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17 IN THE UNITED STATES DISTRICT COURT
18 FOR THE NORTHERN DISTRICT OF CALIFORNIA

19 SAN JOAQUIN OR BIG SANDY BAND OF)
20 INDIANS, et al.,)

21 Plaintiffs,)

22 v.)

23 JAMES WATT, et al.,)

24 Defendants.)

CIVIL NO. C-80-3787-MHP

STIPULATION FOR ENTRY
OF JUDGMENT

25 The parties to the above-entitled class action,
26 recognizing that the uncertainties in the law and the burdens
27 of further litigation make settlement of this action mutually
28 beneficial, and subject to the approval of the Court pursuant
to F.R.C.P. Rule 23(e), hereby stipulate and request that the
court enter judgment as follows:

1. Plaintiffs Melba Beecher, Emma Cheepo and Dan
Lewis represent the class of persons certified as consisting of
all persons named in the distribution plan of the Big Sandy
Rancheria as distributees of the assets of said Rancheria, or

1 the Indian heir(s), assign(s), executor(s), administrator(s),
2 or successor(s) in interest thereof who, by reason of having
3 participated in the distribution of the assets of said
4 Rancheria at any time have been considered by the government of
5 the United States or any other governmental entity to have lost
6 their status as Indians under the laws of the United States.

7 2. Plaintiffs Loretta Sylvas, Linda Alec and Pearl
8 Hutchins are certified as representing the class of persons
9 consisting of all persons listed as or otherwise considered to
10 be dependent members of the families of distributees of the Big
11 Sandy Rancheria.

12 3. The status of the named individual plaintiffs and
13 class members as Indians under the laws of the United States is
14 confirmed.

15 4. The Secretary of the Interior shall list the Big
16 Sandy Band of Indians as an Indian Tribal entity pursuant to 25
17 CFR Part 83.6(b).

18 5. The exterior boundaries of the Big Sandy
19 Rancheria, encompassing all parcels shown on the Map of Fresno
20 County Tract No. 2060 recorded at pages 89, 90 and 91 in volume
21 22 of Plats, Fresno County Records, except for Parcel 26 of
22 said Tract, which was sold under the Rancheria's Distribution
23 Plan, are reestablished, as is the status of said lands as
24 Indian country within the meaning of 18 U.S.C. §1151.
25 Reestablishment of the exterior boundaries and Indian country
26 status of the Rancheria shall not affect the ownership rights
27 and interests of non-Indian persons owning any parcel within
28 said boundaries, and shall not vest the duly-constituted Tribal

1 governing body with jurisdiction over any parcel owned entirely
2 by non-Indian persons while such land remains in non-Indian
3 ownership, except upon the written consent of said non-Indians
4 or if said land is being used by Indians with the consent of
5 the non-Indian owner(s) thereof.

6 6. Any plaintiff or plaintiff class member, or the
7 Indian successor(s) of any such plaintiff, who received fee
8 title to an interest in any former trust allotment by reason of
9 the distribution of the assets of the Big Sandy Rancheria shall
10 be entitled to elect to restore any such interest to federal
11 trust status, to be held by the United States for the benefit
12 of such Indian person(s) as the grantor may specify.

13 7. Within one year of the date of entry of judgment
14 herein, plaintiff Band shall convey to the United States all
15 community-owned lands within the Big Sandy Rancheria to which
16 the United States issued fee title in connection with or as the
17 result of distribution of the assets of said Rancheria. Title
18 to said lands will be accepted and held by the United States in
19 trust for Big Sandy Band of Indians, or the Indians of the Big
20 Sandy Rancheria, as may be specified in the instrument(s) of
21 conveyance.

