

## Notice Reservation Landowners

All landowners within the Warm Springs Reservation  
Boundary:

Indian Land Consolidation Act of January 12, 1983

Effective Immediately

On January 12, 1983, the Indian Land Consolidation Act (Title II of P.L. 97-459; 96 Stat. 2515) was signed into law. Sections 202 and 207 of this act read as follows:

### Sec. 202 For the purpose of this title—

(1) "Tribe" means any Indian tribe, band, group, pueblo, or community for which, or for the members of which, the United States holds land in trust:

(2) "Indian" means any person who is a member of a tribe or any person who is recognized as an Indian by the Secretary of the Interior;

(3) "Secretary" means the Secretary of the Interior; and

(4) "Trust or restricted lands" means lands, title to which is held by the United States in trust for an Indian or an Indian tribe or lands title to which is held by Indians or an Indian tribe subject to a restriction by the United States against alienation.

Sec. 207 No undivided fractional interest in any tract of trust or restricted land within a tribe's reservation or otherwise subjected to a tribe's jurisdiction shall descend (sic) by intestacy or devise but shall escheat to that tribe if such interest represents two (2) per centum or less of the total acreage in such tract and has earned to its owner less than \$100 in the preceding year before it is due to escheat.

Section 207 effects a major change in testate and intestate heirship succession for certain undivided fractional interests in land, as explained below, will no longer be capable of descending by intestate succession or being devised by will. Such property interest will, upon the death of the current owner, escheat to the tribe. It should be emphasized that no one currently owning property will be divested of that property.

Until regulations are promulgated, the following interim instructions relating to Section 207 will be in effect:

"Tract" means a parcel of real property that is separately described for purposes of estate inventory.

"Within a tribe's reservation or otherwise subjected to that tribe's jurisdiction" means within the exterior boundaries of a tribe's reservation as determined by the Secretary, plus any additional area over which a tribe has been determined by the United States to have civil jurisdiction.

"Earned to its owner less than \$100 in the preceding year before it is due to escheat" means that during the year immediately prior to the death of the decedent, \$100 or more was **not** paid, or payable, to the decedent from his/her interest in a tract.

For any Indian dying after January 12, 1983, possessed of an undivided trust and/or restricted interest in a given tract of land, such interest will escheat to the tribe if:

(1) The tract is within an Indian reservation or within an area subject to the civil jurisdiction of an Indian tribe,

(2) The decedent's undivided interest amounted to two percent (.0200000) or less of the total, and

(3) The decedent's interest earned for him/her less than \$100 in cash during the one-year period preceding death.

To assure the effectiveness of a will or heirship succession under state law, any Indian owner within the above category (if he or she is concerned that the tribe rather than his or her heirs or devisees will take these interests) may purchase additional interests from co-owners pursuant to 25 CFR 151.7 and thereby increase his/her ownership interest to more than two percent. Another alternative is for such an owner to convey his/her interest to co-owners or relatives pursuant to 25 CFR 152.25 and reserve a life estate, thus retaining the benefits of the interest while assuring its continued individual, rather than tribal, ownership. A third alternative, if feasible, is to partition the tract in such a way as to enlarge the owner's interest in a portion of said tract.

Indians falling within the above category and who are presently occupying or, in any other way, using the tract in question should especially consider the aforementioned alternatives. More information can be obtained by calling the Warm Springs Agency Realty Department at (503) 553-1121, extension 419.



Spilyay Tymoo photo by Miller

### Geo-Quiz

Milton Holiday correctly identified our last geo-quiz as being at the eight mile post on the Jackson Trail road. Identify this photo and win yourself a years subscription to the Spilyay Tymoo. One win per person a year. Call 553-1644 with your answer.

## Time flies even if you're not having fun

In these days of the hurried life style, it's hard to recall what happened just yesterday, let alone five years ago.

It was five years ago that Spilyay Tymoo was no longer offered free to all readers at the news stands. Spilyay was, and still is, sold at various locations on and off the reservation for 25¢ per copy.

