

BEFORE THE INDIAN CLAIMS COMMISSION

THE MOHAVE TRIBE OF INDIANS OF)	
ARIZONA, CALIFORNIA AND NEVADA,)	
)	
Plaintiff,)	
)	
v.)	Docket No. 295-A
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

Decided: September 18, 1975

FINDINGS OF FACT ON COMPROMISE SETTLEMENT

This matter is now before the Commission for approval of a compromise settlement of this case and entry of a final judgment in the amount of \$550,000.00 in favor of the plaintiff, with a waiver of review or appeal by both parties.

Said judgment is to settle and finally dispose of all claims or demands which the plaintiff has asserted or could have been properly asserted in this docket against the defendant prior to August 13, 1946, under the provisions of section 2 of the Indian Claims Commission Act (60 Stat. 1049). The judgment will also dispose of all claims, demands, payments on the claims, counterclaims, or offsets which the defendant has asserted or could have asserted in this docket under our act.

This case concerns the plaintiff's claim for damages suffered as a result of the construction, maintenance, and operation of the Parker Dam on the Colorado River. The Commission's findings of fact, opinion,

and interlocutory order on liability were entered on June 30, 1970. 23 Ind. Cl. Comm. 346. An order denying defendant's motion for a rehearing and limiting the issues in this claim was entered on June 16, 1971. 25 Ind. Cl. Comm. 409. Hearings on the value phase of this claim were held in Needles, California, on February 19 and 20, 1974, and on April 2, 3, 4, and 5, 1974. Thereafter, negotiations for the settlement of the claims asserted in this docket were commenced with the consent and agreement of the parties herein. An agreement was subsequently reached on a settlement in the amount of \$550,000.

A hearing having been held before the Commission in Needles, California, on May 5, 1975, on the proposed offer to compromise and settle this claim, the Commission makes the following findings of fact which are supplemental to the previous findings Nos. 1 through 7, inclusive, entered in this docket.

8. Upon completion of preliminary negotiations for settlement of this case which included a meeting of the parties in Washington, D. C., on January 14, 1975, counsel for plaintiff submitted a proposed compromise settlement of the claims in Docket 295-A by letter dated January 17, 1975, to Mr. Lawrence H. Silberman, Deputy Attorney General of the Department of Justice. The letter states as follows:

I have been authorized by the Fort Mojave Tribe to accept the sum of \$550,000.00 by way of compromise and settlement of the claims of the Tribe with respect to the above Docket. It is understood that this offer by the Tribe is conditioned upon the execution by the government and the Tribe of a form of Stipulation of Settlement and Entry of Final Judgment that is mutually agreeable to the government and the Tribe.

Very truly yours,

/s/ Richard G. Kleindienst

9. On January 24, 1975, the Mohave Tribal Council, in a special meeting, adopted Resolution No. 75-07 (Pl. Ex. No. 1) which consents to and approves the proposed compromise settlement. Resolution No. 75-07 states as follows:

R E S O L U T I O N
Fort Mohave Tribal Counsel

WHEREAS, the Fort Mojave Indian Tribe has heretofore filed a petition with the Indian Claims Commission for the damages sustained to their reservation by reason of the construction of Parker Dam, AND

WHEREAS, they were allegedly paid a consideration for such damage in 1938 with a deposit of approximately \$111,000.00 being paid into the Treasury by the Metropolitan Water District for their benefit, this has never been received by the Tribe and receipt of it should be deemed to the Tribe, AND

WHEREAS, said Tribe in Docket 295-A did allege that this was an unconscionable consideration and that the flooding of their lands had been to a higher point than originally contemplated which resulted in a twelve year loss of the use of more than 8,000 acres of land, AND

WHEREAS, in a trial on the liability of the United States for this damage, the Indian Claims Commission determined that the United States was liable and that payment of reasonable compensation should be made to the Tribe, AND

WHEREAS, a trial thereafter was set for the value phase of Docket 295-A, AND

WHEREAS, following the completion of the submission of most of the evidence with respect to said Docket 295-A, it was determined that settlement negotiation should be pursued, AND

