

**A NATOMY OF THE
NAVAJO
INDIAN RESERVATION:
HOW IT GREW**

PREPARED BY
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THE NAVAJO NATION
WINDOW ROCK, ARIZONA

1972

SRP002199

Room

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This book has been prepared to answer the many questions arising from the complex nature of Navajo land holdings and land use, how the Navajo Indian Reservation was created, and how it grew to its presently-established dimensions.

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Beginning with Map No. 1, which is a skeleton outline of the Navajo Indian Reservation as presently constituted, sequential Maps No. 2 through No. 21 illustrate progressively how the space within this skeleton outline gradually became filled to become the Navajo Indian Reservation.

Following each map are the documents supporting each addition, revocation, exchange, or other transaction involved.

Map No. 22 shows the three satellite Navajo reservations of Alamo (or Puertocito), Cañoncito, and Ramah.

Following Map No. 22 is a tabular breakdown by acreages of Navajo land use in Arizona, New Mexico, and Utah - both on and off the reservation.

Preceding Map No. 1 is a DIGEST OF CONTENTS from which can be ascertained at a glance the chronological sequence of enactments leading up to the creation of the present Navajo Indian Reservation.

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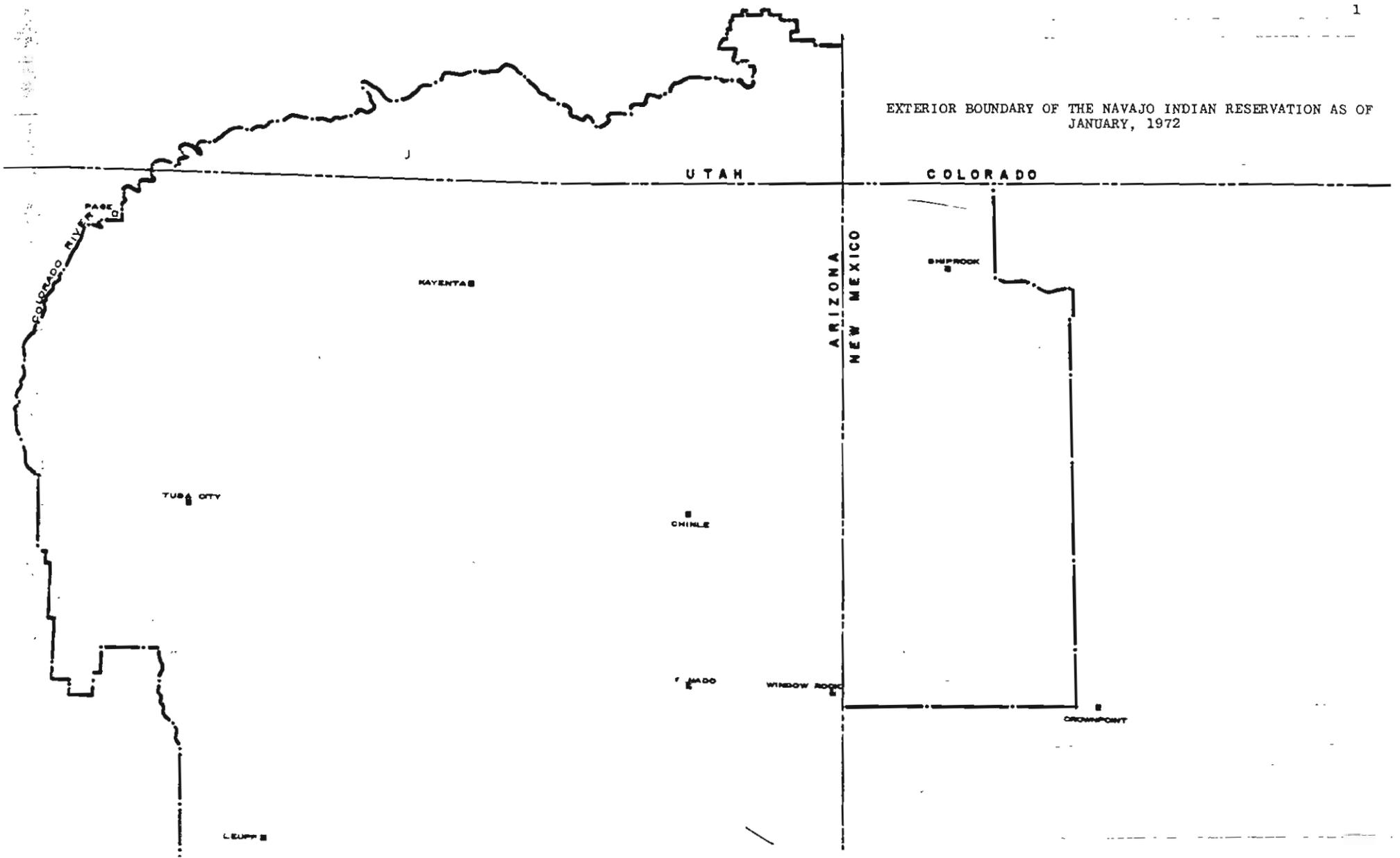
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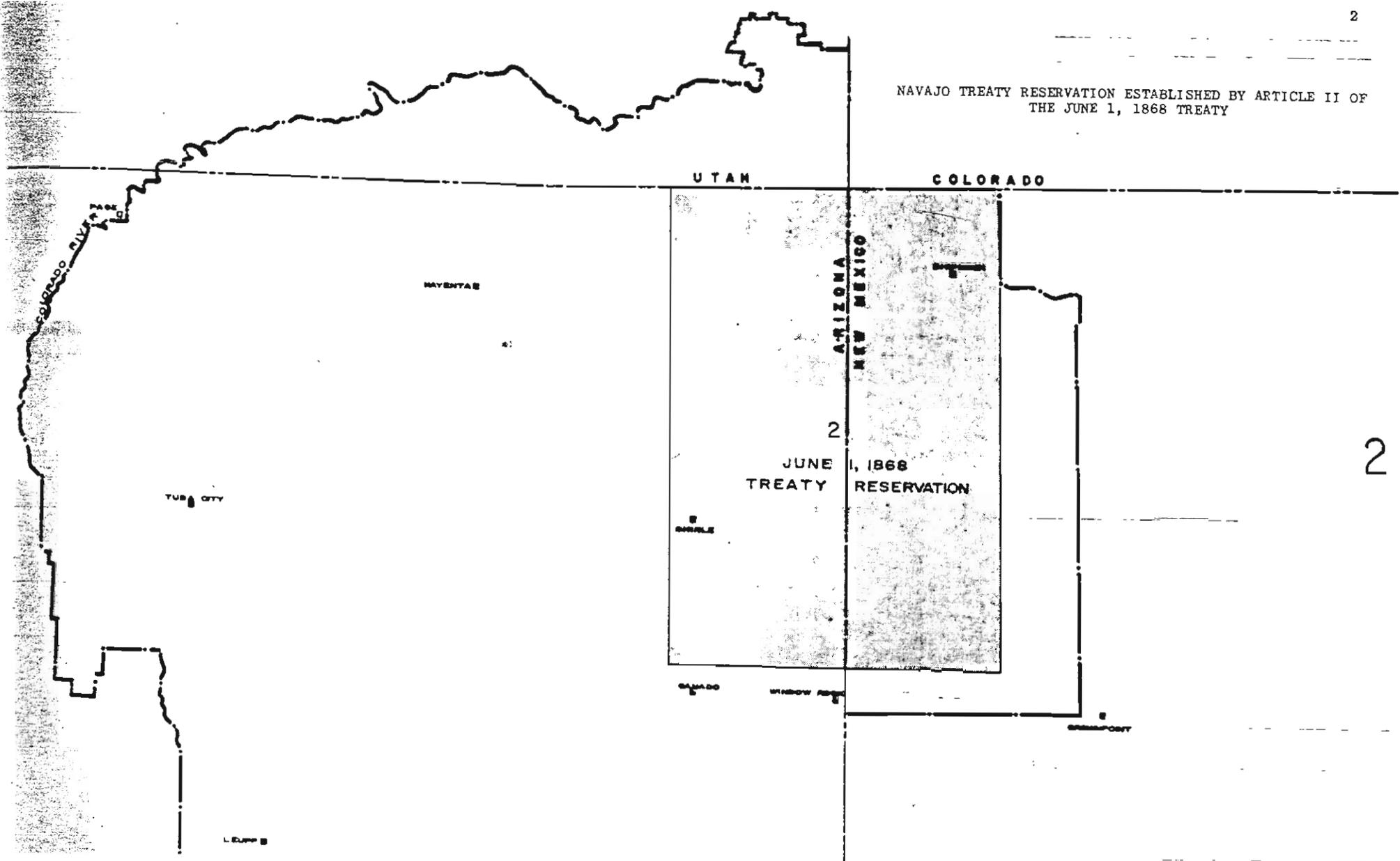
The Treaty of June 1, 1868, all Executive Orders, and Acts of Congress with Annotations, Cross-references, and History contained herein, unless otherwise specified, are from the NAVAJO TRIBAL CODE, Appendix.

An Executive Order is an Order signed by the President of the United States.

EXTERIOR BOUNDARY OF THE NAVAJO INDIAN RESERVATION AS OF JANUARY, 1972



NAVAJO TREATY RESERVATION ESTABLISHED BY ARTICLE II OF
THE JUNE 1, 1868 TREATY



2

TREATY OF JUNE 1, 1868

3

Treaty between the United States of America
and the Navajo Tribe of Indians;
Concluded June 1, 1868; Ratification advised July 25, 1868;
Proclaimed August 12, 1868 (15 Stat. 667)

ANDREW JOHNSON,

President of the United States of America,

To all and singular to whom these presents shall come, greeting:

WHEREAS a treaty was made and concluded at Fort Sumner, in the territory of New Mexico, on the first day of June, in the year of our Lord, one thousand eight hundred and sixty-eight, by and between Lieutenant-General W. T. Sherman and Samuel F. Tappan, commissioners, on the part of the United States and Barboncito Armijo, and other chiefs and headmen of the Navajo tribe of Indians, on the part of said Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:

ARTICLES of a treaty and agreement made and entered into at Fort Sumner, New Mexico, on the first day of June, one thousand eight hundred and sixty-eight, by and between the United States, represented by its commissioners, Lieutenant-General W. T. Sherman and Colonel Samuel F. Tappan, of the one part, and the Navajo Nation or tribe of Indians, represented by their chiefs and head-men, duly authorized and empowered to act for the whole people of said nation or tribe, (the names of said chiefs and head-men being hereto subscribed,) of the other part, witness:

ARTICLE I. From this day forward all war between the parties to this agreement shall forever cease. The Government of the United States desires peace, and its honor is hereby pledged to keep it. The Indians desire peace, and they now pledge their honor to keep it.

If bad men among the whites, or among other people subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington City, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also to reimburse the injured persons for the loss sustained.

If bad men among the Indians shall commit a wrong or depredation upon the person or property of any one, white, black, or Indian, subject to the authority of the United States and at peace therewith, the Navajo tribe agree that they will, on proof made to their agent, and on notice by him, deliver up the wrongdoer to the United States, to be tried and punished according to its laws; and in case they wilfully refuse so to do, the person injured shall be reimbursed for his loss from the annuities or other moneys due or to become due to them under this treaty, or any others that may be made with the United States. And the President may prescribe such rules and regulations for ascertaining damages under this article as in his judgment may be proper; but no such damage shall be adjusted and paid until examined and passed upon by the Commissioner of Indian Affairs, and no one sustaining loss whilst violating, or because of his violating, the provisions of this treaty or the laws of the United States, shall be reimbursed therefor.

ARTICLE II. The United States agrees that the following district of country, to wit: bounded on the north by the 37th degree of north latitude, south by an east and west line passing through the site of old Fort Defiance, in Cañon Bonito, east by the parallel of longitude which, if prolonged south, would pass through old Fort Lyon, or the Ojo-de-oso, Bear Spring, and west by a parallel of longitude about 109° 30' west of Greenwich, provided it embraces the outlet of the Cañon-de-Chilly, which cañon is to be all included in this reservation, shall be, and the same is hereby, set apart for the use and occupation of the Navajo tribe of Indians, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit among them; and the United States agrees that no persons except those herein so authorized to do, and except such officers, soldiers, agents, and employés of the Government, or of the Indians, as may be authorized to enter upon Indian reservations in discharge of duties imposed by law, or the orders of the President, shall ever be permitted to pass over, settle upon, or reside in, the territory described in this article.

ARTICLE III. The United States agrees to cause to be built, at some point within said reservation, where timber and water may be convenient, the following buildings: a warehouse, to cost not exceeding twenty-five hundred dollars; an agency building for the residence of the agent, not to cost exceeding three thousand dollars; a carpenter-shop and blacksmith-shop, not to cost exceeding one

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thousand dollars each; and a schoolhouse and chapel, so soon as a sufficient number of children can be induced to attend school, which shall not cost to exceed five thousand dollars.

ARTICLE IV. The United States agrees that the agent for the Navajos shall make his home at the agency building; that he shall reside among them, and shall keep an office open at all times for the purpose of prompt and diligent inquiry into such matters of complaint by or against the Indians as may be presented for investigation, as also for the faithful discharge of other duties enjoined by law. In all cases of depredation on person or property he shall cause the evidence to be taken in writing and forwarded, together with his finding, to the Commissioner of Indian Affairs, whose decision shall be binding on the parties to this treaty.

ARTICLE V. If any individual belonging to said tribe, or legally incorporated with it, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, a tract of land within said reservation, not exceeding one hundred and sixty acres in extent, which tract, when so selected, certified, and recorded in the "land-book" as herein described, shall cease to be held in common, but the same may be occupied and held in the exclusive possession of the person selecting it, and of his family, so long as he or they may continue to cultivate it.

Any person over eighteen years of age, not being the head of a family, may in like manner select, and cause to be certified to him or her for purposes of cultivation, a quantity of land, not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same as above directed.

For each tract of land so selected a certificate containing a description thereof, and the name of the person selecting it, with a certificate endorsed thereon, that the same has been recorded, shall be delivered to the party entitled to it by the agent, after the same shall have been recorded by him in a book to be kept in his office, subject to inspection, which said book shall be known as the "Navajo Land-book."

The President may at any time order a survey of the reservation, and when so surveyed, Congress shall provide for protecting the rights of said settlers in their improvements, and may fix the character of the title held by each.

The United States may pass such laws on the subject of alienation and descent of property between the Indians and their descendants as may be thought proper.

ARTICLE VI. In order to insure the civilization of the Indians entering into this treaty, the necessity of education is admitted, especially of such of them as may be settled on said agricultural parts of this reservation, and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that, for every thirty children between said ages who can be induced or compelled to attend school, a house shall be provided, and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as a teacher.

The provisions of this article to continue for not less than ten years.

ARTICLE VII. When the head of a family shall have selected lands and received his certificate as above directed, and the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year, not exceeding in value one hundred dollars, and for each succeeding year he shall continue to farm, for a period of two years, he shall be entitled to receive seeds and implements to the value of twenty-five dollars.

ARTICLE VIII. In lieu of all sums of money or other annuities provided to be paid to the Indians herein named under any treaty or treaties heretofore made, the United States agrees to deliver at the agency house on the reservation herein named, on the first day of September of each year for ten years, the following articles, to wit:

Such articles of clothing, goods, or raw materials in lieu thereof, as the agent may make his estimate for, not exceeding in value five dollars per Indian—each Indian being encouraged to manufacture their own clothing, blankets, etc.; to be furnished with no article which they can manufacture themselves. And, in order that the Commissioner of Indian Affairs may be able to estimate properly for the articles herein named, it shall be the duty of the agent each year to forward to him a full and exact census of the Indians, on which the estimate from year to year can be based.

And in addition to the articles herein named, the sum of ten dollars for each person entitled to the beneficial effects of this treaty shall be annually appropriated for a period of ten years, for each person who engages in farming or mechanical pursuits, to be used by the Commissioner of Indian Affairs in the purchase of such articles as from time to time the condition and necessities of the Indians may indicate to be proper; and if within the ten years at any time it shall appear that the amount of money needed for clothing, under the article, can be appropriated to better uses for the Indians named herein, the Commissioner of Indian Affairs may change the appropriation to other purposes, but in no event shall the amount of this appropriation be withdrawn or discontinued for the period named, provided they remain at peace. And the President shall annually detail an officer of the Army to be present and attest the delivery of all the goods herein named to the Indians, and he shall inspect and report on the quantity and quality of the goods and the manner of their delivery.

ARTICLE IX. In consideration of the advantages and benefits conferred by this treaty, and the many pledges of friendship by the United States, the tribes who are parties to this agreement hereby stipulate that they will relinquish all right to occupy any territory outside their reservation, as herein defined, but retain the right to hunt on any unoccupied lands contiguous to their reservation, so long as the large game may range thereon in such numbers as to justify the chase; and they, the said Indians, further expressly agree:

1st. That they will make no opposition to the construction of railroads now being built or hereafter to be built across the continent.

2d. That they will not interfere with the peaceful construction of any railroad not passing over their reservation as herein defined.

3d. That they will not attack any persons at home or traveling, nor molest or disturb any wagon-trains, coaches, mules, or cattle belonging to the people of the United States, or to persons friendly therewith.

4th. That they will never capture or carry off from the settlements women or children.

5th. They will never kill or scalp white men, nor attempt to do them harm.

6th. They will not in future oppose the construction of railroads, wagon-roads, mail stations, or other works of utility or

necessity which ~~may~~ be ordered or permitted by the laws of the United States; but should such roads or other works be constructed on the lands of their reservation, the Government will pay the tribe whatever amount of damage may be assessed by three disinterested commissioners to be appointed by the President for that purpose, one of said commissioners to be a chief or head-man of the tribe.

7th. They will ~~make~~ no opposition to the military posts or roads now established, ~~or that~~ may be established, not in violation of treaties heretofore ~~made~~ or hereafter to be made with any of the Indian tribes.

ARTICLE X. No future treaty for the cession of any portion or part of the reservation herein described, which may be held in common, shall be of any validity or force against said Indians unless agreed to and ~~executed~~ by at least three-fourths of all the adult male Indians occupying or interested in the same; and no cession by the tribe shall be understood or construed in such manner as to deprive, without ~~the~~ consent, any individual member of the tribe of his rights to any ~~part~~ of land selected by him as provided in article [5] of this treaty.

ARTICLE XI. The Navajos also hereby agree that at any time after the signing of these presents they will proceed in such manner as may be required of them by the agent, or by the officer charged with their removal to the reservation herein provided for, the United States paying for their subsistence en route, and providing a reasonable amount of transportation for the sick and feeble.

ARTICLE XII. It is further agreed by and between the parties to this agreement that the sum of one hundred and fifty thousand dollars appropriated or to be appropriated shall be disbursed as follows, subject to any condition provided in the law, to wit:

1st. The actual cost of the removal of the tribe from the Bosque Redondo reservation to the reservation, say fifty thousand dollars.

2d. The purchase of fifteen thousand sheep and goats, at a cost not to exceed thirty thousand dollars.

3d. The purchase of five hundred beef cattle and a million pounds of corn to be collected and held at the military post nearest the reservation, subject to the orders of the agent, for the relief of the needy during the coming winter.

4th. The balance of any of the appropriation to be invested for the maintenance of the Indians pending their removal, in such manner as the agent who is with them may determine.

5th. The removal of this tribe to be made under the supreme control and direction of the military commander of the Territory of New Mexico, and when completed, the management of the Tribe to revert to the proper agent.

ARTICLE XIII. The tribe herein named, by their representatives, parties to this treaty, agree to make the reservation herein described their permanent home, and they will not as a tribe make any permanent settlement elsewhere, reserving the right to hunt on the lands adjoining the said reservation formerly called theirs, subject to the modifications named in this treaty and the orders of the commander of the department in which said reservation may be for the time being; and it is further agreed and understood by the parties to this treaty, that if any Navajo Indian or Indians shall leave the reservation herein described to settle elsewhere, he or they shall forfeit all the rights, privileges, and annuities conferred by the terms of this treaty; and it is further agreed by the parties to this treaty, that they will do all they can to induce Indians now away from reservations set apart for the exclusive use and occupation of the Indians, leading a nomadic life, or engaged in war against the people of the United States, to abandon such a life and settle permanently in one of the territorial reservations set apart for the exclusive use and occupation of the Indians.

In testimony of all which the said parties have hereunto, on this the first day of June, one thousand eight hundred and sixty-eight, at Fort Sumner, in the Territory of New Mexico, set their hands and seals.

W. T. SHERMAN,
Lt. Gen'l, Indian Peace Commissioner.

S. F. TAPPAN,
Indian Peace Commissioner.

BARBONCITO, <i>Chief.</i>	his x mark
ARMIJO.	his x mark
DELGADO.	his x mark
MANUELITO.	his x mark
LARGO.	his x mark
HERRERO.	his x mark
CHIQUETO.	his x mark
MUERTO DE HOMBRE.	his x mark
HOMBRO.	his x mark
NARBONO.	his x mark

NARBONO SEGUNDO.	his x mark
GAÑADO MUCHO.	his x mark

COUNCIL:

RIBUO.	his x mark
JUAN MARTIN.	his x mark
SERGINTO.	his x mark
GRANDE.	his x mark
INOETENITO.	his x mark
MUCHACHOS MUCHO.	his x mark
CHIQUETO SEGUNDO.	his x mark
CABELLO AMARILLO.	his x mark
FRANCISCO.	his x mark
TORIVIO.	his x mark
DESDENDADO.	his x mark
JUAN.	his x mark
GUERO.	his x mark
GUGADORE.	his x mark
CABASON.	his x mark
BARBON SEGUNDO.	his x mark
CABARES COLORADOS.	his x mark

Attest:

GEO. W. G. GETTY,
Col. 37th Inf'y, Bt. Maj. Gen'l U. S. A.

B. S. ROBERTS,
Bt. Brg. Gen'l U. S. A., Lt. Col. 3d Cav'y.

J. COOPER MCKEE,
Bt. Lt. Col. Surgeon U. S. A.

THEO. H. DODD,
U. S. Indian Ag't for Navajos.

CHAS. MCCLURE,
Bt. Maj. and C. S. U. S. A.

JAMES F. WEEDS,
Bt. Maj. and Asst. Surg. U. S. A.

J. C. SUTHERLAND,
Interpreter.

WILLIAM VAUX,
Chaplain, U. S. A.

2

ANNOTATIONS

Authority over Reservation, 3 Historical, 1
 Education, roads and other State authority and jurisdiction, 4
 services, 2

1. Historical. "On June 1, 1868, a treaty was signed between General William T. Sherman, for the United States, and numerous chiefs and headmen of the 'Navajo nation or tribe of Indians'. At the time this document was signed the Navajos were an exiled people, forced by the United States to live crowded together on a small piece of land on the Pecos River in eastern New Mexico, some 300 miles east of the area they had occupied before the coming of the white man. In return for their promises to keep peace, this treaty 'set apart' for 'their permanent home' a portion of what had been their native country, and provided that no one, except United States Government personnel, was to enter the reserved area. Implicit in these treaty terms, as it was in the treaties with the Cherokees involved in *Worcester v. State of Georgia*, was the understanding that the internal affairs of the Indians remained exclusively within the jurisdiction of whatever tribal government existed. Since then, Congress and the Bureau of Indian Affairs have assisted in strengthening the Navajo tribal government and its courts. See the Navajo-Hopi Rehabilitation Act of 1950, § 6, 64 Stat. 46, 25 U.S.C. § 636, 25 U.S.C.A. § 636; 25 CFR §§ 11.1 through 11.87NH." *Williams v. Lee* (S.Ct. of U.S. 1959) 358 U.S. 217, 79 S.Ct. 269, 3 L.Ed.2d 251.

See *Oliver v. Udall* (C.A.D.C. 1962) 306 F.2d 819, and *In re Lynch's Estate* (1962) 92 Ariz. 354, 377 P.2d 199, quoting from *Williams v. Lee*.

One of the last treaties with Indians was entered into with the Navajo Indians in 1868. *Warren Trading Post Co. v. Moore* (1963) 95 Ariz. 110, 387 P.2d 809, reversed on other grounds. *Warren Trading Post Co. v. Arizona State Tax Commission* (S.Ct. of U.S. 1965) 380 U.S. 685, 85 S.Ct. 1242.

The Navajo Reservation was set apart as a "permanent home for the Navajos" in a treaty made with the "Navajo nation or tribe of Indians" in June 1, 1868. *Warren Trading Post Co. v. Arizona State Tax Commission* (S.Ct. of U.S. 1965) 380 U.S. 685, 85 S.Ct. 1242.

