

February 7, 2011

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Colorado River Indian Reservation Western Boundary

Dear Mr. Slovak:

The Holt Group has been requested to evaluate the characteristics of the Colorado River Indian Reservation Western Boundary and provide a brief description of those characteristics in accordance with current survey maps and documents provided by the Colorado River Indian Tribes (CRIT). The Holt Group is uniquely qualified to present this analysis due to our background in the preparation of surveys, and our familiarity with the land in the local area. The Holt Group references are attached to this document.

Western Boundary of the Reservation Defined

From the maps and related documents, the western boundary of the reservation for the context of this analysis is considered to be from the peak of Riverside Mountain as the northern extremity, to the original entrance of the La Paz Arroyo as the southern extremity. We have assumed that the controlling document that defined this portion of the boundary is the Executive Order of 1876, from which the intent of the western boundary can be derived:

“Beginning at a point where La Paz Arroyo enters the Colorado River....thence southwesterly in a straight line to the top of Riverside Mountain, California; thence in a direct line toward the place of beginning to the west bank of the Colorado River; thence down said west bank to a point opposite the place of beginning; thence to the place of beginning.”

Analysis

The western boundary as depicted on the survey maps is consistent. The northern 17 miles of the boundary extends into California at varying distances from the Colorado River. The southern eight miles follows the Colorado River except for two areas which show additional land in

California. The descriptions below trace the indication of the western boundary from north to south.

Northern Area. The western boundary of the reservation in the 17 mile northern area is generally shown as a meander line that was established by surveys done in 1879 by Benson and 1874 by Callaway. The meander line boundary begins at the intersection with the straight line between the peak of Riverside Mountain and the original La Paz Arroyo. From that point south, the Benson meander is shown as the boundary to T. 5 S. From T. 5 S., the reservation boundary follows the Callaway meander line through Section 12, T. 5 S., R. 23 E., S.B.M., California.

Southern Area. The eight mile southern area begins at the Colorado River, opposite the southern extremity of the northern section, which as noted above is the intersection of the Callaway meander line and the eastern edge of Section 12, T. 5 S., R. 23 E., S.B.M, California. The maps indicate a straight line from the Callaway meander line intersection to the Colorado River, in generally an east-west orientation. From the Colorado River southward, the maps show that the reservation boundary is the Colorado River, indicative of a typical riparian boundary. However, the riparian boundary shows interruptions with extensions into California in two locations. Both of those locations appear to contain lands that were formerly part of the riverbed or are located between the old riverbed and the current location of the River.

Aranson Settlement Lands. Reference: BLM Dependent Resurvey 2010 by Cadastral Surveyor titled "Colorado River Indian Reservation La Paz County Arizona, San Bernardino County, & Riverside County California"

Of note on this map is the Aranson Settlement Lands depicted. It would appear that these parcels were obtained by CRIT as a result of the settlement of the lawsuit. Of particular note is that one of these "settlement lots", indicated by the number seven on the map, is between the Callaway meander line and the Colorado River. The northern boundary of this parcel appears to be the "dividing" line between the northern and southern areas of the western boundary.

Callaway Meander Line. A review of the Callaway meander line shows that it crosses the current location of the Colorado River in three (3) places. However, these meander crossings are in the southern area where the boundary is shown as riparian.

Conclusions

Opposite Interpretation of "West Bank". The western boundary of the Colorado River Indian Reservation can be characterized as implementing two diametrically opposed interpretations of the 1876 Executive Order. The conclusions drawn from a thorough investigation of the maps is that the simple phrase "west bank" defining the boundary in the 1876 Executive Order is interpreted as a fixed line in the north and a riparian boundary in the south. The fixed line in the north is established by the meander surveys in 1874 and 1879. In the south, the boundary is shown as riparian.

Mason Dixon Line. The inconsistency in the interpretation of "west bank" is demonstrated by the disjoint at the juncture of the two opposite interpretations. That disjoint is the east-west line

between the Colorado River and the abandonment of the meander line as the boundary in Section 12, T. 5 S., R. 23 E., S.B.M., California. Most interesting is that the "Mason Dixon" disjoint line seems to be not only completely arbitrary, but it has no reference in the 1876 Executive Order. The line clearly has no justification in the documents we have reviewed, nor have we seen such patchwork applied to piece together "multiple" or "creative" interpretations of boundaries in our experience.

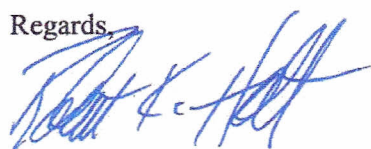
A review of the nature of the meander line in the southern area provides the reasoning for the need to establish the arbitrary "Mason Dixon" line. As noted above, that meander line crosses the River into Arizona in three locations south of the "Mason Dixon" line. If the meander line theory were to be applied consistently along the western boundary, portions of the lands in Arizona would then be removed from the reservation. For this reason alone, it is clear that CRIT would not desire to apply the meander line consistently along the western boundary.

Aranson Settlement Lands. Although research into the criteria for the location of the disjoint line is beyond the scope of this evaluation, it is interesting to note that it appears that the location may have been chosen to avoid legal challenges. Since the Aranson Settlement Lands included the parcel adjacent to the line, it is clear that the parcel had clear title held by "others" prior to the settlement. Therefore, locating the "Mason Dixon" north of that privately owned property would have prevented a legal challenge to title.

Inconsistent Application of Boundary Criteria. The application of opposite interpretations of the meaning of "west bank" has surely been of benefit to CRIT. It has allowed the Tribes the ability to claim additional lands in the north between the present course of the Colorado River and the meander lines, and has also allowed them to acquire lands according to the rules of riparian boundaries in the south. In our experience, we have never seen such a situation where even a Native American tribe has been afforded such preferential treatment where consistent policy is ignored and indefensible positions are allowed.

Should you have questions or require additional information, please do not hesitate to contact me at (760) 922-4658.

Regards,


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President
The Holt Group, Inc.

