

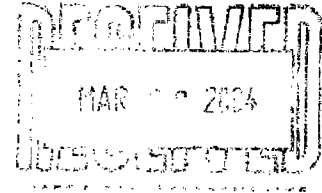


United States Department of the Interior

OFFICE OF THE SOLICITOR

1849 C STREET N.W.
WASHINGTON, DC 20240

MAR 12 2004



Honorable Mary Bono
United States House of Representatives
707 East Tahquitz Canyon Way, Suite 9
Palm Springs, California 92262

Attention: Anne Bryant

Re: Response to the inquiry of the West Bank Homeowners Association regarding the western boundary of the Colorado River Indian Reservation

Dear Representative Bono:

This letter is in response to telephone calls from your staff to the Office of the Solicitor on January 28, 2004, and February 23, 2004, regarding our analysis of certain legal documents that your constituent, Dr. Steven Montgomery, Chairman of the West Bank Homeowners Association, included in his March 14, 2003, letter to you. As you may know, this legal analysis was requested by the Bureau of Indian Affairs, in response to earlier inquiries from your office about Dr. Montgomery's letter. Dr. Montgomery stated in his letter that the Association believes that certain lands presently included within the exterior boundaries of the Colorado River Indian Reservation do not belong to the Colorado River Indian Tribes. He also requested your assistance in urging Secretary Norton to "officially rescind" a 1969 Secretarial Order that was issued concerning the western boundary of the Colorado River Indian Reservation.

We have reviewed all the relevant materials and we conclude that the Secretary could not rescind the 1969 Secretarial Order concerning the western boundary of the Colorado River Indian Reservation without violating her obligations under a Court-approved settlement. On March 4, 1999, as part of the settlement of the *Arizona v. California* litigation (an original jurisdiction water rights case before the Supreme Court of the United States), the United States entered into a Joint Stipulation and Agreement with the Colorado River Indian Tribes. That Stipulation recognizes the existing boundaries of the Colorado River Indian Reservation, as determined pursuant to the 1969 Secretarial Order:

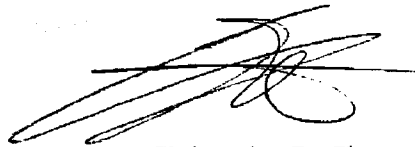
The United States and the Tribes . . . agree that the lands described in the 1969 Secretarial Order, are included within the Reservation set aside by the Executive Order of May 15, 1876 and are held in trust by the United States for the benefit of the Tribes.

The Joint Stipulation and Agreement was accepted by Special Master McGarr and approved by the Supreme Court of the United States in *Arizona v. California*, 120 S.Ct. 2304, 2321 (2000). The United States is legally obligated to abide by the Supreme Court's order and decree of June

19, 2000, and consequently, the Secretary would be prohibited from taking any unilateral action, such as rescinding the 1969 Secretarial Order, that diverges from the Stipulation approved by that order.

I hope that the information provided in this response addresses your concerns, and I apologize for the delay in providing it to you. If you have any questions, please feel free to contact Suzanne Schaeffer, Assistant Solicitor for Environment, Land and Minerals, at 202/208-4361.

Sincerely,



Christopher B. Chaney
Associate Solicitor
Division of Indian Affairs

cc: Arch Wells
Acting Deputy Director for Trust Services
Bureau of Indian Affairs

Wayne Nordwall
Regional Director, Western Regional Office
Bureau of Indian Affairs