Long before the Treaty of 1868, in fact from the very first days of our Government, the Federal Government had been permitting the Indians largely to govern themselves, free from state interference, and had exercised through statutes and treaties a sweeping and dominant control over persons who wished to trade with Indians and Indian Tribes. *Id.*

Congress has, since the creation of the Navajo Reservation nearly a century ago, left the Indians on it largely free to run the Reservation and its affairs without state control, a policy which has automatically relieved Arizona of all burdens for carrying on those same responsibilities. *Id.*

2. Education, roads and other services. In compliance with its treaty obligations the Federal Government has provided for roads, education and other services needed by the Indians. *Warren Trading Post Co. v. Arizona State Tax Commission* (S.Ct. of U.S. 1965) 380 U.S. 685, 85 S.Ct. 1242.

3. Authority over Reservation. Congress recognized the authority of the Navajos over their Reservation in the Treaty of 1868, and has done so ever since, and if this power is to be taken away from them, it is for Congress to do it. *Williams v. Lee* (S.Ct. of U.S. 1959) 358 U.S. 217, 79 S.Ct. 269, 3 L.Ed. 2d 251.

National Labor Relations Board had jurisdiction to order the holding of representation election in a mining plant located on the Navajo Reservation even though under Treaty of 1868 Tribe has broad powers of self govern-

ment, including right to exclude outsiders, and Tribal Council had decided to prevent union activity on the Reservation. *Navajo Tribe v. National Labor Relations Board* (C.A.D.C. 1961) 288 F.2d 162, cert. den. 366 U.S. 928, 81 S.Ct. 1649, 6 L.Ed.2d 387.

To same effect as *Williams v. Lee*. *Oliver v. Udall* (C.A.D.C. 1962) 306 F.2d 819, cert. den. 372 U.S. 908, 83 S.Ct. 720, 9 L.Ed.2d 418.

The provisions of Article II of the Treaty of 1868 between United States and the Navajo Tribe of Indians reserves to the Navajo Tribe the power to exclude non-Navajos from the Navajo Reservation, with the exception of those persons authorized to enter thereon by virtue of the treaty itself, a law of the United States, or an order of the President of the United States. *Dodge v. Nakai* (1969) 298 F.Supp. 26.

The Civil Rights Act relating to Indians imposed new responsibilities upon the Navajo Tribe with respect to both the manner in which it could exercise its governmental powers and the objectives that it could pursue through their implementation. *Id.*

Congress may modify the manner in which Indian Tribes may exercise their quasi-sovereign powers. *Id.*

When Navajo Tribe adopted as Tribal law the Code of regulations of Department of Interior generally applicable to Indian Tribes and Secretary of Interior approved the action by the Navajo Tribe, the Secretary's law and order Code no longer applied to Navajo Tribe. *Id.*

4. State authority and jurisdiction. The Navajo Indian Reservation is not a completely separate entity existing outside the political and governmental jurisdiction of the State of New Mexico. *Montoya v. Bolack* (1962) 70 N.M. 196, 372 P.2d 387.

The test of state court jurisdiction is whether the state action impinges on the Reservation Indians to make their own laws and be governed by them. *Batchelor v. Charley* (1965) 74 N.M. 717, 398 P.2d 49; *Warren Trading Post Co. v. Moore* (1963) 95 Ariz. 110, 387 P.2d 809, reversed on other grounds *Warren Trading Post Co. v. Arizona State Tax Commission* (S.Ct. of U.S. 1965) 380 U.S. 685, 85 S.Ct. 1242.

The levy by Arizona of a tax on the gross proceeds or gross income as applied to a federally licensed Indian trader with respect to sales made to Reservation Indians on the Navajo Reservation cannot stand. *Warren Trading Post Co. v. Arizona State Tax Commission* (S.Ct. of U.S. 1965) 380 U.S. 685, 85 S.Ct. 1242.

The assessment and collection of such a tax would to a substantial extent frustrate evident congressional purpose of ensuring that no burden shall be imposed upon Indian traders for trading with Indians on the reservations except as authorized by Acts of Congress or by valid regulations promulgated under those Acts. *Id.*

This state tax on gross income would put financial burdens on the Indian trader or the Indians with whom he deals in addition to those Congress or the Tribes have prescribed, and could thereby disturb and disarrange the statutory plan Congress set up in order to protect Indians against prices deemed unfair or unreasonable by the Indian Commissioner. *Id.*

Indian traders trading on the Reservation with Reservation Indians are immune from a state tax like Arizona's, not simply because those activities take place on the Reservation, but rather because Congress in the exercise of its power granted in Art. I, § 8, cl. 3, of the Constitution has undertaken to regulate Reservation trading in so comprehensive a way that there is no room for the states to legislate on the subject. *Id.*

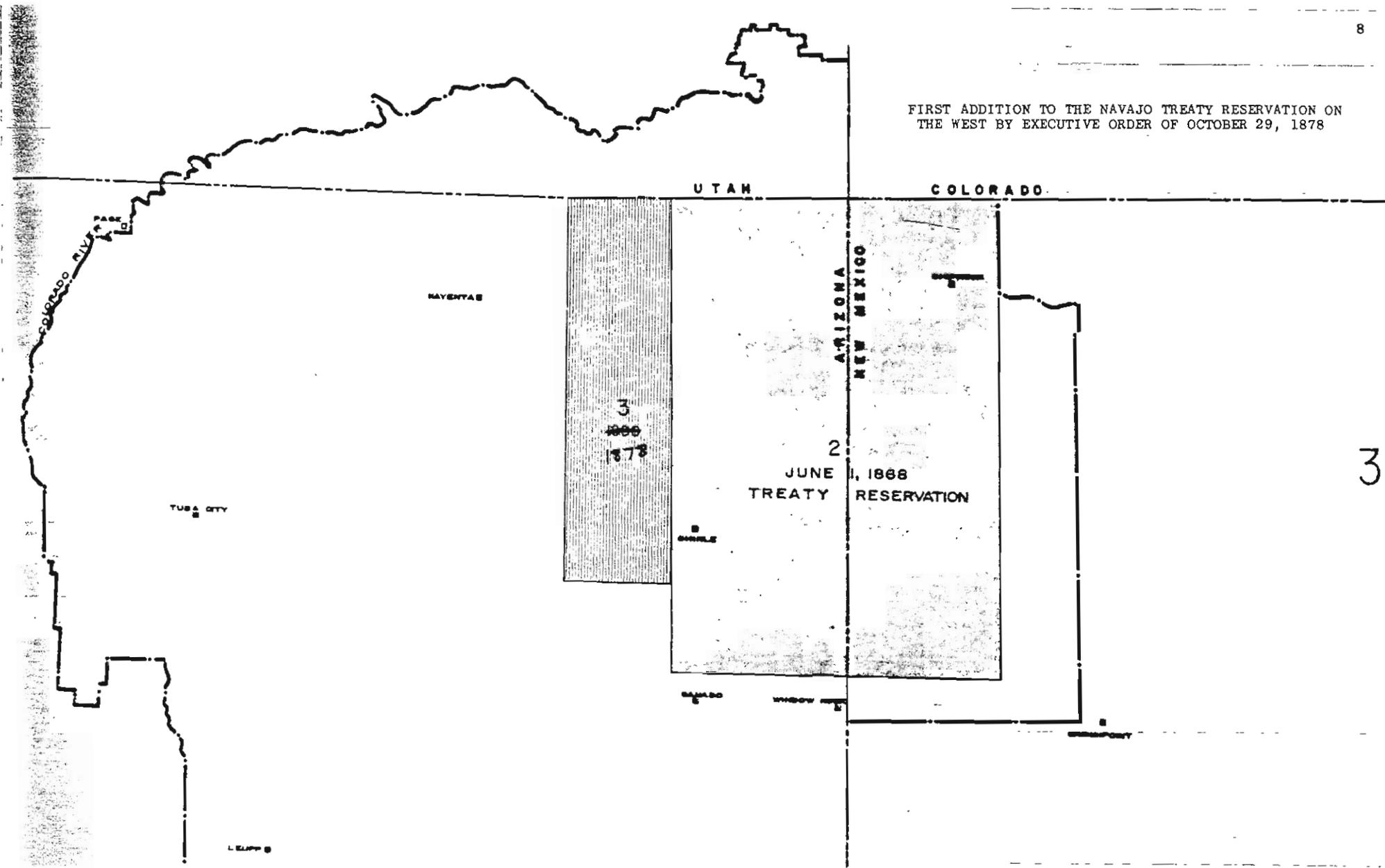
State laws apply on the Reservation unless such application would interfere with Reservation self-government or impair a right granted or reserved by Federal law. *Industrial Uranium Co. v. State Tax Commission* (1963) 95 Ariz. 120, 387 P.2d 1013.

Article II of the Treaty of 1868, did not exclude Arizona from collecting transaction privilege taxes from mining company in connection with mining, producing and shipping uranium and vanadium ores from lands in Arizona held in trust by the United States for the Navajo Tribe. *Id.*

See, also, annotations under *Treaties* in digest.

2

FIRST ADDITION TO THE NAVAJO TREATY RESERVATION ON THE WEST BY EXECUTIVE ORDER OF OCTOBER 29, 1878



3

Executive Order of October 29, 1878

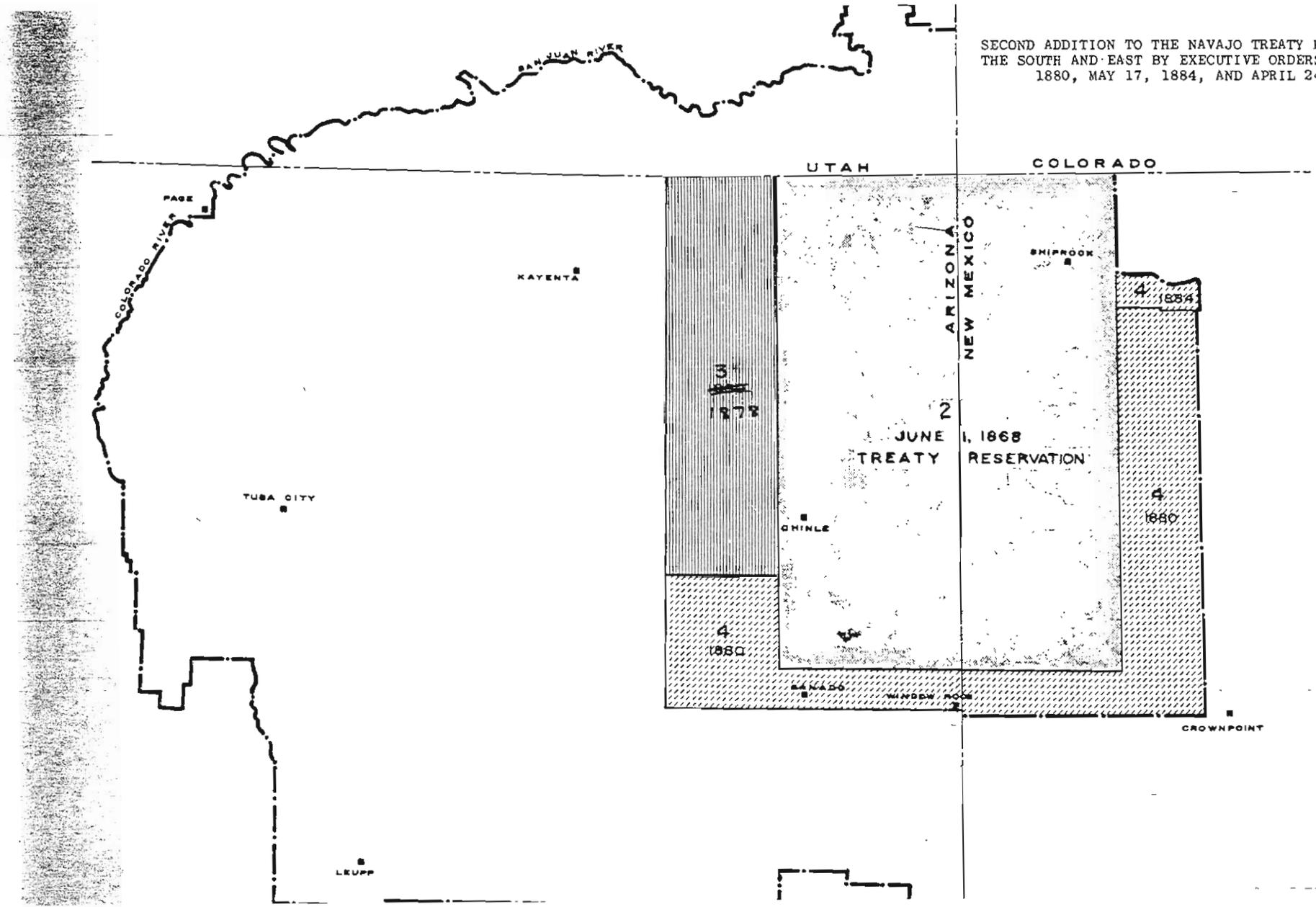
It is hereby ordered that the tract of country in the Territory of Arizona lying within the following-described boundaries, viz: Commencing at the northwest corner of the Navajo Indian Reservation, on the boundary line between the Territories of Arizona and Utah; thence west along said boundary line to the 110th degree of longitude west; thence south along said degree to the 36th parallel of latitude north; thence east along said parallel to the west boundary of the Navajo reservation; thence north along said west boundary to the place of beginning, be, and the same hereby is, withdrawn from sale and settlement and set apart as an addition to the present reservation for the Navajo Indians.

R. B. HAYES

Executive Mansion
October 29, 1878

3

SECOND ADDITION TO THE NAVAJO TREATY RESERVATION
THE SOUTH AND EAST BY EXECUTIVE ORDERS OF JANUARY
1880, MAY 17, 1884, AND APRIL 24, 1886



Executive Order of January 6, 1880

It is hereby ordered that the following-described country lying within the boundaries of the Territories of New Mexico and Arizona, viz:

Commencing in the middle of the channel of the San Juan River, where the east line of the Navajo Reservation in the Territory of New Mexico, as established by the treaty of June 1, 1868 (15 Stat. 667), crosses said river; thence up and along the middle channel of said river to a point fifteen miles due east of the eastern boundary line of said reservation; thence due south to a point due east of the present southeast corner of said reservation; thence due south six miles; thence due west to the one hundred and tenth degree of west longitude; thence north along said degree to the southwest corner of said reservation in the Territory of Arizona, as defined by Executive Order, dated October 29th, 1878, be, and the same is hereby, withdrawn from sale and settlement and set apart as an addition to the present Navajo Reservation in said Territories.

R. B. HAYES

Executive Mansion

January 6th, 1880

HISTORY

References in text. Treaty of June 1, 1868, see p. 245 of this Appendix. Amendments.

See Ex. Ord. of May 17, 1884, set out on p. 328 of this Part.

Cross References

Adjustment of settlers' rights under this Executive Order, see Act July 1, 1902, ch. 1363, 32 Stat. 657, p. 258 of this Appendix.

Executive Order of May 17, 1884

Executive Mansion

Washington

May 17, 1884

It is hereby ordered that the Executive Order dated January 6, 1880, adding certain lands to the Navajo Reservation, in New Mexico and Arizona Territories, be, and the same is hereby, amended so as to exempt from its operation and exclude from said reservation all those portions of townships 29 north, ranges 14, 15, and 16 west of the New Mexico principal meridian, south of the San Juan River, in the Territory of New Mexico.

CHESTER A. ARTHUR

Executive Order of April 24, 1886

It is hereby ordered that the following-described tract of country in the Territory of New Mexico, viz, all those portions of townships 29 north, ranges 14, 15, and 16 west of the New Mexico principal meridian, south of the San Juan River, be, and the same is hereby, withdrawn from sale and settlement and set apart as an addition to the Navajo Indian Reservation.

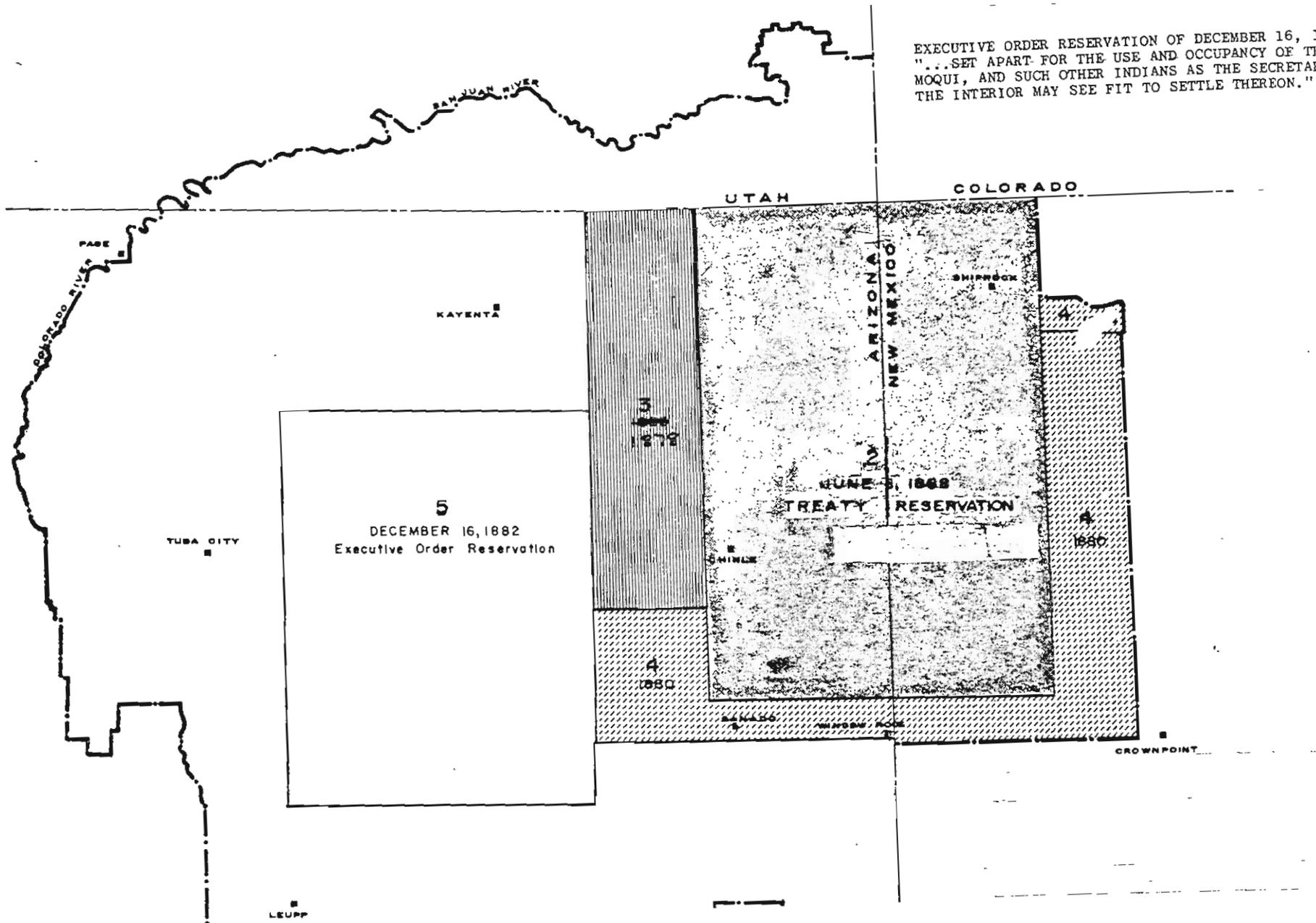
GROVER CLEVELAND

Executive Mansion

April 24, 1886

4

EXECUTIVE ORDER RESERVATION OF DECEMBER 16, 18
"...SET APART FOR THE USE AND OCCUPANCY OF THE
MOQUI, AND SUCH OTHER INDIANS AS THE SECRETARY
THE INTERIOR MAY SEE FIT TO SETTLE THEREON."



Executive Order of December 16, 1882

Executive Mansion,
December 16, 1882

It is hereby ordered that the tract of country, in the territory of Arizona, lying and being within the following described boundaries, viz: beginning on the one hundred and tenth degree of longitude west from Greenwich, at a point 36° 30' north, thence due west to the one hundred and eleventh degree of longitude west, thence due south to a point of longitude 35° 30' north; thence due east to the one hundred and tenth degree of longitude west, thence due north to place of beginning, be and the same is hereby withdrawn from settlement and sale, and set apart for the use and occupancy of the Moqui, and such other Indians as the Secretary of the Interior may see fit to settle thereon.

CHESTER A. ARTHUR

Cross References

Determination of rights under this Ex. Ord. see Act July 22, 1958, Pub. L. 85-547, 72 Stat. 402, p. 293 of this Appendix.

Effect of certain Acts of Congress on this Ex. Ord., see Acts June 14, 1934, ch. 521, 48 Stat. 960-962, and July 12, 1960, Pub. L. 86-636, 74 Stat. 470, pp. 268, 303 of this Appendix.

Grazing regulations effective in area described in this Ex. Ord., see section 304 of Title 3 of this Code.

Hopi Partition Bill or Similar Bills. Tribal Council Res. CJA-12-65, passed Jan. 19, 1965, provided as follows:

"(1) The Navajo Tribe asserts its full and unlimited proprietary interest in and to any portion of the lands lying within the Executive Order area of December 16, 1882, which the three-judge court in its decision of September 28, 1962, found (a) had been settled by the Navajos as of the date of the Secretary's approval of the H. J. Hagerman report on February 7, 1931; (b) settled by the Navajo Tribe when the Secretary approved grazing regulations for the Navajo Reservation, embracing the controverted area on June 2, 1937; and (c) confirmed legal settlement of all Navajos residing in the area on the date of the Act of July 22, 1958. The Navajo Tribe hereby asserts claim of full proprietary right, title and interest not only to the surface rights in said land but to subsurface mineral rights as well.

"(2) The Navajo Tribe denies any and all claims which HR 9529, or any similar bill, may purport to authorize the Hopi Tribe to assert, and hereby respectfully submits to Congress that any such claims which the Hopi attorney contends exist by reason of the judgment of the three-judge court, are the responsibility of the United States Government to adjust and satisfy by other means and not by partition of lands in which the said court confirmed the settlement of Navajos and the Navajo Tribe and the vested interest of the Tribe.

"(3) When hearings are set before any Committee of Congress on any bill which may be submitted bearing upon the Navajo-Hopi controverted area, the Advisory Committee shall elect a delegation of Navajos to testify before any such committee and designate a chairman of the delegation. Members of the delegation shall be selected on the basis of their understanding and knowledge of the problem confronting the Navajo Tribe in the area in question and their capacity to testify in respect thereto. Such delegation is hereby authorized to take any and all steps deemed necessary and advisable or incidental to the defeating the aforesaid bill, or any similar bill which may be proposed, and toward assisting such Congressional committees and officials of the Department of the Interior in finding, through legislation or otherwise, practicable solutions for problems confronted as a consequence of the above-mentioned court decision of September 28, 1962."

Objection to action of Hopi Tribe, Commissioner of Indian Affairs, Secretary of the Interior and other officials; offer to negotiate with Hopi Tribe. Tribal Council Res. CJY-92-66, passed July 26, 1966, provided as follows:

"(1) The Navajo Tribal Council, acting for and on behalf of the Navajo Tribe, objects to the arbitrary position and action taken in this matter by the Hopi Tribe, the Commissioner of Indian Affairs, the Secretary of the Interior and any other responsible government officials seeking to carry out the Commissioner's instructions of July 8, 1966, to Area Director Holmes.

"(2) The Navajo Tribe hereby appeals to, and requests, the Commissioner of Indian Affairs and the Secretary of the Interior to permit the Navajo Tribe to present its position to said officials, to review and reconsider their action taken in light of that position, and further to suspend immediately the determinations and instructions made by the Commissioner of Indian Affairs in this matter pending such review and reconsideration.

5

"(3) The General Counsel and legal staff of the Navajo Tribe be and they are hereby requested, authorized, empowered and directed to take, on behalf of the Navajo Tribe, any and all actions deemed appropriate by them to challenge and set aside the aforesaid arbitrary and capricious action of the Commissioner of Indian Affairs, acting under direction of Secretary of the Interior Stewart L. Udall.