WHEREAS, in considering settlement the attention of the Tribal Council was directed to the fact that an informal offer in the sum of approximately \$41,000.00 had been made at an earlier date, AND

WHEREAS, the evidence elicited from their Appraiser, Mr. Robert Hill, made it clear that their claim was worth considerably more, AND

WHEREAS, this information caused them to dispatch a delegation of four members of the Tribal Council and their legal representative to Washington, D. C., for the purpose of discussing settlement, AND

WHEREAS, after two days of negotiation with the Department of Justice, an offer was made by the United States to pay the sum of \$550,000.00 and this was to include the land which the Indian Claims Commission found had not been permanently taken from the tribe, but that it had only been flooded so that they were denied the use thereof for approximately twelve years in settlement of said claims,

NOW, THEREFORE BE IT RESOLVED that the Tribal Council for the Fort Mojave Indian Tribe having fully appraised itself of the factors involved and the valued evidence involved in the proposed settlement does hereby consent to and approve such settlement, AND

BE IT FURTHER RESOLVED that a record be made of the fact that pursuant to the direction of the Tribal Council an announcement regarding what had been done was made at a meeting of the entire tribe which had been called on January 24, 1975 by the Bureau of Indian Affairs so that all individuals could be fully informed, AND

BE IT FURTHER RESOLVED that since no opposition was expressed to the proposed settlement that the Tribal Council for the Fort Mojave Tribe does hereby believe that it is expressing the will and consensus of the majority of our membership in giving this approval to the settlement which has been negotiated by our legal representative.

C E R T I F I C A T I O N

We, the undersigned, as the Chairman and the Secretary of the Fort Mojave Tribal Council, do hereby certify that the Fort Mojave Tribal Council is composed of 7 members of whom 7 constituting a quorum were present

at a Special Meeting on this 24th day of January, 1975, and that the foregoing Resolution was adopted by the affirmative vote of 7 members.

FORT MOJAVE TRIBAL COUNCIL

/s/ Llewellyn Barrackman, Chairman
Llewellyn Barrackman, Chairman

/s/ Hilton Bricker, Secretary
Hilton Bricker, Secretary

10. On March 19, 1975, the ECH-KAH-NAV-CHA, a tribal newspaper published by the Fort Mohave Indian Tribe, Needles, California reported the action of the Tribal Council in approving the proposed settlement. (Pl. Ex. No. 2).

11. On March 25, 1975, the Secretary of the Tribal Council issued a notice of a meeting of the Tribal Council for April 27, 1975, at which time the tribal attorneys would present the proposed compromise settlement to the general membership with full explanation and recommendation. This notice (Pl. Ex. No. 3) reads as follows:

NOTICE OF PROPOSED SETTLEMENT OF CLAIMS FOR
COMPENSATION OR LOSS OF AND DAMAGE TO MOJAVE
RESERVATION LANDS DUE TO THE FLOODING OF THE
COLORADO RIVER, INDIAN CLAIMS COMMISSION DOCKET
NUMBER 295A, TO BE PRESENTED AT TRIBAL COUNCIL
MEETING OF APRIL 27, 1975.

Subject to tribal and Indian Claims Commission approval, the Tribal Council has been advised by your claims attorneys that the United States is willing to compromise and settle your claim for loss of and damage to reservation lands from the flooding of the Colorado River that resulted from the construction, maintenance and operation of Parker Dam. The claim is pending in the Indian Claims Commission, Docket Number 295-A, for the amount of \$550,000.00 without off-sets. Approval is recommended by your claims attorneys.

If this offer is accepted by the Tribal Council, the judgment awarded to the Tribe will be \$550,000.00, before deductions for attorneys' fees and expenses. Attorneys' fees are contingent on recovery and cannot exceed ten percent of the judgment. Expenses incurred by the Tribal attorneys and not reimbursed to this date are in the approximate total amount of \$5,000.00.

Details pertaining to the claim have been set out in the minutes of the meeting of the Tribal Council of February 10, 1975, and in the issue of the tribal newspaper, Ech-kah-Nav-Cha, published March 19, 1975, and distributed free to all tribal members.

