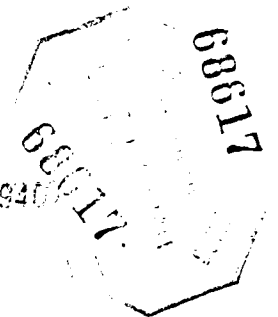


UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
WASHINGTON

M. 29759.

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The Honorable,

The Secretary of the Interior.

My dear Mr. Secretary:

1-2-34
The Office of Indian Affairs has presented for approval a quit-claim deed executed by the Petroleum Securities Company, a corporation, a quitclaim deed executed by The Roman Catholic Bishop of Los Angeles and San Diego, a corporation sole, and an agreement and quitclaim deed executed by Harold J. Duell and wife and Archie W. Hunt and wife, conveying as a donation their respective interests in certain lands aggregating 100 acres and certain water rights situated within the proposed Santa Ynez Indian Reservation in Santa Barbara County, California.

The lands and water rights which are more particularly described in the deeds are being conveyed for the establishment of a permanent Indian reservation for the perpetual use and occupancy of the Santa Ynez Band of Mission Indians under the act of February 14, 1931 (46 Stat. 1106).

The deeds, abstract of title, and related papers have been submitted to me for an opinion as to the sufficiency of the deeds and the acceptability of the title to be conveyed.

The abstract of title reveals that the lands under consideration were originally a part of the Canada de Los Pinos or College Rancho, which was patented by the United States on February 23, 1861, to

Joseph E. Alemany, Bishop of Monterey. The land described in this patent was on February 3, 1832, partitioned and divided between the Roman Catholic Archbishop of San Francisco and the Roman Catholic Bishop of Monterey. On February 12, 1897, the Roman Catholic Bishop of Monterey filed an action in the Superior Court of Santa Barbara County to determine, settle and establish the rights of Indians therein named to a portion of the Canada de Los Pinos or College Rancho and to the waters of Zanja de Cota Creek. On March 31, 1906, judgment was entered in the action. By the terms of this judgment the Santa Ynez Indians were granted the right to occupy certain lands and the right to a portion of the waters of Zanja de Cota Creek, subject to certain superior rights of the Roman Catholic Bishop of Monterey. Pursuant to the terms of this judgment and of an agreement entered into with Lucius A. Right, Indian Agent, the Roman Catholic Bishop of Monterey and Los Angeles, a corporation sole, on April 10, 1906, conveyed to the United States of America a portion of the Canada de Los Pinos or College Rancho east of Zanja de Cota Creek, but not abutting thereon, as described in the deed, with certain attached water rights. The grantor reserved certain easement rights referred to in the deed and the right to have the property reconveyed to the grantor or its successors or assigns upon abandonment of the land by the Indians. By mesne conveyances, the reverendary rights to said land and the rights as riparian owner or otherwise in the waters of Zanja de Cota Creek became vested in the Petroleum Securities Company.

The Santa Ynez Land and Improvement Company, owner of a portion of the Rancho Canada or College Rancho west of the center line of Santa de Gata Creek, conveyed certain parcels of land and water right uses to the Secretary of the Interior of the United States in trust for the continuous, undisturbed possession, use and occupancy of five families of Santa Ynez Indians named in the deed of conveyance. This deed contains a clause to the effect that the lands and water rights, upon the death of the families named therein or their descendants, shall revert to the grantor, its successors or assigns. By a deed dated March 26, 1919, the Santa Ynez Valley Development Company, successor in title to the Santa Ynez Land and Improvement Company, conveyed to the Secretary of the Interior a right of way for the construction of a cement lined ditch approximately 1,220 feet in length for the purpose of diverting water to the Indian lands. This deed also included a reversionary clause. By mesne conveyances the interests of the Santa Ynez Valley Development Company became vested in Harold J. Buell and Archie M. Hunt.