"(4) Should negotiation with the Commissioner of Indian Affairs and appropriate officials of his department fail to correct said erroneous and capricious action and effect withdrawal of said order of July 8, 1966, to the Area Director, the General Counsel is authorized and directed to take any appropriate legal action to protect the interests of the Tribe by any remedy or remedies which he finds to be available under the facts and circumstances of this case.

"(5) When the character of the appropriate proceeding has been determined, if litigation proves to be necessary, the General Counsel is authorized to incur any and all expenses of whatsoever kind or character which are necessary, advisable or incidental to carrying out the purposes of this resolution subject to the approval of the Advisory Committee and to submit to the Tribal Council at the next or any subsequent meeting or meetings thereof, a request for a special supplement appropriation for said purposes."

Tribal Council Res. CO-103-67, passed Oct. 3, 1966, provided as follows:

"(1) The Navajo Tribal Council hereby authorizes the Navajo Negotiating Committee to submit an offer to negotiate with the Hopi Indian Tribe for the limited purpose of deciding what rights, if any, Hopi Indians, but not the Hopi Tribe, may have to that part of the western Navajo Reservation on which such Hopi Indians may already have been located on June 14, 1934,

provided that the area to be negotiated shall be limited to and not extend beyond the near vicinity of the village of Moencopi which has been long recognized and established by law and fact as being the only area where Hopi Indians may have any interest, and provided further that if the Navajo offer to negotiate under these conditions is not accepted as offered within ten days following the offer, it will be considered to have been rejected by the Hopis and the Hopi Tribe.

"(2) The General Counsel and legal staff of the Navajo Tribe are hereby authorized and directed to take any and all appropriate legal action to protect the interest of the Navajo Tribe when and if the Hopi Negotiating Committee rejects the offer described herein to be presented by the Navajo Negotiating Committee.

"(3) The Navajo Tribal Council hereby authorizes the General Counsel and the legal staff of the Navajo Tribe to incur any and all expenses necessary, advisable or incidental to carrying out said legal action and does further appropriate \$5,000.00 to be used to carry out those purposes."

Blanket approval to public works in 1882 Executive Order Area. Tribal Council Res. CJY-47-67, passed July 12, 1967, provided as follows:

"Whereas: 1. The authority of the Navajo Negotiating Committee to meet with the representatives of the Hopi Tribe was originally established by Resolution CAU-50-63 and was reactivated by Resolution CMY-47-65, and

"2. Said Committee has been acting on instructions by the Navajo Tribal Council pursuant to Resolutions CF-13-66, CAP-55-66, CJY-92-66, and CO-103-66, and

"3. It is apparent to said Committee that proper development of the 1862 Executive Order Area outside of District 6 and the area 'frozen' by the Commissioner's letter of July 8, 1966, has been either nonexistent or unduly delayed because of the administrative practice by the Bureau of Indian Affairs in requiring approval by both tribes before any improvements of any kind can be made in such areas, and

"4. It is equally apparent that the failure to allow improvements to be made has economically depressed the already poverty-stricken area and that any further delay in making improvements necessary to maintain even a bare survival standard of living would constitute a gross disregard of human needs, and

"5. It is now and always has been the desire of the Navajo Tribe to expedite improvements in these areas so that the standard of living of all the people may be raised, and

"6. It is and always has been the belief of the Navajo Tribe that public works which are necessary to human needs and which would encourage the economic development of the area and thus allow the people to have a real opportunity to help themselves, should not be delayed by any battle over legal title to a land on which such improvements are being made, but that it is the duty of our trustee to see that such improvements are made in spite of any such battle over legal title since the improvements will benefit all of the people of the area, and

"7. The Navajo Negotiating Committee has recommended to the Navajo Tribal Council that it adopt a resolution giving advance blanket approval to all public works in the 1882 Executive Order outside of District 6 and the area 'frozen' by the Commissioner's letter of July 8, 1966."

ANNOTATIONS

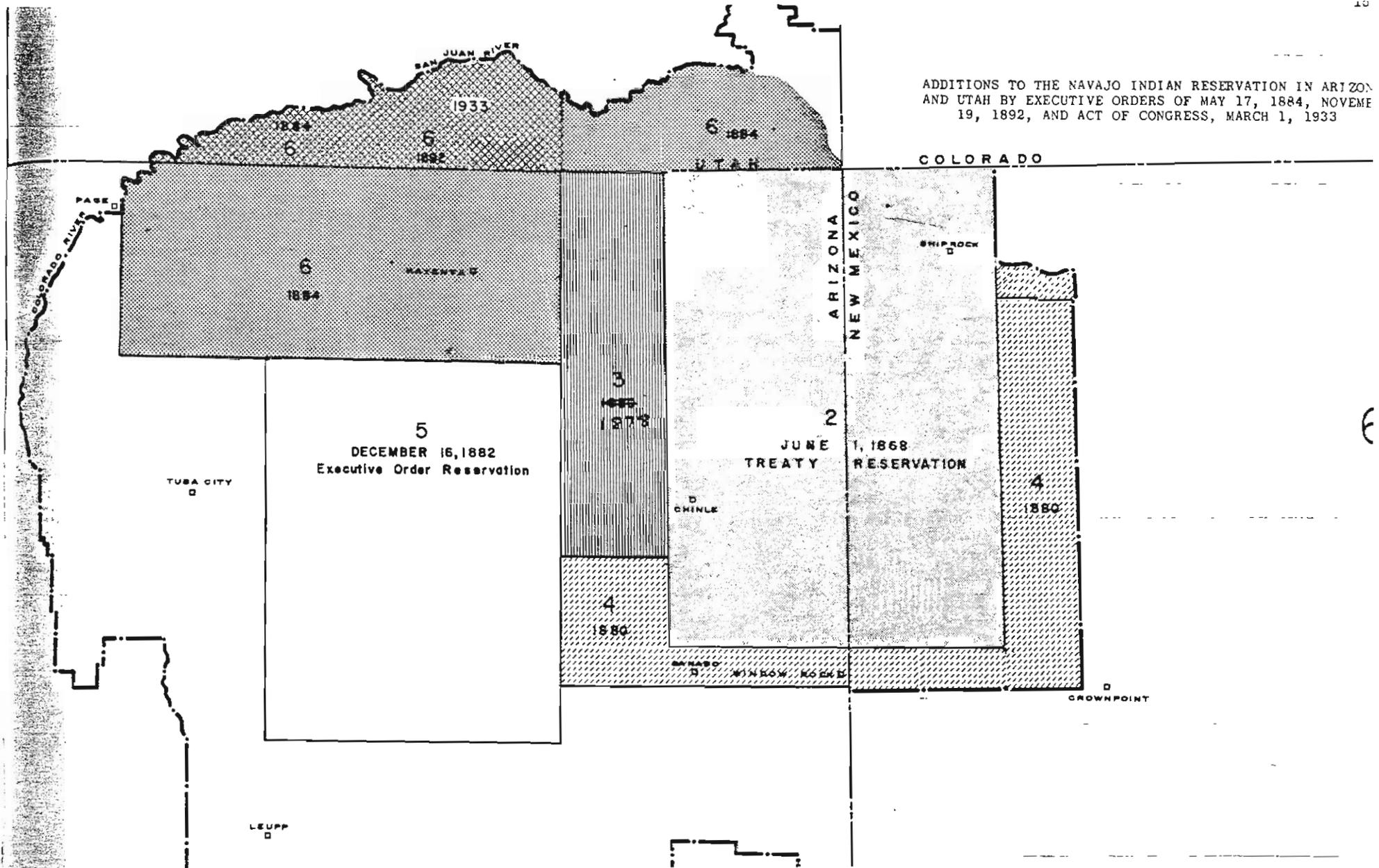
1. Interest in reservation. It has been held that subject to trust title of United States, Hopi Indian Tribe, for use and benefit of Hopi Indians, have

the exclusive interest in and to that part of the 1882 reservation lying within boundaries of land management district 6, as defined on April 24, 1943, and in accordance with and pursuant to section 2 of the Act of July 22, 1958, such area was adjudicated a reservation for the Hopi Indian Tribe. *Healing v. Jones* (D.C. Ariz. 1962) 210 F.Supp. 125, affirmed 373 U.S. 758, 83 S.Ct. 1559.

It was further held that subject to trust title of United States, that Hopi Indian Tribe, for common use and benefit of Hopi Indians, and Navajo Indian Tribe, for common use and benefit of Navajo Indians, have joint, undivided and equal interests in and to all of 1882 reservation lying outside boundaries of land management district 6, as defined on April 24, 1943, and such area was adjudicated a reservation for joint use of Hopi and Navajo Indian Tribes. *Id.*

See, also, annotations under Act of July 22, 1958.

ADDITIONS TO THE NAVAJO INDIAN RESERVATION IN ARIZONA AND UTAH BY EXECUTIVE ORDERS OF MAY 17, 1884, NOVEMBER 19, 1892, AND ACT OF CONGRESS, MARCH 1, 1933



Executive Order of May 17, 1884

It is hereby ordered that the following-described lands in the Territories of Arizona and Utah be, and the same are, withheld from sale and settlement and set apart as a reservation for Indian purposes, viz:

Beginning on the 110° of west longitude at 36° and 30' north latitude (the same being the northeast corner of the Moqui Indian Reservation); thence due west to the 111° 30' west longitude; thence due north to the middle of the channel of the Colorado River; thence up and along the middle of the channel of said river to its intersection with the San Juan River, thence up and along the middle channel of San Juan River to west boundary of Colorado (32° west longitude, Wash. meridian); thence due south to the 37th parallel north latitude; thence west along said parallel to the 110° of west longitude; thence due south to place of beginning: *Provided*, That any tract or tracts within the region of country described as aforesaid which are settled upon or occupied, or to which valid rights have attached under existing laws of the United States prior to the date of this order, are hereby excluded from this reservation.

CHESTER A. ARTHUR

Washington

May 17, 1884

Executive Order of November 19, 1892

It is hereby ordered that the Executive Order of May 17, 1884, by President Chester A. Arthur, withdrawing from sale and settlement and setting apart as a reservation for Indian purposes certain lands in the Territories of Utah and Arizona, be, and the same hereby is, modified so that all the lands described in said order which lie west of the 110° of west longitude and within the Territory of Utah be, and the same hereby are, restored to the public domain, freed from the reservation made by said order.

BENJAMIN HARRISON

Washington, D.C.

November 19, 1892

HISTORY

Modification. See Ex. Ord. of Nov. 19, 1892, this page of this Part.

Cross References

Extinguishment of certain rights outside boundaries described in this Executive Order, see Act Sept. 2, 1958, Pub. L. 85-868, § 1(d), 72 Stat. 1685-1690, p. 295 of this Appendix.

ANNOTATIONS

1. San Juan River in Utah. In an action by United States to quiet title in United States to land constituting bed of San Juan River in Utah from boundary line between Colorado and Utah downstream to mouth of Chinle Creek, a distance of 55 miles, evidence was sufficient to support finding that such part of San Juan River was not navigable at time of Utah's admission to the Union, and hence title to bed of San Juan River remained in United States. *State of Utah v. United States* (C.A. 10th 1962) 304 F.2d 23, cert. den. 371 U.S. 826, 83 S.Ct. 47, 9 L.Ed.2d 65.

6

1933. Additions to Navajo Reservation in Utah

March 1, 1933, ch. 160, 47 Stat. 1418, 1419

May 17, 1968, Pub. L. 90-306, 82 Stat. 121.

AN ACT

To permanently set aside certain lands in Utah as an addition to the Navajo Indian Reservation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all vacant, unreserved, and undisposed of public lands within the areas in the southern part of the State of Utah, bounded as follows: Beginning at a point where the San Juan River intersects the one hundred and tenth degree of west longitude; thence down said river to its confluence with the Colorado River; thence down the Colorado River to a point where said river crosses the boundary line between Utah and Arizona; thence east along said boundary line to the one hundred and tenth degree of west longitude; thence north to the place of beginning; also beginning at a point where the west rim of Montezuma Creek or wash intersects the north boundary line of the Navajo Indian Reservation in Utah; thence northerly along the western rim of said creek or wash to a point where it intersects the section line running east and west between sections 23 and 26,

township 39 south, range 24 east, Salt Lake base and meridian in Utah; thence eastward along said section line to the northwest section corner of section 26, township 39 south, range 25 east; thence south one mile along the section line between sections 25 and 26 to the southeast section corner of section 26, township 39 south, range 25 east; thence eastward along the section line between sections 25 and 36, township 39 south, range 25 east, extending through township 39 south, range 26 east, to its intersection with the boundary line between Utah and Colorado; thence south along said boundary line to its intersection with the north boundary line of the Navajo Indian Reservation; thence in a westerly direction along the north boundary line of said reservation to the point of beginning, and the same are hereby, permanently withdrawn from all forms of entry or disposal for the benefit of the Navajo and such other Indians as the Secretary of the Interior may see fit to settle thereon: *Provided*, That no further allotments of lands to Indians on the public domain shall be made in San Juan County, Utah, for the health, education, and general welfare of the Navajo Indians residing in San Juan County. Planning for such expenditures shall be done in cooperation with the appropriate departments, bureaus, commissions, divisions, and agencies of the United States, the State of Utah, the county of San Juan in Utah, and the Navajo Tribe, insofar as it is reasonably practicable, to accomplish the objects and purposes of this Act. Contribution may be made to projects and facilities within said area that are not ex-

clusively for the benefit of the beneficiaries, as may be determined by the State of Utah through its duly authorized officers, commissions, or agencies. An annual report of its accounts, operations, and recommendations concerning the funds received hereunder shall be made by the State of Utah, through its duly authorized officers, commissions, or agencies, to the Secretary of the Interior and to the Area Director of the Bureau of Indian Affairs for the information of said beneficiaries.

SEC. 2. That the State of Utah may relinquish such tracts of school land within the areas added to the Navajo Reservation by section 1 of this Act as it may see fit in favor of the said Indians, and shall have the right to select other unreserved and nonmineral public lands contiguously or noncontiguously located within the State of Utah, equal in area and approximately of the same value to that relinquished, said lieu selections to be made in the same

manner as is provided for in the Enabling Act of July 16, 1894 (28 Stat. L. 107), except as to the payment of fees or commissions which are hereby waived.

Approved, March 1, 1933; approved May 17, 1968.

HISTORY

The proviso in first sentence of section 1 of this Act appears in 25 U.S.C. § 337a and 43 U.S.C. § 190a.

Amendments.

1968—Amended Act by deleting all of that part of last proviso of section 1 after the word "Utah" and inserting new provisions.

Cross References

Extinguishment of certain rights outside boundaries described in this Act, see Act Sept. 2, 1968, Pub. L. 85-868, § 1(d), 72 Stat. 1686-1690, set out on p. 295 of this Part.

ANNOTATIONS

1. Expenditure of royalties. The three types of expenditures authorized from royalties under the provisions of the Act of March 1, 1933, in tuition of Indian children, for the building or maintenance of roads, or for the benefit of Indians residing on the Reservation, must be considered homogeneous and did not give the Utah State Indian Affairs Commission unlimited power to spend money for roads having no relationship to the welfare of the Indians. *Sakezzie v. Utah State Indian Affairs Commission* (D.C. Utah 1963) 215 F.Supp. 12.

It is not required that a road be built expressly for the benefit of the Indians from royalty funds, and an expenditure for a road was within the power of the Commission even though the Indians may not be exclusively or even primarily benefited. *Id.*

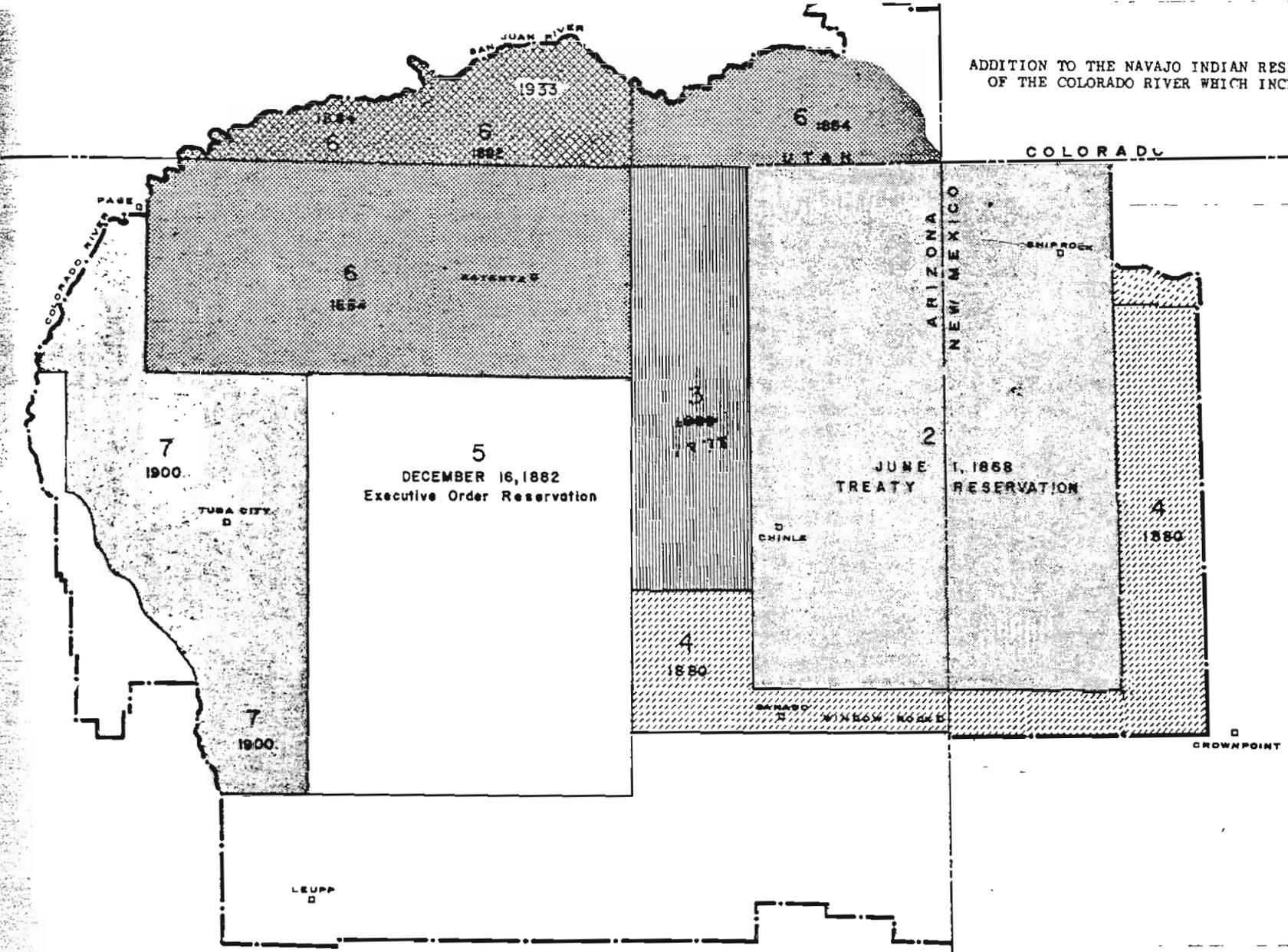
The term "tuition" within the provision that royalties be expended in the tuition of Indian children, is broad enough to encompass charges necessary or incidental to attendance, such as for books, board and room and traveling expense, within the reasonable discretion of the Commission. *Id.*

The contribution of \$70,000 by the Commission toward the construction of a medical clinic was proper even though the clinic was not built exclusively or even primarily for Indians residing on the Reservation where the Indians would benefit to the extent of the Commission's contribution. *Id.*

The Commission has an affirmative duty not only to make reasonably available to the Navajo Indians adequate information concerning the administration of the funds, but to seek out their advice and consultation before coming to the expenditure of the funds. *Id.*

6

ADDITION TO THE NAVAJO INDIAN RESERVATION OF THE AREA EAST OF THE COLORADO RIVER WHICH INCLUDES TUBA CITY, ARIZONA



7

Executive Order of January 8, 1900

It is hereby ordered that the tract of country lying west of the Navajo and Moqui reservations in the Territory of Arizona, embraced within the following-described boundaries, viz: beginning at the southeast corner of the Moqui reservation and running due west to the Little Colorado River; thence down that stream to the Grand Canyon Forest Reserve; thence north on the line of that reserve to the northeast corner thereof; thence west to the Colorado River; thence up that stream to the Navajo Indian reservation, be, and the same is hereby, withdrawn from sale and settlement until further ordered.

WILLIAM MCKINLEY

Executive Mansion
January 8, 1900

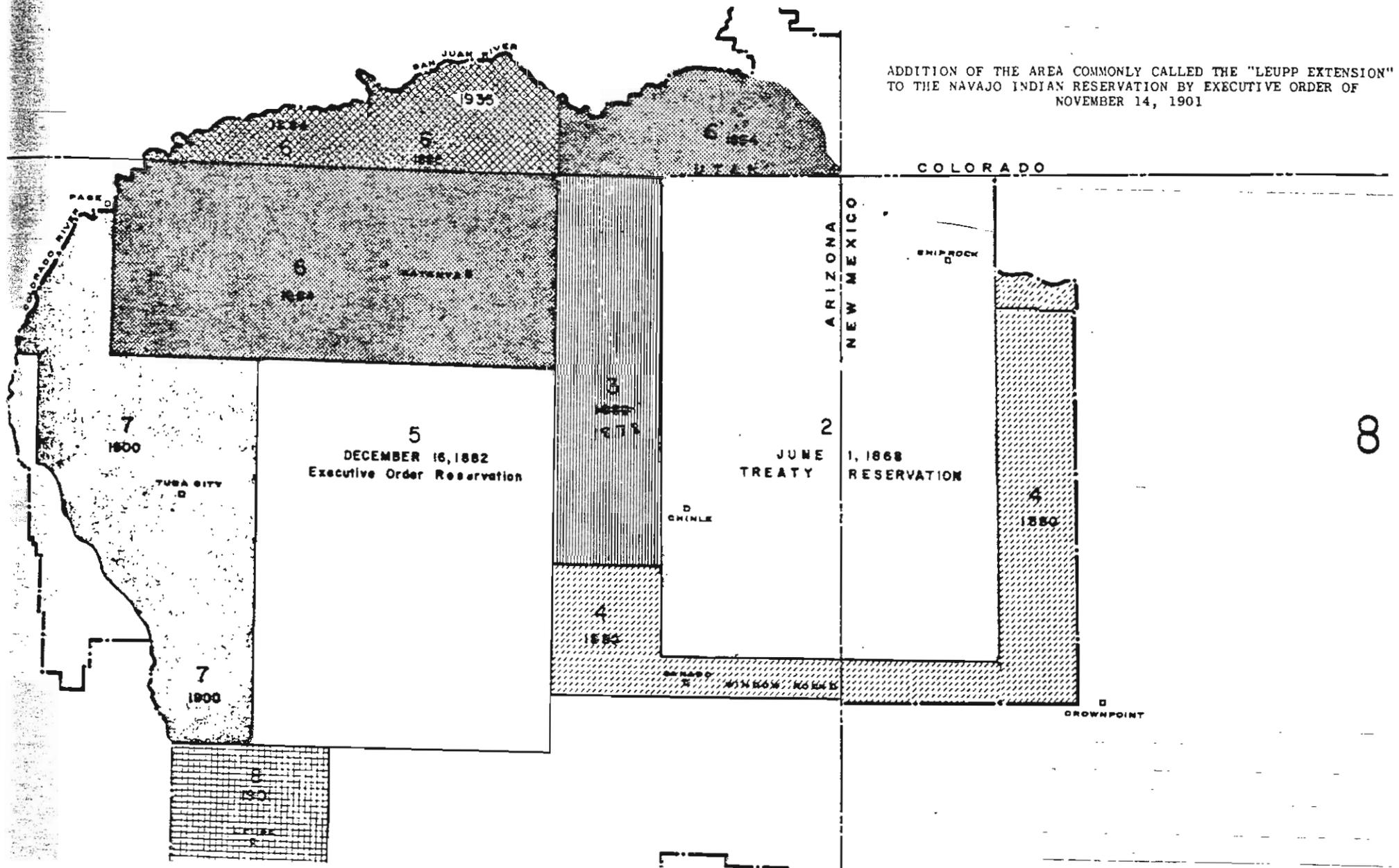
Cross References

Adjustment of settlers' rights under this Executive Order, see Act Aug. 11, 1916, ch. 315, 39 Stat. 504, p. 260 of this Appendix.

Exchanges of lands in additions made to reservation by this Executive Order, see Act Mar. 3, 1925, ch. 433, 43 Stat. 1115, p. 261 of this Appendix.

