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Wyoming's Amended Proposed Findings of Fact Volume IIB

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BIG HORN ADJUDICATION

WYOMING'S AMENDED PROPOSED MASTER'S REPORT

CONCERNING WATER RIGHTS FOR THE

WIND RIVER INDIAN RESERVATION

1982

VOLUME II

Amended Proposed Findings of Fact

(Series 1 through 5)

PART B

case # 4993

File # 331

4733

Box 22

Findings Of Fact
Relating to the Boundaries and Dates of
Establishment of the Wind River Indian Reservation
as well as, in part, the Status of Certain Lands Therein

4-1 Necessity for Determining Reservation Boundaries and Dates

Assuming that Congress intended to reserve water for the Wind River Indian Reservation (or that such an intent was not abrogated or repealed for that diminished portion which was not allotted) it is necessary for the Court to determine the status of land within the reservation, at least with respect to whether it:

- a. Was reserved,
- b. Was removed from reservation status, and
- c. If removed, was restored or reacquired by the United States in trust for the Tribes.

Whether or not required to do so in light of the legal conclusions subsequently set forth, the Court has made detailed findings so that, in the event any reviewing Court should reach different conclusions of law than has this Court, judgment and decree in conformity with those different conclusions can be entered without the necessity for a new factual hearing and revised findings of fact.

4-2 Introductory findings concerning the boundaries and dates of establishment of lands within the Wind River Indian Reservation

As set forth with specificity in later Findings of Fact, the Court has made findings of fact with respect to:

- a. Establishment of the Reservation by the Second Treaty of Fort Bridger in 1868 (FF 4-3).
- b. The reduction in the size of the reservation caused by:
 1. The first cession of lands from the reservation pursuant to the Brunot Agreement of 1872 (FF 4-4).
 2. The second cession of lands from the reservation pursuant to the First McLaughlin Agreement of 1896. (FF 4-5)
 3. The third cession of lands from the reservation pursuant to the Second McLaughlin Agreement of 1904, as ratified and amended by the 1905 Act of Congress. (FF 4-6).
- c. The temporary restoration in 1934 of lands ceded in the Second McLaughlin Agreement, in order to curtail further settlement and entry thereon, pending determination of which lands might be suitable for permanent restoration. (FF 4-7).

- d. The ten permanent restorations of ceded land to the reservation, as well as the lands reacquired therein, of:
1. April 17, 1940 (FF 4-8)
 2. August 28, 1942 (FF 4-9)
 3. November 11, 1942 (FF 4-10)
 4. April 26, 1943 (FF 4-11)
 5. April 12, 1944 (FF 4-12)
 6. February 2, 1945 (FF 4-13)
 7. May 29, 1945 (FF 4-14)
 8. October 27, 1948 (FF 4-15)
 9. August 15, 1953 (FF 4-16)
 10. July 23, 1974 (FF 4-17)
- e. Reacquired lands of unrestored ceded lands and of portions of the diminished reservation (FF 4-18)
- f. The April 15, 1980, Stipulation of the major parties concerning the present exterior boundaries of the reservation (FF 4-20)
- g. The Arapahoe Ranch (FF 4-21)
- h. For the convenience of the parties and reviewing Courts
1. An illustrative, colored chart of the actions affecting the boundaries and status of lands within the reservation (FF 4-19).

2. An illustrative map of the reservation on which the diminished reservation, ceded lands, restored lands, reacquired lands and acquired lands are shown in distinctive colors correlated with the colored chart described above. (FF 4-22)

4-3 Establishment of the Reservation; The Second Treaty of Fort Bridger (1868)

- a. The Second Treaty of Fort Bridger between the United States and the Eastern Band of Shoshone and Bannock Indians was executed July 3, 1868 at Fort Bridger, Utah Territory and established the Wind River Indian Reservation.
- b. The Second Treaty of Fort Bridger described the Wind River Indian Reservation boundaries as:

Commencing at the mouth of Owl Creek and running due south to the crest of the divide between the Sweetwater and Popo Agie Rivers; thence along the crest of said divide and the summit of Wind River Mountains to the longitude of North Fork of Wind River; thence due north to mouth of said North Fork and up its channel to a point twenty miles above its mouth; thence in a straight line to head-waters of Owl Creek and along middle of channel of Owl Creek to place of beginning,

- c. Congress ratified the Second Treaty of Fort Bridger on February 16, 1869, 15 Stat. 673.
- d. President Andrew Johnson proclaimed the Treaty on February 24, 1869, 15 Stat. 677, 678.

4-3 Wyo. Exh. WR-1.

YELLOW PAPER

4-4 The First Cession of Lands from the Reservation; The Brunot Agreement (1872)

- a. On September 26, 1872, the Eastern Band of the Shoshone Tribe and the United States executed the Brunot Agreement by which the Tribe ceded the following lands to the United States:

....that portion of their reservation in Wyoming Territory which is situated south of a line beginning at a point on the eastern boundary of the Shoshone and Bannock reservation, due east to the mouth of the Little Popo-Agie, at its junction with the Popo-Agie, and running from said point west to the mouth of the Little Popo-Agie; thence up the Popo-Agie to the North Fork; at its junction with the Popo-Agie, and running from said point west to the mouth of the Little Popo-Agie; and up the North Fork to the mouth of the canyon; thence west to the western boundary of the reservation.

- b. The Brunot Agreement was ratified by Congress on December 15, 1874, 18 Stat. 291, and disestablished the lands described in Paragraph 5, above, from the Wind River Indian Reservation.
- c. The exterior boundaries of the reservation following the Brunot Agreement is shown on a color reproduction of an 1892 map of the State of Wyoming, prepared by

the General Land Office, U.S. Department of Interior,
"compiled from official records of the General Land
Office and Other Sources," at a scale of twelve miles
to one inch, which map comprises the following page.



WIND RIVER OR SNAKE RIVER INDIAN RESERVATION

RESERVATION

LANDS

4-4 a. Wyo. Exh. WR-2.

b. Wyo. Exh. WR-2.

c. Wyo. Exh. WR-32-8.

YELLOW PAPER

4-5 The Second Cession of Lands from the Reservation; The First McLaughlin Agreement (1896)

- a. On April 21, 1896, at the Shoshone Agency in the State of Wyoming, the Shoshone and Arapahoe Indians (Tribes) and the United States entered into the First McLaughlin Agreement by which the Tribes ceded, granted and relinquished to the United States, all of their right, title and interest in the following lands:

Beginning at the northeast corner of the said reservation, where Owl Creek empties into the Big Horn River: thence south ten miles, following the eastern boundary of the reservation: thence due west ten miles: thence due north to the middle of the channel of Owl Creek, which forms a portion of the northern boundary of the reservation: thence following the middle of the channel of said Owl Creek to the point of beginning.

- b. Congress ratified the First McLaughlin Agreement on June 7, 1897, 30 Stat. 93, and disestablished the lands described in Paragraph 7, above, from the Wind River Indian Reservation.

c. The shape of the reservation, following the First McLaughlin Agreement is shown on the following page, a color reproduction of a 1900 map of the State of Wyoming prepared by the General Land Office, U.S. Department of Interior, "compiled from the official records of the General Land Office and other sources," at a scale of one inch equals twelve miles.



WATER DIVISION NO. 3

WIND RIVER OR SHO HONNE MOUNTAINS

4-5 a. Wyo. Exh. WR-3.

b. Wyo. Exh. WR-3.

c. Wyo. Exh. WR-32-9.

YELLOW PAPER

4-6 The Third Cession of Lands from the Reservation; The
Second McLaughlin Agreement (1904) and the 1905 Act

- a. On April 21, 1904, the Tribes and the United States executed the Second McLaughlin Agreement by which the Tribes did thereby cede, grant, and relinquish to the United States all right, title, and interest they may have had in all of the lands of the Wind River Indian Reservation except the following lands:

Beginning in the midchannel of the Big Wind River at a point where said stream crosses the western boundary of the said reservation;

thence in a southeasterly direction following the midchannel of the Big Wind River to its conjunction with the Little Wind or Big Popo-Agie River, near the northeast corner of township one south, range four east;

thence up the midchannel of the said Big Popo-Agie River in a southwesterly direction to the mouth of the North Fork of the said Big Popo-Agie River;

thence up the midchannel of the said North Fork of the Big Popo-Agie River to its intersection with the southern boundary of the said reservation, near the southwest corner of section twenty-one, township two south, range one west;

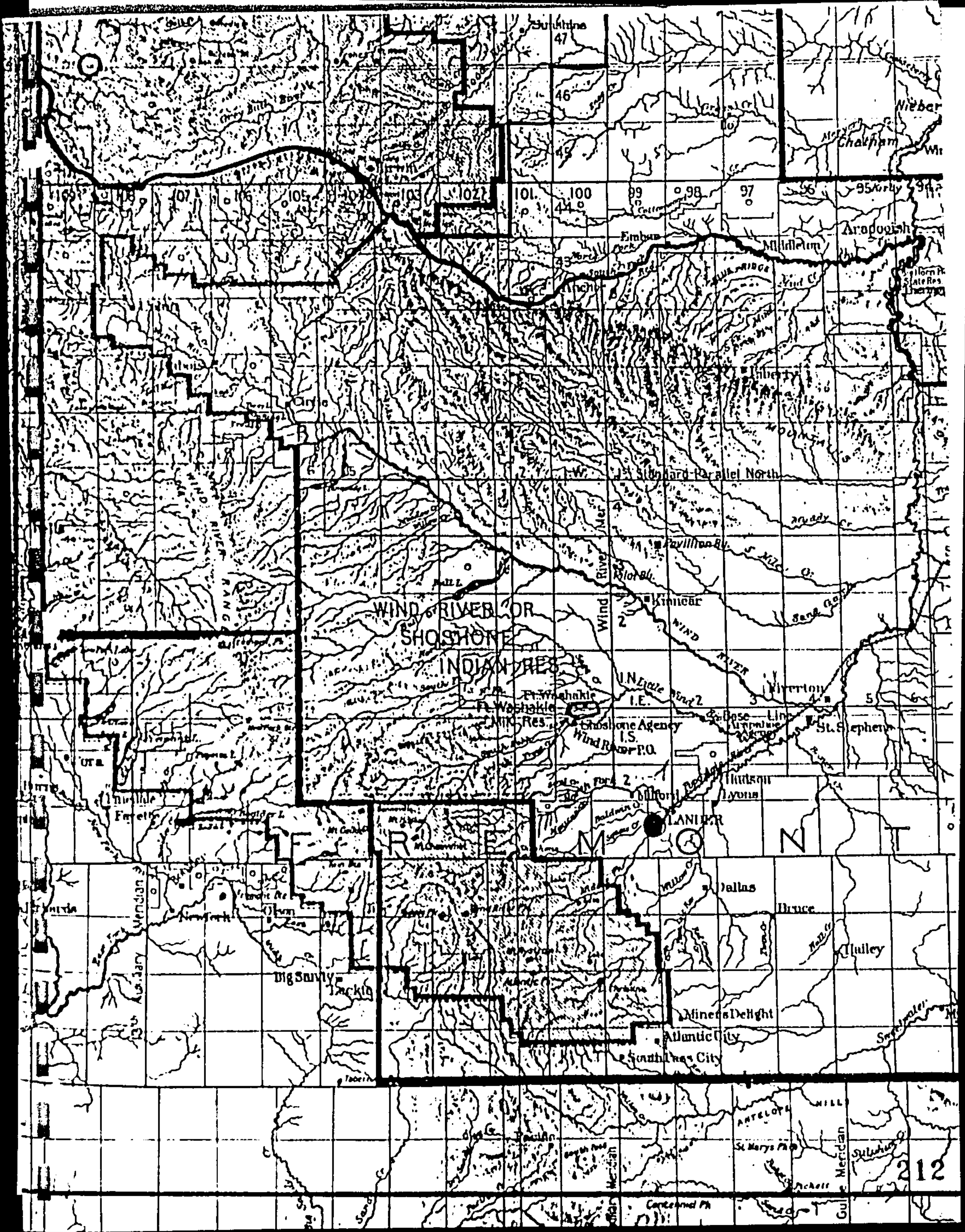
west along the said southern
boundary of said reservation to
the southwest corner of the same;
thence due
thence north
along the western boundary of
said reservation to the place of
beginning:

- b. Following the 1904 Treaty and 1905 Act of Congress confirming the 1904 Treaty, 33 Stat., Part 1, 1016, (hereinafter 1905 Act), the lands described in Paragraph 9, above, came to be known as the "diminished reservation" For the remainder of those lands, the Court adopts the terminology, "ceded lands," or "ceded portion of the reservation."
- c. Two provisions of the 1904 Agreement, as ratified and amended by the 1905 Act, are of particular importance here:
 1. Article I provided that an individual Indian having selected allotments within ceded lands would have that allotment confirmed or could exchange that allotment for lands within the diminished reservation.
 2. Article III provided that the proceeds from the sale of ceded lands would be first devoted to a fifty dollar per capita payment to each Indian and then to the acquisition of water rights under Wyoming state law

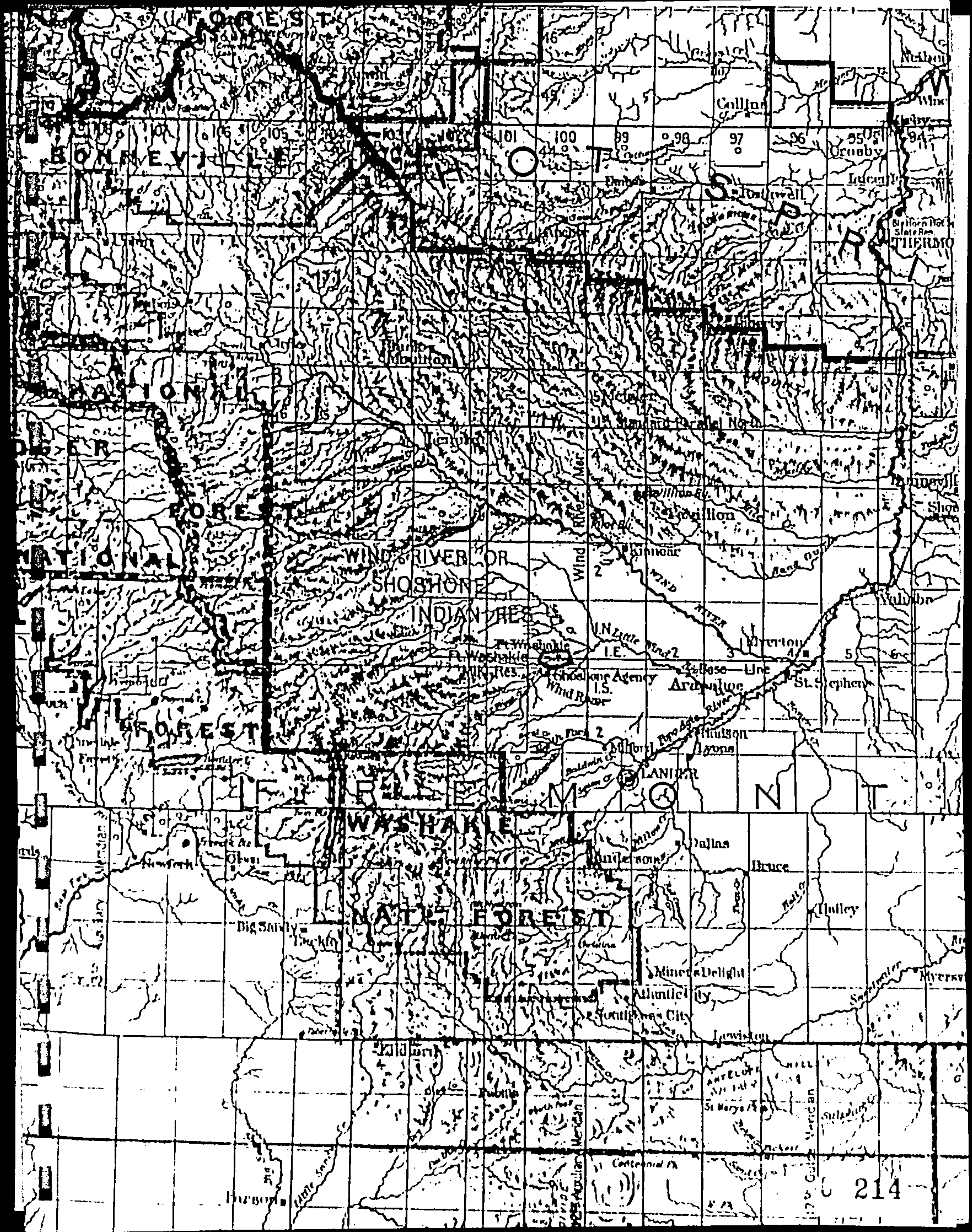
"for the irrigation of such lands as shall remain the property of said Indians whether located within the territory intended to be ceded by this reservation or within the diminished reserve."
(emphasis supplied)

- d. Beginning in 1905, pursuant to Article III described above, various Indian agents made application to the Wyoming State Engineer for water rights, to irrigate the lands remaining the property of the Indians. Between 1905 and 1915, applications were made for permits to irrigate 129,819.5 acres within the diminished reservation.
- e. Of those applications involving ceded lands, all but 4 acres were lands which were allotted to individual Indians. The remaining 4 acres were to be irrigated as an incident to supplying water to various allotments. Other applications were filed for 14,914.5 acres of lands proposed to be irrigated under state-awarded permits within the ceded portion of the Wind River Indian Reservation.
- f. The inevitable conclusion is that Indian ownership of the ceded lands was terminated, except for allotments, since no other lands were the subject of water right applications under Wyoming law.

g. The exterior boundaries of the reservation following the Second McLaughlin Agreement, as ratified and amended by the 1905 Act, are shown on the following page, a color reproduction of a 1907 map of the State of Wyoming, prepared by the General Land Office, United States Department of Interior, "compiled from the official records of the General Land Office and other sources," at a scale of one inch equals twelve miles.



h. The same exterior boundaries are shown on the following page, a color reproduction of a 1912 map of the State of Wyoming, prepared by the General Land Office, United States Department of Interior, "compiled from the official records of the General Land Office and other sources," at a scale of one inch equals twelve miles.



