

West Bank Homeowners Association

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Eric Shepard
CRIT Attorney General
26600 Mohave Road
Parker, AZ 85344

RE: Trespass Notices

Dear Mr. Shepard:

The West Bank Homeowners Association (WBHA) is aware of notices posted on several properties in the Disputed Area on May, 27, 2010, by the Colorado River Indian Tribes. In summary, the notices instruct residents to contact you regarding demands to pay back rent and sign new lease agreements with CRIT. The notices threaten that failure to do so will result in eviction and legal action for monetary judgments. As WBHA has made numerous attempts to start negotiations with the tribes directly (and indirectly through the Bureau of Indian Affairs (BIA)), this action by CRIT is indeed disappointing.

The notices also claim that occupants are in trespass on CRIT property. Since many of our membership signed permit agreements with the BIA, they cannot be considered in trespass. The correct legal term for those individuals in default is holdover tenant. Also, the Disputed Area is just that, disputed. It is not CRIT property. Please instruct the tribes to refer to the AZ v. CA settlement, which they signed.

We understand from discussions with your staff that the tribes are asking for back rent plus compounded interest at 12% dating as far back as 14 years, plus signing new permit agreements with CRIT. We understand that the new permits offered will be a 5 year term, but that rates can be adjusted annually, and terminated annually; effectively making them annual permits, much like the existing permits.

We of course are perplexed that the tribes would actually believe that residents would yield to such conditions. Even if a monetary agreement were ultimately agreed upon, the real concern is conditions of the new permits. As you know, the current permits are between residents and the U.S. through the BIA. We are well aware that those in the Disputed Area that signed direct agreements with CRIT previously paid a heavy price for believing that the tribes would act in good faith. All one has to do is examine the events of the 22 mobile homes at Paradise Point in 2002, or the fate of the Al and Linda Bueno at the Hidden Valley restaurant last January. We saw firsthand how conceding to tribal jurisdiction led to near total destruction of property (Paradise Point) and removal from the property by force (Bueno's). And let's not forget the 26 mobile homes that were destroyed by the tribes at Red Rooster in 2000.

The tribes' demands under the current notices are unrealistic. However, we still would like to discuss some common ground with CRIT to restore collection of rents, including back rent. As we indicated in our letter to Chairman Enas last year, we remain certain that we can reach an agreement that will result in substantial immediate economic gain for the tribes and stability for the Disputed Area residents. In fact, we believe that we have a long term solution to the disputed boundary that would have a tremendous economic benefit for the tribes. We were

hopeful that you would facilitate such discussions last year, but our calls to your office were not returned.

If the tribes intend to “pick off” residents in small groups using their tribal court system, please be advised that it is the intention of the West Bank Homeowners Association to vigorously defend our rights, which might include alternative legal avenues. As you are no doubt aware, should the boundary dispute be heard, the tribes will certainly lose all claim to the Disputed Area as concluded by Special Master McGarr in *Arizona v. California*. The tribes’ win in the *Aranson* case that established the western boundary as riparian is certainly the death knell for any continued argument clinging to the ’69 Secretarial Order. Our discussions with the Dept of Justice have effectively confirmed their acknowledgment of that simple fact.

However, the position of the Association is not to provoke or participate in another legal battle. Our desire is to negotiate a mutually beneficial arrangement with our neighbors across the river. With your help, we believe we can accomplish that goal. It would indeed be unfortunate if WBHA were forced to pursue further litigation on the disputed boundary claim when those funds could instead be used for the benefit of CRIT tribal members.

We would be happy to meet with the tribes or their representatives at any time to work toward a resolution. Please contact us at your earliest convenience.

Sincerely

Roger L French
President

cc: John Lindskog Esq.
Eldred Enas, Chairman CRIT Tribal Council
Congresswoman Mary Bono Mack, California 45th District
Rodney McVey, BIA Western Regional Director
Capt. Rod Vigue, Riverside County Sheriff