7

ADDITION OF THE AREA COMMONLY CALLED THE "LEUPP EXTENSION"
TO THE NAVAJO INDIAN RESERVATION BY EXECUTIVE ORDER OF
NOVEMBER 14, 1901



8

Executive Order of November 14, 1901

It is hereby ordered that the following-described tract of country in Arizona, viz: Commencing at a point where the south line of the Navajo Indian reservation (Addition of January 8, 1900) intersects the Little Colorado River; thence due south to the 5th Standard Parallel North; thence east on said standard to the Middle of the South line of township 21 North, range 15 east; thence north on the line bisecting townships 21, 22, 23, 24, said range 15 east, to the south line of the Moqui reservation; thence due west to the place of beginning, be, and the same is hereby, withdrawn from sale and settlement until such time as the Indians residing thereon shall have been settled permanently under the provisions of the homestead laws or the General allotment Act approved February 8, 1887 (24 Stats., 388 [25 U.S.C. § 331 et seq.]), and the Act amendatory thereof, approved February 28, 1891 (26 Stats., 794).

THEODORE ROOSEVELT

White House
November 14, 1901

HISTORY

Modification. See Ex. Ord. of Dec. 1, 1922, p. 342 of this Part.

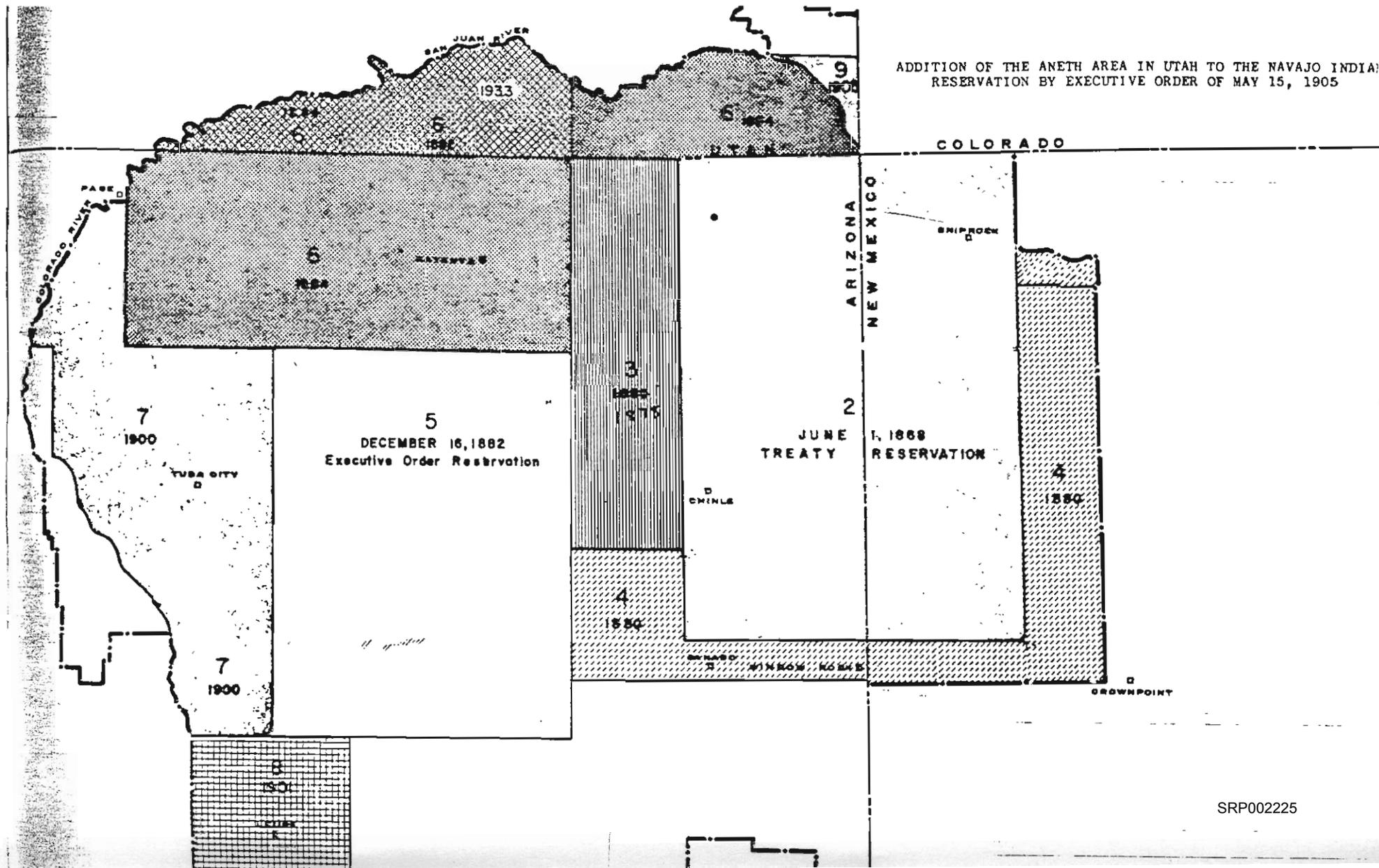
Cross References

Exchanges of lands in additions made to reservation by this Executive Order, see Act Mar. 3, 1925, ch. 433, 43 Stat. 1115, p. 261 of this Appendix.

Leupp Extension Reservation created by this Executive Order as within exterior boundaries of Navajo Reservation, see Act June 14, 1934, ch. 521, § 1, 48 Stat. 960, p. 268 of this Appendix.

8

ADDITION OF THE ANETH AREA IN UTAH TO THE NAVAJO INDIAN RESERVATION BY EXECUTIVE ORDER OF MAY 15, 1905



Executive Order No. 324A of May 15, 1905

The Executive Order of March 10, 1905, setting apart certain lands in Utah as an addition to the Navajo Indian Reservation, is hereby cancelled, and in lieu thereof it is hereby ordered that the following-described lands situated in said State be, and the same are hereby, withheld from sale and entry and set apart for Indian purposes, as an addition to the said Indian reservation, viz:

Beginning at the corner to sections 25 and 30, 31 and 36, on the range line between ranges 23 and 24 east, in Township 40 South, running east on the north boundary of sections 31-36, inclusive, in Township 40 South, ranges 24 and 25 east, and sections 31-34 inclusive, Township 40 South, range 26 east to the Colorado State line; thence south along the Colorado State line to the San Juan River; thence down the San Juan River to the meander corner to fractional sections 31 and 36, on the range line between ranges 23 and 24 east; thence north on said range line to the place of beginning: *Provided*, That any tract or tracts within the region of country described as aforesaid, which are settled upon or occupied, or to which valid rights have attached under existing laws of the United States prior to the date of this order, are hereby excluded from the reservation.

T. ROOSEVELT

White House
May 15, 1905

HISTORY

Repealed Executive Order. Executive Order No. 302A of Mar. 10, 1905, which was cancelled by this Executive Order of May 15, 1905, provided:

"It is hereby ordered that the following described lands situated in the State of Utah, be, and the same are hereby, withheld from sale and settlement and set apart for Indian purposes, as an addition to the Navajo Indian Reservation, viz: Beginning at the mouth of Montezuma Creek (in Utah); running thence due east to the Colorado State line; thence south along the Colorado State Line to the San Juan River; thence down the San Juan River to the place of beginning: *Provided*, That any tract or tracts within the region of country described as aforesaid, which are settled upon or occupied, or to which valid

rights have attached under existing laws of the United States prior to the date of this order, are hereby excluded from the reservation."

Cross References

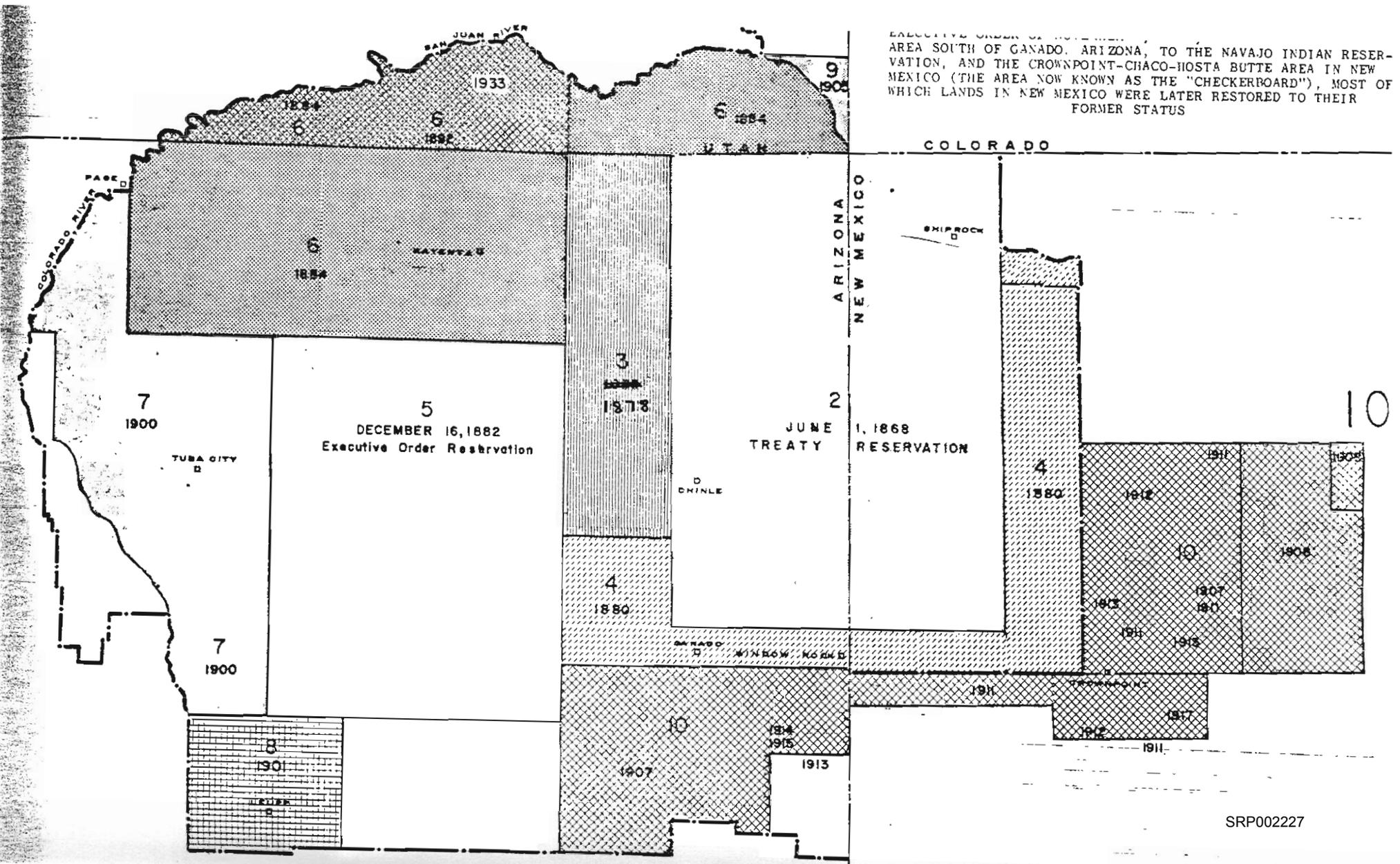
Extinguishment of certain rights outside boundaries described in this Executive Order, see Act Sept. 2, 1958, Pub. L. 85-868, § 1(d), 72 Stat. 1686-1690, p. 295 of this Appendix.

ANNOTATIONS

1. San Juan River in Utah. In an action by United States to quiet title in United States to land constituting bed of San Juan River in Utah from boundary line between Colorado and Utah downstream to mouth of Chinle Creek, a distance of 55 miles, evidence was sufficient to support finding that such part of San Juan River was not navigable at time of Utah's admission to the Union, and hence title to bed of San Juan River remained in United States. *State of Utah v. United States* (C.A. 10th 1962) 304 F.2d 23, cert. den. 371 U.S. 826, 83 S.Ct. 47, 9 L.Ed.2d 65.

9

EXECUTIVE ORDER OF NOVEMBER 1, 1868, TO THE NAVAJO INDIAN RESERVATION, AND THE CROWNPOINT-CHACO-HOSTA BUTTE AREA IN NEW MEXICO (THE AREA NOW KNOWN AS THE "CHECKERBOARD"), MOST OF WHICH LANDS IN NEW MEXICO WERE LATER RESTORED TO THEIR FORMER STATUS



Executive Order No. 709 of November 9, 1907

It is hereby ordered that the following-described tract of country in the Territories of Arizona and New Mexico, viz:

Commencing at a point where the east line of the Navajo Indian Reservation, as at present constituted, intersects the north boundary of township twenty-three north, range thirteen west, New Mexico Meridian; thence due east to the northeast corner of township twenty-three north, range five east; thence south to the southeast corner of township seventeen north, range five east, New Mexico Meridian; thence west to the first guide meridian; thence south on the said guide meridian to the southeast corner of township fifteen north, range nine west; thence west to the southwest corner of township fifteen north, range fourteen west; thence north to the northwest corner of township fifteen north, range fourteen west; thence due west to the boundary line between the Territories of Arizona and New Mexico; thence south on the boundary line between the Territories of Arizona and New Mexico to the northeast corner of township twenty-three north, range thirty-one east; thence west to the northwest corner of township twenty-three north, range twenty-nine east; thence south to the northwest corner of township twenty-one north, range twenty-nine east; thence west to the northwest corner of township twenty-one north, range twenty-nine east; thence west to the northwest corner of township twenty-one north, range twenty-six east; thence south to the southeast corner of township twenty-one north, range twenty-five east; thence west to the southwest corner of township twenty-one north, range twenty-two east; thence due north to the southern boundary of the Navajo reservation, as at present constituted, be, and the same is hereby, withdrawn from sale and settlement and set apart for the use of the Indians as an addition to the present Navajo Reservation: *Provided*, That this withdrawal shall not affect any existing valid rights of any person.

THEODORE ROOSEVELT

The White House
November 9, 1907

HISTORY

Amendments and modifications. See Ex. Ords. No. 744 of Jan. 28, 1908, p. 333 of this Part; No. 1000 of Dec. 30, 1908, p. 334 of this Part; No. 1284 of Jan. 16, 1911, p. 335 of this Part; No. 1995 of July 23, 1914, p. 339 of this Part.

Cross References

Disposition of surplus lands in reservation created by this Executive Order, see Act May 29, 1908, ch. 216, § 25, 35 Stat. 457, p. 259 of this Appendix.

Executive Order No. 744 of January 28, 1908

Whereas it is found that the Executive Order of November 9, 1907, setting apart certain lands in Arizona and New Mexico as an addition to the Navajo Indian Reservation, conflicts in part with Executive Order of November 11, 1907, setting apart certain lands as an addition to the Jicarilla Indian Reservation, New Mexico, said Executive Order is hereby so amended that the description of the tract of land set apart as an addition to the Navajo Reservation shall read as follows:

Beginning at a point on the eastern boundary of the Navajo Reservation where it intersects what would be, if extended, the township line between townships 23 and 24 north; thence east along said township line between townships 23 and 24 north to the northeast corner of township 23 north, range 6 west, New Mexico Meridian; thence south to the northeast corner of township 21 north, range 6 west; thence east to the northeast corner of township 21 north, range 5 west; thence south to the southeast corner of township 15 north, range 5 west; thence west to the first guide meridian west of township 15 north, range 9 west; thence west along the township line between townships 14 and 15 north to the northwest corner of township 15 north, range 14 west; thence west along the township line between townships 15 and 16 north to the boundary line between the Territories of Arizona and New Mexico; thence south on said boundary line to the northeast corner of township 21 north, range 31 east, Gila and Salt River Meridian, Arizona; thence west on the township line between townships 23 and 24 north to the northwest corner of township 23 north, range 29 east; thence south to the northwest corner of township 21 north, range 29 east; thence west on the township line between townships 21 and 22 north to the northwest corner of township 21 north, range 26 east; thence south to the southeast corner of township 21 north, range 26 east; thence west on the Fifth Standard Parallel north to the southwest corner of township 21 north, range 22 east; thence north to the range line between ranges 21 and 22 east to its intersection with the south boundary of the Hopi (Moqui) Indian Reservation, Arizona; thence east to the southeast corner of said Hopi (Moqui) Indian Reservation; thence north on the one hundredth and tenth degrees of longitude west to the south boundary of the Navajo Reservation, Arizona; thence east along the said south boundary to the boundary line between Arizona and New Mexico; thence continuing along the boundary line of the Navajo Reservation, New Mexico SRP002228

the southeast corner of said reservation; thence north along the east boundary of said Navajo Reservation to the place of beginning.

THEODORE ROOSEVELT

The White House
January 28, 1908

HISTORY

Modifications. See Ex. Ords. No. 1000 of Dec. 30, 1908, this page of this Part; No. 1284 of Jan. 16, 1911, p. 334 of this Part; No. 1995 of July 23, 1914, p. 339 of this Part.

Cross References

Disposition of surplus lands in reservation created by this Executive Order, see Act May 29, 1908, ch. 216, § 25, 35 Stat. 457, p. 259 of this Appendix.

Executive Order No. 1000 of December 30, 1908

It is hereby ordered that the unallotted lands in Townships seventeen, eighteen, nineteen, twenty, and twenty-one North, Ranges five, six, seven and eight West, and Townships twenty-two and twenty-three North, Ranges six, seven and eight West of the New Mexico Principal Meridian, withdrawn from sale and settlement, and set apart for the use of the Indians as an addition to the Navajo Reservation by Executive Orders dated November nine, nineteen hundred and seven, and January twenty-eight, nineteen hundred and eight, be, and the same are hereby, restored to the public domain, except the following-described lands embracing one hundred and ten unapproved allotments, namely:

The Southwest quarter of Section twenty-three, Township seventeen North, Range five West; the South half of Section thirty-five, Township eighteen North, Range five West; Section twenty-three and the North half of Section twenty-five, Township nineteen North, Range five West; the West half of Section five and the East half of Section six, Township twenty North, Range six West, unsurveyed; the Northwest quarter of Section three, the Northeast quarter of Section four, the South half of Section five, the Northwest quarter of Section eight, Section seventeen, the North half of Section nineteen, Section twenty and the Southeast quarter of Section thirty-one, Township twenty-one North, Range six West; the West half of Section thirty-three, the South half of Section thirty-four, and the West half of Section thirty-five, Township twenty-two North, Range

six West; the North half of Section three, Section four, the West half and the Southeast quarter of Section seven, the Southeast quarter of Section eight, Section nine, the West half of Section sixteen, Sections seventeen and eighteen, the North half and the Southeast quarter of Section nineteen, Section twenty, the West half of Section twenty-one, the East half of Section twenty-two, Section twenty-three, the Northwest quarter of Section twenty-eight, the North half of Section twenty-nine and the Northeast quarter of Section thirty, Township twenty North, Range seven West; the West half of Section six, the Southeast quarter of Section nineteen, the Southwest quarter of Section twenty, the North half and the Southeast quarter of Section twenty-four, the East half of Section twenty-five, the Southwest quarter of Section twenty-six, the South half of Section twenty-seven, the Southeast quarter of Section twenty-eight, the Northwest quarter of Section twenty-nine, the Northeast quarter of Section thirty, the East half of Section thirty-three, Section thirty-four and the West half of Section thirty-five, Township twenty-one North, Range seven West, and Sections one and twelve and the Southeast quarter of Section eleven, Township twenty-one North, Range eight West of the New Mexico Principal Meridian.

THEODORE ROOSEVELT

The White House
December 30, 1908

Executive Order No. 1284 of January 16, 1911

It is hereby ordered that all lands not allotted to Indians or otherwise reserved within the townships in New Mexico added to the Navajo Reservation by Executive Orders of November nine, nineteen hundred and seven, and January twenty-eight, nineteen hundred and eight, lying west of the first guide meridian west, be and the same hereby are restored to the public domain.

WM. H. TAFT

The White House
January 16, 1911

HISTORY

Modifications. See Ex. Ord. No. 1359 of May 24, 1911, this page, this Part; No. 1483 of Feb. 17, 1912, page 336 of this Part.

SRP002229

10

Executive Order No. 1359 of May 24, 1911

It is hereby ordered that the following-described lands in New Mexico, being a part of the lands restored to the public domain by Executive Order of January 16, 1911, be, and the same hereby are, reserved from entry, sale, or other disposition, for Indian purposes:

Sec. 6, of T. 22 N., R. 9 W.; NW. ¼ of sec. 20, T. 14 N., R. 12 W.; SE. ¼, E. ½ W. ½, and SW. ¼, SW. ¼, sec. 31, T. 23 N., R. 9 W.; W. ½, sec. 20, all of sec. 30, and W. ½ of sec. 32, T. 17 N., R. 12 W.; N. ½ of sec. 20, T. 16 N., R. 15 W. of the New Mexico principal meridian; *Provided*, That nothing herein shall affect any valid existing rights of any person.

WM. H. TAFT

The White House
May 24, 1911

Executive Order No. 1482 of February 17, 1912

ZUNI NATIONAL FOREST
Arizona and New Mexico

Under authority of the Act of Congress of June 4, 1897 (30 Stat., 11 at 34 and 36 [16 U.S.C. § 473 et seq.]), and upon recommendation of the Secretary of Agriculture, it is hereby ordered that on and after March 1, 1912, the boundaries of the Zuni National Forest, Arizona, and New Mexico, as proclaimed March 2, 1909, and modified by subsequent Proclamation of July 1, 1910, be further modified by excluding therefrom those parts of the Zuni and of the Navajo Indian Reservations included in said Zuni National Forest by the said Proclamation of March 2, 1909, except those parts of the said Navajo Indian Reservation described in Executive Order No. 1284 of January 16, 1911, and included in said Zuni National Forest by said Proclamation of March 2, 1909, which are hereby retained as National Forest land.

The purpose of this exclusion is to restore in all respects the Zuni Indian Reservation and that part of the Navajo Indian Reservation not affected by Executive Order No. 1284 of January 16, 1911, to the status existing prior to the said Proclamation of March 2, 1909, as though the inclusion of the lands within the Zuni National Forest had not been ordered, and said Indian Reservations are hereby fully recreated and restored to that status, with the exception above mentioned.

WM. H. TAFT

The White House
February 17, 1912

Executive Order No. 1483 of February 17, 1912

It is hereby ordered that the following-described lands in New Mexico, being a part of the lands heretofore set aside as an executive reservation for the Navajo Indians and eliminated from said reservation by Executive Order of January 16, 1911, be, and the same are hereby, restored to the status existing before said order of January 16, 1911, the purpose being to admit of the consummation of an exchange under the act of April 21, 1904 (33 Stats. at Large, page 211 [43 U.S.C. § 149]), initiated prior to said elimination, viz: all odd-numbered sections in townships 22 north of ranges 11 and 12 west, New Mexico principal meridian; and it is further ordered that upon completion of said exchange and after allotment to the Indians, any remaining lands shall be opened to disposition by the Secretary of the Interior in such manner and after such notice as he may prescribe.

WM. H. TAFT

The White House
February 17, 1912

Executive Order No. 1699 of February 10, 1913

It is hereby ordered that the Lots 1 (39.48 acres) and 2 (39.48 acres) and the S. ½ of the NE. ¼ of Section 2, Township 21 North, Range 28 East of the Gila and Salt River Meridian in Arizona, be, and they are hereby, withdrawn from settlement, entry, sale, or other disposition and set aside for use of Navajo Indians: *Provided*, that the withdrawal hereby shall be subject to any prior valid existing rights of any persons to the lands described.

WM. H. T.

The White House
February 10, 1913

Executive Order No. 1700 of February 10, 1913

It is hereby ordered that the SE. ¼ of Section 18, Township 18 North of Range 10 West, of the New Mexico Principal Meridian be, and the same hereby is, withdrawn from all forms of settlement and entry and set apart as a reservation for use of the Navajo Indians in common: *Provided* that the withdrawal hereby made shall be subject to any valid prior rights of any persons to the land described.

WM. H. TAFT

The White House
February 10, 1913

10

Executive Order No. 1774 of May 6, 1913

It is hereby ordered that Section 10 of Township 17 North, Range 13 West, of the New Mexico Principal Meridian in New Mexico, be, and the same is hereby reserved from all forms of settlement, entry or other disposal, and set aside for use of Navajo Indians living in the vicinity of Crownpoint, New Mexico, provided that this withdrawal is subject to any prior valid right or claim of any persons to the land withdrawn, and to New Mexico coal land withdrawal No. 6, by Executive Order of May 18, 1911.

