

second ad

Indian claims

The superintendent also pointed out that tribal members should remember that the assets of this nature are for benefits of "your children and grandchildren, as well as yourselves."

The present enrollment of the Yakima Tribe is 5,640 persons.

Niebell told the Yakimas that when deposited in the U.S. Treasury at 4 per cent, the \$2,100,000 would draw interest of \$84,000 a year.

~~Resolution of the Yakima Tribe, passed at a meeting held at the Yakima Agency, Washington, on the 21st day of May, 1902.~~

The resolution sets up a 21,008-acre tract as a separate claim.

This land, including timber, is located in Gifford Pinchot National Forest and extends from high on the southeast slopes of Mt. Adams across the summit of the mountain, and then southeastwardly in the Grey Butte vicinity, in a triangular shape.

An opinion from the solicitor for the U.S. Department of Interior has suggested preliminary conferences with representatives of the Forest Service of the Department of Agriculture concerning restoration of these forest lands to reservation status."

The opinion also stated; "In my opinion these areas were clearly excepted from the Columbia (now Gifford Pinchot) National Forest...and have always been Yakima lands. (More)

8/27/68 - telegram to agency -

Ralph A. Barney, chief Indian claims section, Aug. 26 resources division  
dept. of Justice Wash D.C. to paul M. Niebell, esquire care charles S. Spencer  
Ya Indian agency

Yakima settlement approved



Re

Inheritance bill

Wo/A

Three Yakima Indian tribal leaders urged the House Indian Affairs subcommittee to defeat a measure dealing with the inheritance of restricted or trust property belonging to an individual Yakima.

Robert Jim, chairman of the Yakima Tribal Council and Eagle Sealatsee, and Joe Meninick, members of the tribal enrollment committee, testified that the measure was voted down 137 to 3 by the tribal members as a whole.

The Associated Press reported that the subcommittee took no action on the measure Thursday. This is the last scheduled meeting of the subcommittee this session, and the measure could be lost for this year, the pattern of repeated efforts by a small group for several years past, to amend the enrollment act.

Rep. James Haley, D-Fla., said action could be taken this session only if Rep. Wayne Aspinall, D-Colo., the Interior Committee chairman, decides to schedule an additional meeting of the full committee to consider the measure.

(more )

first ad

enrollment.

The measure was passed by the Senate last July. It would provide for preparation of a membership roll of the Indians.

Jim, the tribal council chairman has explained that the Yakima Reservation was reserved ~~for~~ in 1855 for exclusive use of the Indians and for the 14 tribes and bands which were confederated at the Treaty Council of Walla Walla, by Territorial Gov. Isaac I. Stevens, to make up the Confederated Yakima Indian Nation.

Then, Jim explained, by the 1940s, whereas enrollment had been restricted strictly to full blood members of the 14 original tribes and bands, marriage with other tribes and bands decreased the blood degree. And because of blood relationships through the marriages, too the tribe voted to open enrollment to ~~those~~ those possessing one-fourth degree of blood of one of the ~~original 14 tribes and bands~~ 14 original tribes and bands.

He has said that passage of such a bill would throw reservation wide open and it would be possible the tribal membership, now at 5,640, would increase to 12,000 or more. And he maintained that the inheritance provisions would result in selling off of such tribal land by persons of small degree of Indian blood, thus destroying the treaty stipulation of ~~reservation~~ ~~used~~ the reservation for exclusive use of the Indians.



second ad

He and other tribal leaders have maintained that persons of a small degree of Yakima blood, many who have never lived on the Yakima Reservation or even in this state, wish to acquire the land for sale to non-Indians.

He has also pointed out that in the case of the Warm Springs Reservation, no non-Indian settlements were allowed to come up on the reservation, in conformance with the treaty and as ~~compared~~ compared with

The present enrollment act limits its inheritance of restricted or trust property to ~~descendants~~ enrolled members of those tribes or bands of one-fourth or more degree of Indian blood.

Jim, the chief spokesman for the Yakima delegation, according to the Associated Press, said his people are opposed to any change in the present 22-year-old act.

"We believe that tribal membership, descent and distribution are clearly internal tribal matters and have been traditionally determined to be so," Jim said.

"If it is the decision of Congress to disregard the desires of the tribe in their internal matters, ~~then why~~ why were the Yakimas singled out?" he asked.

"If you are going to get into this matter and legislate in this regard, then let's have an act that sets the same rules for every Indian tribe regarding its descent and distribution of its lands as you now want to control us," Jim said, according to the Associated Press.





first ad

Indian conf.

He told of negotiations with unidentified national concerns interested in a factory site that would employ 150 persons at the outset; of the tribal industrial development at Toppenish, ~~where~~ which employs 30 Indians.

