutter Basin Project would add seventy thousand acres to the productive land of the county. The report went further in stating that the project would not only be of value to the county but also to the state, for the area was only a swamp at this time.⁴⁹

After a complete survey of the project and its value, the investigators state that unfortunately difficulties have arisen which effect the work. The only solution of the contest between the interest behind the project and the residents and owners of adjacent properties, in the mind of the booster association probers, is an engineering study of the problem to determine which side is correct in its contention.⁵⁰

The report concluded by recommending that harmony be restored between the two groups.⁵¹

The Reclamation Board had levied three assessments, one for Two hundred fifty thousand dollars for general purposes, one for Three hundred sixty seven thousand dollars for the Sacramento River outlet, and the other for One hundred thousand dollars to cover the Sacramento River By-pass Project. The Reclamation Board had also assigned assessors to hear objections to the proposed assessments.⁵²

When the meeting to hear the objections against the proposed assessments was opened, the taxpayers of Sutter County voiced an unanimous protest against assessments. "They maintained that such assessments would be both unreasonable and unjust, and would impose an unwarranted burden upon them."⁵³

The first speaker was District Attorney Schillig. Schillig

acted as the spokesman for District 1. He stated that District 1 was not a reclamation district but a levee district and that the people of this district would receive no benefit from the reclamation work.⁵⁴

He also explained that if the property owners did not protest these two assessments then later on they would be again assessed with the burden of the building the by-pass.⁵⁵

The next person to enter a protest was Attorney Arthur Coats for Districts 777, 1, and 9. Attorney Coats presented the same protest that the District Attorney had entered except that Coats questioned the police power of the board and its rights in that respect.⁵⁶

District 1001 along the Bear River was represented at the meeting by Judge T. J. Mulvaney who stated that the assessment would impose a heavy burden on the people of his district. "He termed the proposed assessment 'downright robbery'".⁵⁷

Another protestant from District 1001, a member of the Monitor Gun Club, said "the scheme was to benefit Sacramento at the expense of the other counties, and despite the fact that he had property in Sacramento he desired to protest against it."⁵⁸

After all the protests had been entered, it was asked that all those in attendance who were opposed to the proposed assessments to stand and every person in the room stood up.⁵⁹

To help in the fight against Reclamation District 1500, the taxpayers of Levee District 1 formed a Taxpayers League. The league was opposed to any further construction work being done. It was also opposed to the levying of the assessment against the district.⁶⁰

Soon after the Taxpayers League was formed, the taxpayers of Sutter County headed by Supervisor Samuel Gray filed another suit against District 1500. The suit was for the purpose of enjoining "The action was taken as the result of the intimation of Judge Seawell of Santa Rosa that the county could not enjoin the district from building the levee, as it was authorized by the state."⁶¹

Attorneys for the Armour Project, Devlin and Huston, tried to get Judge Seawell to modify the injunction issued against the district by the county. The request for the modification was denied by Judge Seawell.⁶²

An amendment was passed that gave the Reclamation Board more power. In November 1914 elections an amendment was passed which gave the state the power to govern the reclamation districts instead of the people of the various districts.⁶³

The Reclamation Board, which was given the power to govern all reclamation districts with the passage of the amendment, had begun its activities. The board notified all property owners between the Sutter Basin and Chandler Station that the east levee of the By-pass must be constructed by them. The land owners in this district had

fought the Reclamation Board on this point for they believed that the promoters of the project should have done the construction work.⁶⁴

Taxpayers of Sutter County were jubilant over the news that Judge Seawell had arrived at a decision in the case of Sutter County vs. Reclamation District 1500 favorable to the county. The decision upheld the issuance of the injunction against the district and overruled the demurrer of the district which would have delayed the issuance of the injunction.⁶⁵

Attorney Huston, one of the attorneys of the district, stated that:

It (the trial) was simply a mere skirmish. We will go right ahead with the case. The issue which was determined by the overruling of the demurrer was in regards to the right of the county to take action. The real issue which will now be determined is with regard to the right of the district to maintain the levees.⁶⁶

A special committee was appointed by the Taxpayers League to tour the Sutter Basin. The committee composed of legislators, engineers, attorneys, and prominent citizens, toured the district very thoroughly and paid close attention to the work being done there. "Particular cognizance was taken of the facts at hand with regard to the controversy over the construction of a levee which is now in the courts."⁶⁷

Representatives of both factions, appeared before a legislative committee. The representatives of the county and the Armour interests argued the pro and con of the Sutter Basin Project.⁶⁸

The contention that the Sutter Basin Company should be allowed to proceed with the work was presented by the Armour interest. "They declared that the action of the citizens of Sutter in refusing to permit them to proceed with their reclamation project was impeding the progress of the county as well as hampering their operations."⁶⁹

Representatives of the county again contended that the building of the east levee would force the water back and thus flood much valuable land. They also objected to the assessments to cover the cost of the work being done in District 1500.⁷⁰

Land owners in the Sutter Basin did not feel the same way about the reclamation project as the other property owners of the county did. They stated that the pending litigation over the construction of the levee was causing reclamation work to be seriously delayed. They further stated that it now meant that the work must be delayed a year because of litigation. "Ranchers of the district regret that the project has been tied up because they state that it should have been ready for crops this season, which will not be impossible."⁷¹