WOODROW WILSON

The White House
May 6, 1913

Executive Order No. 1995 of July 23, 1914

Executive Orders of November 9, 1907, and January 28, 1908, setting aside certain townships in the State of Arizona as additions to the Navajo Indian Reservation, are hereby modified so as to release from the said withdrawals all of the unappropriated tracts in Sec. 10, T. 24 N., R. 29 E., of the Gila and Salt River Meridian in Arizona, which tracts are hereby reserved as a rifle range for use of Company G, First Infantry, Organized Militia of the State of Arizona: *Provided*, That the lands shall revert to their former status as Indian reservation when no longer used or needed for the purpose reserved.

WOODROW WILSON

The White House
July 23, 1914

HISTORY

Modification. See Ex. Ord. No. 2138 of Feb. 19, 1915, this page, this Part.

Executive Order No. 2138 of February 19, 1915

It is hereby ordered that sec. 10, T. 24 S., R. 28 E., G. & S. R. M., Arizona, containing according to the official plat on file in the General Land Office, approved October 25, 1902, 640 acres, be, and the same is hereby, reserved for military purposes for use of the National Guard of Arizona as a rifle range.

It is also hereby ordered that sec. 10, T. 24 N., R. 29 E., G. & S. R. M., Arizona, reserved by Executive Order No. 1995, dated July 23, 1914, for use of Company G, First Infantry, Organized Militia of the State of Arizona, be released from such reservation, so that the lands shall revert to their former status as part of the Navajo Indian Reservation in said State.

WOODROW WILSON

The White House
19 February, 1915

Executive Order No. 2513 of January 15, 1917

It is hereby ordered that the following described lands situated in the State of New Mexico, which belong to or may hereafter be acquired by the United States, are hereby withdrawn from settlement and sale and are set apart for the use and occupancy of the Navajo and such other Indians as the Secretary of the Interior may see fit to settle thereon:

Township 15 N., Range 10 W.

S. $\frac{1}{2}$, Sec. 1; W. $\frac{1}{2}$ and SE. $\frac{1}{4}$, Sec. 3; all of Sec. 11; E. $\frac{1}{2}$, Sec. 15; N. $\frac{1}{2}$ and SW. $\frac{1}{4}$, Sec. 21; W. $\frac{1}{2}$ and SE. $\frac{1}{4}$, Sec. 31.

Township 16 N., Range 10 W.

W. $\frac{1}{2}$, Sec. 7; N. $\frac{1}{2}$ and SW. $\frac{1}{4}$, Sec. 19.

Township 15 N., R. 11 W.

All of Sec. 5; W. $\frac{1}{2}$ and SE. $\frac{1}{4}$, Sec. 7; SW. $\frac{1}{4}$, Sec. 15; all of Sec. 17; SW. $\frac{1}{4}$, Sec. 23; all of Sec. 27; all of Sec. 35.

10

Township 16 N., Range 11 W.
E. $\frac{1}{2}$ and SW. $\frac{1}{4}$, Sec. 1; all of Sec. 5; all of Sec. 7; all of Sec. 9; all of Sec. 13; all of Sec. 15; all of Sec. 17; SW. $\frac{1}{4}$, Sec. 19; N. $\frac{1}{2}$, Sec. 21.

Township 17 N., Range 11 W.
All of Sec. 25.

Township 18 N., Range 11 W.
All of Sec. 17.

Township 15 N., Range 12 W.
All of Sec. 5; all of Sec. 7; all of Sec. 9; all of Sec. 19; all of Sec. 21; all of Sec. 25; all of Sec. 27; all of Sec. 29; all of Sec. 31.

Township 16 N., Range 12 W.
S. $\frac{1}{2}$, Sec. 1; E. $\frac{1}{2}$, Sec. 11; N. $\frac{1}{2}$ and SE. $\frac{1}{4}$, Sec. 13; W. $\frac{1}{2}$ SE. $\frac{1}{4}$, and E. $\frac{1}{2}$ SW. $\frac{1}{4}$, Sec. 15; N. $\frac{1}{2}$ NW. $\frac{1}{4}$, Sec. 21; all of Sec. 31; NW. $\frac{1}{4}$ and SW. $\frac{1}{4}$, Sec. 35.

Township 17 N., Range 12 W.
S. $\frac{1}{2}$, Sec. 21; all of Sec. 27; E. $\frac{1}{2}$, Sec. 29; all of Sec. 33; NW. $\frac{1}{4}$, Sec. 35.

Township 19 N., Range 12 W.
All of Sec. 25.

Township 15 N., Range 13 W.
All of Sec. 7; all of Sec. 15; all of Sec. 17; all of Sec. 23.

Township 17 N., Range 13 W.
NE. $\frac{1}{4}$, Sec. 1; SE. $\frac{1}{4}$, Sec. 7; all of Sec. 9; all of Sec. 11; W. $\frac{1}{2}$ and SE. $\frac{1}{4}$, Sec. 13; all of Sec. 15; all of Sec. 17; all of Sec. 21; all of Sec. 23; N. $\frac{1}{2}$, Sec. 25; N. $\frac{1}{2}$, Sec. 27; NE. $\frac{1}{4}$, Sec. 29.

Township 19 N., Range 13 W.
All of Sec. 5; all of Sec. 7; N. $\frac{1}{2}$ and SW. $\frac{1}{4}$, Sec. 9; all of Sec. 17; N. $\frac{1}{2}$, Sec. 23; N. $\frac{1}{2}$ and SE. $\frac{1}{4}$, Sec. 27; all of Sec. 31.

Township 15 N., Range 14 W.
All of Sec. 1; NE. $\frac{1}{4}$, Sec. 7; all of Sec. 11; NW. $\frac{1}{4}$, Sec. 19; E. $\frac{1}{2}$, Sec. 21; all of Sec. 23; N. $\frac{1}{2}$, Sec. 31; N. $\frac{1}{2}$, Sec. 33.

Township 16 N., Range 14 W.
S. $\frac{1}{2}$, Sec. 15; E. $\frac{1}{2}$, Sec. 31; SE. $\frac{1}{4}$, Sec. 33.

Township 16 N., Range 15 W.
W. $\frac{1}{2}$, Sec. 13; SW. $\frac{1}{4}$, Sec. 17; NE. $\frac{1}{4}$, Sec. 19; all of Sec. 25; E. $\frac{1}{2}$ and SW. $\frac{1}{4}$, Sec. 27.

Township 16 N., Range 16 W.
NE. $\frac{1}{4}$ and SW. $\frac{1}{4}$, Sec. 15; all of Sec. 23; SE. $\frac{1}{4}$, Sec. 35.

Township 17 N., Range 16 W.
S. $\frac{1}{2}$, Sec. 31.

Township 16 N., Range 17 W.
All of Sec. 5; all of Sec. 17; E. $\frac{1}{2}$, SW. $\frac{1}{4}$ and E. $\frac{1}{2}$ NW. $\frac{1}{4}$, Sec. 23; all of Sec. 25; all of Sec. 27; all of Sec. 29; W. $\frac{1}{2}$, Sec. 33; all of Sec. 35.

Township 16 N., Range 18 W.
N. $\frac{1}{2}$, Sec. 3; W. $\frac{1}{2}$ and SE. $\frac{1}{4}$, Sec. 17; NW. $\frac{1}{4}$, Sec. 29.

Township 17 N., Range 18 W.
SE. $\frac{1}{4}$, Sec. 33.

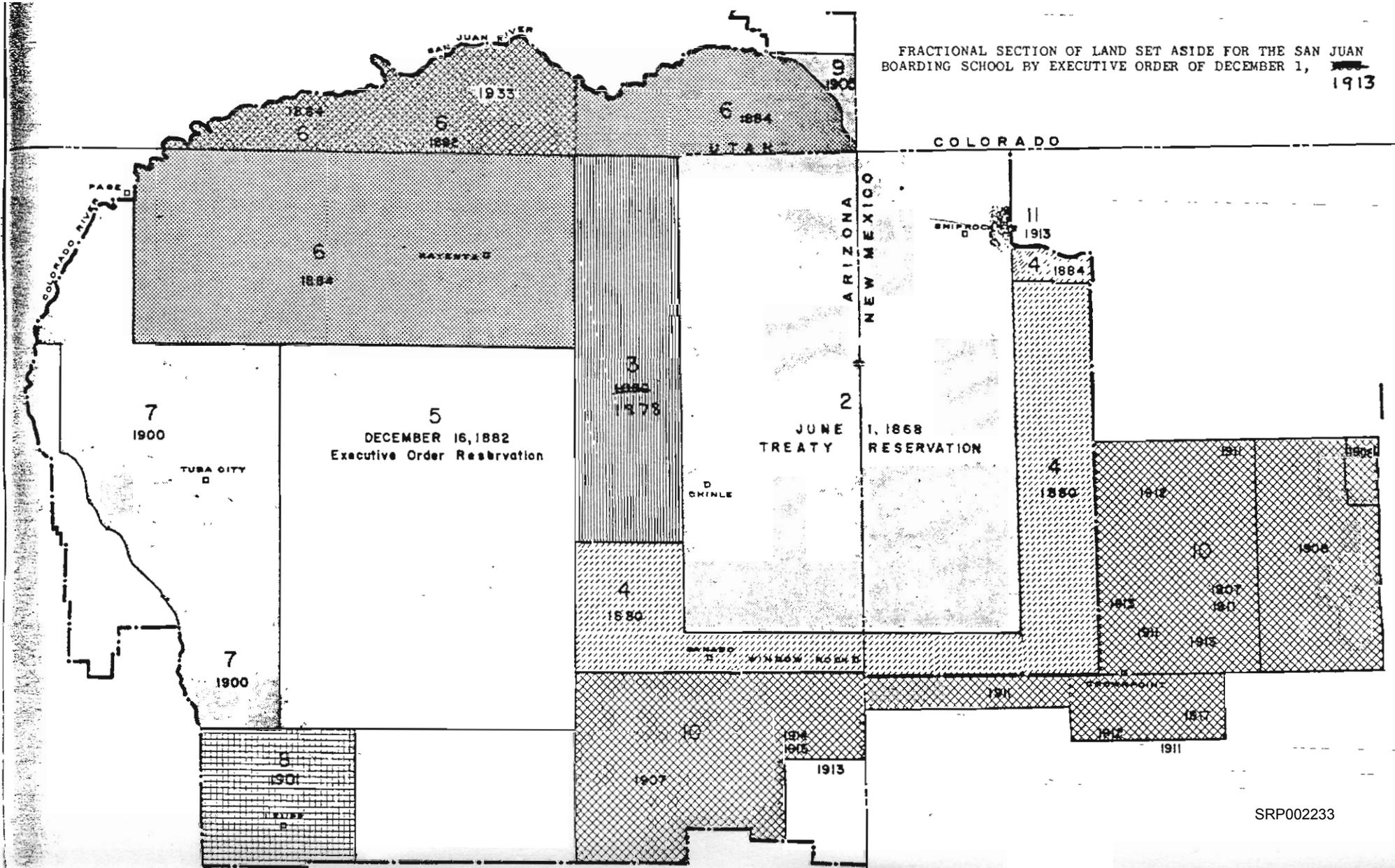
Township 16 N., Range 19 W.
W. $\frac{1}{2}$ and SE. $\frac{1}{4}$, Sec. 3; NE. $\frac{1}{4}$, Sec. 25.

WOODROW WILSON

The White House
15 January, 1917

10

FRACTIONAL SECTION OF LAND SET ASIDE FOR THE SAN JUAN BOARDING SCHOOL BY EXECUTIVE ORDER OF DECEMBER 1, ~~1882~~ 1913



Executive Order No. 1864 of December 1, 1913

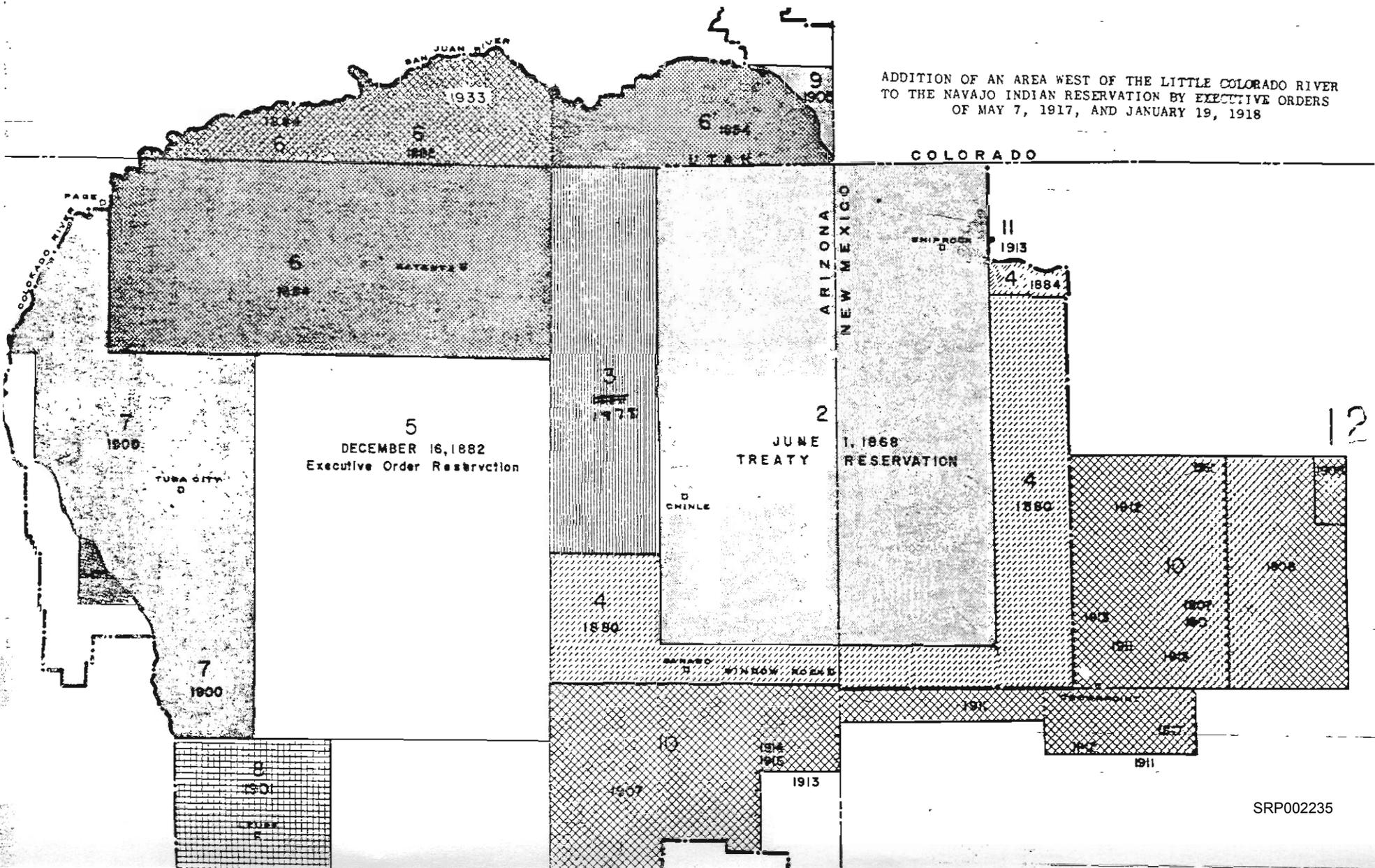
Fractional section 21, Township 30 North of Range 16 West of the New Mexico Principal Meridian in New Mexico, is hereby reserved from all forms of entry or other disposal, and set aside for administration purposes connected with the San Juan Indian boarding school on the Navajo reservation in New Mexico.

Executive Order dated July 9, 1910, New Mexico coal land withdrawal No. 1, is hereby modified so as to eliminate therefrom the fractional section described herein.

WOODROW WILSON

The White House
December 1, 1913

||



ADDITION OF AN AREA WEST OF THE LITTLE COLORADO RIVER TO THE NAVAJO INDIAN RESERVATION BY EXECUTIVE ORDERS OF MAY 7, 1917, AND JANUARY 19, 1918

12

EXECUTIVE ORDER

[No. 2612]

It is hereby ordered that the following described lands in the State of Arizona, be, and they are hereby, reserved from all forms of disposal and set aside temporarily until allotments in severalty can be made to the Navajo Indians living thereon, or until some other provision can be made for their welfare:

Beginning at a point on the Little Colorado River where it intersects the eastern boundary of the Tusayan National Forest as set aside by the proclamation of June 28, 1910; thence up the Little Colorado River to where it crosses the 40 mile limit of the Santa Fe R. R.; thence west to the eastern boundary of the Tusayan National Forest; thence north along the eastern boundary of said Tusayan National Forest to place of beginning; which when surveyed will cover fractional parts of Ts. 31, 32, and 33 N., R. 6 E.; Ts. 29, 30, 31, and 32 N., R. 7 E.; Ts. 29, 30, and 31 N., R. 8 E.; and T. 29 N., R. 9 E., Gila and Salt River Meridian, Arizona, containing approximately 94,000 acres.

This withdrawal is subject to all prior valid and existing rights and claims of any persons, and to all prior orders establishing or creating water power designations and power site reserves.

Woodrow Wilson

The White House
7 May, 1917.

(From: Navajo Tribal Council Resolutions, 1922-1951. Two vols. compiled by Norman M. Littell, p. 693)

Executive Order of January 19, 1918

It is hereby ordered that the following-described lands in the State of Arizona be, and they are hereby, reserved from all forms of disposal and set aside temporarily until allotments in severalty can be made to the Navajo Indians living thereon, or until some other provision can be made for their welfare:

Beginning at a point on the Little Colorado River where it intersects the eastern boundary of the Tusayan National Forest as set aside by the proclamation of June 28, 1910; thence up the Little Colorado River where it crosses the 40-mile limit of the Santa Fe Pacific R. R.; thence south and west along said forty-mile limit to the eastern boundary of the Tusayan National Forest; thence north along the eastern boundary of said Tusayan National Forest to place of beginning; which when surveyed will cover fractional parts of Ts. 31, 32, and 33 N., R. 6 E.; Ts. 29, 30, 31, and 32 N., R. 7 E.; and Ts. 29, 30, and 31 N., R. 8 E., Gila and Salt River meridian, Arizona, containing approximately 94,000 acres.

This withdrawal is subject to all prior valid and existing rights and claims of any persons, and to all prior orders establishing or creating water-power designations and power-site reserves.

This order supersedes and takes the place of order number 2612, dated May 7, 1917, and is made for the sole purpose of correctly describing the lands intended to be withdrawn by that order.

WOODROW WILSON

The White House
19 January, 1918

HISTORY

Prior provisions. Executive Order No. 2612 of May 7, 1917, which was superseded by this Ex. Ord., read "thence west to the eastern boundary of the Tusayan National Forest" instead of "thence south and west along said forty-mile limit to the eastern boundary of the Tusayan National Forest", and referred also to "T. 29 N., R. 9 E."

Ch. 6 GOVERNMENT OF INDIAN COUNTRY 25 § 211

§ 211. Creation of Indian reservations

No Indian reservation shall be created, nor shall any additions be made to one heretofore created, within the limits of the States of New Mexico and Arizona, except by Act of Congress. May 25, 1918, c. 86, § 2, 40 Stat. 570.

Cross References

New Indian reservations, see section 467 of this title.

Notes of Decisions

Abandonment of areas 7	Executive orders 4
Administrative orders 5	Indian reservation 2
Construction of laws in favor of Indians 1	Rights of Indians 3
Division of areas 6	

Ch. 12 LEASE, SALE, ETC., OF LANDS 25 § 393e

§ 398d. Same; changes in boundaries of Executive order reservations

Changes in the boundaries of reservations created by Executive order, proclamation, or otherwise for the use and occupation of Indians shall not be made except by Act of Congress: *Provided*, That this shall not apply to temporary withdrawals by the Secretary of the Interior. Mar. 3, 1927, c. 299, § 4, 44 Stat. 1347.

Notes of Decisions

Library references

Indians 32.
C.J.S. Indians §§ 11, 67 et seq.

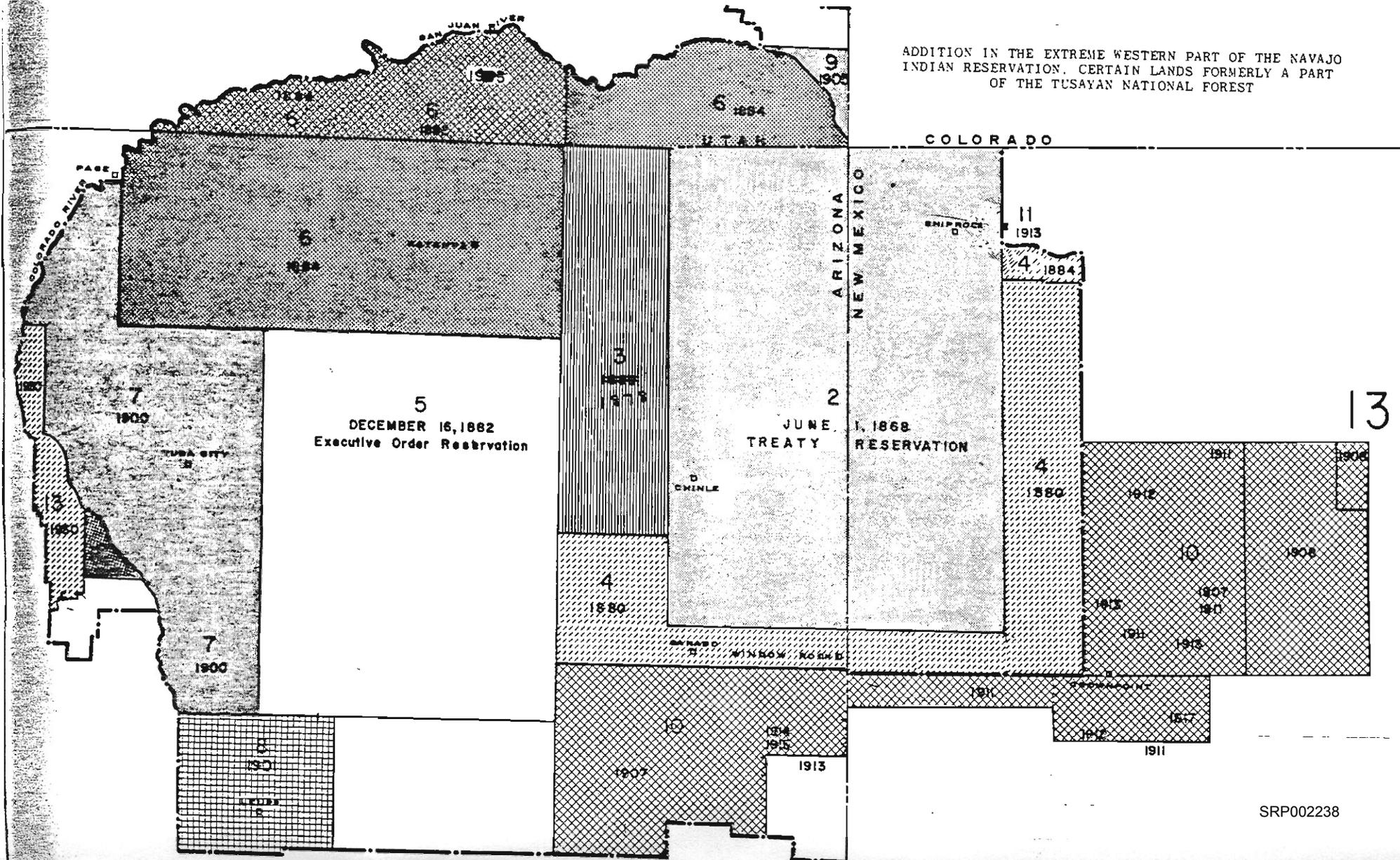
1. Administrative division of area

This section precluding changes in Indian reservation boundaries by executive order, proclamation, or otherwise than by act of Congress precluded ad-

ministrative division, as to areas for the exclusive use of the Hopi Indian Tribe and the Navajo Indian Tribe, of reservation created in northeastern Arizona by 1882 Executive Order for the use and occupancy of Hopis, and such other Indians as the Secretary of the Interior would see fit to settle thereon. *Healing v. Jones*, D.C.Ariz.1962, 210 F.Supp. 125.

