

BEFORE THE INDIAN CLAIMS COMMISSION

THE QUECHAN TRIBE OF THE FORT)	
YUMA RESERVATION, CALIFORNIA,)	
)	
Petitioner,)	
)	
v.)	Docket No. 319
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

Decided: Aug 5, 1965

ADDITIONAL FINDINGS OF FACT IN COMPROMISE
 SETTLEMENT OF THE CLAIM SET FORTH IN DOCKET NO. 319
 AND ENTRY OF FINAL JUDGMENT

The Commission makes the following findings of fact which are supplemental to the findings of fact numbered 1 through 26, inclusive, heretofore made in this case.

27. On September 30, 1959, the Commission entered its findings of fact, opinion and interlocutory order holding that petitioner had established Indian title to certain lands described in Finding No. 21, and located in what are now the States of California and Arizona; and that such Indian title to the land in California was extinguished by defendant on March 3, 1853 and in Arizona on January 9, 1884. The last paragraph of said interlocutory order is as follows:

That this case shall proceed with proof of the acreage of the respective tracts of said lands, the considerations, if any, defendant paid therefor, the value thereof as of the date of taking, and of such other matters as are necessary for a final determination of the case, including proof of payments on the claim, if any; the offsets allowed by law to be postponed until proper disposition of the matters referred to above has been made.

On March 24, 1960, the Commission entered an order clarifying the boundaries of the lands described in its Finding No. 21. The area was held to be delineated on the map attached to the order and marked "Clarification Map, Finding No. 21."

Thereafter, both parties appealed to the Court of Claims from the interlocutory order entered by this Commission on September 30, 1959. However, by a stipulation filed by the parties in the Court of Claims on March 2, 1962 and allowed by that court on March 23, 1962, the appeal of both parties was discontinued and withdrawn without prejudice to the right of either party to renew the grounds thereof on appeal from the final judgment of the Commission.

28. On July 6, 1965, the parties herein filed with the Commission a Joint Motion For Entry of Final Judgment in Docket No. 319, based upon a Stipulation made and executed by Fulton W. Hoge, Attorney of Record for petitioner and Edwin L. Weisl, Jr., Assistant Attorney General and Ralph A. Barney, attorneys for defendant. Said Stipulation is in words and figures as follows:

It is hereby stipulated between counsel for the Quechan Tribe of Indians, petitioners, and the United States of America, defendant, that the claim of the Quechan Tribe of Indians in the above-entitled Docket No. 319 shall be settled and finally disposed of by entry of final judgment as follows:

1. There shall be entered in said Docket No. 319 a final net judgment in favor of The Quechan Tribe of the Fort Yuma Reservation of California for the benefit of the Quechan Tribe of Indians in the amount of \$520,000, which sum was arrived at for the purposes of this settlement on the basis of \$167,000 for the 667,544 acres of land in California, and \$353,000 for the 881,044 acres of land in Arizona.

2. Entry of final judgment in this case and on this basis shall finally dispose of all rights, claims or demands which the said Quechan Tribe have asserted, or could have asserted, with respect to the subject matter of this case, and the petitioner Tribe shall be barred thereby from asserting any such rights, claims or demands against defendant in any other or future action or actions.

3. The entry of final judgment of the Indian Claims Commission pursuant to this stipulation shall constitute a final determination of the claims of the above-named petitioners in this case and shall become final on the day it is entered, the parties to this stipulation waiving any right to appeal from, or otherwise seek review of, such determination.

4. The final judgment entered pursuant to this stipulation of settlement shall be by way of compromise and settlement and shall not be construed as an admission for purposes of precedent or argument in this or in any other case.

5. The settlement herein does not include nor shall it be construed to affect the claim of the United States to any offsets which it might have against the Quechan Indians, and the right of the United States to claim offsets against the Quechan Indians is hereby reserved and may be considered by the Indian Claims Commission in Quechan Tribe v. United States, Docket No. 320, from the date said offsets would have been allowable in Docket No. 319. The purpose of this provision is to preserve to the United States all rights to offsets which it would have had if this settlement had not been made.

6. Counsel for the parties hereto shall execute and file with the Commission a joint motion for entry of said final judgment pursuant to the stipulation of settlement.

At the hearing for approval of the compromise settlement, it was stipulated by the parties through their respective counsel that the judgment would run in favor of "The Quechan Tribe of the Fort Yuma Reservation, California, for the benefit of the Quechan Tribe of Indians," so that the judgment will be in the petitioner's official name,

and, also, to make it clear that the recovery is by the petitioner in its representative capacity for the benefit of the Quechan Tribe of Indians. The Commission finds that this was the intent of the stipulation as drawn, and approves the change in the interest of clarity.

The description in Finding 21 included the area of the reservation which had been established by Executive Order in 1884. This reservation contained 48,356 acres and is not involved in Docket 319, but is the subject of petitioner's claim in Docket 320. The land involved in this case, Docket 319, was measured by the Bureau of Land Management in the Department of the Interior, and the net area, after excluding the reservation and the bed of the Colorado River, was found to be 667,544 acres in California, and 881,644 acres in Arizona.

29. Petitioner's Exhibit "B" consists of copies of two letters written under date of July 29, 1964 by Fulton W. Hoge, claims attorney for petitioner, to the Department of Justice, and two letters written in response thereto by Mr. Ramsey Clark, Assistant Attorney General, Department of Justice. In the letters of July 29, 1964, Mr. Hoge submitted a formal offer on behalf of the Quechan Tribe to settle its claim in Docket No. 319 for the sum of \$520,000.00 net to petitioner, with any offsets allowable to the defendant to be asserted in petitioner's other case now pending under Docket No. 320. The letter of August 26, 1964, from Assistant Attorney General Clark to Mr. Hoge contains an acceptance on the part of the government of the offer to settle the Quechan claim in Docket 319, conditioned upon the furnishing of an

