

Indian News Notes

SECRETARY WATT ANNOUNCES WATER POLICIES IN SALT LAKE SPEECH: Addressing the National Water Resources Association in Salt Lake City, October 26, Interior Secretary James Watt made four statements of Reagan Administration policy before announcing ten new water projects proposed for funding in 1983. One of the projects was a hydroelectric project on the Colorado River Reservation. On water rights, Watt said "It is our policy to recognize state primacy in water resources and to abide by state law and state procedures in all aspects of water management unless otherwise expressly directed by the Congress."

About Indian water rights, he said, "we have taken positive steps to encourage negotiated settlements as a way to end uncertainty in this area. Settlement of Papago Indian water claims is a good example. The President converted what could have been a significant problem into a resounding victory for negotiations as a means to timely settlement."

Other policy statements were: "It is the policy of this Administration to tailor federal rules and regulations to recognize the unique character of state law. . . It is the policy of this Administration that water resources development be a shared responsibility featuring new partnerships with non-federal entities. . . It is the policy of this Administration to participate as partners with the non-federal sector in building economically and environmentally sound water projects."

NATIONAL JOURNAL REPORT ON INDIAN WATER ISSUES QUOTES INTERIOR OFFICIALS: A report in the *National Journal* (October 30, 1982) on "Indian Water Rights Clouding Plans for the West's Economic Development" quotes several Interior Department officials.

William Horn, deputy undersecretary recently named as the Administration's chief negotiator on Indian water disputes, said of the Administration's commitment to settle claims through negotiation rather than litigation, "that is the cost-efficient way to go about it. It saves all of us time and effort in court. . . It eliminates uncertainty and permits a lot of mutually beneficial water development projects to proceed. And of course it makes a contribution to the social climate by limiting genuine conflict and controversy between tribes and other water users in water-short areas."

Larry Jensen, associate solicitor for Indian affairs, commented on charges that the tribes suffer from governmental conflicts of interest. "I think of lot of the conflict-of-interest talk that you get arises out of situations where we as trustee, without considering any other non-Indian problems or interests in the department, just see things differently than the tribe itself. We think in that instance our responsibility is one of exercising our independent judgement. That is not always satisfactory to the tribe."

Assistant Secretary for Indian affairs Ken Smith said: "I feel very strongly that you've got to be able to quantify, and once you quantify, you've got to start using that water because that water is very valuable. If you don't quantify. . . then someone else is going to use it, upstream or downstream. And when the reservation. . . tries to take that water away, they're going to get a lot of people mad."

BIA ANNOUNCED MEETINGS ON PROPOSED SCHOOL CLOSINGS: Meetings to discuss the proposed closings of the Concho School, in Oklahoma, and Wahpeton in North Dakota have been announced by the Bureau of Indian Affairs.

On December 6, Dr. James Martin of the BIA's Indian Education office will meet with the Concho school board at the school, to be followed on December 7 by a meeting in Oklahoma City with parents of students, tribal leaders, community leaders and others. Martin will meet with the Wahpeton school board December 9 and with parents, tribal leaders and others on the 10th. Both of these meetings will be in Aberdeen, South Dakota.

Notice of these meetings is being published in the Federal Register and mailed to parents and others. For further information about the meetings call Dr. Martin at 202/343-4234.

YIKES!! YIKES Toe Ness YIKES!! YIKES!!

Who misses professional football? On a talk show the host said, "Since there are no more football games on Sundays, all the husbands are finding it very interesting on 'Sacking' their wives." YIKES

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The boss was sitting in his office one morning looking down and out. One of his associates said, "Come now, it can't be all that bad, what's the problem?" The boss said, "My wife just hired me a new secretary." "Great, is she blonde, brunette?" "He's bald headed!" YIKES

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CONFUCIUS SAY: "Success give man big head. . . also big stomach." YIKES

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There was this guy who said that his kids are so rough on school teachers, he has to go to PTA meetings under an assumed name. YIKES

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There were these two guys talking in a bar when one said, "The early rising of my wife is very irritating, but you know the money she gets from her paper route really helps!" YIKES

Public Notice

The Portland Area Office of the Bureau of Indian affairs announced that the United States will **not** initiate litigation to recover money damages for several types of claims for which litigation will shortly be barred by the Federal Statute of Limitations (28 U.S.C. 2415). During the past several years numerous potential claims involving the acquisition of "forced" fee patented title from Indian allottees and unapproved rights of way over Indian land were uncovered and investigated. The Statute of Limitations barring these claims has been extended several times. It now prohibits the United States from initiating litigation to recover pre-1966 damages on behalf of Indian claimants after December 31, 1982.