(From: United States Code Annotated, Title 25, pp. 173, 517)

ADDITION IN THE EXTREME WESTERN PART OF THE NAVAJO INDIAN RESERVATION. CERTAIN LANDS FORMERLY A PART OF THE TUSAYAN NATIONAL FOREST



13

1930. Tusayan National Forest; transfer of land to reservation

May 23, 1930, ch. 317, 46 Stat. 378, 379

CHAP. 317. An Act To eliminate certain land for the Tusayan National Forest, Arizona, as an addition to the Western Navajo Indian Reservation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following-described land be, and the same is hereby, eliminated from the Tusayan National Forest, Arizona, and added to and made a part of the Western Navajo Indian Reservation, subject to all valid rights and claims of individuals initiated prior to the approval of this Act: All that part of the Tusayan National Forest lying east of the Colorado River and north of the Little Colorado River, unsurveyed, but which will probably be when surveyed in townships 32, 33, 34, 35, and 36 north, ranges 5 and 6 east; all lands in township 31 north, range 6 east, which are now a part of the Tusayan National Forest; sections 1, 2, 3, 4, and 10 to 14, inclusive, east half section 23, sections 24 and 25, east half section 26 and sections 35 and 36, township 30 north, range 6 east; sections 27 to 34, inclusive, township 30 north, range 7 east; sections 1, 2, and 11 to 14, inclusive, sections 23 to 26, inclusive, sections 35 and 36, township 29 north, range 6 east; sections 3 to 10, inclusive, and sections 15 to 36, inclusive, township 29 north, range 7 east; section 1 and north half section 12, township 28 north, range 6 east; sections 1 to 23, inclusive, and sections 29 to 32, inclusive, township 28 north, range 7 east; Gila and Salt River base and meridian, Arizona: *Provided*, That all unappropriated and unreserved public lands in sections 24 to 28, inclusive, and sections 33 to 36, inclusive, in township 28 north, range 7 east, Gila and Salt River base and meridian, Arizona, be, and the same are hereby, added to and made a part of the Western Navajo Indian Reservation, subject to all valid rights and claims of individuals initiated prior to approval of this Act.*

SEC. 2. That upon conveyance to the United States of a good and sufficient title to any privately owned land within the areas described in this Act, the owners or their assigns thereof are hereby authorized under regulations of the Secretary of the Interior, to select at any time within fifteen years after the approval of this Act, from the surveyed, unappropriated, unreserved, nonmineral public lands of the United States, in the State of Arizona, lands approximately equal in value to the lands thus conveyed, such values to be determined by the Secretary of the Interior, and the Secretary of the Interior is hereby authorized to issue patents for the lands thus selected: *Provided*, That the lands conveyed to the United States under authority of this Act shall thereupon become a part of the Western Navajo Indian Reservation.

SEC. 3. That before any exchange of lands as above provided is effected, notice of such exchange describing the lands involved therein shall be published once each week for four consecutive weeks in some newspaper of general circulation in the county or counties within which the selected lands are situated.

SEC. 4. That the State of Arizona shall have the right to select other public lands in lieu of sections 2, 16, 32, and 36 within said addition to the Western Navajo Indian Reservation, in the same manner as is provided in the Enabling Act of June 20, 1910 [(36 Stat. L. 557)].

Approved, May 23, 1930.

HISTORY

Amendments.

See Act Feb. 21, 1931, ch. 269, 46 Stat. 1204, set out on p. 265 of this Part.

13

1931. Canyon De Chelly National Monument

Feb. 14, 1931, ch. 188, 46 Stat. 1161, as amended; 16 U.S.C. §§ 445-445b

TITLE 16, UNITED STATES CODE

§ 445. Canyon De Chelly National Monument; establishment; boundaries

With the consent of the tribal council of the Navajo Tribe of Indians, the President of the United States is authorized to establish by presidential proclamation the Canyon De Chelly National Monument, within the Navajo Indian Reservation, Arizona, including the lands hereinafter described.

All lands in Del Muerto, De Chelly, and Monument Canyons, in the canyons tributary thereto, and the lands within one-half mile of the rims of the said canyons, situated in unsurveyed townships 4 and 5 north, range 7 west; townships 4, 5, and 6 north, range 8 west; townships 4 and 5 north, range 9 west; and in surveyed townships 4 and 5 north, range 6 west; townships 3, 6, and 7 north, range 7 west; township 6 north, range 9 west; and township 5 north, range 10 west; embracing about eighty-three thousand eight hundred and forty acres, all of the Navajo meridian, in Arizona. (Feb. 14, 1931, ch. 188, § 1, 46 Stat. 1161; Mar. 1, 1933, ch. 161, 47 Stat. 1419.)

HISTORY

Amendments.

1933—Amended description of land in second paragraph of this section.

§ 445a. Same; rights and privileges of Navajo Indians therein

Nothing in section 445 or 445b of this title shall be construed as in any way impairing the right, title, and interest of the Navajo

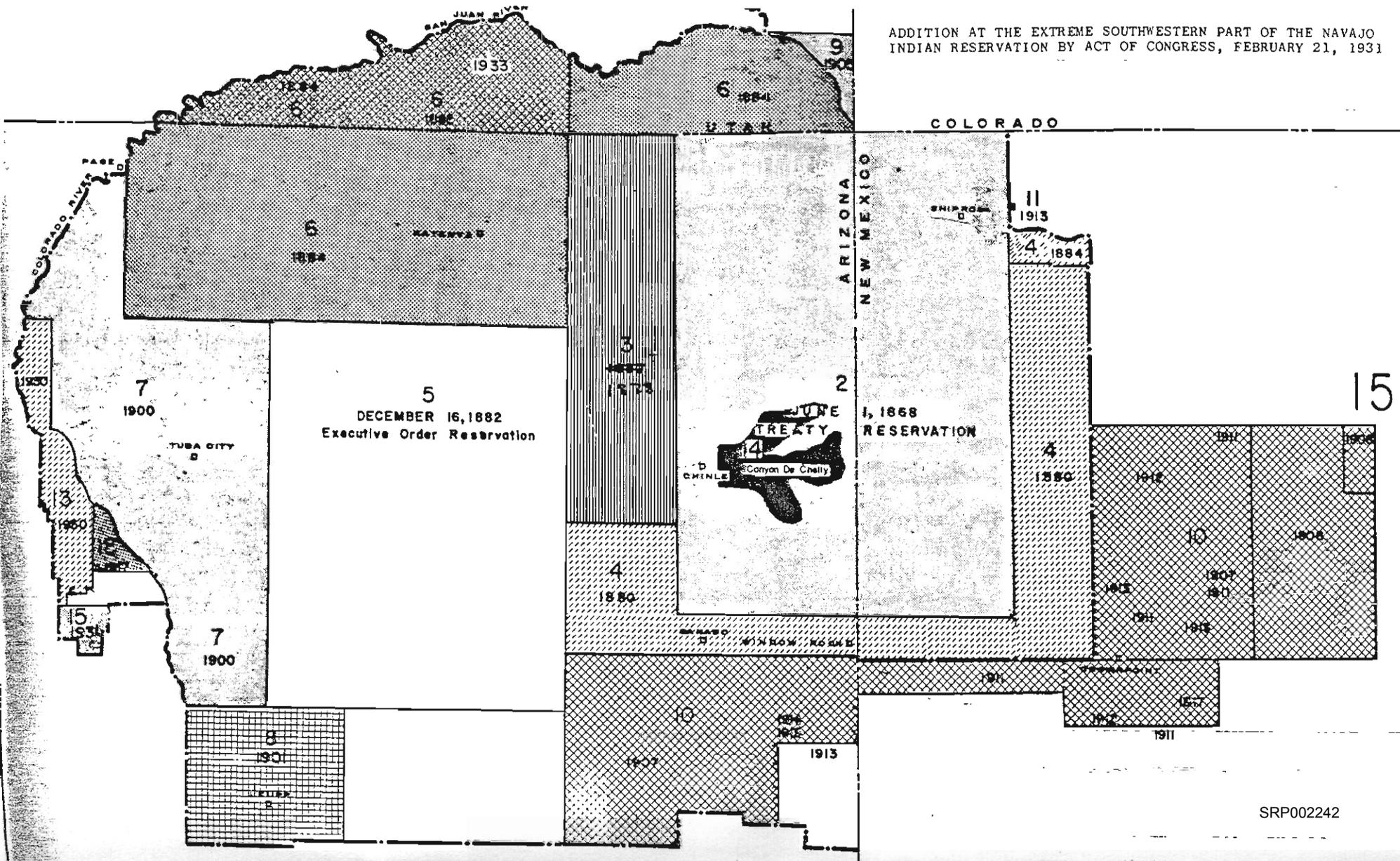
Tribe of Indians which they now have and hold to all lands and minerals, including oil and gas, and the surface use of such lands for agricultural, grazing, and other purposes, except as defined in section 445b of this title; and the said tribe of Indians is granted the preferential right, under regulations to be prescribed by the Secretary of the Interior, of furnishing riding animals for the use of visitors to the monument. (Feb. 14, 1931, ch. 188, § 2, 46 Stat. 1161.)

§ 445b. Same; administration by National Park Service; powers and duties

The National Park Service, under the direction of the Secretary of the Interior, is charged with the administration of the area of said national monument, so far as it applies to the care, maintenance, preservation and restoration of the prehistoric ruins, or other features of scientific or historical interest within the area, and shall have the right to construct upon the lands such roads, trails, or other structures or improvements as may be necessary in connection with the administration and protection of the monument, and also the right to provide facilities of any nature whatsoever required for the care and accommodation of visitors to the monument. (Feb. 14, 1931, ch. 188, § 3, 46 Stat. 1161.)

14

ADDITION AT THE EXTREME SOUTHWESTERN PART OF THE NAVAJO INDIAN RESERVATION BY ACT OF CONGRESS, FEBRUARY 21, 1931



1931. Tusayan National Forest; transfer of land to reservation;
amendment

Feb. 21, 1931, ch. 269, 46 Stat. 1204

CHAP. 269. An Act To amend the Act of May 23, 1930 (46 Stat. 378).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of May 23, 1930 (46 Stat. 378), entitled "An Act to eliminate certain lands from the Tusayan National Forest, Arizona, as an addition to the Western Navajo Indian Reservation," be, and the same is hereby, amended so as to include the following-described lands subject to all the conditions and provisions of said Act: Sections 10 to 15, inclusive, sections 22 to 27, inclusive, sections 34 to 36, inclusive, township 27 north, range 6 east, all of township 27 north, range 7 east; sections 4 to 9, 16 to 21, 29 to 32, all inclusive, in township 27 north, range 8 east; sections 1 and 2, the east half of section 3, the east half of section 10, sections 11 and 12, township 26 north, range 7 east; sections 5 to 8, inclusive, township 26 north, range 8 east, Gila and Salt River meridian, Arizona.

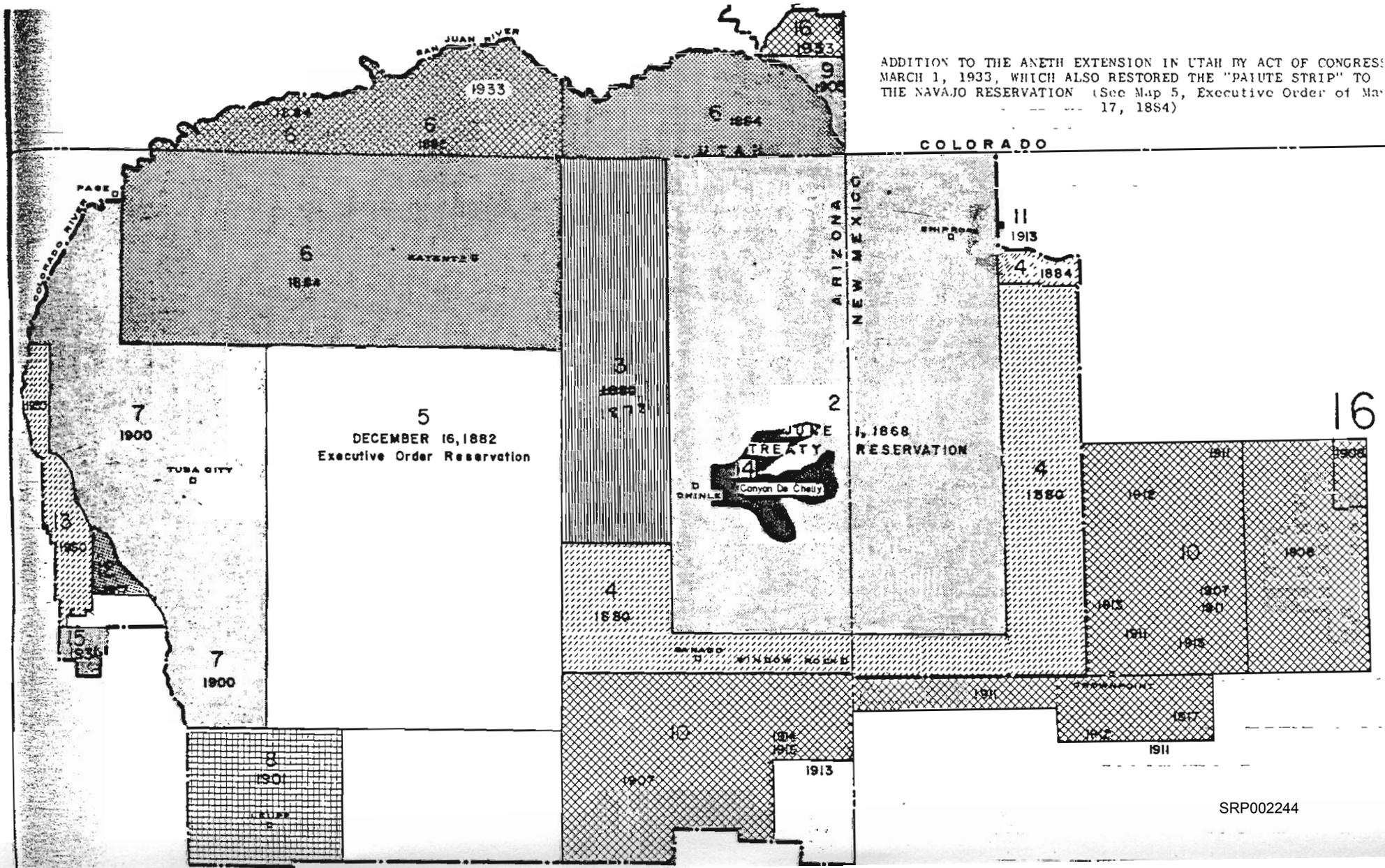
SEC. 2. That for the purpose of arriving at the values and areas of lieu lands to which private landowners are entitled under the Act of May 23, 1930, as hereby amended, the value of the improvements on all privately owned lands to be conveyed or relinquished to the United States for the benefit of the Indians shall be taken into consideration and full credit in the form of lands shall be allowed therefor: *Provided*, That the State of Arizona may relinquish such lands as it sees fit, acquired pursuant to the Enabling Act of June 20, 1910 (36 Stat. L. 557), which may be desired as lieu land, and the State shall have the right to select other unreserved and undisposed of nonmineral public lands within the State of Arizona equal in area to that relinquished, the lieu selections to be made by the State in the same manner as is provided for in said Enabling Act.

Approved, February 21, 1931.

Cross References

Act May 23, 1930, ch. 317, 46 Stat. 378, 379, which is amended by this Act, is set out on p. 262 of this Part.

15



ADDITION TO THE ANETH EXTENSION IN UTAH BY ACT OF CONGRESS MARCH 1, 1933, WHICH ALSO RESTORED THE "PAIUTE STRIP" TO THE NAVAJO RESERVATION (See Map 5, Executive Order of March 17, 1884)

MARCH 1, 1933, CH. 160, 47 STAT. 1418, 1419

MAY 17, 1968, PUB. L. 90-306, 82 STAT. 121.

AN ACT

To permanently set aside certain lands in Utah as an addition to the Navajo Indian Reservation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all vacant, unreserved, and undisposed of public lands within the areas in the southern part of the State of Utah, bounded as follows: Beginning at a point where the San Juan River intersects the one hundred and tenth degree of west longitude; thence down said river to its confluence with the Colorado River; thence down the Colorado River to a point where said river crosses the boundary line between Utah and Arizona; thence east along said boundary line to the one hundred and tenth degree of west longitude; thence north to the place of beginning; also beginning at a point where the west rim of Montezuma Creek or wash intersects the north boundary line of the Navajo Indian Reservation in Utah; thence northerly along the western rim of said creek or wash to a point where it intersects the section line running east and west between sections 23 and 26, township 39 south, range 24 east, Salt Lake base and meridian in Utah; thence eastward along said section line to the northwest section corner of section 26, township 39 south, range 25 east; thence south one mile along the section line between sections 25 and 26 to the southeast section corner of section 26, township 39 south, range 25 east; thence eastward along the section line between sections 25 and 36, township 39 south, range 25 east, extending through township 39 south, range 26 east, to its intersection with the boundary line between Utah and Colorado; thence south along said boundary line to its intersection with the north boundary line of the Navajo Indian Reservation; thence in a westerly direction along the north boundary line of said reservation to the point of beginning be, and the same are hereby, permanently withdrawn from all forms of entry or disposal for the benefit of the Navajo and such other Indians as the Secretary of the Interior may see fit to settle thereon: *Provided*, That no further allotments of lands to Indians on the public domain shall be made in San Juan County, Utah, for the health, education, and general welfare of the Navajo Indians residing in San Juan County. Planning for such expenditures shall be done in cooperation with the appropriate departments, bureaus, commissions, divisions, and agencies of the United States, the State of Utah, the county of San Juan in Utah, and the Navajo Tribe, insofar as it is reasonably practicable, to accomplish the objects and purposes of this Act. Contribution may be made to projects and facilities within said area that are not ex-

tion to the benefits to be received therefrom by said beneficiaries, as may be determined by the State of Utah through its duly authorized officers, commissions, or agencies. An annual report of its accounts, operations, and recommendations concerning the funds received hereunder shall be made by the State of Utah, through its duly authorized officers, commissions, or agencies, to the Secretary of the Interior and to the Area Director of the Bureau of Indian Affairs for the information of said beneficiaries.

SEC. 2. That the State of Utah may relinquish such tracts of school land within the areas added to the Navajo Reservation by section 1 of this Act as it may see fit in favor of the said Indians, and shall have the right to select other unreserved and nonmineral public lands contiguously or noncontiguously located within the State of Utah, equal in area and approximately of the same value to that relinquished, said lieu selections to be made in the same manner as is provided for in the Enabling Act of July 16, 1891 (28 Stat. L. 107), except as to the payment of fees or commissions which are hereby waived.

Approved, March 1, 1933; approved May 17, 1968.

HISTORY

The proviso in first sentence of section 1 of this Act appears in 25 U.S.C. § 337a and 43 U.S.C. § 190a.

Amendments.

1968—Amended Act by deleting all of that part of last proviso of section 1 after the word "Utah" and inserting new provisions.

Cross References

Extinguishment of certain rights outside boundaries described in this Act, see Act Sept. 2, 1958, Pub. L. 85-868, § 1(d), 72 Stat. 1686-1690, set out on p. 295 of this Part.

ANNOTATIONS

1. Expenditure of royalties. The three types of expenditures authorized from royalties under the provisions of the Act of March 1, 1933, in tuition of Indian children, for the building or maintenance of roads, or for the benefit of Indians residing on the Reservation, must be considered homogeneous and did not give the Utah State Indian Affairs Commission unlimited power to spend money for roads having no relationship to the welfare of the Indians. *Saketzle v. Utah State Indian Affairs Commission* (D.C. Utah 1963) 215 F.Supp. 12.

It is not required that a road be built expressly for the benefit of the Indians from royalty funds, and an expenditure for a road was within the power of the Commission even though the Indians may not be exclusively or even primarily benefited. *Id.*

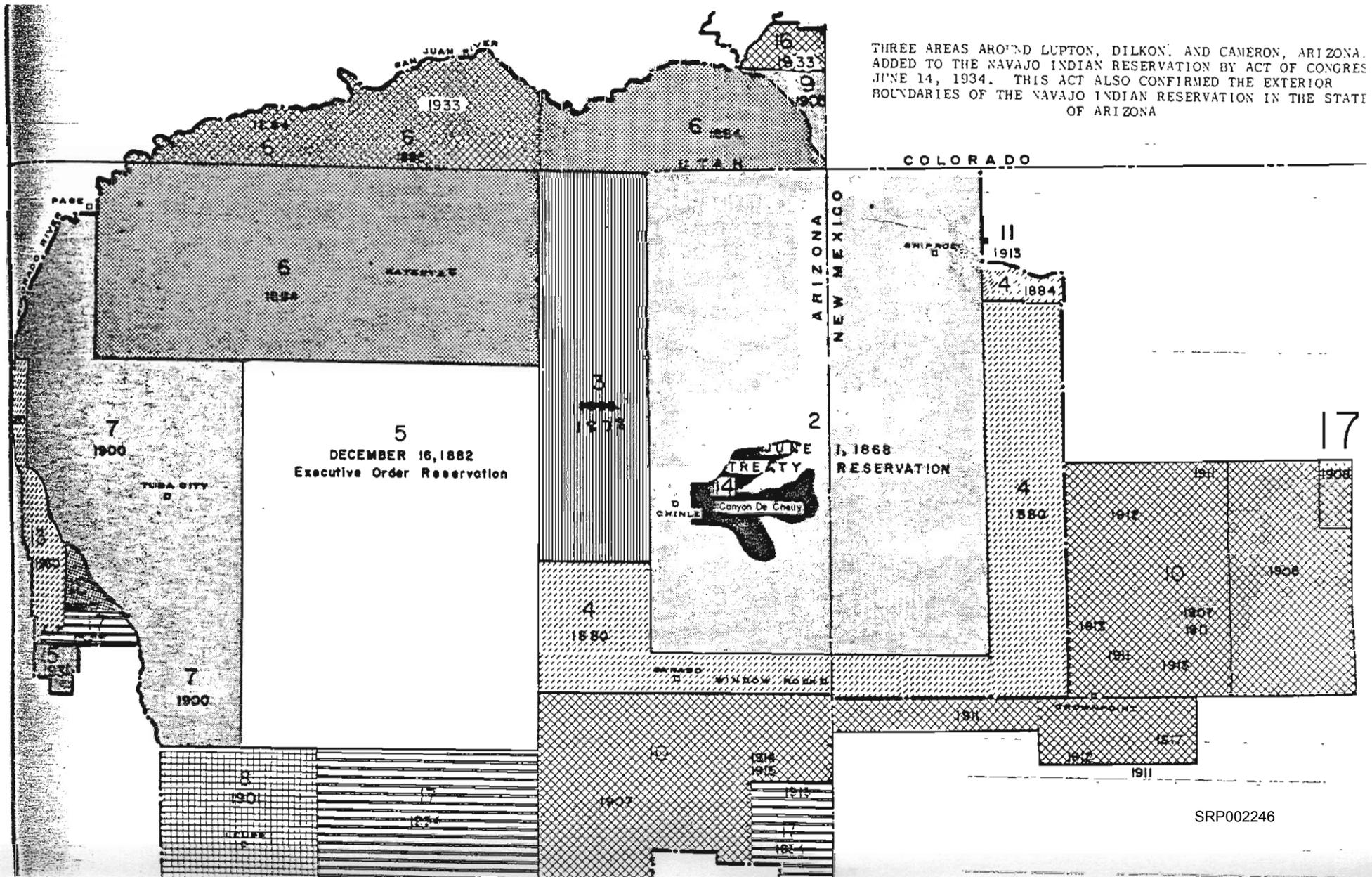
The term "tuition" within the provision that royalties be expended in the tuition of Indian children, is broad enough to encompass charges necessary or incidental to attendance, such as for books, board and room and traveling expense, within the reasonable discretion of the Commission. *Id.*

The contribution of \$70,600 by the Commission toward the construction of a medical clinic was proper even though the clinic was not built exclusively or even primarily for Indians residing on the Reservation where the Indians would benefit to the extent of the Commission's contribution. *Id.*

The Commission has an affirmative duty not only to make reasonably available to the Navajo Indians adequate information concerning the administration of the funds, but to seek out their advice and consultation before coming to determinations as to the expenditure of the funds.