River water flowing into
By-Pass at Tisdale Weir
January 10, 1965

The Sutter Basin Company answered the charges made by the county in a couple of newspaper articles titled, "Sutter Basin Development Talks". After again presenting arguments for the project, the company added that in any other state it would be a crime to allow a large body of land like the Sutter Basin to remain unclaimed. It claimed that the state had decided to reclaim every acre of swamp land and had invited private capital to do the work. Moreover, the company had been obliged to alter its proposed plan to meet requirements of the Reclamation Board.⁷²

The State did not fit its plans for the benefit of District 1500, but compelled No. 1500 to incur considerable extra expense by taking in a large portion of the Basin near the Tisdale By-pass, and to surrender many of its best land in the lower end of the district in order to properly harmonize with the flood control plan.⁷³

The first article ended by stating that progress could better be attained through unity of action.⁷⁴

In another article the company stated that District 1 should have built the east levee as it was instructed to do by the State Reclamation Board. However, instead of building the east levee it sought to hamper the company's work by involving it in a law suit for the benefit of a few dissatisfied land owners who were blocking the wheels of progress. The trustees explained that District 1500 was doing no more than District 1 had done when it built up its levees to hold back the water from its lands and let the water go where it may. It concluded that the east levee would be built eventually and that the people fighting the plan should stop fighting the district and cooperate with a plan for reclamation that would prove to be the best for all concerned.⁷⁵

To answer these statements made by the Board of Trustees, the County Board of Supervisors authorized the issuance of pamphlets that denied certain facts contained in these articles. The pamphlets also contained arguments showing why certain bills should not be passed by the legislature.⁷⁶ These arguments were the same ones that had been presented before.

V. The protests

To protest this pending legislation which could create another reclamation district and give the power of appointment of district trustees to the governor instead of the Board of Supervisors and other legislation which would limit the control of the county over the reclamation district and Reclamation District 1500 as contemplated by Armour, a meeting was held by Sutter County residents. A resolution condemning the present plans for the formation of District 1500 was adopted and signed by every land owner present.⁷⁷

Chairman Gray, in opening the meeting, said that the promoters of District 1500 were experimenting at the expense of Sutter County, and to illustrate his argument he cited that the proposed by-pass would not carry the water of the Feather and Sacramento Rivers which would result in havoc to the present prosperous communities of Sutter County.

Attorney Lawrence Schillig was the next speaker and he said the press of the state and especially of Sacramento had been holding the people of Sutter County up to ridicule.

Schillig went on to say that the eastern capitalist began to buy up this land and all at once the location of the by-pass was changed.⁷⁸

He went further in stating that the people of Sutter county did not mind the Armour people reclaiming the lands of Sutter County if they did it in a proper manner.⁷⁹

Schillig then spoke on the bills that were pending before the legislature. He said that they were designed to prevent the people of Sutter County from bringing a lawsuit to protect their property.⁸⁰

At the close of the meeting, Attorney Carlin called for the people outside the county to help Sutter County in its fight against District 1500.⁸¹

In answer to this call, the Butte County Board of Supervisors endorsed the stand taken by Sutter County.

To protest the pending legislation a meeting was held in Marysville. All the business houses in Marysville were closed so that all the people interested in Sutter Basin Project could attend the protest meeting against District 1500.⁸³ An invitation to attend the protest meeting was extended to Governor Hiram Johnson and the State Reclamation Board but both declined.⁸⁴

If there is any doubt in the minds of the backers of the Armour project, better known as Reclamation District 1500, that the opposition was confined to a handful of Sutter County farmers, this doubt was removed when Foresters' Hall was packed with men and women from Sutter and Yuba Counties as well as from Butte and Yolo Counties.⁸⁵

W. M. Brow, President of the Merchants and Employers Association of Marysville and Yuba City, opened the meeting by stating that the Association was ready to lend its support against the Armour interest in the Basin.⁸⁶

In his opening remarks A. C. Bingham of the Decker-Jewett Bank, who was presiding over the meeting, stated that the action of the Armour interests in attempting to force the program upon the people was in defiance of all constitutional rights, both state and federal.⁸⁷

He explained that this meeting was called to ask the governor and the state legislature to permit no bill to pass that will deprive the people the right to protect their land in a court of law. He then clarified his statement by saying that the people did not want to oppose a single bill that would not damage them but they were here to protest that which would damage them. He then stated that no section had put up more money and a harder fight than Yuba and Sutter Counties for river improvement.⁸⁸

Bingham then went on to say that the people deplored the action of the Reclamation Board when it voted two to one to change the location of the By-pass. He stated that the Board should have listened to W. T. Ellis, who was the dissenting vote in this matter.⁸⁹

Judge Mahon was the next person called upon to speak. Judge Mahon stated that had it not been for the injunction issued against the Armour people all of Sutter County east of the By-pass would now be a basin including Yuba City. He went further in saying that the members of the State Reclamation Board who voted for the change did not know anything about the project. He stated that the man who knew about the project voted against the change and that man was Ellis.⁹⁰

W. T. Ellis was the next speaker at the meeting. Ellis said just the opposite of what everybody thought he was going to say.

