

BEFORE THE INDIAN CLAIMS COMMISSION

THE MOHAVE INDIANS who are)	Docket No. 283
members of THE COLORADO RIVER)	
INDIAN TRIBES, et al.)	
)	
MOHAVE TRIBE OF INDIANS of)	Docket No. 295
Arizona, California and)	
Nevada, et al.,)	
)	
Plaintiffs,)	
)	
v.)	
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

Decided: May 13, 1970

FINDINGS OF FACT

The Commission makes the following findings of fact which are supplemental to the findings numbered 1 through 25, previously made herein, 7 Ind. Cl. Comm. 219 (1959):

26. The land area owned aboriginally by the Mohave Tribe consists of 1,006,300 acres distributed as follows: 179,400 acres in California, 161,500 acres in Nevada, and 665,400 acres in Arizona. The Commission has previously found, 7 Ind. Cl. Comm. 219, 243-244 (1959), that title to the California lands was extinguished as of March 3, 1853, and that title to the lands in Arizona and Nevada was extinguished on March 3, 1865. No consideration was paid to the Mohave Tribe for the extinguishment of aboriginal title to its lands.

27. The Mohave Tract was part of the lands acquired by the United States from Mexico in 1848 under the provisions of the Treaty of Guadalupe Hidalgo (9 Stat. 922). The subject lands extend for

about 96 miles along both sides of the Colorado River. The tract is very dry, with an average annual rainfall of 4 to 12 inches. Near the level of the water on both sides of the river is alluvial valley land. A little above the valley is desert mesa land, more or less flat and containing desert growth, and on the perimeters above the mesa lands on both sides are desert mountains. Rainfall generally exceeds 7 inches per year only in the mountainous areas.

Defendant's appraiser has determined the percentage of each type of land in the tract to be as follows: aluvial flood plain lands, 8.0%; river channel lands, 1.4%; bench or mesa lands, 29.9%; mountainous lands, 60.7%.

The summers are very hot, with mean temperatures from 82 to 91 degrees, and average maximum temperatures from 100 to 110 degrees. The winters are mild, having mean temperatures of 47 to 53 degrees.

Without irrigation, food crops could be grown only on the level lands along the river. Foods such as corn, melons, beans and pumpkins could be grown after the early summer floods subsided leaving moist soil. The variable nature of the floods resulted in reduced or lack of crop production in some years. The tract might also have been used to a limited extent for cattle grazing. Proposals for simple irrigation in the area were being made in the 1860's.

28. The Mohave Tract and its surrounding area were sparsely populated. The nearest significant population centers were over 150 miles west around Los Angeles and San Bernardino. Los Angeles County had a population of 7,930 in 1852 and 11,333 in 1860.. San Bernardino

had a population of 1,200 in 1854. The nearest population centers in other directions were some 110 miles east and over 200 miles southeast around the Arizona towns of Prescott and Tucson. From Fort Mohave San Francisco was 450 miles, Salt Lake City was 435 miles and Santa Fe was 490 miles. San Francisco had an 1860 population of 57,000 and an 1870 population of almost 150,000. Salt Lake had, respectively, 8,236 and 12,854; Santa Fe had 4,635 and 4,765.

29. One of the two major emigrant routes across the Arizona Territory to California crossed the Mohave Tract. This was the 35th parallel route, also known as the Old Government Road because it was used by the government to supply Fort Mohave. Fort Mohave was intended as a protection to emigrants travelling the road. It was reported however that by 1861 only one party had attempted to traverse the trail.

In May 1861, troops were withdrawn from Fort Mohave as a result of the Civil War. Most of the white settlers in the area withdrew with them abandoning their property. It was only upon the return of federal troops and the protection which they gave that settlers returned to the Mohave Tract and explored its mineral resources. The California column arrived in Tucson in June 1862 and declared the territory under martial law. The writings of historians which have been introduced as evidence indicate that this protection by federal troops from California was absolutely necessary before miners could explore the mineral resources of the tract.

After this return of federal troops, large numbers of emigrants