Your attorneys will present the proposed settlement to the Tribal Council, with full explanations and recommendations, for acceptance or rejection at a special meeting of the Tribal Council to be held at the Fort Mojave Tribal Office, Needles, California, on Sunday, April 27, 1975 at 10:00 a.m.

You are urged to attend that meeting. If you are unable to attend and you are opposed to the settlement you should send your written reasons for opposition to the Tribal Council by mailing it to the Tribal Council Secretary at Needles, California before the meeting of April 1, 1975.

It is too early to speculate on when the net judgment, if approved by the Tribal Council, will be appropriated by Congress, although the tribal attorneys hope it will be appropriated before Congress adjourns late this summer or early this fall. When appropriated, it will bear interest, credited to tribal account, at 4 percent per year. Because of current restrictions on expenditures of judgment money, your attorneys are unable to estimate how or in what manner the money may be paid to or used for the members. The sole question to be considered at the meeting of April 27, 1975 is whether the tribe is willing to make final settlement of this one claim for \$550,000.00.

/s/ Hilton Bricker
Hilton Bricker, Secretary
Fort Mojave Tribal Council

12. The March 25, 1975, notice was mailed to all enrolled voting members of the Mohave Tribe and was posted on that date in the Tribal Council office at Needles, California. The notice was also published in the Needles Desert Star, a newspaper of general circulation, on

April 2, 9, and 16, 1975. (Pl. Ex. No. 4). By notice of April 21, 1975, the Tribal Council meeting was rescheduled for May 4, 1975, and such notice of change was mailed to all enrolled members of the tribe on the same date. (Pl. Ex. No. 7). A similar notice was mailed on April 28, 1975. (Pl. Ex. No. 8). Minutes submitted by plaintiff (Pl. Ex. No. 9) indicate that 306 notices were mailed from a total enrolled list of 348. The remaining 42 lacked up-to-date addresses. The notices were supplemented with the newspaper advertisements described in finding 12, supra.

13. (a) Following the foregoing preliminary proceedings and notices, and pursuant to the offer and acceptance of the proposed settlement by the parties, a Stipulation for Entry of Final Judgment in this docket was signed by the attorneys for both parties on April 16, 1975. The stipulation reads as follows:

STIPULATION FOR ENTRY OF FINAL JUDGMENT

IT IS HEREBY STIPULATED by the parties,
through their counsel, as follows:

1. All claims which were or could be properly asserted in Indian Claims Commission Docket No. 295-A, shall be settled by entry of a final judgment in the Indian Claims Commission in the amount of \$550,000.00.

2. The final judgment shall be in favor of the Mohave Indians of Arizona, California and Nevada, plaintiff, and against the United States of America, defendant, no review to be sought or appeal to be taken by either party.

3. This judgment shall finally dispose of all claims and demands which were or could be properly asserted by plaintiff against defendant

in Docket No. 295-A. The judgment shall also dispose of all claims, demands, payments on the claim, counterclaims, or offsets which were or could be properly asserted by defendant against plaintiff accruing prior to August 13, 1946, under the provisions of Section 2 of the Indian Claims Commission Act (60 Stat. 1049).

4. This stipulation and entry of final judgment shall not be construed as an admission of any party as to any issue for purposes of precedent in any other case or otherwise.

DATED: April 16, 1975

Respectfully submitted

/s/ Raymond C. Simpson
RAYMOND C. SIMPSON
Attorney of Record for Plaintiff,
The Mohave Indians of Arizona,
California and Nevada

/s/ Wallace H. Johnson
WALLACE H. JOHNSON
Assistant Attorney General

/s/ Marvin E. Schneck
MARVIN E. SCHNECK
Attorney for Defendant

(b) By letter of April 29, 1975, to counsel for plaintiff, the Assistant Attorney General, Wallace H. Johnson, accepted plaintiff's offer of settlement and stipulation subject to certain additional conditions. The letter states as follows:

This is in reply to your letter of January 17, 1975, offering to compromise and settle the plaintiffs' claims in Docket No. 295-A, before the Indian Claims Commission for \$550,000.

