



**BOUNTIOUS BAZAAR**

Hundreds of shoppers attended the 8th annual Christmas Bazaar held at the Community Center December 11. Various arts and crafts ranging from needle work to baked goods, from beadwork to lapidary items were displayed by local and not-so-local artists and craftsmen for sale to those who were trying to get a jump on the Christmas rush. Spilyay Tymoo photo by Behrend

**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.

The other type of claim occurred when the trust title to an allotment was conveyed in fee without the consent of all Indian heirs of the allottee. These are known as "Secretarial Transfer" or "Sale Without Full Consent" claims. On August 20, 1979, it was determined that the United States would not initiate litigation to recover past damages for this type of claim.

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 Bureau has identified many roads on several Indian Reservations which were established without a right of way first being acquired in accordance with the Federal laws governing Indian lands. These roads often provided the only means of access to Indian properties and the majority of the rights of way were found to increase the value of the land that they crossed. The Justice Department has indicated that it would not pursue those claims where there was no evidence of significant damages.

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.

A review of these claims indicated that in most cases the benefits conferred by the road substantially offset any damage caused by the road. This resulted in nearly all of the road right of way cases being dismissed from the Statute of Limitations program. The Bureau of Indian Affairs officials have been directed to cure the problem by seeking to validate the rights of way under Bureau regulations. Those regulations require Indian consent to the issuance of rights of way in most circumstances.

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.

A listing of the Forced Fee, Secretarial Transfer, Right-of-Way and miscellaneous Statute of Limitations damage claims for the Warm Springs Indian Reservation and the Burns Public Domain Allotments which have been dismissed follows. If you have any questions, please contact the Superintendent at the Warm Springs Agency, PO Box B, Warm Springs, OR 97761.

**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 P215 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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All Warm Springs tribal members will receive the Spilyay Tymoo at no cost. Spilyay Tymoo is published bi-weekly by the Confederated Tribes of Warm Springs.

**Toe Ness**

YIKES!!  
YIKES

YIKES!!  
YIKES

There was this little boy who went into the Church to pray. The Minister of the Church said, "It's good to see you here." The kid, "my dad said no on the 10-speed for Christmas, so I'm going over his head." YIKES

SS SS SS

As the Christmas chimes could be heard over the loud speaker from the church across town one night, the neighbor's dog was howling at the top of his voice in every imaginable sound. The guy told his wife, "The least they could do is have him tuned." YIKES

SS SS SS

CONFUCIUS SAY: "Girl who play boy friend for sucker around Christmas time find only run in Christmas stocking!" YIKES

SS SS SS

There was this guy who was getting the results of his holiday season employment application. The interviewer told him, "Yes, you do have all the qualifications for the job, but I'm sorry to say we only hire elves for this job." YIKES

SS SS SS

This time of the year everything around the White House is right with the Christmas season. The tree is decorated with bright lights and all the trimmings. There is only thing wrong, they just can't seem to find any wise man!" YIKES

SS SS SS

A pretty young lass sat at the desk of the department store gift advisor. He tells her, "I think, miss, that if he has you, its already more than any man could ever want. . . ." YIKES

SS SS SS

Man is a creature who buys football tickets three months in advance, but waits until Christmas eve to do his Christmas shopping. YIKES

SS SS SS

A good Architect can make an old house look a lot better just by discussing the cost of a new one. YIKES