22 8. Any named plaintiff or plaintiff class member of
23 the Big Sandy Rancheria owning land within the Rancheria, or
24 the Indian heir(s), devisee(s) or successor(s) in interest to
25 such class member, may elect to convey back to the United
26 States title to any Rancheria lands owned by him/her. Pursuant
27 to the authority conferred by §203 of Title II of the Act of
28 January 12, 1983, Public Law No. 97-459, 96 Stat. 2515, and/or

1 the equitable powers of this court, title so conveyed shall be
2 accepted and held by the United States in trust for such Indian
3 class member(s) or entity as the grantor(s) may specify.

4 9. Defendant Secretary of the Interior shall
5 facilitate the return of lands to trust status by providing,
6 subject to available appropriations, reasonably necessary
7 survey, title and recording assistance, and by clearing,
8 discharging or assuming liens of up to \$3500 for unpaid past
9 and current real property taxes on lands belonging to the
10 Auberry-Big Sandy Association. The obligation of the Secretary
11 of the Interior to clear, discharge or assume real property tax
12 liens on Association lands shall cease one year after date of
13 judgment.

14 10. Defendants shall prepare and provide to
15 plaintiffs a list of federal services, benefits and programs
16 and the eligibility criteria therefor which were available to
17 Indians because of their status as Indians between May 2,
18 1973 and June 25, 1975. Any individual plaintiff or plaintiff
19 class member who applied for any federal service (other than
20 services provided by the Indian Health Service) available
21 exclusively to Indians and whose application therefor was
22 rejected solely on the ground that the applicant's status as an
23 Indian had been terminated by the distribution of the assets of
24 the Big Sandy Rancheria shall be entitled to re-apply for the
25 same benefit or service (or, if said benefit or service no
26 longer is offered in the form originally applied for, the
27 present equivalent thereof), notwithstanding that the applicant
28 might otherwise now be ineligible by reason of age or mere

1 passage of time.

2 11. Defendant Secretary of Health and Human Services
3 never has deemed plaintiffs to have lost their status as
4 Indians under the laws of the United States, and has continued
5 to provide water and sanitation facilities and assistance on
6 the Big Sandy Rancheria. Thus, the provisions of Paragraph 10
7 hereof do not apply to said defendant.

8 12. The Secretary of the Interior and plaintiffs
9 agree that the distribution plan for the Big Sandy Rancheria
10 shall be of no further force and effect, and shall not be
11 further implemented. Notice thereof shall be published in the
12 Federal Register; however, this provision shall not affect any
13 vested rights created thereunder, the validity of any
14 conveyances authorized and effected thereunder or the rights of
15 any subsequent bona fide purchaser for value.

16 13. Plaintiffs' claims for money damages (the
17 seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth,
18 fourteenth, fifteenth, sixteenth, seventeenth, eighteenth and
19 nineteenth claims) shall be dismissed with prejudice,
20 plaintiffs having specifically considered the potential value
21 of said claims, the probability of the success thereof, and the
22 value of the relief to be obtained under this settlement
23 agreement.

24 14. For the purpose of resolving any disputes which
25 arise among the parties in the course of implementing the
26 judgment to be entered pursuant to this stipulation, the court
27 shall retain jurisdiction over this matter for a period of one
28 year from entry of judgment, or for such longer time as may be

1 shown to be necessary on a motion duly noticed by any party
2 within one year from entry of judgment.

3 15. Entry of judgment pursuant to this stipulation
4 shall constitute a final settlement of all claims which named
5 plaintiffs and plaintiff class members have or may have against
6 the United States, its officers and employees arising out of
7 the implementation of the California Rancheria Act at the Big
8 Sandy Rancheria.