- i. The same boundaries of the reservation are shown on a 1923 map of the State of Wyoming, prepared by the General Land Office, United States Department of Interior, "compiled chiefly from the official records of the General Land Office with supplemental data from other map making agencies," at a scale of one inch equals twelve miles.

j. The same boundaries of the reservation are shown on a number of maps prepared by the State of Wyoming.

1. The following page is a color reproduction of a portion of a 1932 Highway Map of the State of Wyoming, published and distributed by the Wyoming State Highway Department.

2. The same shape is shown on the 1933 Highway Map, also published and distributed by the Wyoming State Highway Department.



- 4-6 a. Wyo. Exh. WR-4.
- b. Wyo. Exh. WR-18 A-G, Tr. 204, 7/21/80 (Voeller); Wyo. Exh. WR-6, Tr. 102, 7/18/80.
- c. Wyo. Exh. WRIR I & P 5.
- d. Wyo. Exh. SR-7 shows the total number of acres for which state permits to irrigate were applied for as 144,734. Mr. Voeller testified during the boundary trial that 129,819.5 acres of the permitted lands were on the diminished portion of the Reservation leaving 14,914.5 acres for which permits were sought on the ceded reservation.
- e. Wyo. Exh. SR-7 shows the total number of acres for which state permits to irrigate were applied for as 144,734. Mr. Voeller testified during the boundary trial that 129,819.5 acres of the permitted lands were on the diminished portion of the Reservation leaving 14,914.5 acres for which permits were sought on the ceded reservation.
- g. Wyo. Exh. WR-32-10.
- h. Wyo. Exh. WR-32-12.
- i. Wyo. Exh. WR-32-15.
- j.1. Wyo. Exh. WR-32-13.
- j.2. Wyo. Exh. WR-32-14.

YELLOW PAPER

4-7 The Temporary Restoration of 1934

On September 19, 1934, the Secretary of Interior temporarily reserved all undisposed of lands that had been ceded by the 1904 Treaty until the matter of the desirability of their permanent restoration to tribal ownership could be given appropriate consideration. This temporary withdrawal did not restore lands to the Wind River Indian Reservation, but merely prohibited further settlement and entry upon the lands pending the outcome of a study to determine which lands were suitable for permanent restoration to the Indian Reservation.

4-7

U. S. Exh. WR-20.

YELLOW PAPER

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4-8 The First Permanent Restoration (4-17-1940)

- a. On April 17, 1940, the Secretary of Interior, upon finding that restoration of certain undisposed-of, ceded lands to tribal ownership would be in the tribal interest, ordered that such lands be added to and made part of the existing Wind River Reservation.
- b. Said undisposed-of, ceded lands included within the April 17, 1940, restoration have the following legal description:

Wind River Meridian

T. 3 N., R. 1 E.

Section 4, All
5, All
6, All
7, All.

T. 7 N., R. 1 E.

Section 1, N1/2, SW1/4, W1/2 SE1/4, NE1/4 SE1/4;
12, All;
13, All
24, All.

T. 8 N., R. 1 E.

Section 25, E1/2;
36, NE1/4, W1/2 W1/2, NE1/4 NW1/4, SE1/4 SW1/4,
SW1/4 SE1/4;

T. 1 N., R. 2 E.

Section 1, Lots 1, 2, 3, 4, 5
2, Lots 1, 2, 3, 4.

T. 2 N., R. 2 E.

Section 27, S1/2;
28, All;
33, N1/2 NW1/4 NW1/4, NE1/4 NW1/4, N1/2 SE1/4
NW1/4, NW1/4 NE1/4, N1/2 SW1/4 NE1/4, E1/2
NE1/4, NE1/4 SE1/4;
34, N1/2, SE1/4, N1/2 SW1/4;
35, All;
36, S1/2

T. 7 N., R. 2 E.

Section 4, W1/2;
5, E1/2, W1/2 W1/2;
6, NE1/4, SE1/4 NW1/4, W1/2 SE1/4, SE1/4 SW1/4,
Lots 4 & 5;

7, NW1/4, SW1/4, W1/2 SE1/4, SE1/4 SE1/4;
8, SE1/4, E1/2 SW1/4, N1/2;
9, W1/2;
17, S1/2, S1/2 N1/2, NE1/4 NW1/4, NW1/4 NE1/4;
18, All;
19, All;
20, W1/2, NE1/4, N1/2 SE1/4

T. 8 N., R. 2 E.

Section 3, SE1/4, E1/2 SW1/4, S1/2 NE1/4, SE1/4 NW1/4, Lot
1;
10, All;
15, All;
19, S1/2 S1/2;
20, E1/2, SW1/4 SW1/4;
21, W1/2;
28, W1/2;
29, E1/2, E1/2 NW1/4, SW1/4 NW1/4, N1/2 SW1/4,
SW1/4 SW1/4;
30, W1/2, SE1/4, W1/2 NE1/4;
31, N1/2, SE1/4, N1/2 SW1/4;
32, E1/2, W1/2 W1/2, SE1/4 SW1/4;
33, W1/2.

T. 1 N., R. 3 E.

Section 6, NW1/4;
8, E1/2 NE1/4;
9, SE1/4, N1/2 SW1/4, NW1/4.
14, W1/2;
15, N1/2, SE1/4;
23, N1/2, NE1/4 SE1/4;
24, S1/2

T. 1 N., R. 4 E.

Section 3, Lots 2, 3, 4;
4, Lots 1 & 2, NW1/4, S1/2;
5, All;
6, NE1/4;
8, E1/2;

9, W1/2, NE1/4, N1/2 SE1/4;
10, W1/2 NW1/4;
16, N1/2 NW1/4;
17, W1/2, W1/2 E1/2, NE1/4 NE1/4;
19, NE1/4, W1/2 SE1/4, SW1/4;
20, NW1/4, W1/2 NE1/4.

T. 2 N., R. 4 E.

Section 25, N1/2;
26, S1/2 NE1/4, W1/2 SE1/4, E1/2 SW1/4, SE1/4
NW1/4;
32, All;
33, S1/2;
34, S1/2;
35, NW1/4

T. 1 S., R. 4 E.

Section 1, SE1/4;
11, SE1/4 NE1/4, SE1/4 SW1/4, SE1/4;
12, All, except lot 1;
13, All;
14, NE1/4, E1/2 NW1/4, N1/2 SE1/4, SE1/4 SE1/4;
24, NE1/4, N1/2 NW1/4, SE1/4 NW1/4, N1/2 SE1/4,
SE1/4 SE1/4;

T. 1 S., R. 5 E.

Section 1, All;
2, S1/2;
4, S1/2;
6, Lots 1 & 2, S1/2 N1/2, S1/2;
7-15 incl. All;
17-36 incl. All;

T. 1 S., R. 6 E.,

Section 3, Fractional, All;
4-9 incl. All;
10, Fractional, All;
15, Fractional, All;

16-21 incl, All;
22 Fractional, All;
27 Fractional, All;
28, All
29, S1/2, NE1/4, NE1/4 NW1/4;
30, S1/2, NW1/4, W1/2 NE1/4, SE1/4 NE1/4;
31-33 incl. All;
34 Fractional, All.

T. 2 S., R. 6 E.,
Section 3, Fractional, All;
4, All;
5, N1/2, SE1/4, W1/2 SW1/4, NE1/4 SW1/4;
6, All;
7-10, Fractional, All

T. 3 N., R. 1 W.,
Section 1-5 incl. All;
6, NE1/4;
7, SW1/4, S1/2 NW1/4, SW1/4 NE1/4, E1/2 SE1/4;
8, E1/2, N1/2 NW1/4, SE1/4 NW1/4, S1/2 SW1/4;
9-12 incl, All

T. 4 N., R. 1 W.,
Sections 2-10, incl. All.
11, N1/2, N1/2 S1/2, S1/2 SW1/4;
12-36 inclusive all.

T. 5 N., R 1 W.
Section 26, S1/2;
27, S1/2;
31-35, incl. all
36, S1/2.

T. 3 N., R. 2 W.,
Section 2, N1/2, SW1/4, W1/2 SE1/4, SE1/4 SE1/4;
3-5 incl, All;

6, E1/2 SE1/4, NW1/4 SE1/4;
7, Lot 13;
8, NE1/4, NE1/4 NW1/4, NE1/4 SE1/4, Lot 4;
9-11, All;
12, S1/2, W1/2 NW1/4, SE1/4 NW1/4, S1/2 NE1/4;
16, Lot 1, NE1/4 NW1/4, N1/2 NE1/4, SE1/4 NE1/4.

T. 4 N., R. 2 W.,
Section 1-4 incl. All;
9, E1/2, E1/2 NW1/4, NW1/4 NW1/4, E1/2 SW1/4,
SW1/4 SW1/4;
10-15 incl. All
16, N1/2, E1/2 SE1/4, NW1/4 SE1/4;
19, SW1/4, W1/2 SE1/4, SE1/4 SE1/4;
22-27 incl. All;
28, SW1/4;
30-34 incl. All;
35, NE1/4, N1/2 NW1/4, S1/2 SW1/4, NE1/4 SE1/4;
36, NW1/4, N1/2 SW1/4.

T. 5 N., R. 2 W.,
Section 33, S1/2;
34, S1/2;
35, S1/2;
36, S1/2.

T. 3 N., R. 3 W.,
Section 1, Lots 5 & 6;
12, Lot 1.

T. 4 N., R. 3 W.,
Section 21, NE1/4, N1/2 SE1/4, NE1/4 NW1/4, E1/2 SE1/4
SE1/4;
22, All;
23, All;
24, W1/2, SE1/4, S1/2 NE1/4;
25, All;
26, All;

- 27, NE1/4, E1/2 SE1/4, NE1/4 NW1/4;
- 35, NE1/4, NE1/4 SE1/4, N1/2 NW1/4, SW1/4 NW1/4 Lot
3;
- 36, N1/2, SE1/4, E1/2 SW1/4, NW1/4 SW1/4.

T. 8 N., R. 5 W.

- Section 3, Lots 1 & 2, SE1/4 SE1/4;
- 9, Lots 1 & 2, SE1/4 SE1/4;
- 10, E1/2, SW1/4, SE1/4 NW1/4, Lots 1 & 2;
- 11, All;
- 14, All;
- 15, All;
- 16, E1/2, E1/2 SW1/4, SE1/4 NW1/4, Lots 1, 2, 3, &
4;
- 21, E1/2, Lots 1, 2, 3, & 4;
- 22, All;
- 23, All;
- 24, W1/2;
- 25, NW1/4;
- 26, N1/2;
- 27, N1/2;

- c. Said April 17, 1940, restoration applied only to undisposed of ceded land and was expressly made "subject to any valid existing rights." Evidence submitted by the United States and/or Tribes, herein, indicates that some of said lands had in fact been disposed of and had become the subject of private ownership. Such privately held lands were excluded from the legal descriptions contained in Finding of Fact 4-8-b, above.
- d. Much of the disposed land excluded from the April 17, 1940, restoration has subsequently been reacquired by the United States in trust for the Tribes. With respect to those portions of said reacquired lands, which are the subject of reserved right claims by the United States and Tribes herein, the reacquisition dates and legal descriptions are set forth below. The legal description here describes the township, range and section. A more detailed legal description for a particular tract can be found in Appendices 3 to 10.

<u>Tract or Pump</u>	<u>Legal Description</u>	<u>Acres Claimed by U.S. and/or Tribes</u>	<u>Date Reacquired</u>
North Crowheart Unit Pump 11	4N2WS16	265.7	10/14/41

- 4-8 a. Wyo. Exh. WR-18C, Tr. 204, 7/21/80.
- b. U. S. Exhs. WRIR C-317, C-317a.
- c. U. S. Exhs. WRIR C-317, C-317a.
- d. U. S. Exhs. WRIR C-317, C-317a.

YELLOW PAPER

4-9 The Second Permanent Restoration (8-28-1942)

- a. On August 28, 1942, the Secretary of Interior, upon finding that restoration of certain undisposed-of, ceded lands to tribal ownership would be in the tribal interest, ordered that such lands be added to and made part of the existing Wind River Reservation.
- b. Said undisposed-of ceded lands, included within the August 28, 1942, restoration, have the following legal descriptions:

Wind River Meridian

T. 6 N., R. 4 E.,
Section 13, NE1/4 and S1/2;
23, S1/2;
24,

T. 7 N., R. 4 E.,
Section 13, Lots 2, 3, 4, 5 and SW1/4 SW1/4;
14, S1/2;
15, S1/2;
16, S1/2;
21-24 incl.

T. 5 N., R. 5 E.,
Section 1-4 incl.
7 & 8;
9, W1/2 NE1/4, NW1/4, N1/2 SW1/4, SE1/4 SW1/4,
SE1/4;
10, N1/2 N1/2, N1/2 SW1/4, SW1/4 SW1/4, NW1/4
SE1/4;
11, W1/2, W1/2E1/2, E1/2 SE1/4, SE1/4 NE1/4;
12, E1/2, E1/2 NW1/4, NE1/4 SW1/4;
13, S1/2, NE1/4, W1/2 NW1/4;
14 & 15
16, S1/2, NE1/4, E1/2 NW1/4, SW1/4 NW1/4;
17-24 incl.
25-36 incl. Except for those portions included in
Boysen project

T. 6 N., R. 5 E.,
Section 1, N1/2, N1/2 SE1/4, SW1/4 SW1/4, N1/2 SW1/4;
2-4 incl.
5, N1/2, SW1/4, N1/2 SE1/4;
6 & 7
8, W1/2, SE1/4, S1/2 NE1/4, NW1/4 NE1/4;
9, NE1/4 NE1/4, S1/2 NW1/4, S1/2;
10 & 11

12, W1/2 NW1/4, SE1/4 NE1/4, S1/2;
 13-15 incl.
 16, E1/2, SW1/4, E1/2 NW1/4;
 17, W1/2, SE1/4, W1/2 NE1/4;
 18-24 incl.
 25, NE1/4, E1/2 NW1/4, N1/2 S1/2, SW1/4 SW1/4, S1/2
 SE1/4;
 26, N1/2 NE1/4, NW1/4, S1/2;
 27, N1/2, SW1/4;
 28;
 29, E1/2, NW1/4, N1/2 SW1/4;
 30, N1/2, SW1/4, N1/2 SE1/4;
 31, N1/2;
 32, N1/2;
 33-35 incl.
 36, S1/2, S1/2 N1/2, NW1/4 NW1/4;

T. 7 N., R. 5 E.,
 Section 13-18 incl. Fractional
 19-30 incl.
 31, N1/2, SW1/4, NW1/4 SE1/4;
 32-36 incl.

T. 5 N., R. 6 E.,
 Section 3
 4, SE1/4, Lots 7-16 incl., except that portion of
 Sec. 4 included in the Boysen Project;
 Section 5, W1/2, SW1/4 SE1/4, Lots 5 & 6, except that por-
 tion included in the Boysen Project;
 6 & 7
 8, Except that portion in the Boysen project;
 9, Except that portion included in the Boysen
 project;
 16, All of Sec. 16 West of Wind River,
 Lots 8, 9, 14, 15, 16, 13 and NE1/4, NE1/4
 NW1/4, SE1/4 SW1/4, N1/2 SE1/4, N1/2 S1/2
 SE1/4, SW1/4 SW1/4 SE1/4, SE1/4 SE1/4 SE1/4,
 except that portion of Sec. 16 included in the
 Boysen project
 17, Except that portion included in the Boysen
 project;

- 18;
- 19, Except that portion included in the Boysen project;
- 20, Except that portion included in the Boysen project;
- 30, Except that portion included in the Boysen project;

T. 6 N., R. 6 E.,

Section 3-6 incl.