In referring to the charge that had been made previously that the change of location of the By-pass had been caused by the Armour interests, (Ellis) the speaker said: The change was made upon the recommendation of the state engineer that the eastern location was better than the central. He defended the action of McClatchy and Cook, the other two members of the board at the time.⁹¹

Attorney Schillig, however, said that while the change in the By-pass came from the state engineers office, the suggestion came from the Armour interests. "I remember that Mr. Gerber made the statement to the State Reclamation Board," said Schillig, "that if the eastern By-pass was not adopted that eastern capital would not come into the state. I was there and Mr. Ellis was there. This was before January, 1913".⁹²

Senator Duncan, the area's state senator, was in attendance and was asked to make a few remarks.

I have made a careful study of the matter and I think Sutter County is right. I think those bills that are now pending before the state legislature are "rotten" and to use the slang phrase, "I am going to bat for Sutter County".⁹³

Several weeks after the protest meeting the Yolo County Board of Supervisors announced that it had passed a resolution urging the legislature to defeat the reclamation measures which affect Sutter County in its fight against the Armour interests.⁹⁴

Meanwhile a hearing on the pending bills was held before a joint meeting of the Legislative Committee on Drainage, Overflow and Swamplands, arguments were presented by both sides. The meeting opened with a presentation of the arguments by the Reclamation Board and the Sutter Basin Company.⁹⁵ The arguments given by these two groups were the same as first given by the board when it ordered the change in the By-pass. Sutter County did not get a chance to give its arguments at this meeting.

Citizens of Sutter County journeyed to Sacramento last night and again appeared before the legislative committee on drainage, overflow and swamplands, with the result that the solons were further convinced of the fact that to place the By-pass on the east side would be disastrous to the county,⁹⁶

W. T. Ellis spoke at the meeting before the committee and offered arguments in favor of Sutter County's protests. He stated that he still believed that the shifting of the By-pass from the central location to the eastern location was a mistake and that even the central location was experimental.⁹⁷

Only two out of the seven proposed bills passed the legislature. One of the bills that passed created District 1660. The other bill that passed amended the act creating District 1500.⁹⁸

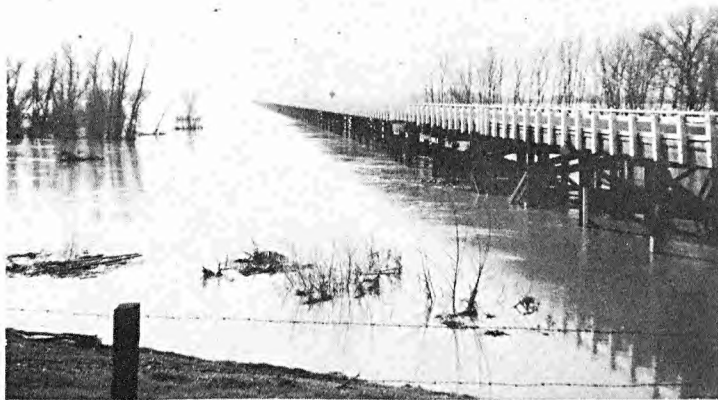
The passing of only favorable bills was considered to be a victory for Sutter County, but this victory was not to last for long for the attorneys for District 1500 filed notice in the superior court that they would have an order made dismissing the action against the district.⁹⁹

When the motion came up before Judge Seawell for the dismissal of the action against the district, Judge Seawell listened to the arguments from both sides and then set a date for the trial.

In giving his decision he stated that there had been no new evidence introduced since the previous hearing of the case and cited his authorities for his stand at the time of granting the injunction. The status of the case has not changed according to the Judge.¹⁰⁰

While this legal battle was going on, the dredgers were working on the easterly levee of the By-pass and were starting to cut through the south levee of District 1. The work in this section could not proceed much farther for not all the rights of way have been obtained and the injunction will also prevent any further building.¹⁰¹

Reclamation District 1500 filed a petition with the State Supreme Court for a peremptory writ of prohibition against the superior court of Sutter County, for the purpose of preventing it from proceeding with the trial of the county against the district. If the petition was granted it would mean that the restraining order would be dissolved.¹⁰² The petition did not apply to the case of



Sutter Causeway across
By-Pass, looking toward
the South. Jan. 10, 1965



Long Bridge and Railroad
Bridge across By-Pass
Highway 20

the property owners against the district where there was no writ of prohibition asked. The trial was set for August of 1915, but it was held in September.¹⁰³

VI. The Samuel Gray Case

On September 3, 1915, the first round of the legal battle in the case of Samuel Gray vs. District 1500 began.

An entire day was consumed by the examination and cross-examination of Engineer Von Geldern, witness for the plaintiffs. He stated that the building of the proposed levees would divert the water and flood areas that were never flooded before.¹⁰⁴

The witness was then questioned closely by Attorney Devlin, for the defense. Attorney Devlin asked if the levees of District 1 were strong enough and Von Geldern said that they were at this time. Then Attorney Devlin asked:

If you were engineer for the district would you recommend any improvements in them (the levees).
Yes, replied Von Geldern, I would recommend that they be strengthened at some points and that a cut be made at Star Bend.¹⁰⁵

The first witness for the defense was a Sutter County rancher. He stated that the construction of the levee of District 1500 would benefit him greatly for it would keep the water off his land the year around. He explained that with the levee he could grow crops from May to November. This statement aroused sharp remarks from ranchers who were in the court room.¹⁰⁶