9 Dated: March 25, 1983

10 GEORGE FORMAN
11 DAVID RAPPORT
12 MICHAEL PFEFFER
13 CALIFORNIA INDIAN LEGAL SERVICES

14 Attorneys for Plaintiffs

15 By: 

16 Dated: March 25, 1983

17 JOSEPH RUSSONIELLO, U.S. Attorney
18 FRANCIS B. BOONE, Ass't. U.S. Att'y.

19 By: 

20 Attorneys for Defendants
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A PLAN FOR THE DISTRIBUTION OF THE ASSETS OF
THE BIG SANDY (AUBERRY) RANCHERIA,
ACCORDING TO THE PROVISIONS OF PUBLIC LAW 85-671,
ENACTED BY THE 85th CONGRESS, APPROVED AUGUST 18, 1958

The Big Sandy (Auberry) Rancheria, located about three miles northeast of the town of Auberry in Fresno County, California, is comprised of 285 acres, more or less, and is described as W2 NE4, NE4 SE4 SE4, N2 N2 SW4 SE4 SE4, NE4 SW4, Section 4, W2 NE4, SE4 NE4, S2 S2 NW4 NE4 NE4, NE4 NE4 NE4, S2 NE4 NE4, Section 9, T.10 S., R.23 E., M.D.M., California.

The occupied portion of the Rancheria is situated in a small valley with a gently sloping floor and a few small drainages. About 180 acres are steep, mountainous and brush-laden. Present use of the Rancheria is limited to homestead purposes. With the exception of a former teacherage on Parcel 3 and a former school house on Parcel 15 which are Government-owned, all homes on the Rancheria are privately-owned.

Although a paved county road crosses the northerly side of the Rancheria and provides the access to part of the residential area, most homes must be reached over narrow dirt trails. A State highway crosses the westerly and southerly portion of the Rancheria, but because of the highway's elevation, direct access to the individual homesteads is not available. In general, the roads crossing the Rancheria are not designed to serve the homesteads and access is difficult.

Nearly all homes are served with domestic water from a community system installed nearly twenty-five years ago, the cost of which has been placed as a lien against the Rancheria. Rehabilitation of the system is essential. In addition, the Rancheria residents have formally requested the installation

of sanitation facilities by the U. S. Public Health Service under Public Law 86-121 which may require an increased supply of domestic water.

There are no funds on deposit in the U.S. Treasury to the credit of the Rancharia. The group has had no constitution and bylaws or any other formal type of organization.

All distributees have been advised of the opportunity to participate in the education and training opportunities afforded by Public Law 85-671.

Formal assignments approved by the Bureau of Indian Affairs have not been made, validating occupancy of the Rancharia, but rather, residence on the Rancharia has for many years been authorized on the basis of need of individual families by the Auberry Indian Council, an informal organization of Indians living on the Rancharia and in the general vicinity. The Indians named herein have been determined to be the only Indians eligible to share in the assets of the Rancharia under the following criterion established by a vote of the Auberry Indian Council on May 1, 1963.

"All Indian families who have continuously resided on the Big Sandy Rancharia for the two (2) year period immediately prior to May 1, 1963."

No minors will participate in the distribution of the assets of the Rancharia.

The Indians of the Big Sandy Rancharia hereby request distribution of Rancharia assets under the provision of Public Law 85-671 and that the following actions authorized by that Act be performed as rapidly as possible.

1. Provide assistance in establishing a form of legal entity as may be required to accept and hold title to properties to be retained in group ownership.

2. Rehabilitate the existing domestic water system and construct such additional facilities as may be determined by the Area Director, Sacramento Area Office of the Bureau of Indian Affairs, to be needed in order to provide a safe and adequate supply of domestic water to all existing homes and to any residence under construction that is as much as fifty percent (50%) complete within 180 days after final approval of this plan.
3. Cancel all reimbursable indebtedness owing to the United States on account of unpaid construction and/or operation and maintenance charges for water facilities.
4. Make such surveys as are necessary for the Secretary of the Interior or his authorized representative to convey a merchantable and recordable title to each parcel.
5. Furnish each distributee with a statement of the approximate value of his or her parcel at the time of conveyance. Furnish such legal entity as may be established the approximate value of each parcel to be taken in community ownership.
6. Construct roads in the general locations shown on the attached sketch map to the minimum standards of Fresno County and transfer the facilities and rights-of-way thereto to the County for inclusion in the county road system.
7. Convey the following properties to a legal entity organized to accept them:
 - A. Government-owned buildings: Building No. 681, pump house
Building No. 682, community house
 - B. Parcels 5, 13, 15, 23, 24, 25, and 26
 - C. Domestic water system
 - D. Parcel 1 (According to modification of plan)