- 7, N1/2, NW1/4 SW1/4;
- 8;
- 9, N1/2, NE1/4 SE1/4 and that portion of Sec. 9 West of the Wind River.
- Section 10;
- 16, That part west of Wind River;
- 17, N1/2, SE1/4, N1/2 SW1/4, SE1/4 SW1/4;
- 18;
- 19, N1/2 N1/2, S1/2 NW1/4, SW1/4 . NE1/4, SW1/4, SE1/4 SE1/4;
- 20, S1/2, NE1/4, E1/2 NW1/4;
- 21;
- 22;
- 27;
- 28, Except NE1/4 SE1/4, Lots 4 & 5
- 29;
- 30, S1/2, NW1/4, S1/2 NE1/4, NE1/4 NE1/4;
- 31;
- 32, N1/2, SW1/4;
- 33, N1/2, SE1/4;
- 34;

T. 7 N., R. 6 E.,

All

- c. Said August 28, 1942, restoration applied only to undisposed of ceded land and was expressly made "subject to any valid existing rights." Evidence submitted by the United States and/or Tribes, herein, indicates that some of said lands had in fact been disposed of and had become the subject of private ownership. Such privately held lands were excluded from the legal descriptions contained in Finding of Fact 4-9.b, above.
- d. Much of the disposed land excluded from the August 28, 1942, restoration has subsequently been reacquired by the United States in trust for the Tribes. With respect to those portions of said reacquired lands, which are the subject of reserved right claims by the United States and Tribes herein, the reacquisition dates and legal descriptions are set forth below. The legal description here describes the township, range and section. A more detailed legal description for a particular tract can be found in Appendices 3 to 10.

Tract or Pump	Legal Description	Acres Claimed by U.S. and/or Tribes	Date Reacquired
18-011	T5N,R5E,S9	1.4	1/8/41
18-020C	T5N,R5E,S9	27	1/8/41
18-020C	T5N,R5E,S10		1/8/41
18-010	T5N,R5E,S9	0.6	1/8/41
18-010A	T5N,R5E,S9	0.4	1/8/41
18-008	T5N,R5E,S10	5.4	1/8/41
18-024C	T5N,R5E,S10	17	1/8/41
18-021C	T5N,R5E,S10	20	1/8/41
18-023C1	T5N,R5E,S10	5	1/8/41
18-009	T5N,R5E,S10	7.7	1/8/41
18-005	T5N,R5E,S10	4.4	1/8/41
18-022C	T5N,R5E,S10	15	1/8/41
18-023C2	T5N,R5E,S10	15	1/8/41
18-019C	T5N,R5E,S10	30	1/8/41
18-006	T5N,R5E,S10	16.2	1/8/41
18-006	T5N,R5E,S15		1/8/41
18-006X	T5N,R5E,S12	39.8	1/8/41
18-006X	T5N,R5E,S13		1/8/41
18-013	T5N,R5E,S12	12.4	1/8/41
18-025C	T5N,R5E,S12	13	1/8/41

- 4-9 a. Wyo. Exh. WR-18A, Tr. 204, 7/21/80 (Voeller).
- b. U. S. Exhs. WRIR C-317, C-317a.
- c. U. S. Exhs. WRIR C-317, C-317a.
- d. U. S. Exhs. WRIR C-317, C-317a.

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4-10 The third permanent restoration (11-12-1942)

- a. On November 12, 1942, the Secretary of Interior, upon finding that restoration of certain undisposed-of, ceded lands to tribal ownership would be in the tribal interest, ordered that such lands be added to and made part of the existing Wind River Reservation.
- b. Said undisposed-of ceded lands, included within the November 12, 1942, restoration, have the following legal description:

Wind River Meridian

T. 5 N., R. 5 W.,

Section 4, Lots 1 - 4, incl. S1/2 N1/2, N1/2 SW1/4;

5, Lots 1 - 4, incl., S1/2 N1/2, SW1/4, N1/2
SE1/4;

6;

7, Lots 1, 2, 3, and 9, NE1/4 NW1/4, NW1/4 NE1/4;

T. 6 N., R. 5 W.,

Section 19, 20, 21, 28-33, inclusive;

- c. On November 12, 1942, restoration applied only to undisposed of ceded land and was expressly made "subject to any valid existing rights." Evidence submitted by the United States and/or Tribes, herein, indicates that some of said lands had in fact been disposed of and had become the subject of private ownership. Such privately held lands were excluded from the legal descriptions contained in Finding of Fact 4-10.b., above.
- d. Much of the disposed land excluded from the November 12, 1942, restoration has subsequently been reacquired by the United States in trust for the Tribes. With respect to those portions of said reacquired lands, which are the subject of reserved right claims by the United States and Tribes herein, the reacquisition dates and legal descriptions are set forth below. The legal description here describes the township, range and section. A more detailed legal description for a particular tract can be found in Appendices 3 to 10.

<u>Tract or Pump</u>	<u>Legal Description</u>	<u>Acres Claimed by U.S. and/or Tribes</u>	<u>Date Reacquired</u>
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19-001X

T5N, R5W, S4

18.4

2/13/42

4-10 a. Wyo. Exh. WR-18B, Tr. 204, 7/21/80 (Voeller).

b. U. S. Exhs. WRIR C-317, C-317a.

c. U. S. Exhs. WRIR C-317, C-317a.

d. U. S. Exhs. WRIR C-317, C-317a.

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4-11 The fourth permanent restoration (4-26-1943)

- a. On April 26, 1943, the Secretary of Interior, upon finding that restoration of certain undisposed-of, ceded lands to tribal ownership would be in the tribal interest, ordered that such lands be added and made part of the existing Wind River Reservation.
- b. Said undisposed of ceded lands, included within the April 26, 1943, restoration, have the following legal descriptions:

Wind River Meridian

T. 7 N., R. 1 E.,

Section 4-9, inclusive;

- 15, NW1/4, N1/2 SW1/4, SE1/4 SW1/4;
- 16, N1/2, SW1/4, W1/2 SE1/4, NE1/4 SE1/4;
- 17, N1/2, SW1/4, W1/2 SE1/4;
- 18 and 19;
- 20, W1/2, SE1/4, S1/2 NE1/4, NW1/4 NE1/4;
- 21, W1/2, SE1/4, S1/2 NE1/4, NW1/4 NE1/4;
- 22, SW1/4 SW1/4, E1/2 W1/2;
- 27, NW1/4;
- 28, N1/2;
- 29, NE1/4, N1/2 NW1/4;

T. 5 N., R. 4 E.,

Section 1, Lots 1-4, incl, S1/2 NE1/4, SE1/4 NW1/4;

- 2, Lot 1;
- 12, SE1/4, E1/2 SW1/4, SE1/4 NW1/4;
- 13, E1/2, E1/2 W1/2;
- 24, 25, and 36;

T. 6 N., R. 4 E.,

Section 36, N1/2;

T. 5 N., R. 5 E.,

Section 5, 6;

T. 6 N., R. 5 E.,

Section 31, S1/2;

32, S1/2

T. 7 N., R. 1 W.,

Section 1, Lots 3 and 4, S1/2 NW1/4, S1/2 S1/2;

2, SE1/4;

11;

12, N1/2, SE1/4, E1/2 SW1/4, NW1/4 SW1/4;

13, E1/2, SW1/4, E1/2 NW1/4;
14;
23, N1/2 NE1/4;
24;

T. 4 N., R. 2 W.,
Section 21, E1/2 NW1/4, SW1/4 NW1/4, NW1/4 SW1/4, SW1/4
SE1/4;
28, W1/2 NE1/4;

- c. Said April 26, 1943, restoration applied only to undisposed-of ceded land and was expressly made "subject to any valid existing rights." Evidence submitted by the United States and/or Tribes, herein, indicates that some of said lands had in fact been disposed of and had become the subject of private ownership. Such privately held lands were excluded from the legal descriptions contained in Finding of Fact 4-11.b, above.
- d. Much of the disposed land excluded from the April 26, 1943, restoration has subsequently been reacquired by the United States in trust for the Tribes. With respect to those portions of said reacquired lands, which are the subject of reserved right claims by the United States and Tribes herein, the reacquisition dates and legal descriptions are set forth below. The legal description here describes the township, range and section. A more detailed legal description for a particular tract can be found in Appendices 3 to 10.

<u>Tract or Pump</u>	<u>Legal Description</u>	<u>Acres Claimed by U.S. and/or Tribes</u>	<u>Date Reacquired</u>
16-032C2	T5N,R4W,S25	48.8	10/23/40
16-039C	T5N,R4W,S25,S36	31.	10/23/40
16-042C	T5N,R4W,S36	32.5	10/23/40
16-040C	T5N,R4W,S36	6.4	10/23/40
16-041C	T5N,R4W,S36	8.3	10/23/40

4-11 a. Wyo. Exh. WR-18D, Tr. 204, 7/21/80 (Voeller).

b. U. S. Exhs. WRIR C-317, C-317a.

c. U. S. Exhs. WRIR C-317, C-317a.

d. U. S. Exhs. WRIR C-317, C-317a.

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4-12 The fifth permanent restoration (4-12-1944)

- a. On April 12, 1944, the Secretary of Interior, upon finding that restoration of certain undisposed-of, ceded lands was in the tribal interest, ordered that such lands be added to and made part of the existing Wind River Reservation.
- b. Said undisposed-of ceded lands, included within the April 12, 1944, restoration, have the following legal description:

Wind River Meridian

T. 4 N., R. 1 W.,

Section 1;

11, S1/2 SE1/4;

T. 5 N., R. 1 W.,

Section 1 and 2;

3, S1/2;

4 and 5;

6, Lots 1, 2, 4 to 7 incl., SE1/4 NE1/4, SE1/4,
E1/2 SW1/4;

7 to 22 incl.

23, N1/2 N1/2, SE1/4 NE1/4, S1/2;

24, S1/2;

25;

26, N1/2;

27, N1/2;

28, 29 and 30;

36; N1/2;

T. 6 N., R. 1 W.,

Section 1, Lots 1, 2 and 3, S1/2 NE1/4, SE1/4, E1/2 SW1/4,
S1/2 NW1/4;

2, SW1/4 NW1/4, W1/2 SW1/4, SE1/4 SW1/4;

3, 4, 5 and 6;

7, Lots 1-4 incl., E1/2;

8, N1/2, SE1/4, E1/2 SW1/4, SW1/4 SW1/4;

9, 10 and 11;

12, NE1/4, NE1/4 NW1/4, W1/2 SW1/4, SE1/4;

13, N1/2 NE1/4, SW1/4 NE1/4, W1/2, W1/2 SE1/4,
SE1/4 SE1/4;

14-36 inclusive;

T. 7 N., R. 1 W.,

Section 7 to 10 incl.;

15, N1/2, SW1/4, N1/2 SE1/4;

16;

17, N1/2, N1/2 S1/2, SW1/4 SW1/4, SE1/4 SE1/4;

18 and 19;
 20, NE1/4 NW1/4, W1/2 NW1/4, SW1/4, SW1/4 SE1/4,
 E1/2 E1/2;
 21;
 22, W1/2 W1/2, SE1/4 SW1/4, E1/2 E1/2;
 23, W1/2 SW1/4;
 25, E1/2 E1/2, NW1/4, W1/2 SW1/4, SE1/4 SW1/4;
 26, E1/2;
 27, NW1/4, E1/2 SW1/4, W1/2 SE1/4, SE1/4 SE1/4;
 28, N1/2, SW1/4;
 29;
 30, Lots 3 and 4, E1/2 SW1/4, SE1/4, E1/2 NE1/4,
 NW1/4 NE1/4;
 31 - 34 inclusive;
 35, NE1/4;
 36, NW1/4 NW1/4, SE1/4 NW1/4, E1/2 SW1/4, SE1/4,
 E1/2 NE1/4;

T. 3 N., R. 2 W.,
 Section 1, SW1/4 NW1/4;

T. 4 N., R. 2 W.,
 Section 8, E1/2 NE1/4;
 9, SW1/4 NW1/4, NW1/4 SW1/4;
 20, S1/2;
 21, NE1/4 NE1/4;
 29;

T. 5 N., R. 2 W.,
 Section 1- 17 inclusive;
 18, E1/2, E1/2 W1/2;
 19, S1/2;
 20 to 28;
 29, E1/2, E1/2 W1/2;
 30, Lots 1 and 2, E1/2 NW1/4, W1/2 NE1/4;
 32;
 33, N1/2;
 34, N1/2;
 35, N1/2;

36, N1/2;

T. 6 N., R. 2 W.,
Section 2 - 33 inclusive;
34, NE1/4, N1/2 NW1/4, SW1/4 NW1/4, NW1/4 SW1/4,
S1/2 SW1/4, S1/2 SE1/4, NE1/4 SE1/4;
35 and 36;

T. 7 N., R. 2 W.,
Section 1 and 2;
3, Lots 1, 2 and 4, S1/2 N1/2, S1/2;
4-14 inclusive;
15, N1/2, N1/2 SW1/4, SW1/4 SW1/4, SE1/4;
16-23 inclusive;
24;
25-34 inclusive;
35, NW1/4 NW1/4, NE1/4 NE1/4, S1/2;
36, NW1/4 NW1/4, SE1/4 NW1/4, NE1/4, N1/2 SE1/4,
SE1/4 SE1/4;

T. 8 N., R. 2 W.,
Section 30;
31, Lots 1 - 4 inclusive, S1/2 NE1/4, E1/2 NW1/4,
E1/2 SW1/4, SE1/4;
32 and 33
34, Lots 1 - 4 inclusive;
35 and 36;

T. 4 N., R. 3 W.,
Section 1,
1, Lots 1 - 4 inclusive, S1/2 N1/2;
2, Lots 1 - 4 inclusive, S1/2 N1/2;
4, Lots 1 - 4 inclusive, S1/2 N1/2;
5, Lots 1 - 4 inclusive, S1/2 N1/2, N1/2 SW1/4;
SE1/4 SW1/4, SE1/4;
6, Lots 1, 5, 6 and 7, E1/2 SW1/4, SW1/4 SE1/4;
7, Lot 1, NE1/4 NW1/4;
8, E1/2;
9, S1/2;

15, S1/2;
16;
17, E1/2 NE1/4;
27, NW1/4 SE1/4;

T. 5 N., R. 3 W.,
Section 1, Lots 1 - 4 inclusive, S1/2 N1/2, SE1/4, N1/2
SW1/4;
2, Lots 1, 3 and 4, S1/2 NE1/4, SW1/4, W1/2 SE1/4,
SE1/4 SE1/4;
3 - 11 inclusive;
12, E1/2, W1/2 NW1/4, SW1/4;
13 - 30 inclusive;
31, Lot 1, E1/2 NW1/4, E1/2;
32 - 36 inclusive;

T. 6 N., R. 3 W.
Section 1;
2, Lots 1, 2, 3, S1/2 NE1/4, NE1/4 SE1/4;
3, Lots 2, 3, 4, S1/2 NW1/4, S1/2 NE1/4, S1/2;
4 & 5;
6, Lots 1-7 inclusive, SE1/4 NE1/4, SE1/4 NW1/4,
E1/2 SW1/4, E1/2 SE1/4;
7, Lots 1-4 incl., E1/2 W1/2, E1/2 NE1/4, SW1/4
NE1/4, NE1/4 SE1/4;
8;
9, N1/2, SE1/4, N1/2 SW1/4, SE1/4 SW1/4;
10;
11, S1/2 SE1/4, W1/2 NW1/4, NW1/4 SW1/4;
12, NE1/4, NE1/4 NW1/4, NE1/4 SE1/4;
13;
14, E1/2, SW1/4, E1/2 NW1/4, SW1/4 NW1/4;
15, W1/2 NE1/4, N1/2 NW1/4, SW1/4 SW1/4 NW1/4
SE1/4, E1/2 SE1/4, NE1/4 SW1/4;
16, NE1/4 NE1/4, SW1/4 NW1/4, S1/2, SW1/4 NE1/4;
17, S1/2 N1/2, S1/2;
18, Lots 1-4 incl., E1/2 W1/2, W1/2 NE1/4, SE1/4
NE1/4, SE1/4;
19-20;
21; W1/2 W1/2, NE1/4 NW1/4, SE1/4 SW1/4, S1/2
SE1/4, NE1/4;