In order to protect the interest of the Indians and to clear title to the lands involved, certain quitclaim deeds and agreements have been procured from the parties in interest, namely the Petroleum Securities Company, the Roman Catholic Bishop of Los Angeles and San Diego, a corporation sole, Harold J. Buell and Archie M. Hunt.

The abstract of title, consisting of 227 pages, was prepared by Cherry Anderson, Abstractor, and certified on February 14, 1940.

According to the abstract and related papers, title to the lands under consideration is vested in the following manner.

Title to that portion of the lands lying on the east side of the center line of Zanja de Cota Creek and appurtenant water rights is vested in the United States in trust for the Santa Ynez Band of Mission Indians subject only to the matter hereinafter discussed.

The plats submitted show that the property is subject to the rights of the public in Zanja Cota Avenue and Valley Street. Those rights must be considered by the Office of Indian Affairs and a determination should be made as to whether title should be accepted subject thereto.

Title to that portion of the lands lying on the west side of the center line of Zanja de Cota Creek and water rights to the waters of said creek as riparian owners is vested in Harold J. Buell and Archie H. Hunt subject to the objections and defects hereinafter discussed.

The property is subject to the rights of the Secretary of the Interior in and to said lands and waters held in trust for certain members of the Band of Santa Ynez Indians as conveyed by the Santa Ynez Land and Development Company to the Secretary of the Interior by deed dated February 27, 1903, reported in Book 92, page 113 of Deeds, Santa Barbara County records, and as defined and conveyed by deed from Santa Ynez Valley Development Company to the Secretary of the Interior,

by deed dated March 26, 1919, recorded in Book 171, page 523 of Deeds, Santa Barbara County records, and subject also to lower riparian rights. However, Harold J. Duell and Archie M. Hunt have executed the enclosed unrecorded agreement and quitclaim deed dated May 26, 1937, defining the rights of the parties thereto to the waters of Zanja de Cota Creek, and conveying all of said land owned by them to the United States in trust for the Santa Ynez Mission Band of Indians subject to certain reserved rights contained therein. These reserved rights and the rights of the lower riparian owners must be considered also by the Office of Indian Affairs and a determination made as to the acceptability of title subject thereto.

It appears that it was necessary for the Indians to relinquish certain small parcels of land in order to effect the terms of this agreement and quitclaim deed. The Indians have approved the transaction and have executed a disclaimer of their interests in these parcels which were acquired under the deed of February 27, 1903, from Santa Ynez Land and Improvement Company to the Secretary of the Interior, recorded May 2, 1903, in Book 92, page 113, Santa Barbara County records. This disclaimer must be placed of record.

When all the foregoing requirements have been met, the articles of agreement and quitclaim deed should be executed by the Secretary of the Interior and placed of record.

The departmental report on possessory rights which has been submitted must be extended to cover all of the property under examination down to the date of the recording of the articles of agreement and quitclaim deed. Thereafter the abstract must be recertified to a date subsequent to such recording showing an indefeasible title vested in the United States in trust for the Santa Ynez Band of Mission Indians.

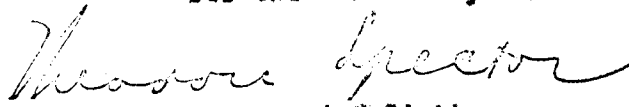
The quitclaim deeds and the articles of agreement and quitclaim deed are in satisfactory form and have been properly executed. The deeds from the Petroleum Securities Company and the Roman Catholic Bishop of Los Angeles and San Diego have been recorded although not accepted formally by the United States.

When all the requirements of this opinion have been met, the title may be approved and the deeds accepted formally.

The deeds, abstract of title, and related papers are returned for further action in accordance with this opinion.

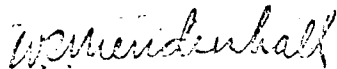
Respectfully,

For the Solicitor,



Assistant Solicitor.

Approved: 10/12/1940



Acting Assistant Secretary.