8. Convey Building No. 683, teacher's cottage, owned by the U.S. Government to the distributee of Parcel 3.
9. Reserve such easements or rights-of-way as may be required.
10. Sell, according to Bureau of Indian Affairs regulations, those portions of the Rancheria designated on the attached sketch map as Parcels 1 and 28, containing approximately 12.5 acres and 31.4 acres, respectively, provided that the highest bid or bids shall be subject to acceptance by a majority of the distributees. Should no bid be found acceptable a majority of the distributees shall determine what disposition shall be made of the property subject to the approval of the Secretary of the Interior or his authorized representative. The proceeds of any sale negotiated under this provision shall be paid by the Bureau of Indian Affairs to the legal entity to be established under Section 1.
11. Disburse to the legal entity to be established under Section 1 any funds on deposit in the U.S. Treasury to the credit of the Rancheria.
12. Before conveying or distributing property pursuant to this plan, protect the rights of individual Indians who are in need of assistance in conducting their affairs by causing the appointment of conservators or guardians for such Indians in courts of competent jurisdiction or by such other means as may be deemed adequate.
13. Convey unrestricted title to Parcel 20 as shown on the attached sketch map to the American Baptist Home Mission Society.
14. Convey to individual Indians or to a legal entity unrestricted title to lands constituting the Big Sandy Rancheria. The attached sketch map indicates generally the location of the parcels to be conveyed, provided however that adjustments may be made with the consent of the distributees

holding interests in affected parcels and approval of the Commissioner of Indian Affairs or his authorized representative. Title conveyed shall be subject to existing rights-of-way, easements or leases and will include such mineral and/or water rights as are now vested in the United States. The distributees who will receive title to individual parcels and who will become the shareholders of a legal entity to be organized to accept title to be taken by the community and the dependent members of their immediate families as defined in 25 C.F.R. 242.2(c) are:

NAME	PARCEL NO.	RELATIONSHIP	BIRTHDATE	ADDRESS
Wilshire Alec	8	Joint-distributee	10-12-1914	P.O. Box 141
Lottie Baker Alec		(as Joint-tenants)		Auberry, Calif.
Geraldine Alec		Joint-distributee	6-14-1912	same
Loretta Alec		Daughter	10-05-1940	same
Linda Alec		Daughter	5-19-1943	same
		Daughter	4-08-1953	same
Wilbur Beecher	19 & 22	Distributee	4-15-1939	Star Route
Janine Beecher		Daughter	12-23-1961	Auberry, Calif.
Lori Beecher		Daughter	8-15-1963	same
Malba Ruth Beecher	21	Distributee	9-07-1921	Star Route
Jennie Littlefield Beecher		Mother	2-21-1883	Auberry, Calif.
Steve Cheapo	17	Joint-distributee	1-27-1897	General Delivery
Emma Wesley Cheapo		(as Joint-tenants)		Auberry, Calif.
		Joint-distributee	1897	same
Minnie Joaquin Bob	11	Distributee	1899	General Delivery
				Auberry, Calif.
Ned Joe	9 & 10	Joint-distributee	2-14-1902	General Delivery
Lola Soledad Joe		(as Joint-tenants)		Auberry, Calif.
		Joint-distributee	11-15-1906	same
Daniel Lewis	27	Joint-distributee	10-18-1926	P. O. Box 54
Doris Anderson Lewis		(as Joint-tenants)		Auberry, Calif.
Richard Lewis		Joint-distributee	11-23-1929	same
Pearl Lewis		Son	1-20-1946	same
Danny Lewis		Daughter	4-21-1947	same
		Son	10-07-1948	same