22; W1/2, E1/2 NE1/4, SW1/4 SE1/4;
 23; N1/2, SE1/4, E1/2 SW1/4, NW1/4 SW1/4;
 24-25;
 26, E1/2, E1/2 W1/2;
 27, W1/2 NE1/4, SE1/4 NE1/4, SE1/4, W1/2;
 28-34;
 35, W1/2 SW1/4, E1/2;
 36;

T. 7 N., R. 3 W.,

Section 1-4 inclusive;

5, Lots 2, 3, 4, S1/2 NW1/4, SW1/4 NE1/4, SW1/4,
 W1/2 SE1/4, SE1/4 SE1/4;
 6;
 7, Lots 1-4, E1/2 W1/2, SW1/4 NE1/4, W1/2 SE1/4,
 SE1/4 SE1/4;
 8;
 9, N1/2, SE1/4, N1/2 SW1/4, SW1/4 SW1/4;
 10;
 11, W1/2, W1/2 E1/2, NE1/4 NE1/4, SE1/4 SE1/4;
 12, N1/2, S1/2 SW1/4, NW1/4 SE1/4, E1/2 SE1/4;
 13, W1/2, SE1/4, SW1/4 NE1/4;
 14 & 15;
 16, E1/2, W1/2 W1/2, SE1/4 SW1/4;
 17;
 19 & 20;
 21, N1/2, SE1/4, E1/2 SW1/4;
 22, N1/2, SE1/4, E1/2 SW1/4;
 23-26 inclusive;
 27, E1/2, E1/2 NW1/4, SW1/4, SW1/4 NW1/4;
 28, NE1/4, E1/2 NW1/4; N1/2 SE1/4, SE1/4 SE1/4,
 W1/2 SW1/4;
 29;
 30, Lots 1, 2, 3, E1/2 Lot 4, E1/2 W1/2, E1/2;
 31, Lots 2, 3, 4, NE1/4 NW1/4, SE1/4 SW1/4, S1/2
 NE1/4 SW1/4, NW1/4 NE1/4 SW1/4, NE1/4, E1/2
 SE1/4, SW1/4 SE1/4, S1/2 NW1/4 SE1/4;
 32;
 33, W1/2, SE1/4, SW1/4 NE1/4;
 34, NE1/4, N1/2 NW1/4, E1/2 SE1/4, W1/2 SW1/4,
 SE1/4 SW1/4;

35 & 36.

T. 8 N., R. 3 W.,

- Section 6, Lot 1;
- 7, Lots 1 - 6 inclusive, E1/2 W1/2, S1/2 NE1/4, SE1/4;
- 8;
- 9, Lots 1 - 4 inclusive;
- 10, Lot 1;
- 14, Lots 1 and 2;
- 15, Lots 1 - 4 inclusive;
- 16, S1/2;
- 17 - 20 inclusive;
- 21, S1/2, N1/2 NE1/4;
- 22, S1/2, N1/2 N1/2;
- 23, Lots 1, 2, 3, NW1/4 NW1/4, SW1/4 NE1/4, SE1/4 SE1/4, W1/2 SE1/4, SW1/4;
- 24, Lots 1 and 2;
- 25 - 27 inclusive;
- 28, S1/2;
- 29, NE1/4 NE1/4, S1/2;
- 30 - 35 inclusive;
- 36, N1/2, SW1/4, S1/2 SE1/4;

T. 4 N., R. 4 W.,

- Section 1, Lots 1 - 5 inclusive, SE1/4 NW1/4, S1/2 NE1/4, N1/2 SE1/4, NE1/4 SW1/4;
- 2, Lots 1 and 2;

T. 5 N., R. 4 W.,

- Section 1 and 2;
- 3, Lots 1 and 2, S1/2 NE1/4, NE1/4 SE1/4, SW1/4 NW1/4, W1/2 SW1/4, SE1/4 SW1/4;
- 4 and 5;
- 6, Lots 1 - 7 inclusive, SE1/4 NW1/4, E1/2 SW1/4, SE1/4, S1/2 NE1/4;
- 7 - 9 inclusive;
- 10, W1/2, W1/2 SE1/4;
- 11 - 13 inclusive;

- 14, E1/2, E1/2 NW1/4, NE1/4 SW1/4, SW1/4 SW1/4;
- 15, W1/2 NE1/4, SE1/4, W1/2;
- 16 and 17;
- 18, Lots 1 and 2, E1/2 NW1/4, NE1/4 SW1/4, E1/2;
- 19, NE1/4, N1/2 SE1/4;
- 20, N1/2, SE1/4, E1/2 SW1/4, NW1/4 SW1/4;
- 21 and 22;
- 23, W1/2 NW1/4, NE1/4;
- 24;
- 25, N1/2, N1/2 SE1/4;
- 26, S1/2;
- 27, N1/2, SE1/4, E1/2 SW1/4, NW1/4 SW1/4;
- 28, NE1/4, E1/2 NW1/4, NW1/4 NW1/4;
- 34, N1/2 NE1/4;
- 35, Lot 3, SE1/4 SE1/4, N1/2 SE1/4, NE1/4 SE1/4, N1/2;
- 36, W1/2, SE1/4, SW1/4 NE1/4;

T. 6 N., R. 4 W.,

Section 1 - 5 inclusive;

- 6, Lots 1 - 7 inclusive, SE1/4 NW1/4, S1/2 NE1/4, E1/2 SW1/4, W1/2 SE1/4;
- 7, Lots 1 and 2, E1/2 NW1/4, W1/2 NE1/4;
- 8, N1/2 SE1/4;
- 9, S1/2;
- 10-15;
- 16, E1/2 W1/2, SW1/4 SW1/4;
- 18, Lots 3 and 4, E1/2 SW1/4, SE1/4;
- 19;
- 20, W1/2 SE1/4, SE1/4 SW1/4, SW1/4 SE1/4;
- 21, N1/2 NW1/4, SE1/4 NW1/4, NE1/4 SW1/4, E1/2;
- 22 - 27;
- 28, W1/2 NW1/4, SW1/4;
- 29, N1/2 NE1/4, SW1/4 NE1/4, SW1/4 SE1/4, W1/2;
- 30 - 32 inclusive;
- 33, W1/2, W1/2 SE1/4, SE1/4 SE1/4;
- 34, N1/2, SE1/4, E1/2 SW1/4;
- 35 and 36;

T. 7 N., R. 4 W.,
Section 1 - 3 inclusive;
5 - 7, inclusive;
8, S1/2;
10, N1/2, SE1/4, N1/2 SW1/4, SE1/4 SW1/4;
11 and 12;
13, N1/2, SW1/4 SE1/4, SE1/4 SW1/4;
14, N1/2;
15, E1/2, SW1/4, S1/2 NW1/4, NE1/4 NW1/4;
16;
18, Lots 1, 2, E1/2 NW1/4, NE1/4;
19, Lots 3 and 4, E1/2 SW1/4, SE1/4, NE1/4 NW1/4,
N1/2 NE1/4, SE1/4 NE1/4;
20, S1/2, SE1/4 NE1/4;
21, SW1/4 NW1/4;
22, S1/2 NW1/4, NE1/4 SW1/4,
23 and 24;
25, N1/2 NE1/4, E1/2 SE1/4 NE1/4, N1/2 NW1/4; SW1/4
NW1/4, SW1/4, W1/2 SE1/4;
26 - 32 inclusive;
33, W1/2, W1/2 NE1/4, NW1/4 SE1/4, S1/2 SE1/4;
34 - 36 inclusive;

T. 8 N., R. 4 W.,
Section 1 - 32 inclusive;
34 - 36 inclusive;

T. 9 N., R. 4 W.,
15, 16, 17;
19 - 23 inclusive;
26 - 36 inclusive;

T. 5 N., R. 5 W.,
Section 1 and 2;
3, Lots 1, 2, 3, 4, 6, S1/2 N1/2, N1/2 SW1/4,
SE1/4;
10, Lot 1;
11, N1/2, SE1/4, NE1/4 SW1/4;
12;

T. 6 N., R. 5 W.,

Section 1 and 2;

3, Lot 1 and SW1/4 NE1/4;

4 - 9;

10, NW1/4 NE1/4, E1/2 NE1/4;

11, N1/2;

12 and 13;

14, S1/2;

15 - 18, inclusive;

22 - 27 inclusive;

34 - 36;

T. 7 N., R. 5 W.,

Section 1;

5 and 6;

7, E1/2, SE1/4 NW1/4, E1/2 SW1/4;

8;

9, S1/2;

10, S1/2;

12;

13, N1/2;

15 - 17, inclusive;

18, E1/2, E1/2 W1/2;

19, E1/2, E1/2 W1/2;

20 and 21;

22, N1/2, W1/2 SW1/4;

23, E1/2 SW1/4, SE1/4, SE1/4 NE1/4;

24 - 26 inclusive;

27, NW1/4 NW1/4, S1/2;

28, N1/2, SW1/4, W1/2 SE1/4, SE1/4 SE1/4;

29;

30, E1/2, E1/2 W1/2;

31, E1/2, E1/2 W1/2;

32 - 36 inclusive;

T. 8 N., R. 5 W.,

Section 1 and 2;

12 and 13;

24, E1/2;

25, NE1/4, S1/2;

32, Lots 2, 3, 4, S1/2 NE1/4, SE1/4;
36;

T. 9 N., R. 5 W.,
Section 25, 35, and 36;

T. 5 N., R. 6 W.,
Section 1;
2, Lots 1, 2, 3, 4, 6, 7, 10, S1/2 NE1/4, SE1/4;
3, Lots 1 - 5 inclusive;
11, Lots 1, 4, 5, NE1/4, N1/2 SE1/4, SE1/4 SE1/4;
12, Lots 1, 2, N1/2, SW1/4, W1/2 SE1/4;
13, Lots 1, 2 and 3;

T. 6 N., R. 6 W.,
Section 1 and 2;
3, Lots 1-4, inclusive, S1/2 NE1/4, SE1/4;
11-14 inclusive;
15, SE1/4, E1/2 SW1/4;
34, Lots 2, 3, 4, NE1/4 NW1/4, NE1/4 SW1/4, E1/2;
35 and 36;

T. 4 N., R. 1 E.,
Section 1 - 12 inclusive;
16 - 21 inclusive;
28 - 33 inclusive;

T. 5 N., R. 1 E.,
Section 1 and 2;
3, Lots 3 and 4, S1/2 NW1/4, S1/2;
4 - 10;
11, W1/2, SE1/4, W1/2 NE1/4;
12, S1/2 SE1/4, NW1/4 SE1/4, SW1/4;
13 - 28;
29, N1/2, N1/2 S1/2, S1/2 SE1/4;
30 - 34;

T. 6 N., R. 1 E.,
 Section 1, Lots 1-4 inclusive, S1/2 NE1/4, N1/2 SW1/4
 NW1/4, N1/2 SE1/4 NW1/4, SE1/4 SE1/4 NW1/4,
 NE1/4 SW1/4, S1/2 NE1/4 SW1/4, N1/2 SE1/4;
 2, Lots 1 - 4 inclusive, S1/2 NW1/4, SW1/4 NE1/4,
 W1/2 SE1/4, SW1/4;
 3, Lots 1, 2, and 4, SW1/4 NW1/4, S1/2 NE1/4, N1/2
 SE1/4, SE1/4 SE1/4, W1/2 SW1/4;
 4;
 5, Lots 2, 3, and 4, S1/2 NW1/4, SW1/4 NE1/4,
 S1/2;
 6 - 9 inclusive;
 10, W1/2, SE1/4, E1/2 NE1/4;
 11;
 12, N1/2 N1/2, SE1/4 NE1/4, SW1/4 NW1/4, SW1/4,
 SW1/4 SE1/4, E1/2 SE1/4;
 13 and 14;
 15, N1/2, SW1/4, W1/2 SE1/4;
 16;
 17, NE1/4, N1/2 NW1/4, SW1/4 NW1/4, W1/2 SW1/4,
 E1/2 SE1/4;
 18, Lots 1, 2, and 4, SE1/4 SW1/4, E1/2 NW1/4,
 E1/2;
 19;
 20, S1/2, E1/2 NE1/4, SE1/4 NW1/4, W1/2 NW1/4;
 21;
 22, W1/2, SE1/4, W1/2 NE1/4;
 23 - 28;
 29, N1/2 N1/2, SW1/4 NW1/4, SE1/4 NE1/4, SW1/4,
 S1/2 SE1/4;
 30 - 32;
 33, W1/2, SE1/4, S1/2 NE1/4;
 34, E1/2 NW1/4, N1/2 NE1/4, SE1/4 NE1/4, N1/2 S1/2,
 SW1/4 SW1/4;
 35 and 36;

T. 7 N., R. 1 E.,
 Section 2, Lots 3 and 4, S1/2 N1/2, E1/2 SW1/4, SE1/4;
 3, Lot 4, SW1/4 NW1/4, SW1/4, W1/2 SE1/4, SE1/4
 SE1/4;
 10;

11, S1/2, NE1/4, E1/2 NW1/4, SW1/4 NW1/4;
 14, N1/2, N1/2 SW1/4, SW1/4 SW1/4, SE1/4 SE1/4;
 15, E1/2;
 22, E1/2;
 23, W1/2 NW1/4, SE1/4 NW1/4, NE1/4, S1/2;
 25, N1/2 NE1/4, SE1/4 NE1/4, S1/2;
 26;
 27, E1/2, SW1/4;
 28, S1/2;
 29, S1/2, S1/2 NW1/4;
 30 and 31;
 32, W1/2, NE1/4, W1/2 SE1/4;
 33;
 34, N1/2, SE1/4, N1/2 SW1/4, SW1/4 SW1/4;
 35 and 36;

T. 8 N., R. 1 E.,
 Section 13, NE1/4, S1/2 NW1/4, N1/2 SW1/4, SW1/4 SW1/4,
 N1/2 SE1/4, SW1/4 SE1/4;
 14, SE1/4, SE1/4 SW1/4;
 22, SE1/4 NE1/4, SE1/4 SW1/4, SE1/4;
 23;
 24, W1/2 W1/2, SE1/4 SW1/4, W1/2 SE1/4, SE1/4
 SE1/4;
 25, W1/2;
 26, N1/2 NW1/4, S1/2 SW1/4;
 27, N1/2 NE1/4, SW1/4 NE1/4, E1/2 NW1/4, SW1/4
 NW1/4, NE1/4 SW1/4, NW1/4 SE1/4;
 34, N1/2, N1/2 SE1/4;
 35, N1/2, N1/2 SW1/4, SE1/4;

T. 2 N., R. 2 E.,
 Section 31, Lot 1
 32, Lots 1, 2 and 3, NE1/4 NE1/4;
 33, S1/2 NW1/4 NW1/4, S1/2 SE1/4 NW1/4, S1/2 SW1/4
 NE1/4, E1/2 NW1/4 SE1/4, N1/2 NW1/4 NW1/4
 SE1/4;

T. 5 N., R. 2 E.,

Sections 1, 3, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 19,
 20, 23, 24, 25, 29, 30, 31, and 32;
 4, Lots 1, 2, 3 and 4, S1/2 N1/2, SE1/4, S1/2
 SW1/4, NW1/4 SW1/4;
 7, Lots 1, 2, and 4, E1/2 NW1/4, NE1/4;
 17, N1/2 NE1/4, SE1/4 NE1/4, SW1/4 SE1/4, SW1/4
 18, Lots 1 to 4, E1/2 W1/2, SE1/4, S1/2 NE1/4,
 NW1/4 NE1/4;
 21, SW1/4, S1/2 NW1/4, NW1/4 NW1/4, E1/2 NE1/4;
 22, NE1/4, E1/2 NW1/4, SW1/4 NW1/4;
 26, E1/2;
 27, NE1/4, SE1/4 SE1/4, NE1/4 SW1/4;
 28, W1/2;
 33, W1/2;