It was in April, 1978, that Evadna Bartlett was elected to the Jefferson County 509-J school board. On the same ballot were Vic Gregg and Uren Leonard. The school district's operating budget of \$3.5 million was defeated twice before it was reduced to \$2.5 million. The reduced levy was presented to voters in

September, 1978. It passed with 918 yes votes and 472 no votes. Approximately 34% of the voters turned out at the polls.

On April 12, 1978, Interior Department Solicitor Leo M. Krulitz stated in an opinion that a U.S. Supreme Court decision that Indian tribes have no inherent criminal jurisdiction over non-Indians does not leave a void in criminal law enforcement on reservations.

The construction of the first Tenino apartments was completed in April, 1978 and occupants began moving in in May. In addition, 15 homes in the Greeley Heights subdivision were to be completed. Twenty-senior citizens homes

were nearing completion and were to be ready for occupants in the summer. However, occupants did not move into either new complex until late in 1978 due to extended delays and poor performance on the part of HUD contractor Marshall Danda. Since 1978, 30 new apartments and duplexes have been built in Tenino and 24 new homes have been built in Greeley Heights.

The Tygh Valley Rodeo Court for 1978 was Queen Sally Rhoan and princesses Fay Hurtado and Lois Estimo.

May 1, Bob Macy, Sr. was promoted to operations manager of WSFPI after serving as administrative assistant at the mill for five years.

## Orientation planned for sixth graders

A meeting for parents of Warm Springs 6th grade students will be held on April 26 at 7:30 p.m. in the Warm Springs Elementary school library to discuss 7th grade scheduling and classes for the

upcoming year.

Counselors from the Madras Junior High will be present especially for the meeting with the parents. The Warm Springs Elementary School extends an

invitation to all parents and stresses the importance of attending. If you have any questions feel free to call John Trujillo, principal of the W.S. Elementary School at 553-1128.

## For Sale

**For Sale:** 12 x 64 two bedroom mobile home with tip-out, woodstove, dishwasher and fenced yard. Located on upper Dry Creek Road.

For more information phone 553-1664, evenings.

## Probate Sale

1979 Dodge pickup—1/2 Ton 4-Wheel Drive, fair tires, FM/AM radio, body in good condition, Interior excellent condition. Good Heater.

Warm Springs Tribal Probate Department accepting sealed bids, will advertise for one month. Open to the public—Starting bid: \$4,500. Bring your sealed bids to Tribal Probate office.

## Howlak Tichum

Arnold C. Stwyer Jr.

Arnold Charles Stwyer Jr., age 18, died at St Charles Medical Center in Bend on April 20, 1983. He died from head injuries he received in a bicycle and motorcycle accident on April 19 in Warm Springs.

Arnold was born in Prineville, Oregon on October 13, 1964 to Arnold and Neda Stwyer. He was preceded in death by his father Arnold. He was an enrolled member of the Confederated Tribes of Warm Springs. He attended schools in Warm Springs and Madras. He was attending high school in Madras at the time of his death. At the high school, he was active in the student aide program.

He is survived by his step-father Jim Wesley; his mother Neda Wesley; four brothers,

Roger Stwyer, Davis Stwyer; Henry Stwyer; and Wendell Greene all of Warm Springs; two sisters, Aurolyn Eagle-speaker of Ogden, Utah and Eliza Greene of Warm Springs and his grandfather Herb Stwyer Sr. of Simnasho, Oregon. Also surviving are numerous aunts, uncles and cousins.

Tribal dressing ceremonies were held on Friday, April 22 at the Agency Longhouse with Silas Williams and Felix Wallulatum officiating. Tribal overnight ceremonies followed at the Agency Longhouse with Wilson Wewa Jr., Matilda Mitchell, Reverend Allan Elston and Reverend Steve Frank officiating. Burial was Saturday, April 23 at the Simnasho Cemetery at 9 a.m.