



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

AUG 15 1974 - J.S.

to RPA

Order

To : Assistant Secretary for Fish and Wildlife
and Parks
Assistant Secretary--Land and Water Resources
Commissioner of Indian Affairs

From : Secretary of the Interior

John C. Whitaker

Subject: Title to Certain Lands Riparian to Lake
Havasu

I have today determined to correct the designation by Secretary Ickes of November 25, 1941 that certain lands of the Chemehuevi Indian Reservation should be taken for use in the construction of Parker Dam pursuant to the Act of June 8, 1940, 54 Stat. 744. The corrected designation determines, establishes and confirms that the Chemehuevi Tribe has full equitable title to all lands within the Chemehuevi Indian Reservation riparian to Lake Havasu designated by Secretary of the Interior Ickes on November 25, 1941, between north and south boundaries as follows:

North Boundary

From a point in Section 18 T5N R25E, located as follows: Beginning at the SE Corner of said Section 18 due west 711 ft; thence N00°21'E a distance of 1304 ft; thence N51°20'W a distance of 1967 ft; thence N01°16'E a distance of 1130 ft. From said point the North Boundary is established on a line S74°08'E to the minimum pool elevation of the west bank of Lake Havasu.

South Boundary

From a point on the south line of Sec. 33, T4N, R26E which is 3156' N89°51'E a distance of 350' more or less to the minimum pool elevation of the west bank of Lake Havasu.

This corrected designation is subject to the reservation of certain rights in the United States as follows:

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(a) The right to deposit spoil and snags from Lake Havasu on said lands at locations mutually agreeable to the United States and the Tribe, provided that the Tribe's consent should not be unreasonably withheld;

(b) the right to flood and seep said lands in connection with its operations under the Act of December 21, 1928 (45 Stat. 1057), the Act of August 30, 1935 (49 Stat. 1028), and the said Act of June 28, 1946, (60 Stat. 338), as amended;

(c) the right of free ingress to, passage over and egress from said lands for the purpose of exercising the above rights and for all lawful purposes in connection with (i) protection, maintenance and administration of the Havasu National Wildlife Refuge, (ii) United States responsibilities relating to administration of the Chemehuevi Indian Reservation and (iii) United States responsibilities relating to Lake Havasu and the Colorado River.

Additionally, the corrected designation is subject to the valid existing rights of private persons. There are two concession contracts and approximately seventy special use permits covering some of the lands in question. These expire at various dates between the present time and 1984. I direct that they be extended, to the extent necessary, until the following dates:

(1) Residential permits

(a) Residents who use the permitted lands as a full time residence for a substantial portion of each year. I am informed that at least ten permittees are substantially full-time residents. */
The latest of these permits expires on July 31, 1979. I direct that each of these permits should be extended until August 15, 1980. In addition, I am advised that several other permittees claim that they are substantially permanent residents of the area. If any individual permittee wishes formally to claim such status, by a letter directed to me, within sixty days of this date, I direct the Office of Hearings and Appeals of this Department promptly to hold an informal hearing at Havasu Landing to determine the validity of all such claims.

*/ These are as follows:

<u>Lot No.</u>	<u>Permittee</u>	<u>Permit Number</u>
3	L.G. & Rose M. Pasley	23503
9	J.D. & Miriam Squires	23502
12	Aaron J. & Iona R. Laur	19774
18	John W. Goodgame	HAV-58
19	Dorothy Holley	12094
28	Dick & Eunice Parton	19745
31	Joseph, Jr. & Rosemary Benjamin	14800
40	Leo Rossier	19742
52	Leonard M. Vogt	HAV-52
56	Edward F. Patterson	HAV-73

The tribe may participate in that hearing. I reserve the right to, and will, extend any such permit until August 15, 1980 if the permittee is determined by the Office of Hearings and Appeals to be a substantially full-time resident.

- (b) Other residential permittees (including those who use the permitted lands for weekend and vacation homes). All such individual residential permits are to be extended until August 15, 1977.
- (2) Non-residential permittees.** These permits shall be extended until August 15, 1976.
- (3) The concession contracts expire in 1979 and 1984. They will not be extended, but until their expiration the Tribe will not interfere with the rights of the contractors or the general public to have access to the lands under contract as such reasonable locations as the Secretary shall determine.

Any of these permittees may obtain further extensions at the option and with the consent of the Tribe. All permit extensions here directed shall be subject to revision of the annual use fee, to be the fair market value of the land without improvements, at the date the present permit expires. I direct that all necessary appraisals be made at that time, and that all use fees shall be apportioned between the tribe and the United States from and after this date.

This corrected designation shall also be subject to all rights of the Metropolitan Water District of Southern California under that District's contract with the United States, captioned "Cooperative Contract for Construction and Operation of Parker Dam," dated February 10, 1933 (Designated 11r-712, as supplemented and amended by contracts between the same parties dated September 29, 1936, April 7, 1939 and December 16, 1952).

**/ These are:

<u>Lot No.</u>	<u>Permittee</u>	<u>Permit Number</u>
34	Rialto Fish & Game Club	14821
58&59	California Division of Fish & Game	14834
66	The Plunkers Club	19747
100	Needles Rod. Boat & Gun Club	12081

Finally, the corrected designation provides that the tribe shall not construct any permanent improvements within 300 feet of the minimum pool level of Lake Havasu.

I direct that all necessary steps shall be taken to implement this decision, including modification of the boundaries of Havasu National Wildlife Refuge as established by Executive Order of President Roosevelt on January 22, 1941.

John C. White

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North Boundary

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South Boundary

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