T. 6 N., R. 2 E.,

Sections 1, 2, 4, 5, 8, 9, 12, 13, 16, 17, 21, 22, 24,
 25, 26, 28, 30, 31, 33, 35, 36;
 3, Lots 1, 2, 3 and 4, S1/2 N1/2, SW1/4, N1/2
 SE1/4, SW1/4 SE1/4;
 6, Lots 1, 2, 3, 4, 5 and 6, S1/2 NE1/4, SE1/4
 NW1/4, W1/2 NE1/4 SW1/4, N1/2 SE1/4, SE1/4
 SE1/4, E1/2 SW1/4 SE1/4, E1/2 W1/2 SW1/4 SE1/4;
 7, Lots 1, 2, 3 and 4, SE1/4 NW1/4, S1/2 NE1/4,
 NE1/4 NE1/4, E1/2 NW1/4 NE1/4, E1/2 W1/2 NW1/4
 NE1/4, SE1/4;
 10, W1/2, W1/2 NE1/4, S1/2 SE1/4;
 11, S1/2 NE1/4, E1/2 NW1/4;
 14, N1/2, SE1/4, E1/2 SW1/4, NW1/4 SW1/4;
 15, W1/2, NE1/4, NE1/4 SE1/4;
 18, Lots 1, 2, 3 and 4, E1/2 SW1/4, E1/2;
 19, Lots 1, 2, 3 and 4, E1/2 W1/2, W1/2 E1/2, SE1/4
 SE1/4;
 20, E1/2, E1/2 W1/2, NW1/4 NW1/4;
 23, SW1/4 SW1/4, E1/2 W1/2, E1/2;
 27, NE1/4, SE1/4 SE1/4, NE1/4 NW1/4, W1/2 W1/2;
 29, S1/2, NE1/4, NE1/4 NW1/4;
 32, W1/2, NW1/4 NE1/4, S1/2 SE1/4, NE1/4 SE1/4;
 34, W1/2 NW1/4, NE1/4 NW1/4, S1/2, E1/2 NE1/4;

T. 7 N., R. 2 E.,

Sections 1, 2 and 3;

- 4, Lots 1 and 2, S1/2 NE1/4, SE1/4;
- 6, Lots 6 and 7, NE1/4 SW1/4;
- 9, NE1/4, W1/2 SE1/4, SE1/4 SE1/4;
- 10, 11 and 12;
- 13, N1/2, E1/2 SE1/4, NE1/4 SW1/4, W1/2 SW1/4;
- 14 and 15;
- 16, S1/2, E1/2 NE1/4, SW1/4 NE1/4;
- 21, N1/2, SW1/4, NE1/4 SE1/4;
- 22;
- 23;
- 24, S1/2, NE1/4, S1/2 NW1/4 NW1/4 NW1/4;
- 25 and 26;
- 27, N1/2, SE1/4, E1/2 SW1/4, NW1/4 SW1/4;
- 28, SE1/4 NE1/4, NE1/4 SE1/4, W1/2 E1/2, W1/2;
- 29, W1/2 NE1/4, SE1/4, W1/2;
- 30, 31, 32, 33;
- 34, E1/2 NW1/4, SW1/4, E1/2;
- 35 and 36;

T. 8 N., R. 2 E.,

Section 1, 2, 11;

- 12, E1/2, SE1/4 NW1/4, E1/2 SW1/4, SW1/4 SW1/4;
- 13 and 14;
- 18, Lots 2, 3, 4;
- 19, Lots 1, 2, 3;
- 21, E1/2;
- 22, 23 and 24;
- 25, N1/2 NW1/4, SE1/4 NE1/4, SW1/4, W1/2 SE1/4,
NE1/4 SE1/4;
- 26, N1/2, SW1/4, NW1/4 SE1/4;
- 27;
- 28, E1/2;
- 33, E1/2;
- 34, W1/2 NW1/4, SE1/4 SW1/4, SE1/4, S1/2 NE1/4,
NE1/4 NE1/4;
- 35, SW1/4 SW1/4, W1/2 NW1/4, NE1/4 NW1/4, SW1/4
NE1/4, E1/2 NE1/4, SE1/4
- 36, W1/2, W1/2 NE1/4, SE1/4;

- T. 9 N., R. 2 E.,
 Section 25, SE1/4 SE1/4;
 36, SE1/4 NW1/4, E1/2 SW1/4, E1/2 NE1/4, SW1/4
 NE1/4, SE1/4;
- T. 1 S., R. 3 E.,
 Section 26, Lot 2, N1/2 NW1/4 NE1/4;
- T. 1 N., R. 3 E.,
 Section 8, W1/2 NE1/4, NE1/4 SE1/4;
 16, N1/2 NE1/4, SE1/4 NE1/4;
 22, N1/2 NE1/4, SE1/4 NE1/4;
 23, NW1/4 SW1/4;
 25, NW1/4;
 26, NE1/4 NE1/4, S1/2 NE1/4, NE1/4 SE1/4;
- T. 5 N., R. 3 E.,
 Section 1;
 2, Lots 1, 2, 3, SE1/4 NW1/4, S1/2 NE1/4, S1/2;
 3 - 36;
- T. 6 N., R. 3 E.,
 Section 1 through 12;
 13, N1/2, NW1/4 SE1/4, N1/2 SW1/4;
 14, 15, 16;
 17, N1/2, SE1/4, E1/2 SW1/4, NW1/4 SW1/4, SW1/4
 SW1/4;
 18, Lots 1 to 4, E1/2 W1/2, NE1/4, N1/2 SE1/4,
 SW1/4 SE1/4;
 19, Lots 1 to 4, E1/2 W1/2, W1/2 E1/2, SE1/4 SE1/4;
 20, 21;
 22, S1/2;
 23, S1/2;
 24 to 33;
 34, N1/2, SW1/4;
 35, N1/2, SE1/4, E1/2 SW1/4;
 36;

T. 7 N., R. 3 E.,
 Section 1, Lots 1, 2, 4, S1/2 N1/2, S1/2;
 2;
 3, Lots 1, 2, 3, 4, S1/2 N1/2, SE1/4, E1/2 SW1/4,
 NW1/4 SW1/4;
 4, 5, 6;
 7, Lots 1, 2, 3, 4, E1/2 W1/2, W1/2 NE1/4, NE1/4
 NE1/4, SE1/4;
 8, NW1/4 NW1/4, NE1/4, S1/2;
 9, NW1/4, NW1/4 SW1/4, W1/2 E1/2, NE1/4 SE1/4;
 10, E1/2 W1/2, E1/2;
 11 to 14;
 15, E1/2, NE1/4 NW1/4, W1/2 NW1/4, NW1/4 SW1/4;
 16, E1/2, SW1/4, SE1/4 NW1/4;
 17, S1/2, NW1/4, N1/2 NE1/4;
 18;
 19, Lots 1, 2, 3, 4, E1/2 W1/2, NE1/4, N1/2 SE1/4,
 SE1/4 SE1/4;
 20, 21, 22, 23, 24, 25, 26, 27, 28, 29;
 30, Lots 1, 2, 3, 4, SE1/4 NW1/4; E1/2 SW1/4,
 SE1/4, E1/2 NE1/4;
 31, All
 32, 33, 34;
 35, W1/2, SE1/4, SE1/4 NE1/4;
 36, S1/2, NE1/4, E1/2 NW1/4, SW1/4 NW1/4;

T. 8 N., R. 3 E.,
 Section 3, SW1/4, W1/2 SE1/4, NE1/4 SE1/4;
 4, Lots 2, 3, 4, S1/2 N1/2, S1/2;
 5, 6, 7, 8, 9, 10;
 11, W1/2, SE1/4, S1/2 NE1/4, NW1/4 NE1/4;
 14, NE1/4, E1/2 NW1/4, NW1/4 NW1/4, SW1/4 SW1/4;
 15, N1/2 N1/2, NW1/4 SE1/4, NE1/4 SW1/4, S1/2 S1/2;
 16;
 17, N1/2, SW1/4, N1/2 SE1/4;
 18;
 19, Lots 1, 2, 3, 4, E1/2 NW1/4, NE1/4 SW1/4,
 NE1/4, SE1/4 SE1/4;
 20, S1/2, S1/2 N1/2, NW1/4 NW1/4, NE1/4 NE1/4;
 21, 22, 23;
 24, S1/2, W1/2 NW1/4, SE1/4 NW1/4, SW1/4 NE1/4;

25, N1/2 NE1/4, W1/2, SE1/4;
 26, N1/2 N1/2, SE1/4 NE1/4, SE1/4, S1/2 SW1/4;
 27, NE1/4, E1/2 NW1/4, NW1/4 NW1/4, SE1/4 SW1/4,
 S1/2 SE1/4;
 28, N1/2, NW1/4 SW1/4;
 29;
 30, E1/2, E1/2 W1/2;
 31;
 32, W1/2, SE1/4, NW1/4 NE1/4;
 33, N1/2 SW1/4, S1/2 NW1/4, NE1/4 NW1/4, E1/2
 SE1/4;
 34;
 35, W1/2, S1/2 SE1/4, W1/2 NE1/4, NE1/4 NE1/4;
 36, NW1/4 NW1/4, W1/2 SW1/4, NE1/4 SW1/4, E1/2
 SE1/4, S1/2 NE1/4;

T. 9 N., R. 3 E.,
 Section 31, Lots 1, 2, 3, 4, E1/2 W1/2, SE1/4, S1/2 NE1/4,
 NW1/4 NE1/4;
 32, SW1/4, W1/2 SE1/4, SE1/4 SE1/4;
 33, S1/2 SW1/4;

T. 1 S., R. 4 E.,
 Section 1, Lot 3;
 14, SW1/4 NW1/4 SW1/4, SW1/4 SE1/4;
 15, S1/2 N1/2, S1/2;
 16, N1/2 SE1/4;
 20, SE1/4 SE1/4;
 21, E1/2, S1/2 SW1/4;
 22, 23;
 24, SW1/4 NW1/4, SW1/4, SW1/4 SE1/4;
 25, 26, 27;
 28, E1/2, NW1/4, E1/2 SW1/4;
 33, N1/2 NE1/4, SE1/4 NE1/4;
 34, 35, 36;

T. 2 S., R. 4 E.,
 Section 1, N1/2;
 2, N1/2;

3, E1/2 NE1/4;

T. 1 N., R. 4 E.,

Section 3, SE1/4 NW1/4;

19, Lot 3;

20, E1/2 SW1/4;

29, NW1/4NW1/4;

30, N1/2 NE1/4, SE1/4 NE1/4, Lot 2;

T. 2 N., R. 4 E.,

Section 26, SE1/4 SE1/4;

31, E1/2;

32, S1/2 SW1/4, SW1/4 SE1/4;

T. 5 N., R. 4 E.,

Section 2, Lots 3, 4, S1/2 NW1/4, S1/2;

3 and 4;

5, Lots 1, 2, 4, S1/2 N1/2, S1/2;

6, 7, 8, 9, 10;

11, N1/2, SW1/4, W1/2 SE1/4, NE1/4 SE1/4;

14, SE1/4 SE1/4, W1/2 E1/2, W1/2;

15, 16, 17, 18, 19, 20, 21, 22, 23;

25 to 35 inclusive;

T. 6 N., R. 4 E.,

Section 1-12 inclusive;

13, NW1/4;

14, 15, 16, 17;

18, Lots 1, 2, 3, E1/2 W1/2, E1/2;

19, Lots 3, 4, E1/2 W1/2, E1/2;

20, 21, 22;

23, N1/2;

25 to 28 inclusive;

29, E1/2, E1/2 NW1/4, NW1/4 NW1/4, E1/2 SW1/4
NW1/4, W1/2 NW1/4 SW1/4, SW1/4 SW1/4, NE1/4
SW1/4;

30, Lots 1, 2, 3, 4, E1/2 W1/2, W1/2 E1/2, NE1/4
N1/2 SE1/4;

31, Lots 1, 2, 3, 4, E1/2 W1/2, W1/2 E1/2, SE1/4
SE1/4;
32, W1/2 W1/2, E1/2;
33, 34, 35;

T. 7 N., R. 4 E.,

Section 1, 2;
3, Lots 2, 3, 4, S1/2 N1/2, S1/2;
4, 5;
8, 9, 10, 11, 12;
13, Lot 1;
14, N1/2;
15, N1/2;
16, N1/2;
17, 18;
19, Lots 1, 2, 3, 4, SE1/4 NW1/4, E1/2 SW1/4, SW1/4
SE1/4, E1/2 E1/2;
20, N1/2, SE1/4, N1/2 SW1/4, SW1/4 SW1/4;
25, 26, 27;
28, N1/2, W1/2 SW1/4, NE1/4 SW1/4, SE1/4 SE1/4;
29 to 36 inclusive;

T. 8 N., R. 4 E.,

Section 19, Lots 3, 4, SE1/4 SW1/4;
23, NE1/4, W1/2 SE1/4, SW1/4, SE1/4 NW1/4;
25, 26;
27, S1/2, NE1/4, S1/2 NW1/4;
28, S1/2, S1/2 N1/2;
29, S1/2, S1/2 N1/2;
30, Lots 1, 3, 4, NE1/4 NW1/4, E1/2 SW1/4, E1/2;
31, 32;
33, N1/2 NW1/4, E1/2 SW1/4, E1/2;
34, 35, 36;

T. 1 N., R. 5 E.,

Section 1;
2, Lots 1, 2, SE1/4 NW1/4, S1/2 NE1/4, S1/2;
3, Lot 4, S1/2;
4, Lot 1, S1/2 SE1/4, SE1/4 SW1/4;

5, Lots 1, 4, 6, 7, 10, 11, SW1/4 NW1/4;
6, Lot 1, SE1/4 NE1/4, N1/2 SE1/4, SW1/4 SE1/4,
SE1/4 SE1/4;
8, SE1/4;
9 to 16 inclusive;
17, N1/2, E1/2 SE1/4, SW1/4 SE1/4;
18, SE1/4 SE1/4;
19, Lot 9, E1/2 NE1/4, SW1/4 NE1/4, SE1/4;
20;
21, N1/2;
22 to 26 inclusive;
27, S1/2;
29;
30, Lot 1, E1/2;
31; Lots 3, 4, E1/2 W1/2, E1/2;
32, 34, 35, 36.

T. 2 N., R. 5 E.

Section 19, Lots 2, 3, 4, SE1/4 NW1/4, NE1/4 SW1/4, NE1/4,
N1/2 SE1/4;
20, N1/2;
21, N1/2, E1/2 SE1/4;
22;
23, NW1/4, N1/2 SW1/4;
25, S1/2 SE1/4, SE1/4 SW1/4;
29, N1/2 NE1/4, NE1/4 SW1/4;
34, NE1/4 SE1/4;
35, NW1/4 SW1/4, NW1/4 NE1/4, S1/2 NE1/4, SE1/4;
36, S1/2, S1/2 N1/2;

T. 1 N., R. 6 E.,
All of fractional township

T. 2 N., R. 6 E.,

Section 3;
4;
9;
10;
15, 16;

17, Lots 5 & 8;
20, Lots 2 & 5, SE1/4 NE1/4;
21; SW1/4, E1/2 NW1/4, E1/2;
22;
27;
28;
29, Lot 4, E1/2 NE1/4, SW1/4 NE1/4, SE1/4, E1/2
SW1/4, SW1/4 SW1/4;
30, Lots 9 & 10, NE1/4 SW1/4, SE1/4;
31, Lots 2, 3, 4, E1/2 W1/2, E1/2;
32, 33, 34;
Except that portion of above described land
designated as Boysen Reclamation Project.

T. 3 N., R. 6 E.,
Section 3;

4, Lots 1, 2, 3, 6, 7, 10, S1/2 NE1/4, N1/2 SE1/4,
SE1/4 SE1/4;
10, Lots 1, 2, 3, 4, W1/2 SW1/4;
15;
16, E1/2 NE1/4, SE1/4;
21, E1/2 E1/2 SW1/4;
22, Lots 1, 2, 3, W1/2 NW1/4, NW1/4 SW1/4;
28, NE1/4 NE1/4, W1/2 E1/2;
29, Lot 5
33, S1/2 SE1/4, NE1/4 SE1/4;
34, Lots 3 and 4, W1/2 SW1/4;
Except that portion of above described land
designated as Boysen Reclamation Project.

T. 4 N., R. 6 E.,
Section 1;

2;
9, Lot 3;
10, Lots 1 - 4 inclusive, SW1/4 SW1/4;
15, Lots 1, 2, W1/2 NW1/4;
16, NE1/4 SE1/4, SW1/4 SE1/4;
Except that portion of above described land
designated as Boysen Reclamation Project.