We have received the Stipulation for Entry of Final Judgment from your associate, Robert J. Kilpatrick, Esquire, in his letter of April 16, 1975. The form and content of the Stipulation is acceptable to the United States.

Your offer of settlement and Stipulation satisfactorily provides for the effectuation of the settlement agreed to, subject to the following conditions:

1. That, in connection with entering final judgment pursuant to the settlement, the Commission shall enter a finding that any of the claims, actions, or rights that were asserted or could have been properly asserted in Docket No. 295-A are the exclusive property of the Fort Mohave Reservation Indians, sometimes referred to as the "Needles Group," in which no other tribe or group of Indians has any right, title, or interest.

2. That the Metropolitan Water District of Southern California pay or promise to pay to the United States the sum of \$55,000, in full settlement, of any claims the United States may have against the Metropolitan Water District to be indemnified under Article 20 of the contract, dated February 10, 1933, arising out of the claims in Docket No. 295-A, before the Indian Claims Commission.

3. That the proposed settlement be approved by appropriate resolution of the governing body of the Fort Mohave Tribe.

4. That approval of the terms of the settlement, as well as the resolution of the tribe, be secured from the Secretary of the Interior or his authorized representative.

5. That a copy of such tribal resolution and the approval of the terms of the settlement by the Department of the Interior be furnished to this Department.

6. That responsible officials and representative members of the tribe be present to testify on behalf of the tribe and the settlement hearing before the Commission.

We will be happy to cooperate with you in the preparation of the joint motion and order to be presented to the Commission to effectuate the settlement, subject to the terms and conditions specified herein.

In drawing the joint motion for entry of judgment, please list the documents that will be introduced in support of the settlement, such as (1) the tribal resolution, (2) the letter of approval of the settlement by the Secretary of the Interior or his authorized

representative, and (3) such other exhibits as will be offered in evidence at the hearing before the Commission on the settlement. Please furnish copies of these documents to the defendant.

Sincerely,

/s/ Wallace H. Johnson
Assistant Attorney General

Pursuant to the offer and acceptance, the stipulation for final judgment was signed by the attorneys for the Department of Justice and filed with the Commission on May 1, 1975, together with a joint motion for entry of final judgment.

14. On May 4, 1975, a general meeting of the Tribal Council was held at which time the tribal attorneys fully explained the proposed settlement and recommended that it be accepted. The meeting was then opened to question from the general membership of the tribe. A motion was made, seconded, and passed by a vote of 47 for and 0 against, with 3 abstaining, to endorse the action of the Tribal Council in accepting the proposed compromise settlement in the sum of \$550,000. The minutes of this meeting were accepted in evidence at the Commission hearing of May 5, 1975. (Pl. Ex. No. 6).

15. A hearing was held in Needles, California by the Commission on May 5, 1975, on the proposed offer to compromise and settle in this docket. The Commission heard the testimony of five witnesses in addition to statements of counsel. The witnesses were: Llewellyn Barrackman, Chairman of the Mohave Tribal Council; Norvin McCord, Vice-Chairman of the Mohave Tribal Council; Hilton Bricker, Secretary of the Tribal Council;

Sanford McDowell, member of the Tribal Council; and William J. Lawrence, superintendent of the Colorado Agency for the Bureau of Indian Affairs, Department of the Interior. All witnesses testified concerning their understanding of the proposed settlement, the procedure and conduct of the general meeting and the meetings of the Tribal Council described above, and the votes taken at the meetings. The testimony established that reasonable and adequate steps were taken to give ample notices of the meeting of the general membership of the Mohave Tribe respecting the proposed settlement and that sufficient explanations were given and sufficient discussion took place at the general meeting of May 4, 1975, so as to assure that all parties fully understood the terms of the proposed settlement. All witnesses testified concerning their understanding of the meaning of the proposed settlement and all stated they were in favor of said settlement.