While this legal battle was still in progress District 1500 had another legal battle to face them when the Sutter Drainage District through its lawyer, A. H. Hewitt, filed suit in the superior court to enjoin the district from constructing a levee across the outlet of the Yuba City slough.¹⁰⁷

Before the trial was resumed in the case of Samuel Gray vs. District 1500, Judge Seawell inspected District 1500 in order to acquaint himself with it. He was accompanied by Engineer Von Geldern and Engineer Randle, of District 1500. Randle pointed out to the Judge the measures that the district had taken to prevent backwash.¹⁰⁸

When the trial was resumed, Judge Seawell heard arguments for the defense and the plaintiffs. Attorney Devlin argued that the court had no right to enjoin public work preformed by public officers, Attorney Carlin, attorney for the plaintiffs, argued that if the levee were built great damage would occur because of high water. Attorney Devlin retorted by stating that the plaintiffs property was miles away from the levee and no water could possibly reach the area.¹⁰⁹

The arguments were then concluded and the case went to Judge Seawell for consideration.

The people of Sutter County may be compelled to wait for two months or more before they will know whether or not Reclamation District 1500 will be permitted to erect its levees as proposed or whether they will be enjoined from doing so by order of the court.¹¹⁰

While the people of Sutter County were waiting for the court's decision, the State Reclamation Board decided to let District 1500 construct the three mile stretch of levee on the east side of the By-pass in District 1. The Reclamation Board, according to the Sacramento Union, was led to believe that the east levee would be a distinct advantage to Sutter County.¹¹¹

It is simply a move on the part of the Armours to have another alleged reason why the location of the By-pass should remain on the east side, say lawyers for Sutter County. The order of the Reclamation Board will, it is said, bring the matter to a head. It is said this order indicated determination of the state to push the fight for construction of the Sutter By-pass and to stand by the whole flood control plan.¹¹²

Then in November 1915, before Judge Seawell had rendered a decision in the case of Samuel Gray vs. District 1500, another suit was filed before him against Reclamation District 1500 by Eunice J. Proper. The reasons for the suit were the same as those given in the suit filed earlier by the Sutter Drainage District against District 1500.¹¹³

While these legal battles were going on, the state legislature amended the acts of 1911 and 1913, to provide for the organization, the powers and the duties of the Reclamation Board.¹¹⁴

The State Supreme Court, in the case of Sutter County vs. District 1500, rendered its decision in favor of the Reclamation District. This decision was not believed by the people to be a defeat for the county, for they believed this defeat would presage a favorable decision in the Samuel Gray case.¹¹⁵ The final decision in the Samuel Gray case would determine the future salvation of the county, according to an editorial that appeared in the Marysville Appeal.¹¹⁶

VII. The Eunice J. Proper Case

The answer filed by the Attorneys for the district in the Eunice Proper case had many denials in answer to the charges filed against the district. The answer stated that the Yuba City Slough

was not a defined waterway and had no bed or banks. The attorneys concluded by saying that if any damage should be done to property by the construction of the levee, then the district would pay for the damage.¹¹⁷

The first witness to be called in the Eunice Proper case was Engineer Von Geldern. He told of the dangers which would confront the plaintiff if the levee was constructed.

E. E. Proper, a son of the plaintiffs, took the stand next. He was questioned as to the general conditions in the neighborhood of the Proper holdings. He was then questioned on how much he knew of the facts in the Gray case. The witness said he knew nothing about the case.¹¹⁸

The question was put to Mrs. Proper when she took the stand and an admission was gained that she was aware of the facts and was interested in the prosecution of the case.¹¹⁹

Acting on this information Attorney Devlin asserted to the court that it was plain that the plaintiff intended to unduly harrass the district in carrying out its work by the filing of the present suit covering virtually the same grounds as cited in the Gray case.¹²⁰

The next important person to take the stand was George Randle, Chief Engineer for the District. Randle stated that more than \$2,000,000 has been spent by the district in its reclamation work. Randle asserted that of this sum \$700,000 had been spent on the construction of the east levee. Other items included in the sum were the pumping plant, and other levees of the district. "He also declared that in his estimation about fifty percent or more of the project had been completed."¹²¹

After the witness for the defense had completed their testimony, Attorney Robert Devlin stated that the interest of the palintiff was merged with those of the Sutter Drainage District.

Attorney Devlin explained that as Mrs. Proper granted the Sutter Drainage District a right of way through her property she in this manner became included in the district and surrendered her rights with regard to drainage matters to the district.¹²²

After the taking of testimony in this case, Judge Seawell handed down a decision in the case of the Sutter Drainage District vs. Reclamation District 1500. He sustained a demurrer of the defendants in the case. This action threw the case out of court.¹²³

Because of the decision handed down by the Supreme Court in the Sutter County case, the work was continuing on the east levee. The work was being done by three dredgers and a steam shovel at the north end of the district.¹²⁴

To show just what the situation was and to help build good will between the people of the county and the Sutter Basin Company, George F. Maddock, General Manager of the company discussed the project with local citizens. He stated that the company did not want to be vindictive. Maddock said that the company and Sutter County were both loosing time and money by not agreeing.¹²⁵