- c. Said April 12, 1944, restoration applied only to undisposed of ceded land and was expressly made "subject to any valid existing rights." Evidence submitted by the United States and/or Tribes, herein, indicates that some of said lands had in fact been disposed of and had become the subject of private ownership. Such privately held lands were excluded from the legal descriptions contained in Finding of Fact 4-12.b., above.
- d. Much of the disposed land excluded from the April 12, 1944, restoration has subsequently been reacquired by the United States in trust for the Tribes. With respect to those portions of said reacquired lands, which are the subject of reserved claims by the United States and Tribes herein, the reacquisition dates and legal descriptions are set forth below. The legal description here describes the township, range and section. A more detailed legal description for a particular tract can be found in Appendices 3 to 10.

Tract or Pump	Legal Description	Acres Claimed by U.S. and/or Tribes	Date Reacquired
15-006C	T6N,R3W,S15	66.0	3/31/41
15-005X	T6N,R3W,S16	5.9	3/31/41
16-005X	T6N,R4W,S27	30.0	2/20/46
38-002X	T7N,R5W,S22	25.7	4/13/42
16-015X	T4N,R3W,S6	14.8	4/14/43
16-031C	T5N,R4W,S14	63.0	11/1/40
20-016C1	T6N,R1E,S29	14.0	6/1/43
20-020C	T7N,R1E,S34	8.0	12/23/41
20-021C	T7N,R1E,S34	16.0	12/23/41
N. Crow-heart Unit Pump 51	T5N,R1E,S12,S13	80.0	2/4/42
18-005X	T5N,R4E,S14	46.0	11/25/41
35-001	T8N,R2E,S27	52.6	4/10/41
35-005	T8N,R3E,S34	51.0	4/10/41
9-031	T2N,R4E,S29	16.0	2/6/45
20-012	T7N,R1W,S23	5.9	4/28/43
Riverton E. Pump 5	T1N,R5E,S1	623.5	1/9/42
Riverton E. Pump 4	T1N,R5E,S3	153.8	1/9/42
30-001X	T1N,R5E,S9	13.0	2/26/42
Riverton E. Pump 6	T2N,R5E,S35	63.4	1/9/42.
Riverton E. Pump 8	T2N,R5E,S36	282.3	2/26/42

- 4-12 a. Wyo. Exh. WR-6.
b. U. S. Exhs. WRIR C-317, C-317a.
c. U. S. Exhs. WRIR C-317, C-317a.
d. U. S. Exhs. WRIR C-317, C-317a.

YELLOW PAPER

4-13 The Sixth permanent restoration (2-2-1945)

- a. On February 2, 1945, the Secretary of Interior, upon finding that restoration of certain undisposed-of, ceded lands to tribal ownership would be in the tribal interest, ordered that such lands be added to and made part of the existing Wind River Reservation.
- b. Said undisposed-of ceded lands, included within the February 2, 1945, restoration, have the following legal description.

Wind River Meridian

- T. 6 N., R. 1 E.,
Section 2, N1/2 SE1/4 NE1/4, S1/2 NE1/4 SE1/4, SE1/4
 SE1/4;
- T. 8 N., R. 1 E.,
Section 24, W1/2 NE1/4;
- T. 5 N., R 1 E.,
Section 35;
 36;
- T. 5 N., R 2 E.,
Section 2;
 7, NE1/4 SE1/4;
 22, NW1/4 NW1/4;
- T. 7 N., R. 4 E.,
Section 6;
 7;
- T. 2 N., R. 4 E.,
Section 24, S1/2;
 26, NE1/4 SE1/4;
- T. 1 N., R. 5 E.,
Section 5, Lot 5;
 19, Lot 3;
 30, Lot 2;
- T. 2 S., R. 5 E.,
All of fractional township

T. 5 N., R. 6 E.,
Section 10, all of fractional section;
15, all of fractional section

T. 7 N., R. 1 W.,
Section 23, NW1/4;

T. 4 N., R. 2 W.,
Section 28, W1/2 SE1/4;

T. 7 N., R. 3 W.,
Section 18;

- c. Said February 2, 1945, restoration applied only to undisposed of ceded land and was expressly made "subject to any valid existing rights and reserves." Evidence submitted by the United States and/or Tribes, herein, indicates that some of said lands had in fact been disposed of and had become the subject of private ownership. Such privately held lands were excluded from the legal descriptions contained in Finding of Fact 4-13.,b., above.
- d. Much of the disposed land excluded from the February 2, 1945, restoration has subsequently been reacquired by the United States in trust for the Tribes. With respect to those portions of said reacquired lands, which are the subject of reserved right claims by the United States and Tribes herein, the reacquisition dates and legal descriptions are set forth below. The legal description here describes the township, range and section. A more detailed legal description for a particular tract can be found in Appendices 3 to 10.

<u>Tract or Pump</u>	<u>Legal Description</u>	<u>Acres Claimed by U.S. and/or Tribes</u>	<u>Date Reacquired</u>
20-39C	T5N,R2E,S22	123.0	1/7/42

- 4-13 a. Wyo. Exh. WR-7.
b. U. S. Exhs. WRIR C-317, C-317a.
c. U. S. Exhs. WRIR C-317, C-317a.
d. U. S. Exhs. WRIR C-317, C-317a.

YELLOW PAPER

4-14 The seventh permanent restoration (5-29-1945)

a. On May 29, 1945, the Secretary of Interior, upon finding that restoration of certain undisposed-of ceded lands was in the tribal interest, ordered that such lands be added to and made part of the existing Wind River Reservation.

b. Said undisposed-of ceded lands, included within the February 2, 1945, restoration, have the following legal description:

Wind River Meridian

T. 8 N., R. 3 E.,
Section 12, SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;
13, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
24, NE $\frac{1}{4}$ NE $\frac{1}{4}$;

T. 8 N., R. 4 E.,
Section 7, Lots 3 and 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
17, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
18, Lots 1, 2, 3, 4, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$,
S $\frac{1}{2}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$;
19, Lot 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
20, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
21, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$
SE $\frac{1}{4}$;
22, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
28, NW $\frac{1}{4}$ NE $\frac{1}{4}$;
29, NW $\frac{1}{4}$ NW $\frac{1}{4}$;

- c. Said May 29, 1945, restoration applied only to undisposed of ceded land and was expressly made "subject to any valid existing rights and reserves." Evidence submitted by the United States and/or Tribes, herein, indicates that some of said lands had in fact been disposed of and had become the subject of private ownership. Such privately held lands were excluded from the legal descriptions contained in Finding of Fact 4-14.b., above.
- d. Much of the disposed land excluded from the May 29, 1945, restoration has subsequently been reacquired by the United States in trust for the Tribes. With respect to those portions of said reacquired lands, which are the subject of reserved right claims by the United States and Tribes herein, the reacquisition dates and legal descriptions are set forth below. The legal description here describes the township, range and section. A more detailed legal description for a particular tract can be found in Appendices 3 to 10.

<u>Tract or Pump</u>	<u>Legal Description</u>	<u>Acres Claimed by U.S. and/or Tribes</u>	<u>Date Reacquired</u>
35-012C	T8N,R4E,S20	70.0	5/31/44

4-14 a. Wyo. Exh. WR-18E, Tr. 204, 7/21/80 (Voeller).

b. U. S. Exhs. WRIR C-317, C-317a.

c. U. S. Exhs. WRIR C-317, C-317a.

d. U. S. Exhs. WRIR C-317, C-317a.

4-15 The eighth permanent restoration (10-27-1948)

- a. On October 27, 1948, the Secretary of Interior, upon finding that restoration of certain undisposed-of, ceded, or 'opened' lands was in the tribal interest, ordered that such lands be added to and made part of the existing Wind River Reservation.
- b. Said undisposed of ceded lands, included within the October 27, 1948, restoration, have the following legal descriptions:

Wind River Meridian

T. 8 N., R. 1 E.,

- Section 1, S1/2 S1/2 S1/2;
10, E1/2 SE1/4 and SW1/4 SE1/4;
11, E1/2 NE1/4, SW1/4 NE1/4 and S1/2;
12, All
14, NW1/4 NE1/4, N1/2 NW1/4 and SW1/4 NW1/4;
15, E1/2 NW1/4, SW1/4 NW1/4, NE1/4, SW1/4, W1/2
SE1/4, NE1/4 SE1/4;
16, SE1/4 NE1/4, E1/2 SE1/4, SW1/4 SE1/4, SW1/4
SW1/4;
17, SE1/4 SE1/4;
18, Unsurveyed Portion;
19, All;
20, All;
21, W1/2 NW1/4 and N1/2 NE1/4;
22, N1/2 NW1/4 and SW1/4 NW1/4;
29, N1/2, SW1/4, E1/2 SE1/4 and NW1/4 SE1/4;
30, Lots 1, 2, and 3, E1/2 NW1/4 and NE1/4;
31, Lots 1, 2, 3, and 4, E1/2 W1/2, N1/2 NE1/4 and
SE1/4;
32, NW1/4 NW1/4, NE1/4 NE1/4, S1/2 NE1/4 and S1/2;
33, W1/2, SW1/4 NE1/4 and NW1/4 SE1/4;

T. 8 N., R. 2 E.,

- Section 3, SW1/4 NW1/4 and W1/2 SW1/4;
7, All;
8, All;
9, All;
16, All;
17, E1/2, NW1/4, N1/2 SW1/4, SE1/4 SW1/4;
18, N1/2 NW1/4, SE1/4 NW1/4, NE1/4, N1/2 SE1/4, and
NE1/4 SW1/4;

T. 9 N., R. 3 E.,

- Section 33, Lot 1;

T. 2 N., R. 5 E.,
Section 30, W1/2 NW1/4;

T. 7 N., R. 1 W.,
Section 2, SW1/4, Lot 1 and E1/2 of Lot 2, E1/2 SW1/4
NE1/4, SE1/4 NE1/4;
3, S1/2;
4, S1/2;
5, S1/2;
6, All;

T. 8 N., R. 1 W.,
Section 24, S1/2 NW1/4, S1/2 and NE1/4;
25, All;
30, Lots 1 and 2, SE1/4 SE1/4;
31, Lots 1, 2, 3, 4, E1/2 SW1/4, E1/2;
35, E1/2 SE1/4, E1/2 W1/2 SE1/4;
36, NE1/4, N1/2 NW1/4, SW1/4 NW1/4 and SW1/4 SW1/4;

- c. Said. October 27, 1948, restoration applied only to undisposed of ceded land and was expressly made "subject to any valid existing rights and reserves." Evidence submitted by the United States and/or Tribes, herein, indicates that some of said lands had in fact been disposed of and had become the subject of private ownership. Such privately held lands were excluded from the legal descriptions contained in Finding of Fact 4-15,b., above.
- d. Much of the disposed land excluded from the October 27, 1948, restoration has subsequently been reacquired by the United States in trust for the Tribes. With respect to those portions of said reacquired lands, which are the subject of reserved right claims by the United States and Tribes herein, the reacquisition dates and legal descriptions are set forth below. The legal description here describes the township, range and section. A more detailed legal description for a particular tract can be found in Appendices 3 to 10.

<u>Tract Pump</u>	<u>Legal Description</u>	<u>Acres Claimed by U.S. and/or Tribes</u>	<u>Date Reacquired</u>
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33-001

T8N,R1E,S16

47.4

7/14/48

4-15 a. Wyo. Exh. WR-18F, Tr. 204, 7/21/80 (Voeller).

b. U. S. Exhs. WRIR C-317, C-317a.

c. U. S. Exhs. WRIR C-317, C-317a.

d. U. S. Exhs. WRIR C-317, C-317a.

YELLOW PAPER

4-16 The ninth permanent restoration (8-15-1953)

- a. By the Act of August 15, 1953, Congress restored to the tribes certain vacant lands that had been ceded to the United States under the provisions of the Act of March 3, 1905.
- b. Said vacant lands, included within the August 15, 1953, restoration, have the following legal descriptions:

Wind River Meridian

T. 3 N., R. 1 W.,

Section 15, NW1/4;
16, N1/2;
17, N1/2;
18, E1/2 NE1/4, NW1/4;
20, Lot 3;
21, Lot 2 and 10, W1/2 Lot 6;
27, Lots 5, 6;
35, Lot 1;
36, Lots 3, 4;

T. 2 N., R. 1 E.,

Section 5, Lot 1;
13, NW1/4 SW1/4, Lot 3;
14, Lots 6 and 11;
25, Lots 1 and 4;

T. 3 N., R. 1 E.,

Section 1, W1/2, S1/2 NE1/4, W1/2 SE1/4;
2, 3;
8-10 inclusive;
11, W1/2, NE1/4;
12, W1/2 NW1/4;
30, Lot 3, NE1/4 SW1/4;
31, Lots 4 and 5;
32, Lots 1, 2, 5, 6, NW1/4 NW1/4;

T. 4 N., R. 1 E.,

Section 13 - 15 inclusive;
22, N1/2, N1/2 S1/2, S1/2 SW1/4, SW1/4 SE1/4;
23, N1/2, N1/2 S1/2;
24, N1/2, N1/2 S1/2;
27, W1/2, W1/2 E1/2;
34, NW1/4, S1/2, S1/2 NE1/4, NW1/4 NE1/4;
35, S1/2, SW1/4 NW1/4;
36, S1/2 SW1/4;

T. 2 N., R. 2 E.,

Section 20, E1/2 SE1/4;
21, S1/2;
22, S1/2;
26;
27, N1/2;
29, S1/2, E1/2 NE1/4, SW1/4 NW1/4, S1/2 SE1/4
NW1/4, W1/2 NW1/4 NW1/4;
30, All of section lying North of Wind River;
31, All of section lying North of Wind River;

T. 4 N., R. 2 E.,

Section 3, Lots 2, 3, 4, SW1/4 NE1/4, S1/2 NW1/4, SW1/4,
W1/2 SE1/4;
4-9 inclusive;
10, W1/2, W1/2 E1/2, E1/2 SE1/4;
11, W1/2 SW1/4;
14, W1/2, SW1/4 SE1/4;
15 - 18 inclusive;
19, N1/2;
20, N1/2;
21, N1/2, N1/2 SE1/4;
22, N1/2, N1/2 S1/2;
23, N1/2, N1/2 S1/2;
24;
25, N1/2, N1/2 S1/2;

T. 5 N., R. 2 E.,

Section 21, S1/2 SE1/4;
22, NE1/4 SW1/4, SE1/4;
26, W1/2;
27, SE1/4, SW1/4 NW1/4;
28, E1/2;
33, E1/2;
Section 34, N1/2, SW1/4, N1/2 SE1/4, SW1/4 SE1/4;
35, N1/2, N1/2 SW1/4;
36, N1/2, NE1/4 SW1/4, N1/2 SE1/4;

T. 4 N., R. 3 E.,

Section 1, 2 and 3;
4, N1/2, N1/2 S1/2, S1/2 SE1/4;
5, N1/2, NE1/4 SE1/4;
6, Lots 1 and 2, SE1/4 NE1/4;
9, N1/2 NE1/4;
10, N1/2 N1/2;
11, N1/2 N1/2;
12, N1/2, NE1/4 SW1/4, SE1/4;
13, NE1/4 NE1/4;

T. 2 N., R. 4 E.,
Section 24, N1/2;

T. 4 N., R. 4 E.,
Section 1-10 inclusive;
11, N1/2;
12, N1/2;
15, N1/2 NE1/4, NW1/4;
16, N1/2, N1/2 S1/2;
17;
18, N1/2, SE1/4, E1/2 SW1/4;

T. 2 N., R. 5 E.,
Section 7, SE1/4 SW1/4, S1/2 SE1/4;
8, S1/2;
9, S1/2;
10, SW1/4, W1/2 SE1/4, SE1/4 SE1/4;
11, S1/2 S1/2;
12, S1/2 S1/2;
13;
14, N1/2, N1/2 S1/2, S1/2 SE1/4, SE1/4 SW1/4;
15, N1/2, SW1/4;
16 - 18 inclusive;
19, N1/2 NW1/4;

T. 3 N., R. 5 E.,
Section 1, N1/2 N1/2 N1/2;

T. 4 N., R. 5 E.,
Section 4, lot 4, SW1/4, S1/2 SE1/4, Lot except that por-
tion included in the Boysen Project;
5, 6;
7, N1/2;
8, N1/2;
9, N1/2;
10, NW1/4, W1/2 NE1/4, SE1/4 NE1/4, W1/2 NE1/4
NE1/4;

T. 3 N., R 6 E.,
Section 27, W1/2 NW1/4, N1/2 NW1/4 SW1/4, Lots 3 and 4;
34, Lots 1 and 2, E1/2 SW1/4 NW1/4;

4-16 a. Wyo. Exh. WR-18G, Tr. 204, 7/21/80 (Voeller).

b. U. S. Exhs. WRIR C-317, C-317a.

