

Copy of ROUGH DRAFT

Memorandum

To: H. L. Gardner, Director, Division of Administration
From: Allan G. Harper, Area Director
Subject: Disposition of School Farm at Tuba City, My memorandum
of February 5, 1954

Reference is made to the first sentence of paragraph two of my memorandum of February 5 which reads as follows: "From the old project history on this irrigation project, it has been found that the area including the school farm was purchased from the "Norman Settlers" by the Government and included in the reservation by Executive Order of January 8, 1900 for use by the Navajo Indians."

Some questions have arisen relative to the rights of Hopi Indians on this irrigation project and I wish to clarify the point by citing from the Act of June 14, 1934 (48 Stat. 960) an Act entitled "To define the exterior boundaries of the Navajo Indian Reservation in Arizona and for other purposes. All vacant, unreserved, and unappropriated public lands, including all temporary withdrawals of public lands in Arizona heretofore made for Indian purposes by Executive order or otherwise within the boundaries defined by this Act, are hereby permanently withdrawn from all forms of entry or disposal for the benefit of the Navajo and such other Indians as may already be located thereon."

Since the Hopi people residing within the Moencopi Area have been permanently located there over a long period of years, prior to the Executive Order of January 8, 1900, it would appear that their rights to use these lands are the same as those of the Navajo people and should be so recognized.

AGH

T.C. 1791