"We want harmony" Maddock emphasized at several points. His talk was sane and sensible, he placed the entire matter before the citizens with whom he conversed in a business-like manner. One of his remarks was that "Mr. Armour is not a big pig, grabbing everything, but a gentleman who is liberal in every sense of the word."¹²⁶

Judge Seawell rendered his decision in the Samuel Gray case in March 1916. His decision was in favor of the county. By the issuance of this decision the company was enjoined from doing work on the east and north levees. The dredgers that have been working on the levees would have to be moved pending the outcome of an appeal being made by the Sutter Basin Company to the State Supreme Court.¹²⁷

There was a continued movement of dredgers out of the Sutter Basin. Only two dredgers were left in the basin and they would be moved as soon as water conditions are favorable. The Sutter Independent and the Marysville Appeal differ on the number of dredges that were in the Sutter Basin, but they both agree on how many dredges were left in the basin. The Appeal stated that there were nine dredgers removed from the basin, which made a total of eleven dredgers at work on the basin.¹²⁸ While the Sutter Independent stated there were thirteen dredgers at work on the north and east levee.¹²⁹

To better understand the situation in the Sutter Basin, Governor Hiram Johnson, accompanied by W. T. Ellis and several associates, made a surprise visit to the Reclamation District. The Governor did not comment on the work being done, but Ellis stated that the Governor was well pleased with the trip.¹³⁰

The trip came out of a discussion between Governor Johnson and representatives of Yuba and Sutter Counties for the purpose of urging the Governor to use his influence in settling any future dispute that might arise.¹³¹

VIII. Efforts To End The Controversy

The representatives of the Armour interests believe that the prospect of arriving at a compromise between the contending parties was fruitless.¹³²

The company also stated that the appeal of the case would be a costly one to the Armour interests. For the construction of the levees will be held up at least eight months, for the Supreme Court will not be able to hear the case until then.¹³³

From the feeling on the part of the Armour people and the Sutter County interests, it is not believed any settlement will be reached and that the only thing to do is to wait for the decision of the State Supreme Court.¹³⁴

J. H. Dockweiler, a Consulting Engineer representing Congressman Kent, of this district, was sent to Sutter County to survey the situation and report his findings.

The report made by Dockweiler stated that : "From a thorough study of the whole situation with regard to safety cost and expediency, I find the evidence strongly in favor of completing the By-pass on the eastern location'." ¹³⁵

In rebuttal to this report, W. T. Ellis stated that Dockweiler made no new investigation of the situation and that Dockweiler only went over the reports of the proponents and the opponents of the By-pass location.¹³⁶

Ellis further stated that every engineer who favored the central location of the By-pass had practical experience and years of close observation of floods in the Sutter Basin, while those that favored the eastern location did not. Ellis backed up this statement by referring to the report made by the Debris Commission which favored the central location originally.¹³⁷

Ellis ended the rebuttal by stating that Dockweiler viewed the situation solely from the benefits that would accrue to District 1500 and closed his eyes to the damage that would be done to land owners living on high ground.¹³⁸

Louis Tarke, Assemblyman, from Sutter County, introduced legislation in February 1917, which would uphold Judge Seawell's decision in the Sutter Basin case, preventing the placement of levees that would back up or obstruct the flow of water. The bill would confirm the decision of the lower court, over the decision of the higher court.¹³⁹

The Supreme Court in March of 1917 reversed the decision of Judge Seawell in the cases of Eunice Proper and Samuel Gray vs. District 1500 in a decision handed down by Justice Henshaw. The decision upheld the acts creating the reclamation board and the legislation to reclaim flooded Sacramento Valley land.



Water and debris going
over Weir at Tisdale
Weir. Water from river
is entering the By-Pass.



Sacramento River with
a pump-house in foreground.
At Tisdale Weir.

The court held that construction of such levees as part of a general state policy under the Reclamation Act came within the scope of the police powers of the state and the nation and the occupants of lands temporarily damaged could not obtain damages.¹⁴⁰

At a mass meeting held in Sutter County, speakers expressed themselves to be in favor of the Tarke Bill which would move the By-pass to the center of the tule basin. All of the speakers at the meeting expressed one essential idea and that was how the people of Sutter County had been wronged by the Reclamation Board and the Supreme Court.¹⁴¹

In order to show the legislators what was going on in the Sutter Basin, several groups of them were taken through the basin and the By-pass and shown the right and wrong of the Sutter Basin Project.¹⁴² Most of the legislators did not know anything about the project.¹⁴³

The people of Sutter County believed that the Tarke Bill would pass the legislature because it came out of the committee with a favorable recommendation.¹⁴⁴ But the Tarke Bill was defeated in the Assembly by a vote of 43 to 27.¹⁴⁵

Now that District 1500 has won its court cases, it was ready to resume work on the east levee of the By-pass. The district had made a request to the Reclamation Board to begin construction on the east levee, from the south levee of District 1 to Nelson Bend. "It is estimated that this stretch of levee will cost approximately \$30,000 per mile",¹⁴⁶ Work had been levied in an assessment of \$14,933,190 called assessment No. 6.¹⁴⁷

The action was taken in the interest of those lands in the basin which would be inundated if the reclamation of District 1500 was finished before the construction of the east levee of the By-pass. District 1500 had nearly completed its east levee. "The board's action had one vote against it - that of W. T. Ellis of Marysville".¹⁴⁸