YELLOW PAPER

4-17 The tenth permanent restoration (7-23-1974)

- a. On July 23, 1974, the Secretary of Interior restored to Tribal ownership certain ceded lands and ordered that they be added to and made part of the Wind River Reservation.
- b. Said undisposed-of ceded lands, included within the July 23, 1974, restoration, have the following legal description:

Wind River Meridian

- T. 2 N., R. 1 E.,
Section 3, W1/2 of Lot 5.
- T. 8 N., R. 1 E.,
Section 2, lot 1
- T. 8 N., R. 2 E.,
Section 6, lot 9.
- T. 9 N., R. 2 E.,
Section 35, lot 2.
- T. 1 N., R. 3 E.,
Section 29, lot 1.
- T. 9 N., R. 3 E.,
Section 28, lots 2, 3 and 4.
- T. 1 N., R. 4 E.,
Section 4, SW1/4 NE1/4;
Section 36, SW1/4 SE1/4.
- T. 8 N., R. 4 E.,
Section 12, lot 1;
Section 17, S1/2 NE1/4.
- T. 1 N., R. 5 E.,
Section 30, lot 7;
Sections 19, 30, 31,
unsurveyed islands within Big Wind River.

T. 2 N., R. 5 E.,
Sections 26, 27, 33, 34,
unsurveyed islands within Big Wind River.

T. 4 N., R. 6 E.,
Section 3, Lot 5

T. 6 N., R. 6 E.,
Section 9, lots 7 & 8;
Section 15, S1/2 Lot 4;
Section 16, lots 1 & 6.

4-17 a. Wyo. Exh. WR-8, Tr. 153, 7/21/80.

b. U. S. Exhs. WRIR C-317, C-317a.

YELLOW PAPER

4-18 Other Reacquired Lands

A significant amount of ceded land which was not restored was nevertheless reacquired by the United States in trust for the Tribes, as were certain lands within the diminished reservation which previously had passed into private ownership. With respect to those portions of said reacquired lands, which are the subject of reserved right claims by the United States and Tribes herein, the reacquisition dates and legal descriptions are set forth in 4-18a. and 4-18b., below. The legal description here describes the township, range and section. A more detailed legal description for a particular tract can be found in Appendices 3 to 10.

a. Reacquisitions of Unrestored, Ceded Land

The reacquisition dates and legal descriptions of such lands within the unrestored, ceded portions of the reservation are as follows:

REACQUIRED CEDED LANDS

PAGE NUMBER 1

TRACT NUMBER OR PROJECT NAME AND PUMP NUMBER	DATE REACQUIRED	ACRES CLAIMED BY U. S. AND TRIBES
-----	-----	-----
08-010	11/27/1941	1.0
08-046H	11/27/1941	23.0
09-003	02/02/1942	5.8
09-031	02/06/1945	16.0
09-033	02/06/1945	3.7
10-001C	04/13/1942	239.3
10-002C	04/13/1942	9.0
10-003C	04/13/1942	10.0
15-001C	08/22/1940 01/02/1941	12.0 89.0
15-001X	06/19/1943	27.0
15-002	01/30/1942	5.6
15-002C	01/08/1941	555.9
15-002X	06/19/1943	25.6
15-003	01/08/1942	9.5
15-003C	01/08/1941	160.0
15-004	07/03/1942	1.6
15-004C	03/31/1941	80.0
15-005	07/03/1942	5.1
15-005A	01/08/1942	4.7
15-005C	03/31/1941	40.0
15-005X	03/31/1941	5.9

REACQUIRED CEDED LANDS

PAGE NUMBER 2

TRACT NUMBER OR PROJECT NAME AND PUMP NUMBER	DATE REACQUIRED	ACRES CLAIMED BY U. S. AND TRIBES
15-006C	03/31/1941	66.0
15-007C	09/15/1942	94.0
15-007X	03/31/1941 05/16/1941	15.0 30.0
15-008C	11/16/1940	111.0
15-009C	11/16/1940	21.0
15-010C	11/16/1940	90.0
15-011C	10/24/1941	13.0
15-012C	11/22/1940	29.0
15-013C	01/08/1942	38.0
15-014C	01/08/1942	77.0
15-015C	07/03/1942	77.0
15-016C	01/30/1942	104.0
15-017C	04/07/1941	160.0
15-018C	08/22/1940 01/08/1941 12/16/1942	80.0 40.0 40.0
16-001	01/02/1941	1.7
16-001C	01/02/1941	140.0
16-002	01/02/1941	12.3
16-002C	09/10/1940	110.0
16-003C	01/02/1941	399.0
16-004	11/22/1940	3.9

REACQUIRED CEDED LANDS

PAGE NUMBER 3

TRACT NUMBER OR PROJECT NAME AND PUMP NUMBER	DATE REACQUIRED	ACRES CLAIMED BY U. S. AND TRIBES
16-004C	09/10/1940	105.0
16-004X	02/20/1946	3.6
16-005	11/22/1940	1.4
16-005C	01/02/1941	64.0
16-005X	02/20/1946	30.0
16-006	11/22/1940	10.1
16-006C	01/02/1941	81.0
16-007	11/22/1940	2.2
16-007C	09/10/1940	21.0
16-008C	01/02/1941	53.0
16-009C1	01/02/1941	2.3
16-009C2	01/02/1941	24.0
16-010C	01/02/1941	22.0
16-011C1	03/31/1941	16.0
16-011C2	03/31/1941	29.5
16-012C	01/02/1941	24.0
16-012X	04/14/1943	0.7
16-013C	10/23/1940	10.0
16-013X	04/14/1943	13.0
16-014C	03/31/1941	62.0
16-014X	04/14/1943	1.5

REACQUIRED CEDED LANDS

PAGE NUMBER 4

TRACT NUMBER OR PROJECT NAME AND PUMP NUMBER	DATE REACQUIRED	ACRES CLAIMED BY U. S. AND TRIBES
16-015C	02/20/1946	22.0
16-015X	11/23/1940 04/14/1943	8.0 14.8
16-016C	01/10/1941	21.0
16-017C	02/20/1946	36.0
16-017X	11/26/1943	17.2
16-018C	10/23/1940	76.0
16-019C	01/10/1941	51.0
16-020C	10/23/1940	24.0
16-021C	11/22/1940	27.0
16-022C1	11/22/1940	22.0
16-022C2	11/22/1940	37.0
16-023C	01/10/1941	11.0
16-024C	12/21/1940	82.0
16-025C	11/22/1940	31.0
16-026C	12/21/1940	13.0
16-027C	11/22/1940	38.0
16-028C	01/10/1941	48.0
16-029C	11/22/1940 04/25/1941	20.0 61.0
16-030C	11/22/1940	45.0
16-031C	11/01/1940	63.0

REACQUIRED CEDED LANDS

PAGE NUMBER 5

TRACT NUMBER OR PROJECT NAME AND PUMP NUMBER	DATE REACQUIRED	ACRES CLAIMED BY U. S. AND TRIBES
16-032C1	10/23/1940	73.2
16-032C2	10/23/1940	48.8
16-033C	04/25/1941	12.0
16-034C	10/23/1940	43.0
16-035C	11/23/1940	63.9
16-036C	10/23/1940	9.0
16-037C	10/23/1940 11/23/1940	20.0 7.0
16-038C	11/23/1940	34.0
16-039C	10/23/1940	31.0
16-040C	10/23/1940	6.4
16-041C	10/23/1940	8.3
16-042C	10/23/1940	32.5
16-043C	11/23/1940	24.3
16-044C	04/14/1943	59.0
16-045C1	11/26/1943	16.0
16-045C2	11/26/1943	26.0
16-046C	11/23/1940	15.0
16-047C	04/14/1943	48.0
16-048C	11/26/1943	8.0
16-049C	02/20/1943	119.6
16-050C	04/14/1943	8.0

REACQUIRED CEDED LANDS

PAGE NUMBER 6

TRACT NUMBER OR PROJECT NAME AND PUMP NUMBER	DATE REACQUIRED	ACRES CLAIMED BY U. S. AND TRIBES
-----	-----	-----
16-051C1	11/26/1943	50.0
16-051C2	11/26/1943	22.0
16-052C	04/14/1943	27.2
16-053C	04/14/1943	30.0
16-054C	04/14/1943	74.0
16-055C1	04/14/1943	17.0
16-055C2	04/14/1943	15.0
16-056C	11/23/1940	45.1
16-057C	11/23/1940	8.2
18-001	04/10/1941	10.2
18-001C	01/07/1942	39.0
18-001X	11/25/1941	3.2
18-002X	11/25/1941	15.7
18-003X	11/25/1941	4.7
18-004X	11/25/1941	7.9
18-005	01/08/1941	4.4
18-005X	11/25/1941	46.0
18-006	01/08/1941	14.2
18-006X	01/08/1941	33.2
18-008	01/08/1941	5.4
18-009	01/08/1941	7.7

REACQUIRED CEDED LANDS

PAGE NUMBER 7

TRACT NUMBER OR PROJECT NAME AND PUMP NUMBER	DATE REACQUIRED	ACRES CLAIMED BY U. S. AND TRIBES
18-010	01/08/1941	0.6
18-010A	01/08/1941	0.4
18-011	01/08/1941	1.4
18-013	01/08/1941	12.4
18-014C	11/25/1941	30.0
18-015C	11/25/1941	158.0
18-016C	11/25/1941	30.0
18-017C	11/25/1941	17.8
18-018C	11/25/1941	28.0
18-019C	01/08/1941	30.0
18-020C	01/08/1941	27.0
18-021C	01/08/1941	20.0
18-022C	01/08/1941	15.0
18-023C1	01/08/1941	5.0
18-023C2	01/08/1941	15.0
18-024C	01/08/1941	17.0
18-025C	01/08/1941	13.0
19-001C	02/02/1942 07/23/1942	35.0 15.0
19-001X	02/13/1942	9.4
19-002C	04/28/1942	42.0
19-003C	12/22/1941	115.0

REACQUIRED CEDED LANDS

PAGE NUMBER 8

TRACT NUMBER OR PROJECT NAME AND PUMP NUMBER	DATE REACQUIRED	ACRES CLAIMED BY U. S. AND TRIBES
19-004C	12/22/1941	35.0
19-005	01/12/1943	0.8
19-005C	02/20/1943	28.0
19-006	02/20/1943	2.0
19-006C	02/20/1943	71.0
19-007	06/11/1969	39.3
19-007C1	07/30/1942	8.7
19-007C2	01/12/1943	23.3
19-007X	10/18/1941	22.0
19-008C	05/02/1941	127.5
19-009	06/11/1969	44.6
19-009C	01/12/1943	5.0
19-010	04/14/1943	6.0
19-010C	05/02/1941	59.0
19-011C	12/19/1944	30.0
19-013C	11/27/1941	76.0
19-014C	11/27/1941	156.1
20-001C	01/30/1942	482.4
20-001X	12/23/1941	43.4
20-002C	01/30/1942	45.0
20-003C	01/30/1942	127.5

REACQUIRED CEDED LANDS

PAGE NUMBER 9

TRACT NUMBER OR PROJECT NAME AND PUMP NUMBER	DATE REACQUIRED	ACRES CLAIMED BY U. S. AND TRIBES
20-004C	10/14/1941	6.0
20-005C	10/14/1941	69.5
20-006	04/28/1943	7.3
20-006C1	04/24/1942	50.0
20-006C2	04/24/1942	26.0
20-007C	04/24/1942	17.0
20-008C	04/24/1942	7.0
20-009	04/28/1943	5.6
20-009C1	04/28/1943	41.0
20-009C2	04/28/1943	126.0
20-010	04/24/1942	3.9
20-010A	04/24/1942	3.6
20-010B	04/24/1942	0.8
20-010C	04/28/1943	7.0
20-011	04/24/1942	8.0
20-011C	04/24/1942	38.0
20-012	04/24/1942 04/28/1943	6.0 5.9
20-013	04/24/1942 04/28/1943	10.0 5.0
20-013C	04/28/1943	104.0
20-014	03/31/1942	25.0

REACQUIRED CEDED LANDS

PAGE NUMBER 10

TRACT NUMBER OR PROJECT NAME AND PUMP NUMBER	DATE REACQUIRED	ACRES CLAIMED BY U. S. AND TRIBES
20-014C	04/28/1943	63.0
20-015C	12/23/1941	26.0
20-016C1	06/01/1943	14.0
20-016C2	06/01/1943	47.1
20-017	03/30/1942	1.2
20-017C	06/10/1942	84.0
20-018C1	06/10/1942	9.0
20-018C2	06/10/1942	26.0
20-018X	03/30/1942	0.8
20-019C	03/30/1942	85.0
20-019X	03/30/1942	1.1
20-020C	12/23/1941	8.0
20-021	12/14/1940	1.5
20-021C	12/23/1941	16.0
20-022C	12/23/1941	40.0
20-023C	12/14/1940	29.6
20-024	01/02/1941	1.0
20-024C	12/14/1940	16.0
20-025C	12/14/1940	8.2
20-026	01/02/1941	2.3
20-026C	01/02/1941	39.0

REACQUIRED CEDED LANDS

PAGE NUMBER 11

TRACT NUMBER OR PROJECT NAME AND PUMP NUMBER	DATE REACQUIRED	ACRES CLAIMED BY U. S. AND TRIBES
20-027C	01/02/1941	22.0
20-028C	01/02/1941	5.5
20-029C	03/30/1942	76.0
20-030C	03/30/1942	4.0
20-031C1	03/30/1942	1.0
20-031C2	03/30/1942	1.0
20-031C3	03/30/1942	1.0
20-031C4	03/30/1942	2.0
20-032C	01/02/1941	168.0
20-033	11/19/1941	0.9
20-033C	03/30/1942	159.0
20-034C	02/04/1942	164.5
20-035C	02/04/1942	14.0
20-036	11/19/1941	2.7
20-036C	01/09/1942 02/04/1942	20.0 23.2
20-037C	01/09/1942	85.4
20-038C	01/09/1942	49.3
20-039C	01/07/1942	123.0
20-040C	01/07/1942	29.0
20-041C	01/07/1942	32.0
20-042C	01/07/1942	40.0

REACQUIRED CEDED LANDS

PAGE NUMBER 12

TRACT NUMBER OR PROJECT NAME AND PUMP NUMBER	DATE REACQUIRED	ACRES CLAIMED BY U. S. AND TRIBES
-----	-----	-----
20-045C	11/19/1941	106.0
20-046C	11/19/1941	38.0
20-047C	03/30/1942	30.0
21-001C	04/28/1943	156.2
30-001C	01/09/1942	100.0
30-001X	02/26/1942	13.0
32-001	08/27/1958	4.3
33-001	07/14/1948	31.4
33-001C	04/10/1941	111.3
33-001X	12/07/1943	18.4
33-002C	04/10/1941	168.1
33-002X	07/14/1948	4.9
33-003C1	04/10/1941 06/15/1942 09/11/1942	243.5 30.0 45.0
33-003C2	04/10/1941	18.0
33-003X	07/14/1948	5.6
33-004	01/01/1942	7.8
33-004C1	04/10/1941	19.0
33-004C2	04/10/1941	12.0
33-004C3	04/10/1941	7.0
33-005	09/11/1942	5.0

REACQUIRED CEDED LANDS

PAGE NUMBER 13

TRACT NUMBER OR PROJECT NAME AND PUMP NUMBER	DATE REACQUIRED	ACRES CLAIMED BY U. S. AND TRIBES
33-005C1	04/10/1941	25.0
33-005C2	04/10/1941	10.0
33-005C3	04/10/1941	10.0
33-005X	07/14/1948	35.0
33-006C	04/10/1941	17.0
33-007C	04/10/1941	267.0
33-010C	07/14/1948	32.0
34-012C	09/11/1942	20.4
34-013C	04/25/1942	312.3
34-014C	09/11/1942	54.7
34-015C1	04/10/1941	21.0
34-015C2	09/11/1942	21.0
34-016C	09/11/1942	143.0
35-001	04/10/1941	52.6
35-001C	04/10/1941	61.0
35-002	04/10/1941	7.5
35-002C	08/22/1968	74.0
35-002X	04/10/1941	8.0
35-003	04/10/1941	2.7
35-003C1	04/10/1941	53.0
35-003C2	04/10/1941	12.0