NAME	PARCEL NO.	RELATIONSHIP	BIRTHDATE	ADDRESS
Constance Lewis		Daughter	2-13-1950	same
Terese Lewis		Daughter	2-07-1951	same
Rodney Lewis		Son	2-19-1952	same
Robert Lewis		Son	9-12-1953	same
Wanda Lewis		Daughter	3-26-1955	same
Phyllis Lewis		Daughter	3-07-1956	same
Randy Lewis		Son	1-18-1959	same
Maggie Marvin	18	Distributee	2-20-1873	Auberry, Calif.
Clarence Marvin	2 & 3	Joint-distributee (as Joint-tenants)	9-08-1923	Auberry, Calif.
Mary Lewis Marvin		Joint-distributee	1-21-1930	same (Modification
Joey Marvin		Son	8-15-1956	same Plan I-24-6
Leanne Marvin		Daughter	11-07-1959	same
Frank McCabe	16	Distributee	3-05-1890	Wish-I-ah Lodge Auberry, Calif.
Duma Major	14	Distributee	10-05-1880	General Delivery Auberry, Calif.
Nellie Riley	12	Distributee	2-21-1894	General Delivery Auberry, Calif.
May Grigsby Sample	4	Distributee	11-25-1905	General Delivery Auberry, Calif.
Albert Gilbert Moore	6 & 7	Joint-distributee (as Joint-tenants)	2-08-1922	Star Route Auberry, Calif.
Elizabeth Williams Moore		Joint-distributee	6-04-1930	same
Rebecca Lynne Moore		Daughter	9-14-1954	same
Alberta Lee Moore		Daughter	12-17-1956	same
George Marvin Moore		Son	6-20-1958	same
Albert Loren Moore		Son	2-20-1960	same
Susan Marie Moore		Daughter	5-15-1961	same

Upon approval of this plan, or a revision thereof, by the Secretary of the Interior and acceptance by a majority of the adult Indian distributees, as provided in Section 2(b) of Public Law 85-671, the distributees and the dependent members of their immediate families listed in the plan shall be the final list of Indians entitled to participate in the distribution of the assets of the Big Sandy Rancheria and the rights or beneficial interest in the property

of each person whose name appears in this list shall constitute vested property which may be inherited or bequeathed but shall not otherwise be subject to alienation or encumbrance before the transfer of title to such property by the United States.

After the assets of the Big Sandy Rancheria have been distributed pursuant to this plan and Public Law 85-671, the Indians who receive any part of such assets and the dependent members of their immediate families shall thereafter not be entitled to any of the services performed by the United States for Indians because of their status as Indians. All statutes of the United States which affect Indians because of their status as Indians shall not apply to them and the laws of the several states shall apply to them in the same manner as they apply to other citizens or persons within their jurisdiction. Nothing in this plan, however, shall affect the status of such persons as citizens of the United States.

All provisions of Public Law 85-671 shall be applicable in the execution of this plan and general notice of the contents shall be given by posting a copy of the plan in the post office at Auberry, California, by posting a copy in a prominent place on the Big Sandy Rancheria, by mailing a copy to each individual family head participating in the plan and by mailing a copy to any person who feels that he may have a material interest in the plan and so advises the Sacramento Area Office.

This plan was prepared by the Area Director, Bureau of Indian Affairs, Sacramento Area Office, pursuant to the authority delegated on February 26, 1959, and after consultation with the Indians of the Big Sandy Rancheria.

Approved by Associate Commissioner James E. Officer on August 26, 1964, with authority retained to revise or change if appeals are received within 30 days after general notice of this plan is given.

Final approval given by Under-Secretary of the Interior Carver on February 17, 1965.

Accepted by distributees in a referendum by vote of 12 for and 1 against.

EFFECTIVE DATE OF PLAN IS MARCH 5, 1965.

James E. Officer & Jeannie I

add Parcel 1 to the list of properties to be conveyed to the Big Sandy /
Modification Approved by Secretary of Interior - 3-11-1967 - January 24, 1967.