

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF ARIZONA

DEWEY HEALING, CHAIRMAN OF THE HOPI TRIBAL
COUNCIL OF THE HOPI INDIAN TRIBE, FOR
AND ON BEHALF OF THE HOPI INDIAN TRIBE,
INCLUDING ALL VILLAGES AND CLANS THEREOF,
AND ON BEHALF OF ANY AND ALL HOPI
INDIANS CLAIMING ANY INTEREST IN THE
LANDS DESCRIBED IN THE EXECUTIVE ORDER
DATED DECEMBER 16, 1882,

Plaintiff,

vs.

PAUL JONES, CHAIRMAN OF THE NAVAJO TRIBAL
COUNCIL OF THE NAVAJO INDIAN TRIBE FOR
AND ON BEHALF OF THE NAVAJO INDIAN
TRIBE, INCLUDING ALL VILLAGES AND CLANS
THEREOF, AND ON BEHALF OF ANY AND ALL
NAVAJO INDIANS CLAIMING ANY INTEREST IN
THE LANDS DESCRIBED IN THE EXECUTIVE
ORDER DATED DECEMBER 16, 1882; ROBERT
F. KENNEDY, ATTORNEY GENERAL OF THE
UNITED STATES, ON BEHALF OF THE UNITED
STATES,

Defendants.

No. Civil
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Prescott

JUDGMENT

This cause having been submitted to the court on August 2, 1961, following trial, oral argument, and the filing of proposed findings of fact, objections thereto, and briefs, and the court having made and entered its findings of fact and conclusions of law, now therefore it is hereby declared, adjudged and decreed that:

1. The Hopi Indian Tribe, for the common use and benefit of the Hopi Indians, but subject to the trust title of the United States, has the exclusive right and interest, both as to the surface and subsurface, including all resources, in and to that part of the executive order reservation of December 16, 1882, lying within

land management district 6, as defined on April 24, 1943, the said district 6 being described as follows:

Starting at the section corner between Sections 3 and 4, Township 28 North and Range 14 East. This corner is located 24.75 chains due South and then 54.35 chains due West from Windmill M-174. The corner is steel and is located on the West bank of the Dinehbito Wash. It is located a few chains West of the wash. The boundary runs South of this corner to the center of the wash which distance is about 2 chains. From the above mentioned corner the boundary runs North $25^{\circ} 10'$ West to Howell Mesa escarpment in Section 20, Township 29 North, Range 14 East. It then goes in a northerly direction along said escarpment until the Tuba City-Hotevilla road is intersected in the South half of Section 28, Township 30 North, Range 14 East. The boundary then follows the road until it reaches the center of the Dinehbito Wash about on the section corner common to Sections 22, 23, 26 and 27, Township 30 North, Range 15 East. The boundary then follows the center of the Dinehbito Wash in a northeasterly direction until it intersects a line going North 45° West from the quarter corner between Sections 17 and 20, Township 30 North and Range 16 East. This line is approximately 43 chains long. The boundary then follows said line Southeast to the quarter corner between Sections 17 and 20, Township 30 North, Range 16 East. The boundary then follows the section line due East from the said quarter corner for 4.5 miles to the section corner common to Sections 13 and 24, Township 30 North, Range 16 E, and Sections 18 and 19, Township 30 North, Range 17 East, then turns an angle and goes North 42° East for a distance of approximately 2.2 miles until the escarpment on the East side of the valley is encountered in the NW $\frac{1}{4}$ of Section 8, Township 30 North, Range 17 East. The boundary then follows this escarpment in a southerly direction until the most southerly point in the escarpment is reached in the E/2 of Section 16, Township 30 North, Range 17 East. The boundary then goes 4 miles South 23° East at which point it reaches the Oraibi Wash in the NW $\frac{1}{4}$, Section 22, Township 30 North, Range 17 East. The boundary then follows the West bank of the Oraibi Wash in a northeasterly direction until a point 200 yards above the

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Hardrocks Diversion Dam is reached. The boundary then turns an angle and follows a line South $57^{\circ} 30'$ East for a distance of approximately five miles until it reaches the buck pasture fence in the SW $\frac{1}{4}$, Section 15, Township 30 North, Range 18 East.

The boundary then follows the buck pasture fence Southwesterly for approximately .4 miles in the NW $\frac{1}{4}$, Section 22, Township 30 North, Range 18 East. Thence Southeasterly along the buck pasture fence for approximately .4 mile in the NW $\frac{1}{4}$, Section 22, Township 30 North, Range 18 East. Thence Northeasterly along the buck pasture fence for approximately 3 miles to a point in the NW $\frac{1}{4}$, Section 18, Township 30 North, Range 19 East. Then Southeasterly along the buck pasture fence for approximately 1 mile to the SE $\frac{1}{4}$, Section 18, Township 30 North, Range 19 East. Thence Northeasterly along the buck pasture fence approximately .2 mile to the point on the section line between the SW quarters of Sections 17 and 18, Township 30 North, Range 19 East. Then South $76^{\circ} 30'$ East following the Existing Boundary fence to a point 1,879 feet due North of Section corner between Sections 23, 24, 25, and 26, Township 30 North, Range 19 East. This section corner is located near water well H 11 which is known as Cat Springs. Then South $54^{\circ} 15'$ East following the Existing Boundary fence to a point in Bingham's Lake approximately 8 miles South of Latitude $36^{\circ} 00'$ and 4.25 miles West of Longitude $110^{\circ} 00'$.

From this point in Bingham's Lake the boundary then runs South $38^{\circ} 00'$ West following the Existing Boundary fence until it intersects the Jeddito Wash. The intersection takes place at the same point as Longitude $110^{\circ} 15'$ intersects the wash. The boundary then follows the center of the wash to the point where the Township line between Townships 24 and 25 North intersects the wash. The boundary then follows the Township line due West following the Existing Boundary fence for 2.3 miles at which point it goes North $45^{\circ} 57'$ West following the Existing Boundary fence for approximately 25.6 miles until it intersects the Dinehbito Wash at the same point as the Township line between Townships 27 and 28 North. The boundary then follows the center of the Wash 8 miles up to the point where it intersects the line running

due South of the corner between Sections 3 and 4 Township 28 North, Range 14 East.

2. Title in and to the part of the 1882 reservation described in the preceding paragraph of this judgment is quieted in the Hopi Indian Tribe for the common use and benefit of the Hopi Indians, subject to the trust title of the United States, and such land is henceforth a reservation for the Hopi Indian Tribe.

3. The Hopi Indian Tribe and the Navajo Indian Tribe, for the common use and benefit of their respective members, but subject to the trust title of the United States, have joint, undivided and equal rights and interests both as to the surface and subsurface, including all resources, in and to all of the executive order reservation of December 16, 1882, lying outside of the boundaries of land management district 6, as defined on April 21, 1943, such boundaries being described in paragraph 1 of this judgment, and title in and to all of that reservation except the described district 6, is accordingly quieted in the Hopi Indian Tribe and the Navajo Indian Tribe, share and share alike, subject to the trust title of the United States, as a reservation.

4. No Indians or Indian tribes other than Hopis and Navajos have any right or interest in and to any part of the executive order reservation of December 16, 1882.

FREDERICK G. HAMLEY, Circuit Judge,
LEON R. YANKWICH, District Judge,
JAMES A. WALSH, District Judge.

September 28, 1962

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