

West Bank Homeowners Association

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September 21, 2011

The Honorable Dianne Feinstein
United States Senator
Senate Hart Building 331
Washington, D.C. 20510

RE: Colorado River Indian Tribes
Eviction of West Bank Residents

Dear Senator Feinstein:

Thank you for your letter of July 13, 2011, responding to our previous letter dated May 19, 2011. Attached are copies of the letters for reference. We very much appreciate both your efforts and those of your staff.

We understand that you feel that the resolution of the boundary dispute with the Colorado River Indian Tribes "is best left to the courts". Knowing that the courts have not resolved this boundary dispute after 50 years of litigation makes us wonder how you could reach such a conclusion. The courts have clearly demonstrated that they will not or cannot resolve this dispute.

The West Bank Homeowners Association has been involved in (6) court cases involving the dispute. As you might expect, legal fees are a tremendous burden for the residents. Before we expend any further financial resources in the courts, we respectfully request from you an answer to a very simple question:

Does Congress consider the CRIT reservation western boundary a fixed line in the north, and a riparian boundary in the south?

The U.S. has taken this position in its briefs filed in *AZ v CA*, and *U.S. v Aranson*. The State of California noted that since the U.S. and CRIT prevailed in *Aranson* based on a riparian interpretation of the western boundary, the U.S. was estopped from arguing the exact opposite interpretation in *AZ v CA III*. After a full trial before the U.S. Supreme Court, Special Master Frank McGarr recognized this contradiction in his many reasons for ruling for the State of California and against the U.S. (see McGarr Opinion 14 and 19 enclosed).

The courts can interpret Congressional intent, but it is Congress alone that has the authority to determine Indian reservation boundaries. Not the Dept of Interior. Not the Dept of Justice. Congress. And as our Congressional representative in the U.S. Senate, you have a duty to communicate to your constituents the nature of that boundary, or at least provide an answer so that your constituents can make an informed decision about whether to spend another dime on these never-ending court battles. Since your staff has already reviewed the "substantial administrative and case law surrounding the western boundary of the Colorado River Indian Tribe's reservation", we would expect that you should be able to provide us with a prompt answer to our question.

Respectfully,

Roger L. French, President