16

SRP002245



THREE AREAS AROUND LUPTON, DILKON, AND CAMERON, ARIZONA. ADDED TO THE NAVAJO INDIAN RESERVATION BY ACT OF CONGRESS JUNE 14, 1934. THIS ACT ALSO CONFIRMED THE EXTERIOR BOUNDARIES OF THE NAVAJO INDIAN RESERVATION IN THE STATE OF ARIZONA

17

1934. Exterior boundaries of Navajo Reservation in Arizona

June 14, 1934, ch. 521, 48 Stat. 966-962

AN ACT

To define the exterior boundaries of the Navajo Indian Reservation in Arizona, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the exterior boundaries of the Navajo Indian Reservation, in Arizona, be, and they are hereby, defined as follows: Beginning at a point common to the States of Arizona, New Mexico, Colorado, and Utah, thence west along the boundary line between the States of Arizona and Utah to a point where said boundary line intersects the Colorado River; thence down the south bank of that stream to its confluence with the Little Colorado River; thence following the north bank of the Little Colorado River to a point opposite the east boundary of the Grand Canyon National Park; thence south along said east boundary to the southeast corner of section 5, township 30 north, range 6 east, Gila and Salt River base and meridian, Arizona; thence east to the southeast corner of section 4; thence south to the southwest corner of section 10; thence east to the southeast corner of section 10; thence south to the southwest corner of section 14; thence east to the northwest corner of the northeast quarter section 23; thence south two miles to the southeast corner of the southwest quarter section 26; thence west one half mile to the southeast corner of section 27, township 30 north, range 6 east, Gila and Salt River base and meridian, Arizona; thence south 7 miles to the southwest corner of section 35, township 29 north, range 6 east; thence east one mile; thence south one and one half miles to the southwest corner of the northwest quarter section 12, township 28 north, range 6 east; thence east through the center of section 12 to the range line between ranges 6 and 7 east; thence south along said range line five and one half miles to the southeast corner of section 1, township 27 north, range 6 east; thence west 3 miles to the southwest corner of section 3, township 27 north, range 6 east; thence south 5 miles to the southeast corner of section 33, township 27 north, range 6 east; thence east along township line between townships 26 and 27, six and one half miles, to the northeast corner of the northwest quarter section 3, township 26 north, range 7 east; thence south two miles to the southeast corner of the southwest quarter section 10, township 26 north, range 7 east; thence east

four and one half miles to the southeast corner of section 8, township 26 north, range 8 east; thence north four miles to the northwest corner of section 28, township 27 north, range 8 east, Gila and Salt River base and meridian; thence east one mile to the southeast corner of section 21; thence north four miles to the northeast corner of section 4, township 27 north, range 8 east; thence east along township line between townships 27 and 28 north to its intersection with the Little Colorado River; thence up the middle of that stream to the intersection of the present west boundary of the Leupp

Extension Reservation created by Executive order of November 14, 1901; thence south along the present western boundary of said extension to where it intersects the fifth standard parallel north; thence east along said standard parallel to the southwest corner of township 21 north, range 26 east, Gila and Salt River base and meridian; thence north six miles to the northwest corner of township 21 north, range 26 east; thence east 12 miles to the northeast corner of township 21 north, range 27 east; thence south 2 miles; thence east 12 miles; thence south four miles; thence east along the township line between townships 20 and 21 north to the boundary line between the States of New Mexico and Arizona; thence north along said boundary line to the point of beginning. 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; however, nothing herein contained shall affect the existing status of the Moqui (Hopi) Indian Reservation created by Executive order of December 16, 1882. There are hereby excluded from the reservation as above defined all lands heretofore designated by the Secretary of the Interior pursuant to section 28 of the Arizona Enabling Act of June 20, 1910 (36 Stat. L. 575), as being valuable for water-power purposes and all lands withdrawn or classified as power-site lands, saving to the Indians, nevertheless, the exclusive right to occupy and use such designated and classified lands until they shall be required for power purposes or other uses under the authority of the United States: *Provided*, That nothing in this Act contained shall be construed as authorizing the payment of proceeds or royalties to the Navajo Indians from water power developed within the areas added to the Navajo Reservation pursuant to section 1 of this Act; and the Federal Water Power Act of June 10, 1920 (41

17

Stat. L. 1063 [16 U.S.C. § 791a et seq.]), and amendments thereto, shall operate for the benefit of the state of Arizona as if such lands were vacant, unreserved, and unappropriated public lands. All valid rights and claims initiated under the public land laws prior to approval hereof involving any lands within the areas so defined, shall not be affected by this Act.

SEC. 2. The Secretary of the Interior is hereby authorized in his discretion, under rules and regulations to be prescribed by him, to accept relinquishments and reconveyances to the United States of such privately owned lands, as in his opinion are desirable for and should be reserved for the use and benefit of the Navajo Tribe of Indians, including patented and nonpatented Indian allotments and selections, within the counties of Apache, Navajo, and Coconino, Arizona; and any Indian so relinquishing his or her right shall be entitled to make lieu selections within the areas consolidated for Indian purposes by this Act. Upon conveyance to the United States of a good and sufficient title to any such privately owned land, except Indian allotments and selections, the owners thereof, or their assigns, are hereby authorized, under regulations of the Secretary of the Interior, to select from the unappropriated, unreserved, and nonmineral public lands of the United States within said counties in the State of Arizona lands approximately equal in value to the lands thus conveyed, and where surrendered lands contain springs or living waters, selection of other lands taken in lieu thereof may be of like character or quality, such values to be determined by the Secretary of the Interior, who is hereby authorized to issue patents for the lieu lands so selected. In all selections of lieu lands under section 2 of this Act notice to any interested party shall be by publication. Any privately owned lands relinquished to the United States under section 2 of this Act shall be held in trust for the Navajo Tribe of Indians; and relinquishments in Navajo County, Arizona, excluding Indian allotments and selections, shall not extend south of the township line between townships 20 and 21 north, Gila and Salt River base and meridian. The State of Arizona may relinquish such tracts of school land within the boundary of the Navajo Reservation, as defined by section 1 of this Act, as it may see fit in favor of said Indians, and shall have the right to select other unreserved and nonmineral public lands contiguous or noncontiguous, located within the three counties involved equal in value to that relinquished, said lieu selections to be made in the same manner as is provided for in

the Arizona Enabling Act of June 20, 1910 (36 Stat. L. 558), except as to the payment of fees or commissions which are hereby waived. Pending the completion of exchanges and consolidations authorized by section 2 of this Act, no further allotments of public lands to Navajo Indians shall be made in the counties of Apache, Navajo, and Coconino, Arizona, nor shall further Indian homesteads be initiated or allowed in said counties to Navajo Indians under the Act of July 4, 1884 (23 Stat. L. 96 [43 U.S.C. § 190]); and thereafter should allotments to Navajo Indians be made within the above-named counties, they shall be confined to land within the boundaries defined by section 1 of this Act.

SEC. 3. Upon the completion of exchanges and consolidations authorized by section 2 of this Act, the State of Arizona may, under rules and regulations to be prescribed by the Secretary of the Interior, relinquish to the United States such of its remaining school lands in Coconino, Navajo, and Apache Counties as it may see fit; and shall have the right to select from the vacant, unreserved, and nonmineral public lands in said counties lieu lands equal in value to those relinquished without the payment of fees or commissions.

SEC. 4. For the purpose of purchasing privately owned lands, together with the improvements thereon, within the boundaries above defined, there is hereby authorized to be appropriated, from any funds in the Treasury not otherwise appropriated, the sum of \$481,879.38, which sum shall be reimbursable from funds accruing to the Navajo tribal funds as and when such funds accrue and shall remain available until expended: *Provided*, That title to the land so purchased may, in the discretion of the Secretary of the Interior, be taken for the surface only: *Provided further*, That said funds may be used in purchasing improvements on any land within said boundaries or on leased State school land within the boundaries above defined, provided the State of Arizona agrees to the assignment of said leases to the Navajo Tribe of Indians on a renewable and preferential basis, and provided the Legislature of said State enacts such laws as may be necessary to avail itself of the exchange provisions contained in section 2 of this Act, and disclaim any right, title, or interest in and to any improvements on said lands.

Approved, June 14, 1934.

HISTORY

References in text. Executive Orders of Dec. 16, 1882, and Nov. 14, 1901, see pp. 325, 330 of this Appendix.

1948. Sale of certain lands to Southwest Indian Mission

April 28, 1948, ch. 238, 62 Stat. 203, 204

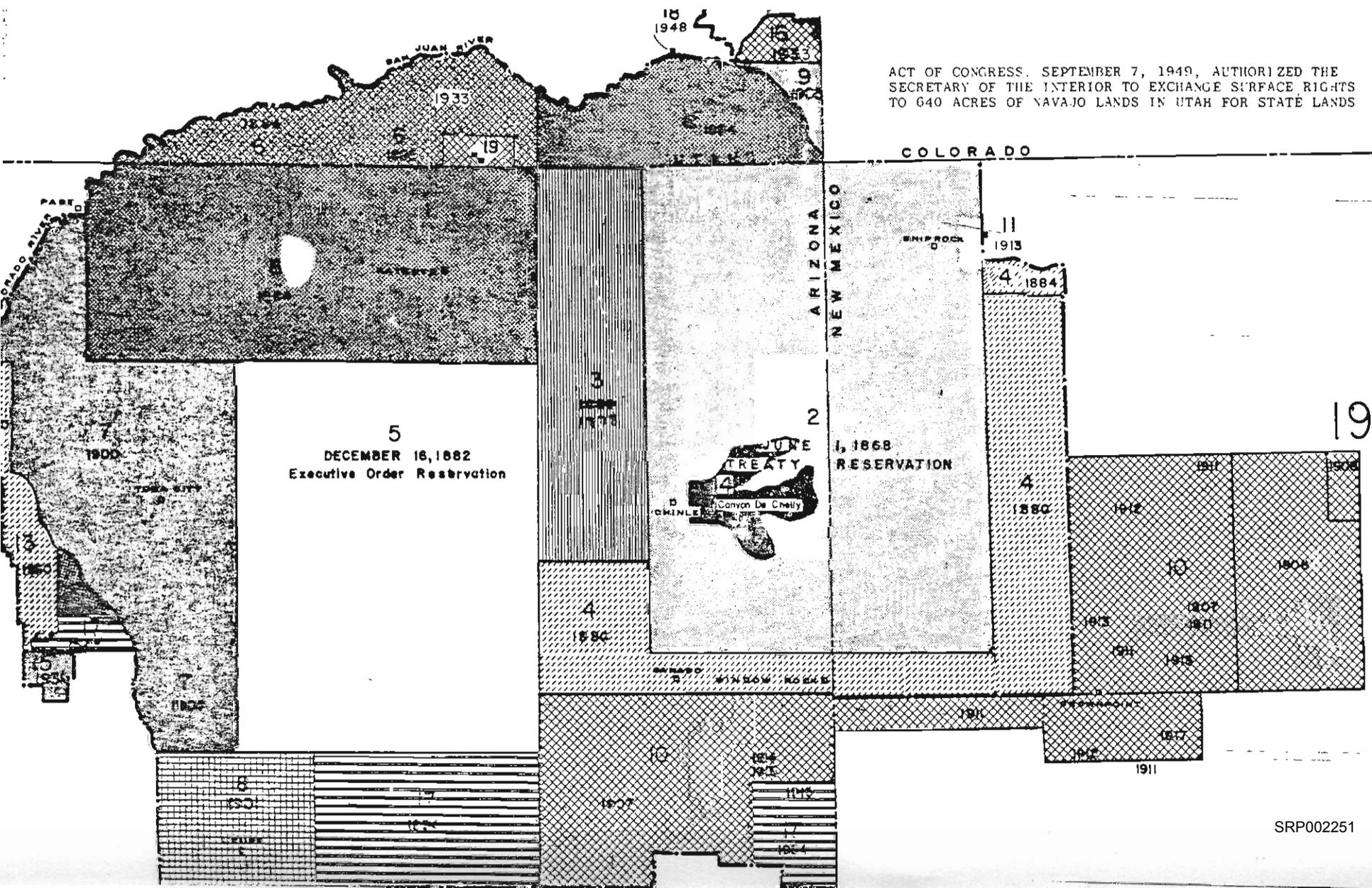
AN ACT

To authorize the sale of certain public lands in San Juan County, Utah, to the Southwest Indian Mission, Incorporated.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Southwest Indian Mission, Incorporated, is hereby authorized for a period of one year from and after the effective date of this Act to file with the Secretary of the Interior an application to purchase, and the Secretary of the Interior is hereby authorized and directed to issue a patent to it, for use by Saint Christopher's Mission to the Navajo, for the following-described lands in San Juan County, Utah: The east half of the southeast quarter of the southeast quarter of section 20, the west half of the southwest quarter of the southwest quarter of section 21, lot 4 and the northwest quarter of the northwest quarter of section 28 and lots 1, 2, and 5 of section 29, township 40 south, range 22 east, Salt Lake meridian, containing one hundred and sixty-five and five-tenths acres.

SEC. 2. The patent shall not be issued until after payment has been made by the Southwest Indian Mission, Incorporated, to the Secretary of the Interior for the land at its reasonable appraised price of not less than \$1.25 per acre, to be determined by the Secretary in accordance with the provisions of the Act of December 22, 1928 (45 Stat. 1069 [43 U.S.C. §§ 1068, 1068a]). The patent shall reserve to the United States all of the oil, gas, and all other mineral deposits in the land, together with the right to prospect for, mine, and remove the same under such regulations as the Secretary of the Interior may prescribe.

Approved April 28, 1948.



ACT OF CONGRESS, SEPTEMBER 7, 1949, AUTHORIZED THE SECRETARY OF THE INTERIOR TO EXCHANGE SURFACE RIGHTS TO 640 ACRES OF NAVAJO LANDS IN UTAH FOR STATE LANDS

19

1949. Exchanges of lands with State of Utah

Sept. 7, 1949, ch. 567, 63 Stat. 695

AN ACT

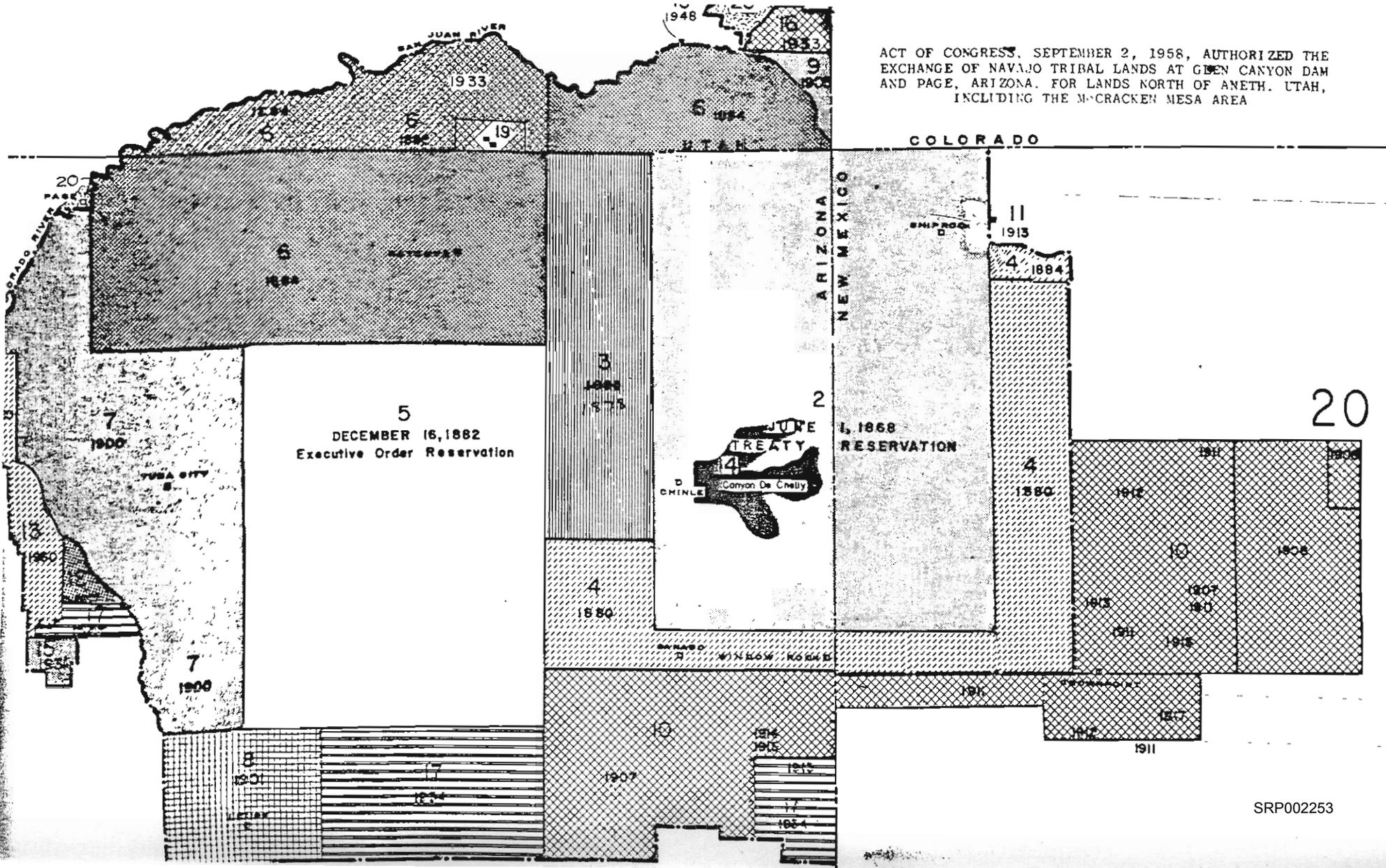
To authorize the Secretary of the Interior to exchange certain Navajo tribal Indian land for certain Utah State land.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior or his authorized representative is authorized, with the consent of the governing body of the Navajo Indian Tribe, to exchange the surface rights in Navajo tribal Indian land described as the south half southwest quarter section 24; northwest quarter, northeast quarter, southeast quarter, and north half southwest quarter section 25, township 43 south, range 15 east, S. L. B. & M., containing six hundred and forty acres, more or less, for the surface rights in land of the State of Utah described as all of section 32, township 43 south, range 16 east, S. L. B. M., all in San Juan County, Utah. Title to the Indian land exchanged shall be transferred by the Secretary of the Interior to the State of Utah by the issuance of a patent in fee. Title to the State lands to be conveyed to the Indians shall be taken in the name of the United States in trust for the Navajo and such other Indians as the Secretary of the Interior may see fit to settle thereon, and shall be satisfactory to the Secretary of the Interior.

SEC. 2. In the event the lands acquired by the State of Utah under the provisions of this Act shall be used for airport purposes, members of the Navajo Tribe of Indians shall be given preference in employment in every phase of construction, operation, and maintenance of the airport for which they are qualified, notwithstanding any provisions to the contrary contained in the Federal Airport Act of May 13, 1946 (60 Stat. 170 [49 U.S.C. § 1101 et seq.]), or any other Act of Congress.

Approved September 7, 1949.

19



ACT OF CONGRESS, SEPTEMBER 2, 1958, AUTHORIZED THE EXCHANGE OF NAVAJO TRIBAL LANDS AT GLEN CANYON DAM AND PAGE, ARIZONA, FOR LANDS NORTH OF ANETH, UTAH, INCLUDING THE McCracken MESA AREA

20

1958. Exchanges of lands between United States and Navajo Tribe

Sept. 2, 1958, Pub. L. 85-668, 72 Stat. 1686-1690

AN ACT

To provide for the exchange of lands between the United States and the Navajo Tribe, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior shall, in consideration of and as just compensation for the transfer made by section 2 of this Act as well as for the use and occupancy of the lands therein described under terms of the right-of-way granted March 22, 1957, by the Secretary pursuant to the Act of February 5, 1948 (62 Stat. 17 [25 U.S.C. §§ 323-328]), transfer to the Navajo Tribe so much of the block of public lands (exclusive of the minerals therein, but inclusive of all range improvements constructed thereon) described in subsection (c) of this section, as shall constitute a reasonably compact area equal in acreage to the lands transferred to the United States under section 2, and the lands so transferred shall constitute a part of the Navajo Reservation and shall be held by the United States in trust for the Navajo Tribe and shall be subject to all laws and regulations applicable to that reservation. The owners of range improvements of a permanent nature placed, under the authority of a permit from or agreement with the United States, on lands transferred pursuant to this section shall be compensated for the reasonable value of such improvements, as determined by the Secretary out of appropriations available for the construction of the Glen Canyon unit, Colorado River storage project. To the extent that the Secretary is unable to transfer, from the lands described in subsection (c), lands equal in acreage to the lands transferred to the United States under section 2, because of the existence of valid rights in other parties than the United States (other than the rights described in subsection (d) of this section), he shall transfer to the Navajo Tribe such other available public lands (exclusive of the minerals therein but inclusive of all range improvements thereon) in reasonable proximity to the Navajo Reservation and to the lands described in subsection (c) as the tribe, with the concurrence of the Secretary, may select and as may be necessary to transfer to the tribe equal acreage in exchange for the lands transferred under section 2, and those lands so transferred shall be treated in the same manner as other lands transferred pursuant to this section.

(b) Subject to valid, existing rights, in addition to other requirements under applicable laws and regulations, mineral activities affecting the land transferred pursuant to this section shall be subject to such regulations, which may include, among others, a requirement for the posting of bond or other undertaking, as the Secretary may prescribe for protection of the interests of the Indians. Patents issued with respect to mining claims on the lands transferred pursuant to this section shall be limited to the minerals only, and for a period of ten years after the effective date of this Act, none of the lands described in subsection (c) of this section shall be open to location and entry under the general mining laws.

(c) The block of public lands (which lies to the north and west of the portion of the present Navajo Reservation in San Juan County, Utah, and abuts the reservation's boundaries within the county) from which the transfer under this section is to be made, is described as follows:

SALT LAKE MERIDIAN

Township 38 south, range 23 east: Sections 26, 33, 34, and 35.

Township 38 south, range 24 east: Section 28; section 29, east half; sections 31, 33, 34, and 35.

Township 39 south, range 22 east: Sections 13, 24, 25, and 35, those portions lying east of Recapture Creek.

Township 39 south, range 23 east: Sections 1, 3, 4, and 5; sections 8 to 15, inclusive; section 17; sections 18 and 19, those portions lying east of Recapture Creek; sections 20 to 31, inclusive, sections 33, 34, and 35.

Township 39 south, range 24 east: Section 1; sections 3 to 15, inclusive; sections 17 to 24, inclusive; sections 26 and 27, those portions lying north and west of the present Navajo Indian Reservation; sections 28, 29, 30, 31, and 33; section 34, that portion lying north and west of the present Navajo Indian Reservation.

Township 39 south, range 25 east: Sections 5, 6, 7, 8, and 18.

Township 40 south, range 22 east: Section 1; sections 11, 12, 13, 23, 24, 25, and 26, those portions lying east of Recapture Creek and north of the present Navajo Indian Reservation.

Township 40 south, range 23 east: Section 1; sections 3 to 15, inclusive; sections 17 to 23, inclusive; section 26; sections 24, 25, 27, 28, 29, 30, 31, and 35, those portions lying north and west of the present Navajo Indian Reservation.

Township 40 south, range 24 east: Sections 3, 4, 5, those portions lying north and west of the present Navajo Indian Reservation; section 6; sections 7, 8, 18, and 19, those portions lying north and west of the present Navajo Indian Reservation.

(d) The transfer hereinabove provided for shall also be deemed to constitute full and complete satisfaction of any and all rights which are based solely upon Indian use and occupancy or possession claimed by or on behalf of any individual members of the Navajo Tribe in their individual capacities or any groups or identifiable bands thereof to any and all public lands in San Juan County, Utah, outside the exterior boundaries of the Navajo Indian Reservation as the same are described in:

- (1) The Act of March 1, 1933 (ch. 160, 47 Stat. 1418);
- (2) Executive Order 324A of May 15, 1905;
- (3) Executive order of May 17, 1884; and

all such rights to such lands are hereby extinguished from and after January 1, 1963. Subject to the provision of section 2 of this Act, and subject to valid existing rights, all public lands of the United States within said exterior boundaries of said reservation are hereby declared to be held in trust for the benefit of the Navajo Tribe of Indians. The term "public lands" as used herein shall be deemed to include, but in no way to be limited to lands and the mineral deposits which originally may have been excluded from said reservation by reason of settlement or occupancy or other valid rights then existing, but since relinquished, extinguished, or otherwise terminated. The tribe is hereby authorized to adopt such rules and regulations as it deems appropriate, with the approval of the Secretary, for residence and use of the lands transferred pursuant to this section: *Provided*, That the tribal council shall give preference until January 1, 1963, in granting residence and use rights to: (1) those Navajos who, prior to the effective date of this Act, have used or occupied the transferred lands and (2) those Navajos who, prior to the effective date of this Act, have used or occupied other public lands in San Juan County, Utah.