16. On May 10, 1975, the Tribal Council adopted a resolution (No. 75-35) accepting the offer to compromise and requesting the approval of said compromise by the Secretary of the Interior and this Commission. The resolution reads as follows:

RESOLUTION NO. 75-35 OF THE GOVERNING BODY OF THE
MOHAVE TRIBE OF INDIANS OF ARIZONA,
CALIFORNIA AND NEVADA

RESOLUTION APPROVING AND ACCEPTING THE OFFER TO
COMPROMISE AND SETTLE THE CLAIMS OF THE MOHAVE
TRIBE OF INDIANS OF ARIZONA, CALIFORNIA AND NEVADA
v. UNITED STATES, DOCKET NO. 295-A, INDIAN CLAIMS
COMMISSION, IN THE AMOUNT OF \$550,000

WHEREAS, the above-named tribe has claims against the United States under the Indian Claims Commission Act, entitled The Mohave Tribe of Indians of Arizona, California, and Nevada v. United States, Docket No. 295-A, Indian Claims Commission, which

seeks compensation for the loss of and damage to Mohave reservation lands from the flooding of the Colorado River that resulted from the construction, maintenance, and operation of Parker Dam; and

WHEREAS, by interlocutory order of June 30, 1970 the Indian Claims Commission held that the United States was liable to the Mohave Tribe for the loss of and damage to the Indian reservation land from the aforesaid flooding; and

WHEREAS, by letter of January 17, 1975 the Mohave Tribe offered to compromise and settle its claims in Docket 295-A for a total of \$550,000; and

WHEREAS, said offer has been accepted, subject to necessary approval, and a stipulation has been entered into for settlement of all claims which were or could have been properly asserted by the Tribe against the United States in Docket 295-A; and

WHEREAS, the attorney of record representing the Mohave Tribe in this litigation has kept the Tribal Council informed of all developments from the commencement of the suit to and including the present day; and

WHEREAS, a quorum of the members of the Tribal Council of the Fort Mohave Tribe were present during the settlement negotiations in Washington, D. C. between the attorneys for the Mohave Tribe and the attorneys representing the defendant, participated in the negotiations, and approved the settlement; and

WHEREAS, on March 25, 1975 the Secretary of the Tribal Council sent notice to all adult members of the tribe concerning the proposed settlement, approval of which would be presented to and considered at a tribal meeting to be held at 10:00 A.M. on April 27, 1975 and urged all adult members to attend that meeting or, if they could not attend, to advise the Council in writing of any opposition before April 27, 1975; and

WHEREAS, the meeting was postponed to May 4, 1975, and notice thereof duly given; and

WHEREAS, the tribal claims attorney appeared at the tribal meeting on May 4, 1975 and explained the settlement in detail and answered all questions presented on the proposal; and

WHEREAS, the Tribal Council of the Fort Mohave Tribe has considered all of the facts of the case and the proposed offer to compromise and settle, including the views expressed by members of the tribe and recommendations of their attorneys;

THEREFORE BE IT RESOLVED, that the Tribal Council of the Fort Mohave Tribe of Indians of Arizona, California, and Nevada hereby approves and accepts the offer to compromise and settle all claims of the Mohave Tribe against the United States which were or could have been properly presented before The Indian Claims Commission in Docket No. 295-A, for the sum of \$550,000; and

BE IT FURTHER RESOLVED, that the chairman is authorized to sign any and all appropriate stipulations and documents necessary to conclude the settlement on the above stated terms.

BE IT FURTHER RESOLVED that the Tribal Council of the Fort Mohave Tribe hereby requests the approval of the proposed compromise and settlement by the Secretary of the Interior and the Indian Claims Commission.

CERTIFICATE

The foregoing resolution is adopted by the Tribal Council of the Fort Mohave Tribe of Indians of Arizona, California, and Nevada, organized under a constitution approved March 16, 1957, pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934, 34 Stat. 984 as amended, by vote of seven for, zero against, and zero not voting, this 10th day of May 1975.

/s/ Llewellyn Barrackman
Llewellyn Barrackman
Chairman

ATTEST:
/s/ Hilton Bricker
Hilton Bricker, Secretary

I certify the above names, titles and signatures to be true and accurate.

