

BEFORE THE INDIAN CLAIMS COMMISSION

THE HUALAPAI TRIBE OF THE)
HUALAPAI RESERVATION, ARIZONA,)
) Petitioner,)
))
v.)
))
THE UNITED STATES OF AMERICA,)
))
Defendant.)

Docket No. 90

Decided: November 19, 1962

FINDINGS OF FACT

The Commission makes the following findings of fact:

1. Petitioner timely filed this claim pursuant to the Indian Claims Commission Act of August 13, 1946 (60 Stat. 1049). Petitioner, the Hualapai Tribe of the Hualapai Reservation, Arizona, often referred to as the Walapai Tribe of Indians, is organized under the provisions of the 1934 Indian Reorganization Act (48 Stat. 984, 987-988), and is recognized by the Secretary of the Interior as having authority to present this claim. The Commission finds that petitioner has the capacity to maintain this action.

2. In aboriginal times the Hualapai Indians had a loose form of tribal organization. There was no recognized chief of the entire tribe. Each settlement had a head man and certain individuals of aggressiveness extended their influence over neighboring villages within the geographic divisions. Once chieftainship was established it was roughly hereditary. Prowess in battle and oratorical ability were attributes that elevated leaders of the Hualapai Indians to positions as war chief and peace chief

of the tribe. While the political structure of the tribe in early aboriginal times was loose, continued white contact, war, and the government's desire to deal with centralized authority did greatly strengthen the tribal structure. During the historic period prior to extinguishment of their Indian title the Hualapai Tribe was led by war chiefs and peace chiefs who exerted control over the tribe. The most famous of these were Serum, Walapie Charlie and Levi Levi.

3. The Hualapai Tribe, a Yuman speaking people, was an entity known and considered by defendant as a tribe of American Indians at the time of the alleged acquisition in 1883 by the defendant of the tribe's interest in the lands for which claim in this case is made. The Commission finds that The Hualapai Tribe of the Hualapai Reservation, Arizona, petitioner herein, is the successor in interest to the Hualapai Tribe as it existed at the date of extinguishment of said tribe's Indian title in the lands involved herein.

4. The lands which petitioner claims were exclusively used and occupied by the Hualapai Tribe from time immemorial are located in the northwest part of the present state of Arizona bounded and described as follows:

Beginning at a point in the midstream of the Colorado River opposite the mouth of National Canyon; thence south on a line (roughly following the eastern boundary of the present Hualapai Reservation) along the drainage divide between said canyon and Cataract Canyon to the water holes at Wauwila Kwa' in the headwaters of National Canyon; thence southeast to the water hole Ha'Kathskwava east of Rose Well; thence south and southeast from the Rock tank Wauwila Ha' on a line passing east of the water hole Ikisa Ha' and Mount Hope (Whala Kwitkwita) through Round Mountain to Mount Floyd

(Wi Kavaka); thence east and south along the top edge of the plateau escarpment north and east of Ash Fork; thence southwest along the top edge of the plateau escarpment of Black Mesa (Choka Wi) south of Ash Fork; thence south across the Chino Valley to the junction of Walnut Creek and Chino Creek; thence southwest on a line to Camp Wood Mountain; thence south along the north fork of the Santa Maria River and southwest along the Santa Marie River proper to its junction with the Big Sandy River; thence west along Bill Williams Fork beyond the mouth of Mohave Wash to a point (Ookwata Giyo) at the southern end of the Mohave Mountains; thence northwest along the drainage divide (Mohave Mountains) between Bill Williams Fork and the Colorado River to Crossman Peak (Kokame'); thence northwest on a line to The Needles (Wi Kwit Kwit) on the Colorado River; thence northeast on a line across Sacramento Wash to the southern tip of the Black Mountains; thence north along the crest of the Black Mountains to Mount Perkins; thence on a line due west to a point in the midstream of the Colorado River; thence north and east on a line through the middle of the Colorado River (Haitat) to the point and place of beginning.

5. Characteristic of the original Hualapai country, and a determining factor in the life of the Indian inhabitants, was a scarcity of available fresh water supplies. Some springs, water-holes, streams or other usable sources of water, however, were scattered throughout all parts of that territory. Wherever such water supplies existed, Hualapai Indians irrigated fields each year for the purpose of growing various crops, including beans, corn, pumpkins, squash, melons, wheat and peaches. The major pre-conquest Hualapai agricultural sites, of course, were located along watercourses, such as Walnut, Diamond and Truxton Creeks, and the Big Sandy River with its network of feeder streams. In addition, small garden plots were cultivated in the mountains and at springs and water-holes on the plateau, so that almost one-third of the Hualapai diet came from agriculture.

6. During aboriginal times, the Hualapai Indians obtained the greatest portion of their sustenance by gathering various natural food products of the soil. As a result of the great altitude differences in Hualapai country, there was a tremendous variety of plant foods available for use through every season of the year, and the ripening season of any particular product extended over a long period at different elevations. The major plant foods collected and eaten by the Hualapais were mescal, pinyon, cereal grasses, manat or yucca, and mesquite. In their search for these products and other plant foods, members of petitioner tribe engaged in a seasonal round of travel which carried them collectively through every part of their country each year.

7. A significant and highly desirable Hualapai food in pre-conquest years was fresh meat. The animals then most frequently hunted were deer, antelope, mountain sheep and rabbits. In their search for wild game, these Indians traversed almost every portion of their territory.

8. The Hualapai Indians in aboriginal times were forced by the very nature of the lands they used and occupied to make extensive, rather than intensive, use of the land and thus, in general, lived thinly distributed over a relatively sizeable area. The pre-conquest Hualapai population numbered about 1000, and the country inhabited could not support any greater population under then existing conditions.

9. Hualapai settlement or village sites in aboriginal times were located where there was available water. Because of environmental limitations upon the size of permanent settlements, the local Hualapai bands

were made up of smaller lineage and family units. Although these smaller groups generally utilized specific areas as the bases for their seasonal rounds, the subsistence ranges of Hualapai families, bands and divisions frequently overlapped, and all Hualapai were free to use, gather food and hunt, and otherwise utilize the natural resources in the tribe's territory. The Hualapai considered themselves to be one people; were peaceful among themselves; intermingled and intermarried; enjoyed a common culture and language and pursued a common economic life. Naturally the distribution of population and villages within Hualapai territory was determined in terms of availability of water, game and edible plants. These concentrations resulted in what may be termed geographic divisions composed of numerous groups or bands. Ethnologists differ as to the number of divisions or groups within the Hualapai Tribe but in any event there were more than forty villages or settlements within the area exclusively used and occupied by the Hualapai Indians. The largest concentration of settlements was located in the north central portion of the area as originally claimed.

10. The first known white contact with the Hualapai Indians in the claimed area was made by the famous Spanish explorer and missionary, Father Francisco Garces, in 1776. The priest's diary tells of visiting a settlement of "Jaguallapais" not too distant from what is now the town of Kingman, Arizona. Within the claimed area Father Garces visited settlements in Truxton Canyon, Diamond Creek Canyon, and near Pine

