

**SECRETARIAL ORDER OF NOVEMBER 1, 1974**

*John  
L. Crammer  
Bureau  
of Land  
Management  
U.S. Dept.  
of the Interior*

Pursuant to the determination made by the Acting Secretary on August 15, 1974, this order corrects the designation by Secretary Ickes of November 25, 1941, that certain lands of the Chemehuevi Indian Reservation should be taken for use in the construction of Parker Dam pursuant to the Act of July 8, 1940, 54 Stat. 144. The Chemehuevi Tribe has full equitable title to all those lands within the Chemehuevi Indian Reservation designated to be taken by Secretary Ickes in 1941 between the operating pool level of Lake Havasu on the east (elevation 450 feet m.s.l.) and the following north and south boundaries:

*IND  
Water  
Rights*

North Boundary

From a point in Section 18 T5N R25E, located as follows: Beginning at the SE Corner of said section-18 S89°22'W 711 ft; thence N00°21'E a distance of 1304 ft; thence N51°20'W a distance of 1697 ft; thence N01°16'E a distance of 1130 ft. From said point the North Boundary is

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established on a bearing of  $S74^{\circ}08'E$  to the operating pool level of the west bank of Lake Havasu (elevation 450 feet m.s.l.).

South Boundary

From point on the south line of Sec. 35, T4N, R26E which is  $3156'$   $N89^{\circ}51'E$  a distance of  $300'$  more or less to the operating pool level of the west bank of Lake Havasu (elevation 450 feet m.s.l.).

This corrected designation is subject to the reservation of the following rights in the United States:

(a) The United States, acting under the Act of June 28, 1946 (60 Stat. 338), retains the rights to deposit spoil and snags from Lake Havasu on said lands at locations mutually agreeable to the United States and the Tribe. Such agreement will not be unreasonably withheld by the Tribe.

(b) The United States retains the right to flood and seep said lands in connection with its operations under the Act of December 21, 1928 (45 Stat. 1057), the Act of August 30, 1935 (49 Stat. 1020), and the said Act of June 28, 1946, (60 Stat. 338), as amended, and the Tribe will not construct or install or permit the

construction or installation of any buildings for human habitation on any lands included in this corrected designation that are located within three hundred (300) feet landward of Lake Havasu as measured along a line horizontal to a perpendicular rising from the elevation level of four hundred fifty (450) feet m.s.l.; provided, however, that nothing herein shall be construed as imposing any restriction not now in existence whatsoever with respect to any land not included in this corrected designation which is contiguous to the land so included and which is within three hundred (300) feet landward of Lake Havasu as so measured.

The Tribe shall have the exclusive right to use and occupancy of any shoreline lands below the operating pool level of the west bank of Lake Havasu (elevation 450 feet m.s.l.) for hunting, fishing, recreational and other similar purposes, and may, with the prior approval of the Secretary of the Interior, construct or install or permit the construction or installation of improvements on such lands.

The United States agrees that, should the operating pool level of Lake Havasu be modified to be below the elevation

450 feet m.s.l., the Secretary of the Interior will correct this designation so as to confirm, determine and establish the tribe's full equitable title to all lands between the new operating pool level and the elevation 450 feet m.s.l.

(c) The United States, its officers, agents and employees shall, at all proper times and places, freely have ingress to, passage over and egress from said lands for the purpose of exercising the rights specified in this order and for all lawful purposes in connection with (i) protection, maintenance and administration of the Havasu National Wildlife Refuge, (ii) United States responsibilities relating to administration of the Chemehuevi Indian Reservation and (iii) United States responsibilities relating to Lake Havasu and the Colorado River. The right of ingress, passage, and egress provided for in this subparagraph (c) relate only to said lands and are not intended, nor do they create, any rights with respect to any other lands.

(d) The right of the United States to make irrevocable extensions of the permit of any person now entitled to use the aforesaid land until August 15, 1980, shall be determined by the Department

of the Interior Office of Hearings and Appeals to be a full-time resident of the permitted lands for a substantial portion of each year.

(e) The corrected designation is also subject to all valid existing rights, including specifically the following rights of private persons:

(i) The rights of all persons holding concession contracts and special use permits referred to in Attachment A hereto, during the time that such rights shall exist under the terms of the concession contracts and special use permits, including the right of contractors, concessioners and permittees under the contracts and permits referred to in Attachment A and their agents, employees and invitees, including the public in the case of concession agreements, to have access to the lands which are the subject of said contracts and permits at such reasonable locations as the Secretary of the Interior may determine.

(ii) The rights of the Metropolitan Water District of Southern California under that District's contract with the United States, captioned "Cooperative

Contract for Construction and Operation of Parker Dam,  
dated February 10, 1933 (Designated IIR-712), as supplement  
and amended by contracts between the same parties dated  
September 29, 1936, April 7, 1939 and December 16, 1952.

Rogers C. B. Merton NOV 1

1974

cc:  
Secretary's File  
Secretary's Reading File (2)  
Commissioner, BIA  
Indian Civil Rights Task Force (SOLO)  
SOI: DIA Reading File  
SOI: Mr. Chambers

SOI: RPChambers/bjq 9/19/74