/s/ William Lawrence
William Lawrence, Superintendent

17. On the basis of a report submitted by Mr. William J. Lawrence, Superintendent of the Colorado River Agency, as well as information on the merits of the proposed settlement, supplied to the Bureau of Indian Affairs by plaintiff's attorneys, the Department of the Interior approved the settlement by letter dated August 21, 1975. The letter addressed to the claims attorney for the tribe, Mr. Raymond C. Simpson, reads as follows:

Mr. Raymond C. Simpson
2712 Via Campesina
Palos Verdes Estates, California 90274

Dear Mr. Simpson:

On June 16 Attorney R. J. Kilpatrick submitted to this office for approval in your behalf a proposed compromise to settle the claims of the Fort Mohave Tribe in Indian Claims Commission Docket No. 295-A for a net judgment of \$550,000 in favor of the tribe. In this claim, the tribe seeks payment for temporary loss to the tribe due to flooding of tribal land because of Government construction and operation of the Parker Dam Project.

The submittal of the proposed compromise for tribal approval did not follow established procedures as set out in the Omaha decision (8 Ind. Cl. Comm. 416). We, therefore, have been concerned whether the procedure that was followed resulted in the necessary tribal understanding of and consent to the proposed settlement. The procedure as established by the Omaha decision were outlined to you in our letter of March 21, 1973, when a proposed compromise was before this office to settle Mojave Dockets 283 and 295. These procedures are still in effect.

As stated in the letter of March 21, 1973, one of the requirements is that the resolutions or statements of acceptance on the part of the petitioners be approved by the Secretary of the Interior or his authorized representative. Before such approval is given, we need certain supporting information from our field offices. The attendance of a Bureau representative is most important at the meetings held at which the claims

attorneys explain to the tribal members the terms of the proposed settlement and the "pros and cons" of disposing by compromise of the issues involved rather than resolving them by litigation.

The Bureau's representative, after certifying signatures of the Indians to the documents by which they either accept or reject the proposed settlement, is to submit his report to this office with regard to the calling, conduct, resulting views expressed by the Indians, and other points he deems should be reported. He is also to attach to his report copies of the original resolutions or statements of the Indians. The usual procedure involves an initial general meeting of the tribal membership, and upon its acceptance of the proposed settlement a subsequent meeting of the tribal governing body to consider the settlement.

In the instant case, on January 17, 1975, Attorney Richard G. Kleindienst advised the Deputy Attorney General that he had been authorized by the the Fort Mohave Tribe to accept the sum of \$550,000 by way of compromise and settlement of the claims in Docket 295-A. On April 29, 1975, the Assistant Attorney General accepted the offer of settlement and stipulation upon condition that the customary steps and requirements followed in the matter of compromise settlements are satisfied.

By letter dated May 23, 1975, Mr. William J. Lawrence, Superintendent of the Colorado River Agency, who has administrative responsibility over the affairs of the Fort Mohave Tribe, provided us the following:

1. Copy of Resolution 75-07 which was adopted on January 24, 1975, in which the Fort Mohave Tribal Council consents to and approves the proposed compromise settlement; the resolution states that pursuant to an announcement by the Bureau of Indian Affairs, a meeting of the entire tribe was called for January 24, 1975, so that all individuals might be fully informed, and that since no opposition was expressed to the proposed settlement the tribal council feels it is expressing the will and consensus of the majority of the tribal membership in giving its approval of the proposed compromise settlement.

2. Copy of the March 19, 1975, issue of the ECH-KAH-NAV-CHA, a tribal newspaper, which reported the action of the tribal council in approving the proposed settlement.

3. Copy of a public notice of March 25, 1975, announcing that the tribal attorneys would present the proposed compromise settlement to the tribal council with full explanation and recommendation for acceptance or rejection at a special tribal council meeting to be held on April 27, 1975.

4. Copy of a notice of March 26, 1975, announcing that the Indian Claims Commission would hold a hearing on April 28, 1975, concerning the proposed settlement. By notice of April 21, the tribal council meeting was rescheduled for May 4 and the Indian Claims Commission hearing was rescheduled for May 5, 1975.

