

BEFORE THE INDIAN CLAIMS COMMISSION

THE CHEMEHUEVI TRIBE OF INDIANS,	)	
THE CHEMEHUEVI TRIBE OF INDIANS	)	
BY DAN EDDY,	)	
	)	
Petitioners,	)	
	)	
v.	)	Docket Nos. 351 and 351-A
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

Decided: January 18, 1965

Appearances:

Arthur Lazarus, Jr., attorney for  
Petitioners,

Bernard M. Newburg, with whom was  
Mr. Assistant Attorney General,  
Ramsey Clark, Attorneys for the  
Defendant.

OPINION OF THE COMMISSION

Watkins, Chief Commissioner, delivered the opinion of the Commission.

This is a proceeding to consider the proposed consolidated compromise settlement of five cases by the simultaneous entry of two separate Findings of Fact, Opinions, and Final Judgments with respect to claims of two identifiable groups of American Indians designated as follows: The Southern Paiute Nation of Indians, Docket Nos. 88, 330 and 330-A; and the Chemehuevi Tribe of Indians, Docket Nos. 351 and 351-A.

These cases were consolidated for the purpose of the hearing on the compromise settlements, but separate Findings of Fact, Opinions, and Final Judgments were to be entered for each of these identifiable groups.

The total overall settlement provides for the recovery against the defendant, the United States of America, the sum of \$8,250,000 to be shared by the two groups as follows: The Southern Paiute Nation of Indians \$7,253,165.19, and the Chemehuevi Tribe of Indians, \$996,834.81. The overall acreage involved in all of these claims is approximately 29,935,000 acres, we are advised.

Hearings have been held on the title phase of these land claims. The petitioners prepared and filed proposed findings of fact and briefs supporting their proposals but defendant did not reply. At this stage of the proceedings, negotiations for compromise settlements began and were recently brought to a successful conclusion, and the petitions praying for the approval of the settlements now before us were filed and heard at a special joint hearing on December 17, 1964.

It appears that the principal reasons for consolidating the hearings and settlement of the five docket numbers were that the two Indian entities were closely related in aboriginal times, and that they also held adjoining lands during the same period, which were of the same general type and classification. Even though the stipulations for compromise and settlement executed by the parties contains no reference to what must have been a number of taking dates of the lands claimed by both Indian tribes, there are matters of history of which we may take judicial notice, and some evidence before the Commission, received when hearings on these docket numbers were being held on title phase, that make it quite clear that taking of the lands in question couldn't have occurred before 1847, the

near the Mormon pioneers entered Salt Lake Valley, and possibly began shortly thereafter and continued on into the 1880's if not into the 1890's or later. This matter of the taking date is of considerable importance in fixing fair market value because ordinarily the later the taking date the higher the market value.

So much for matters germane to both groups of Indians.

It is not necessary to paraphrase our findings that relate to the Chemehuevi tribal claim, but there are several items which should be mentioned.

The Chemehuevis apparently were at one time members of the Southern Paiute group, but they seemed to be more or less independent of that group in many matters. The lands they claimed they occupied in aboriginal times are the lands they claimed Indian title to in Docket No. 351. This group of Indians was not divided into several bands as was the Southern Paiute group.

Like the Southern Paiute group they maintained themselves largely by hunting and gathering and they also produced some of their food by subsistence farming. They had very few areas within their land claims comparable to the Southern Paiute areas in southwestern Utah and northwestern Arizona. White encroachment into their area was less extensive than the settling of the lands of the Southern Paiute.

The procedures previously outlined by the Commission with respect to the consideration of compromise settlements seem to have been substantially complied with in the instant proceeding; and it appears

that the settlement is fair and just to both parties. It is ordered that the joint motions of the parties in Docket Nos. 351 and 351-A for Entry of Final Judgment in accordance with the Stipulation for Entry of Final Judgment will be granted and Final Judgment will be so entered.

Arthur V. Watkins  
Chief Commissioner

We concur:

Wm. M. Holt  
Associate Commissioner

T. Harold Scott  
Associate Commissioner