To begin the needed reclamation work within the district, the Sutter Basin Company completed one of the largest pumping plants that had been installed up to that time. The plant would protect 66,000 acres from the flood waters of the Feather and Sacramento Rivers.¹⁴⁹ This gigantic pumping plant consists of six 50 inch pumps, each operated by a 800 horse-power motor, and with a capacity of 400,000 gallons per minute.¹⁵⁰

To carry off the water, a drainage system was built. This system includes a main canal 18 miles long, 54½ miles of lateral canals, and 190 miles of sub-lateral canals.¹⁵¹

In January of 1918, the State Reclamation Board reached a

decision for the completion of the Sutter By-pass assessment.¹⁵²

Land owners in District 108, on the west side of the river, were not protesting the work being done on the By-pass for they feared that if the water would be pushed back on them. The district has employed Senator Hiram Johnson and two others as its attorneys. The appearance of Senator Johnson, in connection with this protest, was quite a surprise to the Reclamation Board. For it was Governor Johnson who urged the adoption of a flood control measure and sponsored it until it won all its battles, before the legislature, the courts, and the public.¹⁵³

The Reclamation Board was sure that Senator Johnson had been misled for only recently he announced that he opposed any proceedings that would hamper the project or the work of the Reclamation Board.¹⁵⁴

The Sutter County Board of Supervisors appointed E. W. Stanton to replace A. A. McCrae as a commissioner to assess District 1500 along with Green and Von Geldern.¹⁵⁵

In January of 1919, in an attempt to end the controversy, a bill was introduced into the legislature that proposed that \$300,000 be appropriated for the construction of the east levee of the By-pass.¹⁵⁶

During the discussion on the bill Senator Duncan characterized the bill as a measure for state finance of a private enterprise.

The people of Sutter County above the By-pass get no benefit from this project he said. They are asked to pay for the construction of levees which aid J. O. Armour and associated owners of the Sutter Basin property.

Melvin Dozier, Jr., general manager of the State Reclamation Board said he resented the intimation the board had been interested in aiding the Armour interests and challenged a thorough investigation into the dealings with Armour.¹⁵⁷

The Assembly Committee approved the bill providing that the state buy warrants of the Sacramento and San Joaquin Reclamation District aggregating \$300,000 to assure construction work on the east levee of the by-pass. While at the same time the State Reclamation Board's assessment of \$10,500,000 for the work was opposed by the residents of District 1.¹⁵⁸

Residents of District 1 had decided to fight the assessment. At a meeting of the Sutter County Taxpayers Protective Association, it was decided to employ Attorneys Lawrence Schillig, A. H. Hewitt, and District Attorney Coats to represent them and to carry on the legal fight that was to be waged against assessment No. 6 of the Reclamation Board.¹⁵⁹

An attorney would be hired to re-try the case where the injunctions were brought to restrain the Reclamation Board from building the levees. It was the purpose of the association to carry the cases through the courts, up to the Supreme Court if necessary, until they won.¹⁶⁰

The Reclamation Board appointed two assessors to hear protests against the assessment. There were five hundred land owners at the protest meeting.

At the meeting the County Surveyor was called upon to speak and he stated that if the levees broke Sutter County would be flooded. This bore out the contention that Sutter County was to be damaged rather than benefited from the project.¹⁶¹

Attorney Schillig was the next speaker to enter a protest. He told how Sutter county land owners had constantly received injustice from the Reclamation Board and the legislature. "He insinuated that only an anarchistic frame of mind could result from continually obtaining the small end of the bargain at the hand of moneyed interest." When the attorneys for the Reclamation Board protested the remarks of Attorney Schillig, he received hisses and cat calls.¹⁶²

Sutter County was flooded in February of 1919, including the entire lower and western end of District 1. The rich farmlands before never knowing such high water were inundated while the Armour interests in District 1500 were high and dry.¹⁶³

Assemblyman Poisly, from the southern part of the state, came to Sutter County and viewed the flooded area. He stated:

The flood damage to Sutter County as a result of the building of the levees around the Armour Reclamation project (District 1500) it is estimated will cause a loss of at least \$1,000,000 to Sutter County farmers.¹⁶⁴

Sutter County farmers blamed the Reclamation Board for the flooding of Sutter County. They blamed the board because it allowed the west levee of District 1500 to be constructed before the east levee was closed.¹⁶⁵

About this same time a very interesting thing happened. W. T. Ellis, who originally voted against the eastern location of the levee changed his attitude. He stated that since the Reclamation Board and the building of the levee had been within the law and there had been so much money spent on the project that he was going to do all he could to help the construction.¹⁶⁶

Then in March of 1919, the state suffered a delay in its program, State Controller Chambers refused to pay on the \$3,000,000 warrant. The reason he gave for refusing to pay was that it was not clear whether the act under which the warrant was issued was legal or not.¹⁶⁷

Representatives of the Sacramento-San Joaquin Drainage District met in Sacramento to discuss the matter of reclamation, taxation and District 1500 in particular. They voted to fight for the abandonment of the Sutter Basin Project and the return of the waters to the central levee location. They also demanded that the \$10,600,000 assessment levied for the project be paid by the Armour people.¹⁶⁸

While all these delays were being put forth, the Sutter County Grand Jury made an investigation into the causes as well as the responsibility for the flood. The report filed by the Grand Jury placed the blame for the flood upon failure of the reclamation board to protect the property in the county as it was required to do.¹⁶⁹

The Third District Court of Appeals declared the measure passed at the first half of the legislative session constitutional. This measure was the one that authorized the appropriation of \$300,000 for the completion of the east levee of the By-pass.¹⁷⁰

Then in April of 1919, compromise bills were introduced to the legislature to end the controversy over the Sutter By-pass. One bill proposed state aid for completing the east levee and provided a plan of assessing the cost of completing the flood and drainage projects. The other bill proposes to spread the payments on the total assessment of \$10,500,000 over a period of forty years.¹⁷¹

Sometime before the end of the summer the sale of large areas of land reclaimed in the Sutter Basin began. No Japanese or other Orientals would be allowed to purchase any land in the Sutter Basin. Owners of the district have decided to sell only to American citizens or to persons who have become such.¹⁷²

The company's property would have irrigation ditches to every 160 acres by the end of the summer. Among the properties to be opened in the tract were the ones on which Armour had spent \$9,000,000, first in reclamation then in irrigation works.¹⁷³

The matter of the By-pass was settled as far as the policy of building it was concerned. It was settled by the passage and the signing of the by-pass bills by Governor Stephens in May, 1919. All persons concerned in the matter including Sutter county farmers had petitioned the Governor to sign the bills and when the Governor signed the bills all were in harmony over the settlement of affairs.¹⁷⁴

In June 1919, the assessment of District 1500 was completed by assessment commissioners Green, Stanton, and Von Geldern. It was presumed to be the largest assessment ever placed upon a reclamation district in the state. The assessment was for \$5,000,000 and was placed upon 67,844.1 acres of land in the basin by the assessors.¹⁷⁵

The Reclamation Board called upon the fourteen counties Protective Association to send representatives to a conference to consider ways of financing completion of the east levee. Cost of the levee would be more than \$2,000,000. To complete the levee the board had to make concessions in connection with the acceptance of warrants in payment for the work.¹⁷⁶ The reason for these concessions was that bidders on the work refuse to take the district warrants at par value for there was no definite recall date on them and the interest was paid only on redemption of the warrants.¹⁷⁷

LX. After the Controversy

Owners of the land in the Sutter Basin were convinced that surface irrigation would pay. The irrigation system was put into effect and used for the first time in 1919.¹⁷⁸ The main pumping plant was installed at a cost of approximately \$250,000 to irrigate sixty thousand acres of land.¹⁷⁹ The pumping plant consists of three 42-inch pumps, each operated by a 250-horsepower motor and with a capacity of 48,000 gallons per minute, and three 42-inch pumps, each operated by a 300-horsepower motor and with a capacity of 56,000 gallons per minute, the total capacity of the plant being 312,000 gallons per minute. There were also two auxiliary pumping plants, one at State Ranch Bend and another at Portuguese Bend. All the water for the project was pumped out of the Sacramento River.¹⁸⁰

George Maddock, explained how far the project was progressing as of July 1, 1919, stated that negotiations were under way with various tenants to buy land. He explained that the company had not set a price on the land as yet for the price was to be in proportion to the earning power of the land. "Maddock made it clear the Sutter Basin lands will not be placed in the hands of agents."¹⁸¹

The Sutter Basin Company in order to effectively resist the pressure of the flood waters was "rip-rapping" a portion of the west levee of the By-pass. This consisted of placing stones on the sides of the levee.¹⁸²

G. F. Maddock, General Manager of the Sutter Basin Company, told the Yuba City Chamber of Commerce about the reclamation work being done in District 1500. He asked for the cooperation of the people of Sutter county, declaring as a result of the project there would be 25,000 added to the population of the county and its income will be increased approximately \$10,000,000.

Maddock went further in saying that 60,000 fertile acres would be added to the county and that the irrigation system would bring water to every quarter section of land in the project.¹⁸³

The plan of the company is to colonize the land, said Maddock, by subdividing the project into farms of 60 acres. This plan he declared would bring 1,000 new families to the district. He said that there would be at least one "community center" of possibly six thousand population, with canning factories, planing mills, box factories and other industrial plants to provide the needs and materials for the farmers.¹⁸⁴

Thus we come to the end of the Sutter Basin controversy but this is not the end of the story. Now let us jump from 1919 to the middle of the 1920's and see how the Armour enterprise was coming along with its colonization of the Sutter Basin.

But before looking at the Sutter Basin note that settlers of irrigated farms cannot move on to them and develop them as the settlers

in the prairie states did. It often costs as much as \$75 to \$100 per acre to prepare an irrigated farm to take water. The cost of irrigation equipment adds \$30 to \$100 more per acre.¹⁸⁵

Now attention must begin to the Sutter Basin project. In 1927 J. Ogden Armour forecasted an era of permanent property for the Sacramento Valley.