5. Copy of the minutes of the special meeting which was held on May 4, 1975, by the Fort Mohave Tribal Council. These minutes reflect that the proposed compromise settlement was apparently discussed in full with those of the general membership of the tribe who responded to the invitation to all members to attend the special meeting of the tribal council. A motion was made, seconded, and passed by a vote of 47 for, and none against, with three abstaining, to endorse the action of the tribal council in accepting the proposed compromise settlement in the sum of \$550,000. Persons who were unable to attend the meeting were asked by public notice to submit their reasons in opposition of the proposed compromise settlement by writing to the tribal secretary. No written comments of opposition were received.

The Superintendent, who was present at the May 4 tribal meeting, testified at the May 5 hearing before the Indian Claims Commission that the tribal attorney gave a thorough presentation of the proposed compromise settlement at the May 4 tribal meeting and that on the basis of that hearing the Superintendent recommends approval of the settlement.

On July 17, 1975, the Area Director of the Phoenix Area Office submitted the Plaintiff's Proposed Findings of Fact on the Compromise Settlement which, beginning at page 14, embodies Resolution 75-35 as adopted on May 10, 1975, by the Fort Mohave Tribal Council. In the resolution, the tribal council documents the

actions taken to inform the tribal members of all facts relating to the compromise settlement of claims in Docket 295-A, reiterates its approval and acceptance of the offer to compromise and settle all claims against the United States which were or could have been properly presented before the Indian Claims Commission in Docket 295-A for the sum of \$550,000, and requests the approval of the proposed compromise settlement by the Secretary of the Interior. The signatures of the tribal officials affixed to the resolution were certified as genuine by the Superintendent of the Colorado River Agency. The resolution is hereby approved.

In the light of the information on file in this office and that obtained from other sources, we are satisfied, in spite of the noted deviation from the customary procedure for presenting proposed compromise settlements to tribes, that the proposed settlement of Docket 295-A, as set forth in the offer and the proposed Stipulation for Settlement and Entry of Final Judgment dated April 16, 1975, have been adequately presented to what amounted to a general meeting of the membership of the Fort Mohave Tribe and that the acceptance of the settlement at the meeting represents the consensus of the tribe. Therefore, as our information indicates that the proposed settlement is fair and just, the settlement is hereby approved.

Sincerely yours,

/s/ Morris Thompson
Commissioner of Indian Affairs

18. As a result of negotiations between the United States and the Metropolitan Water District of Southern California, a contract of settlement was entered into between those parties which was filed with the Commission on July 3, 1975, and is made part of the record herein. The negotiation of this contract of settlement was made a condition by the defendant, to the proposed settlement in this docket as set

forth in paragraph No. 2 of the letter of April 29, 1975. (See finding 13(b) supra.)

19. Based upon the testimony of the witnesses who appeared and testified before the Commission on May 5, 1975, in this settlement proceeding, the representation of counsel for the parties, and the entire record herein, the Commission finds and concludes:

(a) that the members of the plaintiff tribe were fully informed and advised of the proceedings of the Tribal Council respecting the preliminary negotiations for the settlement of the claims that were or could have been asserted in Docket 295-A;


(b) that the tribal members were given full notice and ample opportunity to attend the general meeting of May 4, 1975, scheduled for the purpose of explaining and discussing the proposed settlement;

(c) that members present at said meeting were fully informed of the terms of the settlement by counsel and given an opportunity to express their views on the proposed settlement;

(d) that the proposed compromise settlement is fair to the plaintiff and has been fully entered into by it and duly approved by its membership and by the authorized representative of the Secretary of the Interior; and

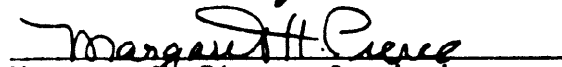
(e) that all the claims which are included in the compromise settlement are and were the exclusive property of the Mohave Tribe of Indians of Arizona, California and Nevada, also known as the Fort Mohave Indian Tribe, and no other tribe or group of Indians has any right, title, or interest therein.

20. On the basis of all the foregoing findings, the Commission hereby approves the proposed compromise and settlement and will enter a final judgment in Docket 295-A in favor of plaintiff, the Mohave Tribe of Indians in the amount of \$550,000 in accordance with and subject to the terms and provisions set forth in the Stipulation for Entry of Final Judgment of April 16, 1975.


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner