



First American Title Company

INTER-OFFICE COMMUNICATION

Date: January 20, 1986
FROM: DON DAVIDSON
Office: Santa Ana - Staff
TO: RODERICK W. JOHNSTON
Office: Riverside
Subject: LEASE ON COLORADO RIVER INDIAN RESERVATION
RIO LOCO RANCH
RIV - 1707487-RJ

The attached map shows that the proposed lease area is all on the California side of the Colorado River.

I plotted the legal description in the lease on the 1953 U.S.G.S. Quadrangle. (Yellow area). The red strip within the yellow area is "Rio Loco Ranch, Unit One" from the map of the "Business Lease of William Tuttle & Robert Tuttle". (The Land Surveyor showed "San Bernardino County" instead of Riverside County) (MAP 1)

I. HISTORY

- A. The boundary of the Colorado River Indian Reservation was described in the Executive Order of 1876 and Bureau of Land Management Resurveys in 1958 and 1973 show the Indian Reservation Boundary as a fixed boundary along the 1879 meander line thru Section 36, Township 2 South, Range 23 East. In 1969, the opinion of the U.S. Solicitor and the Secretary of the Interior was that the 1879 meander line was a fixed boundary of the Reservation from Township 2 South thru Township 5 South.
- B. In the 1963 U.S. Supreme Court Case, Arizona v. California, the State of California contended that the Colorado Indian Reservation Boundary along the river was not a fixed boundary but moved as the course of the Colorado River changed (naturally) and that accretions to Section 36 in Township 2 South, Range 23 East accrued to School Land Section 36 and were privately owned.

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The Special Master in Arizona v. California supported the State of California's opinion and said that the U.S. Supreme Court should make the determination as to the location of the Reservation boundary. However, the U.S. Supreme Court did not rule on the location and left the boundary question open for future determination.

- C. Public Law 88-302, April 30, 1964, authorized the Secretary of the Interior to approve leases of land on the Colorado River Indian Reservation but not west of the present course of the Colorado River south of Section 25, Township 2 South, Range 23 East - until the controversy over the location of the boundary has been resolved.

The dashed red line thru the yellow area on MAP 1 is an extension of the Reservation Boundary to the river. This extended line would be the boundary if the Reservation followed the natural changes in the shoreline and not the 1879 line. In this case, all land east of this line is Indian Reservation land. All land west of this line would be privately owned accretion to Section 36 and this is the portion of the lease which cannot be approved by the Secretary of the Interior until the boundary controversy has been officially settled.

The United States District Court Case, U.S.A. v. Brigham Young University, Civil No. 72-3058, was filed in 1976 to settle the Indian Reservation boundary location in Section 36, Township 2 South, Range 23 East. The Judgments established the location of the Reservation boundary along the 1879 line bordering the property claimed by four Defendants in this case. (MAP 2)

However, there apparently was no Judgment which established the Reservation boundary bordering the property claimed by Defendants Robert and William Tuttle which is the area of subject lease.

A Pre-Trial Conference Order in U.S.A. v. Brigham Young University refers to the claim of Robert and William Tuttle but this case apparently did not go to trial.

The "Resolution" by the Colorado River Tribal Council, which is attached to the "Business Lease", indicates that there was a "negotiated settlement agreement" with the Tuttle's but we do not have a copy of this agreement.

Although the Colorado River Tribal Council probably has a copy of this agreement, it is unknown if an agreement between the Tribe and the Tuttle's is the type of boundary determination intended by Public Law 88-302. It is also unknown if a "Resolution" by the Tribal Council is a substitute for approval of a lease on Indian Land by the Secretary of the Interior.