"We have other concerns looking at our area for location of West Coast factories and we confidently expect to locate one industry a year as long as the present conditions prevail," he said.

"In other areas of industrial development the Yakima Tribe has designated approximately 800 acres ~~at~~ at other reservation locations for industrial development.

"Under existing leases buildings constructed will pay for themselves within 25 years and then the income from these buildings will help support other programs. These developed payrolls amount to almost a million dollars a year."

Pointing to signs of continued growth in the Northwest, extending "to at least 1968" he said:

"The Indian tribes who have and are retaining their land base will be the owners of the most desirable area for well planned development. We stand on the threshold of a great future....Plans must be made to work  
(more)

second ad

towards retaining and expanding the Indian land base and Indian natural resources. Without these resources the Indian people will be just another disadvantaged people." And he declared that without the aid of programs now under way "we would be in the same position we were in so few years ago---resources galore but no way to develop them."

The second Robert Jim, chairman of the Yakima Tribal Council led the Yakima delegation to the conference. He introduced Robert Bennett, U.S. Commissioner of Indian affairs at a luncheon meeting. Louie Cloud, Second Stanley Smartlowit, Baptist Lumley, Clifford Tulee and Joe Meninick, councilmen, all participated in various forums dealing with education, treaty rights, Indian legal problems and industrial development.



5-31 kjb

water

wo art

Yakima Indian Nation's Tribal Council has no control over water rights on the 1,320-acre ranch of Don, Gerald and Ron Holwegner -- which goes up for auction this morning.

The ranch is located 22 miles south of Toppenish.

The Holwegners, and their attorney, Fred C. Palmer, Yakima, have countered a Wednesday Tribal Council resolution saying sale of the ranch couldn't include water rights because the Yakima Nation has "never released its right" to the waters of Satus Creek, which crosses the ranch.

Holwegner land "originated as Indian land" and derives its title from "successors to original Indian rights," in Palmer's opinion and shares equally in water, as does any Indian land, regardless of present ownership.

In short: The water goes with the land, and can't be appropriated by the tribe for its own use, according to Palmer.

5-31 kjl

water

wo art

Yakima Indian Nation's Tribal Council is all wet if it thinks it controls ~~the~~ the water rights on Holwegner ranch, which goes on the auction block Saturday.

That's the opinion of the Holwegner brothers, Don, Gerald and Ron, and their attorney, Yakima's Fred C. Palmer.

Auction  
~~part~~ of the ranch, a 1,320-acre livestock ranch, located on Highway 97, 28 miles north of Goldendale and 22 miles south of Toppenish, was announced in mid-May.

On Wednesday, the Tribal Council said the sale couldn't include water rights (Satus Creek runs through the ranch), because the "Yakima Nation has never released its right to said water and intends to ~~to~~ appropriate these waters now used on the Holwegner ranch for its own use."

The council implied a new ~~owner~~ owner couldn't count on having the water.

Palmer and the Holwegners today said the contentions are



water add 1.

"misleading" because the Indians "are not entitled to all of the water," adding that the Secretary of the Interior is charged with ensuring equal use by all.

Palmer said the land involved "originated as Indian land~~///~~... is within reservation boundaries, just as is the City of Toppenish... and the Holwegner ranch derives its title from either original Indian allottees patentees, or ~~allottees~~...successors to original Indian rights."

Palmer, in an opinion, cites United States vs. Ahtanum Irrigation District, which involved about 1,000 acres of Ahtanum Indian land in white ownership, which derived title from allotted Indian land through patents and thus <sup>succeeded</sup> ~~succeeding~~ to all of the rights, title and interest of Indian reservation land.

The Ahtanum district questioned if land in white ownership could participate equally with Indian-owned land on the reservation.

A Court of Appeals judge ruled: "These defendants (white owners) claim that as successors to certain original Indian allottees, for whom the waters were reserved and for the benefit of whose lands the Indian ditches were constructed, (that they) have acquired a vested interest

water add 2

in, and a right to, the distribution of the waters diverted by the United States, to the same extent as if their lands were still in the possession of the original allottees.

"That they did originally acquire such a right through purchase of allotments seems clear from (another case which) holds that white transferees of such fee-patented Indian ~~z~~ allotments were equally ~~with~~ with individual allottees, beneficially entitled to distribution of the waters diverted for the Indian irrigation system."

~~z~~ Because of those citings, Palmer and the Holwegners contend that any adjudication by the Secretary of ~~the~~ Interior "will share equally with any Indian land, or other reservation land, whether in white or Indian ownership."

In short: ~~the~~ The water goes with the land, and can't be appropriated by the tribe for its own use.