"In the Sacramento Valley there is a decided trend toward buying land as an investment," Armour said. "In fact inquiries concerning Sacramento Valley are increasing in all quarters of the country, particularly, however, in Southern California."¹⁸⁶

To begin the colonization of the Sutter Basin, Armour concluded negotiations whereby a large concern would colonize the project. This marks the beginning of a big land campaign whereby 45,000 acres of land would be for sale for thirty six million dollars.¹⁸⁷

The headquarters for the colonization undertaking was Sacramento. From this point conducted tours were made of the basin and the surrounding communities. Besides the headquarters in Sacramento, the company also maintained headquarters in the basin at its new townsite of Robbins.¹⁸⁸

In order to bring prospective colonizers to the Sutter Basin project, special trains were chartered from all parts of the country.¹⁸⁹ The colonization project was to be a big thing in bringing new settlers to Sutter County. The location in the basin to be colonized was then known as Sunny Valley Farms.¹⁹⁰

Then in 1928, disaster struck at the Sutter Basin Company for the postwar collapse in land values wrecked the whole scheme. So the organization of a new company to take over the project was planned. Under the reorganization plan, the new company would take over the lands and the warrants which Armour had pledged to secure the companies obligations.¹⁹¹

X. Conclusion

In concluding this paper, the first thing to be evaluated is whether the prophecy of floods occurring every year came true. The only flood that did occur was the one that happened in 1919. When the 1955 flood occurred, the By-pass proved itself by helping to carry the waters of the Sacramento River.

The next thing to be considered is just how fair the Sutter County Grand Jury was in blaming the Reclamation Board for the flooding of Sutter County in 1919. The flood of 1919 cannot be blamed entirely on reclamation board for it was not the boards fault that the work was delayed but the fault of the people of the county by trying to institute lawsuits against the reclamation district.

The final item to be considered is just what was the main issue in this controversy. Was the main issue the flooding of the county or the assessment that would be put upon the county for the building of the levees. The assessment it seems was the real issue all the time for it was present from the very beginning of the controversy. The issue of the flood of the county did not come up until the farmers started making it an issue for there was not the real danger of floods that they had predicted but there was the assessment and it was real while the floods were just speculation.

APPENDIX. An Interview with Mr. C. B. Kelly
of 349-39 Street, Sacramento, California

The basin was originally a tule bogue full of bull frogs. After the bill creating the district passed the legislature, the west levee of the By-pass was built. This levee was built before the east levee thus pushing the water back.

Legislators were brought to the county to look over the east levee of the By-pass. Not many of the legislators came, most of those that came were adjuncts.

The farmers ended up paying for the east levee after the west levee was built by the Armours. When the assessment for the east levee was levied only a few of the people in the district had enough money to see themselves through the crises while most of the people lost their land. But a lot of farmers land was saved by a Mr. Schraz, a financier from Chicago. The assessment was also serious to the people outside the district, for land worth \$50 an acre was assessed at \$100 per acre.

Q. How were the people of Sutter being ridiculed by the press of the state and especially of Sacramento?

A. The Sacramento Bee was for reclamation and McClatchy's editorials could be vicious at times.

Q. Did these suits impede the progress of the county as the Armour interest contended they did?

A. No, it was not, for this area at that time was sheep country. The progress of the county did not depend on this region except along the river, but the people of the county could not vision what the land would be worth in 50 years.

Q. What happened to Gerber after Armour went broke?

A. Gerber was in the banking business in Sacramento and the bank owned by Gerber went under in 1932.

Only after the depression days did the basin come into its own, but it was difficult on everybody particularly on those in the basin.

The owners of the Basin tried to grow cotton in the Basin but because of the climate the experiment failed.

At first people thought that the By-pass was a bad thing but after 50 years and three different corporations it has turned out to be pretty good but a lot of people got hurt in the process.

Armour and Gerber regretted that they ever went into the project for someone else reaped the harvest.

An Interview with Judge Arthur Coats of
224 Fairman Street, Yuba City, California

Q. Why did the people of Sutter county think that the central location would be better than the eastern location?

A. The people contended that the basin was a natural water course and the state could not dam it off. They also contended that to change the flow of water was against the law.

Q. Was the Sutter Basin obtained through fraud?

A. It was not obtained through fraud, but Armour used all the pressure he could to get the change and keep his holdings in one piece.

Q. Was the By-pass an experiment?

A. The whole system of levees of the Sacramento River was outlined by the Federal engineers and planned so that the By-pass would run through the center of the basin. The reclamation idea was the Federal governments and the change was Armour's.

Q. Was the fight originally between the farmers in the lower part of the county and the Armours or the whole county originally?

A. There were two lawsuits. One was the Samuel Gray suit for the farmers of the county and the other one was the county suit over the county's ownership of the roads. The whole county was opposed to the project except for those persons who had purchased land in the basin.

Q. Why did the land owners think that the Armours should build the east levee and that they should not have to help?

A. The east levee was a state project. The main struggle was that neither levees should be built and if they were going to be built that the west levee should not be built before the east levee for there would be flooding in the Barry and Tudor areas which there was.

Q. Was Sacramento for or against the By-pass?

A. Most people of Sacramento were not much interested one way or another. Except for various officials in the legislature who took the side of Armour, most people did not care.

Q. Was Sutter County being ridiculed by the press of the state?

A. No, they were not ridiculed but some papers did belittle the people of the county. Also, the position of the county was assailed by some papers.

Q. Did the Sutter Basin Company have any trouble trying to get settlers to come to the area?

A. The company first farmed the land themselves. Then they sold off tracks of land, but they did not have any trouble because of the litigation.

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