Two categories of claims involve the acquisition of valid title to Indian land. First is the so-called "forced" fee patent claims whereby a fee patent was issued to an Indian for his allotment without that individual making an application or consenting to its issuance.

The Department of Justice has indicated that in "forced" fee cases the recovery of damages is merely ancillary to the claim to establish Indian title to the land. Under such circumstances it has been determined that it would be inequitable to initiate litigation to recover both title and damages and, if damages were awarded, the award would be minimal.

Due to a likelihood that substantial damages could not be recovered in these cases, litigation to recover damages will not be requested. However, all claims to establish Indian title will be reviewed and evaluated to determine whether the United States should request litigation seeking to confirm the Indian title to the land. Such litigation is not barred by the Statute of Limitations.

BURNS

CASE NUMBER TYPE CODE GENERAL TYPE DESCRIPTION

- PO9-144-003 TP-JHB Trespass Indian Beaver Burns Allot 14 Road R/W Claim
- PO9-144-004 TP-JHB Trespass Jim Gill Burns Allot 20 Road R/W Claim
- PO9-144-005 TP-JHB Trespass Indian Quetawker Burns Allot 31 Lower Harney Rd. R/W
- PO9-144-006 TP-JHB Trespass Humpy Oits Burns Allot 36 Lower Harney Rd. R/W
- PO9-144-007 TP-JHB Trespass Rosie Washington Burns Allot 76 Lower Harney Rd. R/W
- PO9-144-008 TP-JHB Trespass Billy Washington Burns Allot 77 Lower Harney Rd. R/W
- PO9-144-009 TP-JHB Trespass Road Right of Way Susie Pete Burns Allot No. 104
- PO9-144-010 TP-KHD Trespass Indian Johnnie Burns 54 Road Right of Way
- PO9-144-011 TP-KHD Trespass Burns-Crow Camp Road (Rye Grass Lane) Right of Way

WARM SPRINGS

CASE NUMBER TYPE CODE GENERAL TYPE DESCRIPTION

- PO9-145-010 TP-KHD Trespass W-300 Road Right of Way
- PO9-145-011 TP-KHD Trespass W-108 Road Right of Way
- PO9-145-012 TP-KHD Trespass Sec. 16-R11E-T6S Abandoned Road Right of Way
- PO9-145-013 TP-KHD Trespass Route 11 Extension Road Right of Way
- PO9-145-014 TP-KHD Trespass B-220 Road Right of Way
- PO9-145-015 TP-KHD Trespass M-312 Road Right of Way
- PO9-145-016 TP-KHD Trespass P-215 Road Right of Way
- PO9-145-016 TP-KHD Trespass P-215 Road Right of Way
- PO9-145-017 TP-KHD Trespass P-320 Road Right of Way
- PO9-145-018 TP-KHD Trespass Route 241 Extension Road Right of Way
- PO9-145-022 TI-FFP Title Claim Forced Fee Patent-Louis Gerand-Allot No. 630
- PO9-145-023 TI-FFP Title Claim Forced Fee Patent Thomas Gerand Allot No. 635
- PO9-145-024 TI-FFP Title Claim Forced Fee Patent-James Scott Allot No. 120
- PO9-145-025 TI-FFP Title Claim Forced Fee Patent-Frank Bennett Allot No. 640
- PO9-145-026 TI-FFP Title Claim Forced Fee Patent-Annie Smith Allot No. 356
- PO9-145-027 TP-BDS Trespass Dan Macy Trespass

CASE NUMBER TYPE CODE GENERAL TYPE DESCRIPTION

- PO9-149-001 TI-RSU Title Claim Laura VanPelt-Allotment Sold W/O Bureau Approval
- PO9-149-002 TI-FFP Title Claim Indian Mary-Improper Sale of Trust Land

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