The Holwegners acquired the ranch after World War II from Henry Waechter. A part of the ranch was developed in the late-1800s by Charlie Newell, pioneer Yakima Valley livestock man.

more



water add 3

Fred R. Doney, Moses Lake, who is conducting Saturday's sale, said the ranch is one of the first settled location on the Yakima Indian Reservation.

The land is deeded, with Satus Creek water rights filed and recorded.

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6-2-68

rich ranch sold wo/art

to Satus Creek

TOPPENISH----With or without water rights, as the case may be, the Holwegner ranch 22 miles south of here on U.S. 97 was sold Saturday to Glen C. Corning, Bellingham, for \$225,000.

That works out to just over \$170 per acre for the seven-mile-long ranch on the Yakima Indian Reservation, Fred R. Doney, broker, said.

The land was sold at public auction Saturday after a heated controversy between the Holwegner brothers, Don, Gerald and Ron, and the Tribal Council of the Yakima Indian Reservation;

The Holwegners contended that the land carried with it the water rights to Satus Creek, which runs through the ranch.

The Yakimas claimed that the tribe had never released its right to the water and that it intended to appropriate the water



5/31/68

Re

ranch auction

Wo/A

auction

TOPPENISH-Announcement of the 1,320 acre Holwegner ranch along Satus Creek and Highway 97 ~~x~~ Saturday at 11:30 a.m., and that the ranch sale includes "water rights," Wednesday brought action from the Yakima Indian Nation's Tribal Council.

The creek's course runs through the seven-mile long ranch.

A resolution, approved by the Yakima Tribal Council as Resolution T-73-68 pointed out that the sale bills advertising the Saturday auction "sets forth that there is a water right covering adequate water and sets for the following quotations:

" These two early day livestock men had the forethought to secure ample water rights for irrigation...These rights were properly filed and recorded and were of the very first which were done at this time."

But the tribal council resolution points out that under the Winters doctrine (Winters vs U.S.) and under the holding of the United States vs the Ahtanum Water District, "there ~~x~~ can be no acquired water rights by state filing or ~~pre~~ prior appropriation within Indian Reservations unless a federal water right is given..."

(more )

first ad

The council resolution, signed by Robert Jim, chairman, and Joe Meninick, and passed by a 12 to 0 vote, pointed out that the "Yakima Nation has never released its right to said water and intends to appropriate ~~these~~ these waters now used on the Holwegner Ranch for its own use."

It was also resolved that " while the present owner may realize the claim of prior right to the claim, the new purchaser may not ~~also~~ rely on the sale bill allegations."

It was noted that the situation would create a "bad public relations problem with the new purchaser when the tribe later appropriated this water to its use."

The resolution emphasized that the Tribal Council should "exercise all means at its disposal to call to all prospective purchasers that in the opinion of the Yakima Tribal ~~Council~~ Council no such water rights exist upon the Holwegner ranch."

A news story, appearing in the Yakima Herald-Republic announced the impending ranch auction, its development by Charlie Newall, a pioneer-day stockman and its later acquisition by Don, Gerald and Ron Holwegner, brothers.



Resolution T 73-68

Whereas the Wholewagener ranch located on Satus creek within the Yakima Indian reservation 22 miles south of Toppenish is up for auction on June 1, 1960,

And whereas the sale bills advertising said auction sets forth that there is a water right covering adequate water and sets forth the following quotations

"These two early day livestock men had the forethought to secure ample water rights for irrigation.

"These rights were properly filed and recorded and were of the very first which were done at this time. "

And, whereas under the Winters doctrine, Winters vs U.S. (207 US 563 and under the holding in U.S. vs Ahtanum water district (236 F.2nd 321 ) there can be no acquired water rights by state filing or prior appropriation within Indian reservation unless a federal water right is given

And whereas the Yakima Nation has never released their right to said water and intends to appropriate these waters now used on the H ranch to its own use.

And whereas while the present owner may realize the claim of prior right to the claim, the new purchaser may not rely on the sale bill allocations

And whereas the situation would create a bad public relations problem with the new purchaser when the tribe later appropriated this water to its use

Now be it therefore be it resolved by the Yakima TC meeting in regular session at the Yakima Indian agency, Toppenish Wash on this 28th day of May, 1968, a quorum being present, that said TC should exercise all means at their disposal to call to all prospective purchasers that in the opinion of the Yakima TC no such water right exists upon the

ranch

Done and dated on this 28th day of May, 1968 at the Yakima Indian agency, Toppenish, Wash by the Yakima TC by a vote of 12 for and none against.

Holwegner

Signed Robert Ji chairman

Joe Mennick secretary TC