(e) Upon application of the Navajo Tribe, the Secretary shall grant to the tribe, to be held in trust by the United States for use of tribal members grazing livestock upon the lands transferred under this section, a nonexclusive easement, of suitable width and location as he determines, for a livestock driveway across the public lands in sections 21, 22, 23, and 24, township 39 south, range 22 east, and in section 19, township 39 south, range 23 east, Salt Lake meridian, to connect with United States Highway Numbered 47.

Use of said nonexclusive easement shall be in accordance with regulations prescribed by the Secretary, and future uses and dispositions of the public lands affected shall be subject to said easement.

(f) The transfer of lands to the Navajo Tribe, as provided in this section, shall not affect the status of rights-of-way for public highways traversing such lands, which rights-of-way shall remain available for public use, including the movement of livestock thereon.

(g) The Secretary of the Interior shall compensate persons whose grazing permits, licenses or leases covering lands transferred to the Navajo Tribe pursuant to this section are canceled because of such transfer. Such compensation shall be determined in accordance with the standard prescribed by the Act of July 9, 1942, as amended (43 U.S.C. 315q). Such compensation shall be paid from appropriations available for the construction of the Glen Canyon unit, Colorado River storage project.

SEC. 2. (a) There is hereby transferred to the United States all the right, title, and interest of the Navajo Tribe in and to the lands (exclusive of the minerals therein) described in subsection (b) of this section. These lands shall no longer be "Indian country" within the meaning of title 18, United States Code, section 115, and they shall have the status of public lands withdrawn and being administered pursuant to the Federal reclamation laws and shall be subject to all laws and regulations governing the use and disposition of public lands in that status. The rights herein transferred shall not extend to the utilization of the lands hereinafter described under the heading "parcel B" for public recreational facilities without the approval of the Navajo Tribal Council. No permit, lease, license, or other right covering the exploration for or extraction of the minerals herein reserved to the tribe shall be granted or exercised by or on behalf of the tribe except under such conditions and with such restrictions, limitations, or stipulations as the Secretary deems appropriate, in connection with the Glen Canyon unit, to protect the interests of the United States and of its grantees, licensees, transferees, and permittees, and their heirs and assigns. Subject to the mineral rights herein reserved to the tribe as aforesaid, the Secretary may dispose of lots in townsites established on the lands transferred under this section, together with improvements thereon, under such terms and conditions as he determines to be appropriate, including provisions for payment for the furnishing of municipal facilities and services while such facilities and services are provided by the United States and for the establishment of liens in

connection therewith, but no disposition shall be at less than the current fair market value, and he may dedicate portions of lands in such townsites, whether or not improved, for public purposes and transfer the land so dedicated to appropriate State or local public bodies and nonprofit corporations. He may also enter into contracts with State or local public bodies and nonprofit corporations whereby either party may undertake to render to the other such services in aid of the performance of activities and functions of a municipal, governmental, or public or quasi-public nature as will, in the Secretary's judgment, contribute substantially to the efficiency or the economy of the operations of the Department of the Interior in connection with the Glen Canyon unit.

(b) The lands which are transferred under this section are described as follows:

PARCEL A

The following tract of unsurveyed land situated in Arizona: Beginning on the easterly bank of the Colorado River at a point where said easterly bank is intersected by the south line of section 9, township 40 north, range 8 east, Gila and Salt River base and meridian; thence upstream along the said easterly bank of the Colorado River to a point where said bank intersects the east line of section 16, township 41 north, range 9 east, Gila and Salt River base and meridian; thence south along the east line of sections 16, 21, 28, and 33 of said township 41 north, range 9 east, to the south line of said section 33; thence west along the south line of said section 33 to the east line of section 4, township 40 north, range 9 east, Gila and Salt River base and meridian; thence south along the east line of sections 4 and 9 of said township 40 north, range 9 east, to the south line of said section 9; thence west along the south line of sections 9, 8, and 7 of said township 40 north, range 9 east, and along the south line of sections 12, 11, 10, and 9 of said township 40 north, range 8 east, Gila and Salt River base and meridian to the point of beginning.

PARCEL B

The following tract of land in part unsurveyed situated in Arizona and Utah: Beginning at a point where the east line of section 16, township 41 north, range 9 east, Gila and Salt River base and meridian intersects the north boundary of the Navajo Indian Reservation in Arizona; thence upstream in Arizona and Utah along the north boundary of the reservation to a point where said north boundary intersects a contour line the elevation of which is 3,720

mean sea level (United States Coast and Geodetic Survey datum), said point being at approximate river mile 72.7 on the San Juan River above its confluence with the Colorado River, and also being near the east line of township 40 south, range 15 east, Salt Lake base and meridian; thence generally southwesterly within the Navajo Indian Reservation along said contour line the elevation of which is 3,720, to the point where said contour line intersects the east line of section 16, township 41 north, range 9 east, Gila and Salt River base and meridian; thence north along said east line to the point of beginning.

(c) The Secretary and the tribe may enter into such agreements as are appropriate for the utilization, under permits or easements, of such tribal lands, in the vicinity of Rainbow Bridge National Monument, as may be necessary in connection with the carrying out of any measures undertaken to preclude impairment of the monument as provided by section 1 of the Act of April 11, 1956 (70 Stat. 105 [43 U.S.C. § 620]).

(d) As used in this and in the preceding section of this Act, the term "minerals" shall not be construed to include sand, gravel, or other building or construction materials.

SEC. 3. (a) The State of Utah may convey to the United States title to any State-owned lands within the area described in subsection (b) of this section or subsection (c) of section 1 of this Act as base lands for indemnity selections under sections 2275 and 2276 of the Revised Statutes (43 U.S.C., secs. 851, 852). The Secretary of the Interior shall give priority to indemnity selection applications made pursuant to this subsection by the State of Utah. However, all conveyances made pursuant to this subsection, whether by the United States or by the State of Utah, shall contain a reservation of the minerals to the grantor. Lands conveyed to the United States under this section shall be subject to selection by the Secretary of the Interior, and transfer to, the Navajo Tribe in the same manner as, and under the same terms and conditions as, lands described in subsection (c) of section 1 of this Act. Notwithstanding a conveyance to the United States of State-owned lands in accordance with the provisions of this subsection, such conveyance shall not prevent the Navajo Tribe from asserting, in any manner that would have been available to the tribe if the conveyance had not been made, a claim of title, if any, to the lands conveyed by the State that the tribe asserts is superior to the title asserted by the State of Utah.

If a claim of title so asserted by the Navajo Tribe determined to be superior to the title asserted by the State of Utah, and if the Navajo Tribe has selected such lands as a part of the transfer authorized by section 1 of this Act, the Navajo Tribe shall be permitted to select other lands described in subsection (c) of section 1 in lieu thereof.

(b) The lands referred to in subsection (a) of this section and not described in subsection (c) of section 1 of this Act are described as follows:

SALT LAKE MERIDIAN

Township 38 south, range 23 east: section 36.

Township 38 south, range 24 east: section 32.

Township 39 south, range 22 east: section 36.

Township 39 south, range 23 east: sections 2, 16, 32, and 36.

Township 39 south, range 24 east: sections 2, 16, and 32.

Township 40 south, range 22 east: section 2.

Township 40 south, range 23 east: sections 2, 16, and 36.

(c) The right of the State of Utah to make indemnity selections under the terms of this section shall expire five years after the date of approval of this Act.

Approved September 2, 1958.

HISTORY

References in text. Act Mar. 1, 1933, ch. 160, 47 Stat. 1418, is set out on p. 266 of this Part.

Executive Orders of May 17, 1884, and No. 324A of May 15, 1905, see pp. 328, 331 of this Appendix.

ANNOTATIONS

1. San Juan River in Utah. In an action by United States to quiet title in United States to land constituting bed of San Juan River in Utah from boundary line between Colorado and Utah downstream to mouth of Chinle Creek, a distance of 55 miles, evidence was sufficient to support finding that such part of San Juan River was not navigable at time of Utah's admission to the Union, and hence title to bed of San Juan River remained in United States. *State of Utah v. United States* (C.A. 10th 1962) 304 F.2d 23, cert. den. 371 U.S. 826, 83 S.Ct. 47, 9 L.Ed.2d 65.

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
579
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° 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 NW¼ 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 NW¼, 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

SRP002259

Hardrocks Diversion Dam is reached. The boundary then turns an angle and follows a line South 57° 30' East for a distance of approximately five miles until it reaches the buck pasture fence in the SW¼, Section 15, Township 30 North, Range 18 East.

The boundary then follows the buck pasture fence Southwesterly for approximately .4 miles in the NW¼, Section 22, Township 30 North, Range 18 East. Thence Southeasterly along the buck pasture fence for approximately .4 mile in the NW¼, Section 22, Township 30 North, Range 18 East. Thence Northeasterly along the buck pasture fence for approximately 3 miles to a point in the NW¼, Section 18, Township 30 North, Range 19 East. Then Southeasterly along the buck pasture fence for approximately 1 mile to the SE¼, 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° 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° 15' East following the Existing Boundary fence to a point in Bingham's Lake approximately 8 miles South of Latitude 36° 00' and 4.25 miles West of Longitude 110° 00'.

From this point in Bingham's Lake the boundary then runs South 38° 00' West following the Existing Boundary fence until it intersects the Jeddito Wash. The intersection takes place at the same point as Longitude 110° 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° 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 24, 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.

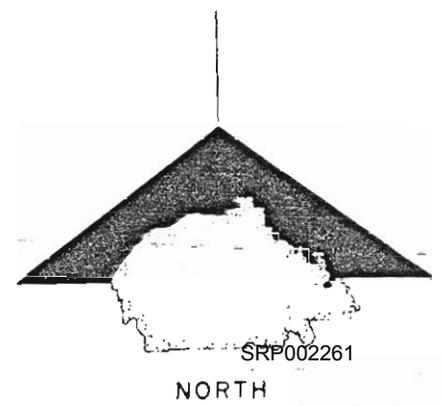
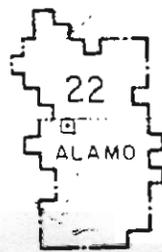
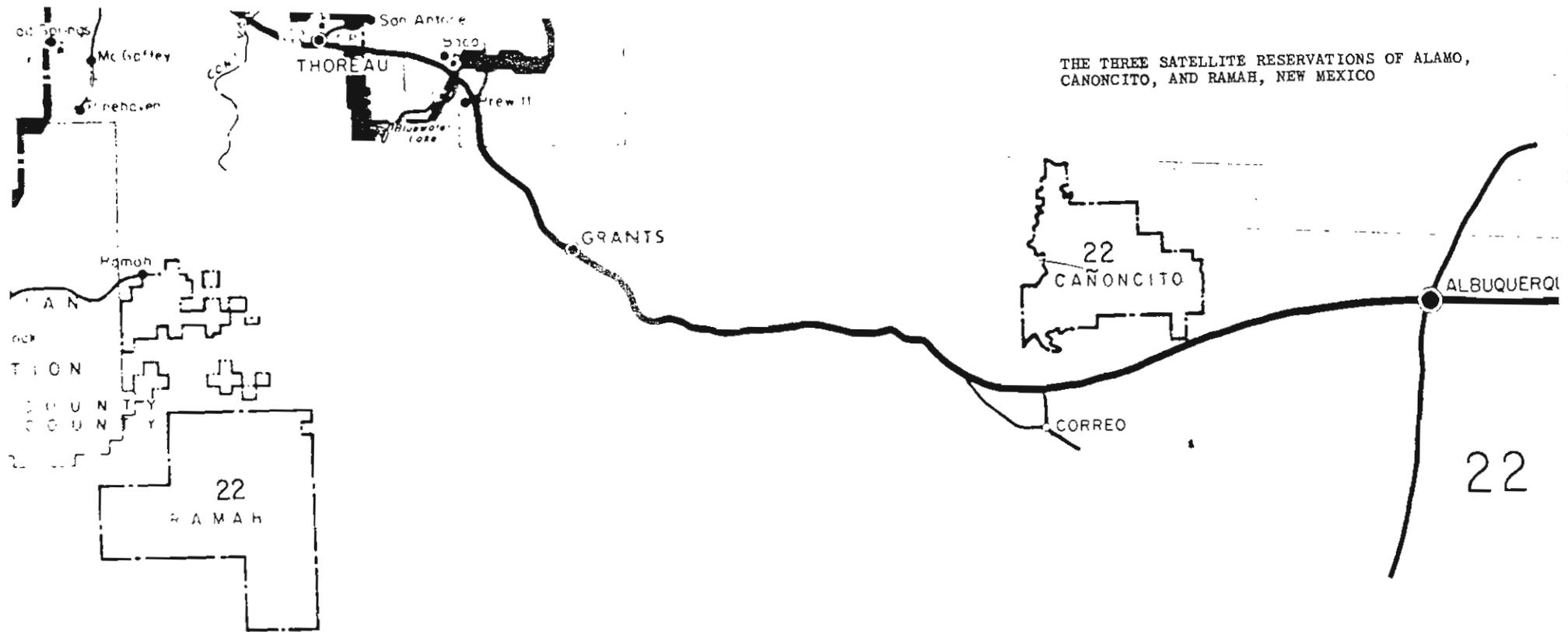
4. No Indians or Indian tribes other than Hopis and Navajos have any right or interest in and to any part of the executive order reservation of December 16, 1882.

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

September 28, 1962

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THE THREE SATELLITE RESERVATIONS OF ALAMO,
CANONCITO, AND RAMAH, NEW MEXICO



Vertical text on the right edge of the map, likely a scale or coordinate indicator.

ALAMO
(or PUERTOCITO)

Located in the northwest corner of Socorro County, approximately forty miles north of Magdalena, New Mexico, the Alamo Reserve is the home of approximately 1,000 Navajos - men, women, and children. It is called Tiis tso in Navajo, meaning "Big Cottonwood Tree"; the Spanish word Alamo translates similarly.

The Alamo Reserve came about through a series of individual Navajo Indian allotments, and through land purchases by both the government and the Navajo Tribe, which transactions consolidated and blocked Navajo holdings around Alamo Spring to the dimensions as presently constituted. The entire Alamo Reserve is now fenced.

CANONCITO

Located along the Rio Puerco of the East some twenty-five miles west of Albuquerque, New Mexico, the Canoncito Reserve is the home of the descendants of the Navajo group once known as the Ana'í diné'e, or "Enemy Navajo" because of their affiliations with the invading Spaniards, Mexicans, and later the Anglo-Americans.

The boundaries of the reservation were first surveyed in 1910 and 1915, and again in 1954. The reserve was consolidated into its present dimensions through a series of land exchanges and purchases by the government and the Navajo Tribe. These, with the individual Navajo Indian allotments made previously, and the Act of August 13, 1949, established the present boundaries for the Canoncito Reserve.

RAMAH

The Ramah Reserve, located some thirty-five miles southeast of Gallup, New Mexico, is the home of a group of Navajos whose ancestors settled the region many years prior to the Fort Sumner episode of 1864-1868.

The nucleus of the Ramah Navajos' holdings have been expanded and consolidated through land exchanges and purchases similar to those for Alamo and Canoncito, and today the Ramah Reserve constitutes the third satellite to the Navajo Indian Reservation proper.

1949. Lands for Pueblo and Canoncito Navajo Indians

Aug. 13, 1949, ch. 425, 63 Stat. 604, 605; 25 U.S.C. §§ 621-623

TITLE 25, UNITED STATES CODE

PUEBLO AND CANONCITO NAVAJO INDIANS

§ 621. Portions of tribal lands to be held in trust by the United States; remainder to become part of the public domain

Title to the lands and the improvements thereon, lying and situated within the State of New Mexico, which have been acquired by the United States under authority of title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), section 55 of title I of the Act of August 24, 1935 (49 Stat. 750, 781), the Bankhead-Jones Farm Tenant Act (50 Stat. 522, 525) and subsequent emergency relief appropriation Acts administrative jurisdiction over which has heretofore been transferred by the President from the Secretary of Agriculture to the Secretary of the Interior, to be administered through the Commissioner of Indian Affairs for the benefit of the Indians, by Executive Orders Numbered 7792, 7975, 8255, 8471, 8696, and 8472 and that title to the public domain lands and improvements thereon, lying and situated within the State of New Mexico, which were withdrawn in aid of proposed legislation by the Secretary of the Interior on December 23, 1938, and May 31, 1939, and now in use by Pueblo or Canoncito Navajo Indians, excepting those portions thereof used by the United States for administrative purposes, is declared to be in the United States of America in trust for the respective tribes, bands, or groups of Indians occupying and using same as a part of their respective existing reservations, subject to valid existing rights. The remainder of the aforesaid land is declared to be a part of the public domain of the United States and shall be transferred by the Secretary of the Interior to the Bureau of Land Management for administration under the provisions of the Act of Congress of June 28, 1934, generally known as Taylor Grazing Act (48 Stat. 1269, as amended). The boundaries and descriptions of the areas to become Indian lands and those which are to be transferred to the Bureau of Land Management are set out in sections III and IV, respectively, of the memorandum of information which is attached to and a part of the report of the Secretary of the

Interior to the Senate Committee on Interior and Insular Affairs on sections 621-623 of this title, and such boundaries and descriptions are adopted as part of said sections and shall be published in the Federal Register: *Provided*, That before said boundaries and descriptions are published in the Federal Register as provided in this section, the Secretary of the Interior may correct any clerical errors in section III of said memorandum of information and shall revise the same so as to define the areas on that portion of the lands conveyed by sections 621-623 of this title and known as Bell Rock Mesa used and occupied respectively by the Laguna Pueblo Indians and the Canoncito Navajo Indians. (Aug. 13, 1949, ch. 425, § 1, 63 Stat. 604.)

HISTORY

References in text. Title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), referred to in text, was formerly classified to 40 U.S.C. §§ 401-414. These sections were terminated by the provisions of act June 27, 1942, ch. 450, § 101, 56 Stat. 410.

The Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), referred to in the text, was not classified to U.S.C.

Section 55 of title I of the act of August 24, 1935 (49 Stat. 750, 781), referred to in the text, was not classified to U.S.C.

The Bankhead-Jones Farm Tenant Act (50 Stat. 522, 525), referred to in the text, is classified to 7 U.S.C. §§ 1091-1095d, 1006c, 1006d, 1007, 1008-1012, 1014-1025, and 1027-1029.

Taylor Grazing Act (48 Stat. 1269, as amended), referred to in the text, is classified to 43 U.S.C. chapter 8A.

§ 622. Exchange of tribal lands; title to lands

For the purpose of consolidation of Indian lands the Secretary of the Interior is authorized, under such regulations as he may prescribe, to exchange any lands or interests therein, including improvements and water rights with the consent of the Pueblo or Navajo tribal authorities for other lands, water rights, and improvements of similar value in the area set apart for the Pueblos and Canoncito Navajos or in the areas declared to be public domain or within any public domain within New Mexico. Title to all lands acquired under the provisions of sections 621-623 of this title shall be taken in the name of the United States in trust for the respective Pueblo Indians and the Navajo Canoncito group. (Aug. 13, 1949, ch. 425, § 2, 63 Stat. 605.)

ANNOTATIONS

1. Title. Indian lands may not be annexed to and be made a part of a municipality theretofore lying outside the boundaries of such Indian lands. *Your Food Stores, Inc. v. Village of Espanola, N.M.* (1961) 68 N.M. 327, 361 P.2d 950.

Lease by Indian Tribe of a portion of its land did not divest said Tribe of title to the leased land, and village could not extend its boundaries to include the leased land and thus impose sales taxes on sales and services on such leased land. *Id.*

§ 623. Disbursement of deposits in the United Pueblos Agency

The funds now on deposit in the United Pueblos Agency in "special deposits" which have accrued from issuance of livestock-crossing permits and fees collected for grazing permits on the lands which have been under the jurisdiction of the Department of the Interior shall be expended or disbursed for the benefit of the Indians under such rules and regulations as the Secretary of the Interior may prescribe. (Aug. 13, 1949, ch. 425, § 3, 63 Stat. 605.)

See also Public Land Order 2191, August 26, 1960, Federal Register, pp. 8546-48.

1964. Puertocito Navajo Indians—Alamo Band

April 30, 1964, Pub. L. 88-303, 78 Stat. 149

AN ACT

To provide that the United States shall hold certain land in trust for the members of the Alamo Band of Puertocito Navajo Indians.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) All right, title, and interest of the United States in and to those lands lying within the Alamo Navajo community area, New Mexico, more particularly described in subsection (b) of this section and the improvements thereon, are hereby declared to be held in trust by the United States for the use of the members of the Alamo Band of Puertocito Navajo Indians, subject to the right of the United States to use said lands and improvements located thereon for administrative purposes.

(b) Lot 3 and the southeast quarter northwest quarter of section 6, township 2 north, range 6 west, New Mexico principal meridian, and improvements located thereon.

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

Approved April 30, 1964.

On Reservation

County	Types of Ownership			Totals
	Tribal	Individual	Government	
Arizona				
Apache	4,023,031.16	31,607.49		4,054,638.65
Navajo	1,646,172.47	45,819.59		1,691,992.06
Coconino	3,212,631.70	2,559.05		3,215,197.15
Totals	8,881,835.33	79,986.13		8,961,827.86
New Mexico				
McKinley	658,000.00	0		658,000.00
San Juan	1,725,015.00	0		1,725,015.00
Totals	2,383,015.00	0		2,383,015.00
Utah				
San Juan	1,184,143.00	10,720.00		1,194,863.00
Total	1,184,143.00	10,720.00		1,194,863.00

County	Types of Ownership			Totals
	Tribal	Individual	Government	
Arizona				
Apache	136,712.68	2,276.60	0	138,989.28
Navajo	144.36	2,876.05	46.30	3,066.71
Coconino	0	2,080.95	25.10	2,106.05
Totals	136,857.04	7,233.60	71.40	144,162.04
New Mexico				
McKinley	476,803.49	392,379.61	294,357.75	1,163,540.85
San Juan	134,996.86	143,694.02	29,538.00	308,228.88
Valencia	4,526.34	2,173.51	0	6,699.85
Sandoval	200.00	59,209.97	40.00	59,449.97
Rio Arriba	0	801.08	0	801.08
Total	616,526.69	598,258.19	323,935.75	1,538,720.63
Utah				
San Juan	0	160.00	0	160.00
Sevier	0	0	5.99	5.99
Box Elder	0	0	282.10	282.10
Total	0	160.00	288.09	448.09

Satellite Reservations of Canoncito, Ramah, Alamo (or Puertocito)

County	Types of Ownership			Totals
	Tribal	Individual	Government	
Canoncito				
Bernal	50,319.32	5,970.00	40.00	56,329.32
Sandoval	1,440.00	0	0	1,440.00
Valencia	16,384.47	2,659.05	0	19,043.52
Totals	68,143.79	8,629.05	40.00	76,812.84
Ramah				
McKinley	2,000.51	4,318.88	17.46	6,336.85
Valencia	83,960.11	43,313.90	13,384.83	140,658.84
Totals	85,960.62	47,632.78	13,402.29	146,995.69
Alamo (or Puertocito)				
Socorro	43,334.77	19,774.06	0	63,108.83

SUMMARY OF ABOVE *

State	Types of Ownership			Totals
	Tribal	Individual	Government	
Arizona	9,018,692.37	87,219.73	77.80	9,105,989.90
New Mexico	3,196,980.87	674,294.08	337,178.04	4,208,652.99
Utah	1,184,143.00	10,880.00	200.09	1,195,311.09
Totals	13,399,816.24	772,393.81	337,448.93	14,509,953.98

NOT INCLUDED IN ABOVE SUMMARY1882 EXECUTIVE ORDER RESERVATION **

	<u>Acres</u>
1882 Executive Order Reservation	2,472,095
Hopi Indian Reservation (Formerly Land Management District 6)	650,013
Undivided Joint-use area	<u>1,822,082</u>

Data from Annual Report, Branch of Real Property Management, Bureau of Indian Affairs, Window Rock, Arizona, and from the Ramah Navajo Office, Bureau of Indian Affairs, Ramah, New Mexico, and Branch of Real Property Management, Crownpoint Agency, New Mexico
 Data from the Index Sheet, Survey of August 9, 1965 (transmittal letter)