REACQUIRED CEDED LANDS

PAGE NUMBER 14

TRACT NUMBER OR PROJECT NAME AND PUMP NUMBER	DATE REACQUIRED	ACRES CLAIMED BY U. S. AND TRIBES
35-003X	04/10/1941	0.7
35-004	04/10/1941	2.2
35-004C	04/10/1941	50.0
35-005	04/10/1941	51.0
35-005C1	04/10/1941	22.0
35-005C2	04/10/1941	15.0
35-006	04/10/1941	6.9
35-006C	04/10/1941	67.0
35-006X	04/10/1941	28.5
35-007	04/10/1941	14.7
35-007C	02/03/1942	138.0
35-008	04/10/1941	2.9
35-008C	07/08/1941	56.9
35-009	04/10/1941	33.5
35-009C	02/03/1942	2.0
35-010	04/10/1941	1.7
35-011C	07/08/1941	4.0
35-012C	05/31/1944	70.0
35-014C	04/10/1941	98.0
36-001C	07/14/1949	70.5
36-002C	07/14/1949	4.9

REACQUIRED CEDED LANDS

PAGE NUMBER 15

TRACT NUMBER OR PROJECT NAME AND PUMP NUMBER			DATE REACQUIRED	ACRES CLAIMED BY U. S. AND TRIBES
-----			-----	-----
36-003C			11/25/1943	143.0
36-004C			12/07/1943	127.0
36-005C			12/07/1943	15.0
38-002X			04/13/1942	25.7
NORTH CROWHEART UNIT,	PUMP	5	11/23/1940	61.0
NORTH CROWHEART UNIT,	PUMP	6	11/23/1940 05/03/1941	331.4 18.0
NORTH CROWHEART UNIT,	PUMP	7	09/11/1940 01/27/1941	587.8 328.0
NORTH CROWHEART UNIT,	PUMP	9	09/06/1940 02/02/1941 12/09/1942	44.1 157.2 18.6
NORTH CROWHEART UNIT,	PUMP	11	08/22/1940 01/07/1941 05/03/1941 10/14/1941	10.0 40.0 20.0 40.0
NORTH CROWHEART UNIT,	PUMP	51	02/04/1942	80.0
NORTH CROWHEART UNIT,	PUMP	59	01/07/1942	20.7
RIVERTON EAST UNIT,	PUMP	4	01/09/1942	153.8
RIVERTON EAST UNIT,	PUMP	5	01/09/1942	623.5
RIVERTON EAST UNIT,	PUMP	6	01/09/1942 02/26/1942	63.4 81.2
RIVERTON EAST UNIT,	PUMP	8	01/08/1942 02/26/1942	60.2 292.3

b. Reacquisitions within the Diminished Reservation

The reacquisition dates and legal descriptions of such lands within the diminished reservation are as follows:

REACQUIRED DIMINISHED LANDS

PAGE NUMBER 1

TRACT NUMBER OR PROJECT NAME AND PUMP NUMBER	DATE REACQUIRED	ACRES CLAIMED BY U. S. AND TRIBES
01-004C	02/12/1948	10.0
01-005C1	02/26/1941	141.0
01-005C2	02/26/1941	30.0
01-013	01/18/1980	6.0
01-034	10/23/1940	62.1
01-053	02/12/1948	10.0
01-055	02/12/1948	11.1
01-056	02/12/1948	14.5
01-110	02/20/1946	78.8
01-112	02/20/1942	109.0
01-131	10/30/1942	85.9
02-002C	02/26/1942	36.0
02-003C	09/30/1946	59.2
02-004C	05/10/1948	40.0
02-006C1	05/24/1941	40.0
02-006C2	09/30/1946	40.0
02-007C2	02/17/1976	40.0
02-008C	02/26/1942	2.0
02-011X	05/10/1948	11.0
02-062	03/08/1945	40.0
02-072	03/08/1945	21.0

REACQUIRED DIMINISHED LANDS

PAGE NUMBER 2

TRACT NUMBER OR PROJECT NAME AND PUMP NUMBER	DATE REACQUIRED	ACRES CLAIMED BY U. S. AND TRIBES
02-082	03/08/1945	38.8
02-100	03/08/1945	70.0
02-102	03/08/1945	10.5
03-017X	06/17/1943	12.0
03-026	06/17/1943	10.0
04-007	02/13/1948	20.1
04-008	02/13/1948	19.9
05-001CD	12/20/1941	35.0
05-002CM	12/20/1941	115.0
05-044	12/20/1941	58.9
05-052	12/20/1941	3.6
05-053	12/20/1941	18.0
05-058	02/26/1941	80.0
06-001	12/02/1940	42.1
06-001X	12/02/1940	12.9
12-010	05/06/1960	9.8
14-002C	02/20/1942	56.0
14-003C1	02/20/1942	46.0
14-004C	02/20/1942	25.0
14-005C1	02/20/1942	9.0
14-005C2	02/20/1942	15.0

REACQUIRED DIMINISHED LANDS

PAGE NUMBER 3

TRACT NUMBER OR
PROJECT NAME AND
PUMP NUMBER

DATE
REACQUIRED

ACRES CLAIMED
BY U. S. AND
TRIBES

TRACT NUMBER OR PROJECT NAME AND PUMP NUMBER	DATE REACQUIRED	ACRES CLAIMED BY U. S. AND TRIBES
14-012	02/20/1942	69.9
14-013	02/20/1942	7.3
17-001C	02/20/1942	11.1
22-002	03/07/1942	4.7
22-002C	03/07/1942	56.0
22-006	03/07/1942	2.4
22-007	03/07/1942	17.6
23-017	05/07/1941	40.8
24-002X	09/25/1944	12.0
25-001C	03/13/1951	102.4
25-002C	05/23/1946	25.0
25-003C	05/23/1946	27.0
25-004C	05/23/1946	13.0
25-005	05/23/1946	0.7
31-003C	06/26/1979	107.0
31-004C	06/26/1979	80.0
31-006	06/26/1979	23.4
31-007	06/26/1979	14.2
31-008	06/26/1979	3.7
31-009	06/26/1979	3.9
31-010	06/26/1979	24.2

4-18 a. U. S. Exhs. WRIR C-317, C-317a.

b. U. S. Exhs. WRIR C-317, C-317a.

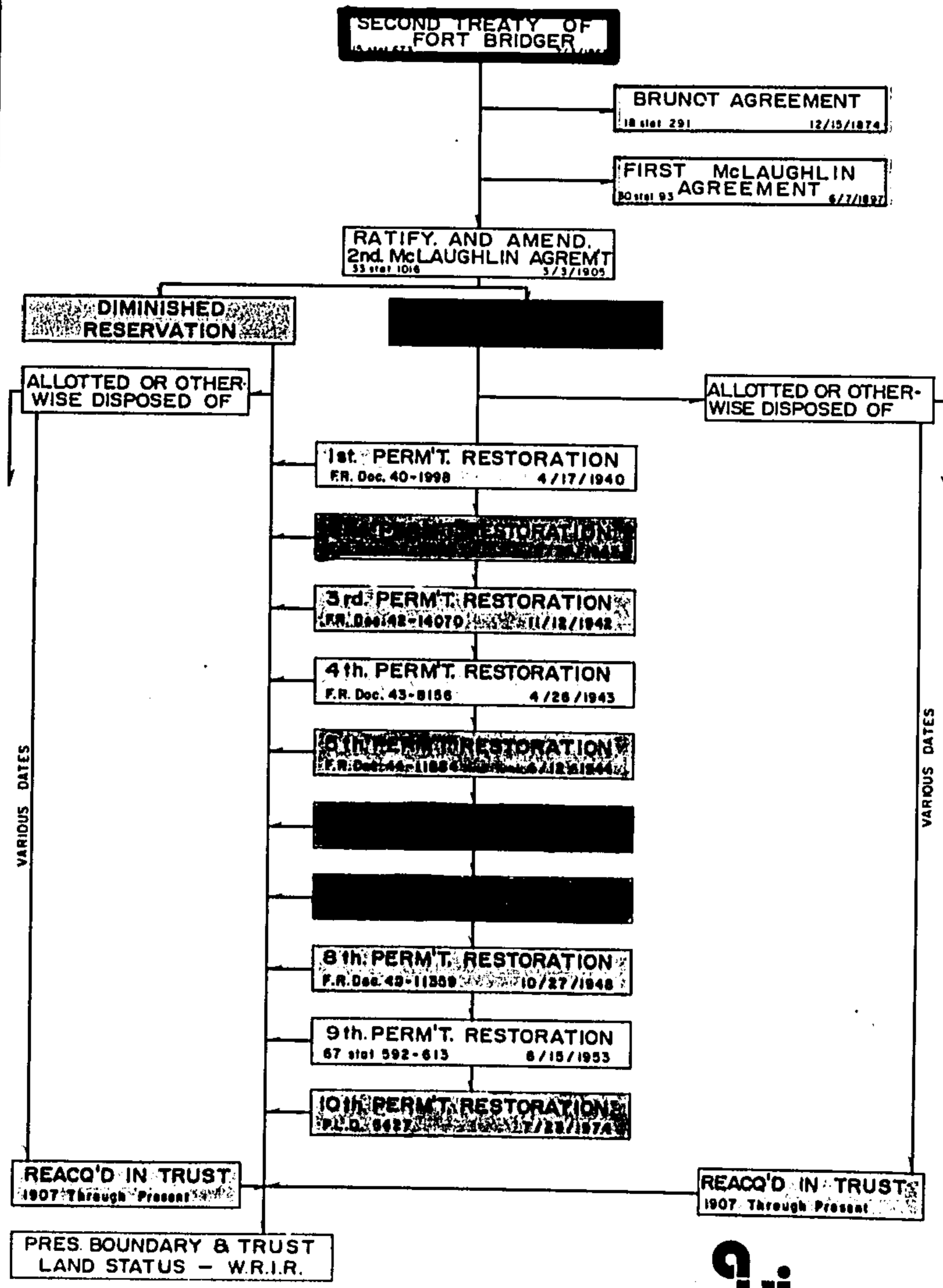
YELLOW PAPER

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4-19 Illustrative chart of the above described actions,
reducing and enlarging the Wind River Indian Reservation

In the following pocket part is an illustrative flow chart visually demonstrating the cessions, restorations, dispositions and reacquisitions associated with the Wind River Indian Reservation. The chart necessarily presents complex information in a very simplified form and, therefore, all conflicts between the chart and the detailed foregoing findings of fact must be resolved in favor of those findings of fact and against the chart.

ILLUSTRATIVE CHART WIND RIVER INDIAN RESERVATION



4-19 Similar to Wyo. Exh. WR-9A with addition of
 disposition and reacquisitions.

4-20 Exterior Boundaries of the Wind River Indian Reservation,
as stipulated by the major parties hereto

On April 15, 1980, the United States, the Tribes and the State of Wyoming stipulated as to the present exterior boundaries of the Wind River Indian Reservation. The entire text of that stipulation follows:

UNRECORDED COPY OF THE ORIGINAL DOCUMENT IS BEING MAINTAINED IN THE OFFICE OF THE ATTORNEY GENERAL. THE ORIGINAL DOCUMENT IS BEING MAINTAINED IN THE OFFICE OF THE ATTORNEY GENERAL. THE ORIGINAL DOCUMENT IS BEING MAINTAINED IN THE OFFICE OF THE ATTORNEY GENERAL.

GOOD QUALITY

UNREADABLE

T. 71 R. 3W
 T. 71 R. 4W
 T. 71 R. 5W
 T. 71 R. 6W
 T. 71 R. 7W
 T. 71 R. 8W

And portions of the following Townships and Ranges:

T. 15 R. 5W

Sections 1-- 29, 34, 35, 36 and portions of Sections 29; -30, -32 and -33-
(unsurveyed)

T. 21 R. 4W

SW $\frac{1}{4}$ Section 1
 SE $\frac{1}{4}$ Section 1
 NW $\frac{1}{4}$ Section 1
 SW $\frac{1}{4}$ Section 1
 Lots 1 through 4 Section 1

And,

all of Sections 2 through 36.

T. 25 R. 2E

Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 16, 17, 18

And,

NE $\frac{1}{4}$ Section 11
 NW $\frac{1}{4}$ Section 11
 Lot 4
 NW $\frac{1}{4}$ Section 11
 NE $\frac{1}{4}$ Section 11
 Lots 1, 2 and 3 Section 11
 Lots 1 - 3 Section 12
 Lots 1 - 3 Section 14
 NW $\frac{1}{4}$ Section 15
 NW $\frac{1}{4}$ Section 15
 SW $\frac{1}{4}$ Section 15
 Lots 1 and 2 Section 15
 NE $\frac{1}{4}$ Section 19
 SW $\frac{1}{4}$ Section 19
 NW $\frac{1}{4}$ Section 19
 Lots 1 - 3 Section 19
 NE $\frac{1}{4}$ Section 20
 Lots 1 - 3 Section 20
 NE $\frac{1}{4}$ Section 21
 NE $\frac{1}{4}$ Section 21
 NW $\frac{1}{4}$ Section 21
 Lots 1 - 3 Section 21
 NW $\frac{1}{4}$ Section 22
 Lots 1 - 4 Section 22
 Lots 1 - 3 Section 30

QUALITY

UNREADABLE

T. 25 R. 12

Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14

And,

1/4 Section 14
 Lots 1 - 3 Section 15
 Lots 1 - 6 Section 16
 NW 1/4 Section 16
 NE 1/4 Section 16
 NW 1/4 Section 17
 SW 1/4 Section 17
 NW 1/4 Section 17
 Lots 1 - 4 Section 18
 NW 1/4 Section 18
 Lots 2 - 3 Section 19
 NW 1/4 Section 20
 NW 1/4 and NW 1/4 Section 21
 NW 1/4 Section 22
 NW 1/4 Section 23
 NW 1/4 Section 24
 NW 1/4 Section 25
 NW 1/4 Section 25
 NW 1/4 Section 25
 NW 1/4 Section 26
 NW 1/4 Section 26

T. 25 R. 12

Sections 1, 2, 3, 4, 5, 6

And,

Lots 1 - 5 Section 7
 Lots 1 - 4 Section 8
 Lots 1 - 4 Section 9
 Lots 1 - 4 Section 10
 Lots 1 - 4 Section 11
 Lots 1 - 4 Section 12

T. 25 R. 12

Sections 1 - 6

Lots 1 - 4 Sections 7 through 12

T. 25 R. 12

Sections 1 - 6

Lots 1 - 4 Sections 7 through 12

T. 25 R. 12

Sections 4 - 9, 14 - 21, 23 - 33

And,

SW 1/4 Section 3
 NW 1/4 Section 4
 Lots 1 - 3 Section 5
 NW 1/4 Sections 10, 15, 20, 25, 30
 NW 1/4 Sections 21, 24, 29, 31, 32

GOOD QUALITY

UNREADABLE

7. 25 2. 47

Section 1 - 13

Section 10
Section 11
Section 12
Section 13
Section 14
Section 15
Section 16
Section 17
Section 18
Section 19
Section 20 - 21
Section 22 - 24
Section 25 - 26

7. 26 2. 17

Sections 1 - 11, 15, 17, 18

And,

Section 11
Section 12
Section 13
Section 14
Section 15
Section 16
Section 17
Section 18
Section 19
Section 20
Section 21
Section 22
Section 23
Section 24
Section 25
Section 26

7. 26 2. 17

Sections 1 - 13

And,

Section 13
Section 14
Section 15
Section 16
Section 17
Section 18
Section 19
Section 20 - 21
Section 22 - 24
Section 25 - 26

7. 71 2. 57

Sections 1 - 4, 3 - 36

And,

Section 3
Section 4
Section 5
Section 6
Section 7
Section 8
Section 9
Section 10
Section 11
Section 12
Section 13

And, Lots 1, 2, 3 Section 4
SW Section 4
SW Section 7
SW Section 7
SW Section 7

And, Lots 1 - 4 Section 7

7. 15 R. 6W Notes: This Township was unsurveyed except that portion inside the Reservation which is shown on the exterior boundary plat.
(Unsurveyed) - Sections 1 - 3, 10 - 15, 23 - 25

7. 21 R. 5W

Lots 1 and 2 Sections 25 and 26
Lots 1 - 3 Section 26
SW Section 26
SW Section 26
SW Section 26
SW Section 26
SW Section 26

7. 21 R. 6W (This Township is unsurveyed except for the western boundary of the Reservation and portion of the southern boundary and south 3 miles of the eastern boundary of the Township.)
(Unsurveyed) - Sections 1, 2, 3, 10 - 15, 22 - 27, 34 - 36

7. 21 R. 6W (The only portion of this Township that is surveyed is approximately the SW.)
(Unsurveyed) - Sections 1 - 3, 10 - 15, 22 - 27, 34 - 36

7. 21 R. 6W

Sections 1, 2, 11 - 14, 23 - 26, 35, 36

SW Sections 1, 10, 15, 22, 27, 34
Lots 1 - 4 Sections 10, 15, 22, 27, 34
Lots 1 - 6 Section 1

7. 21 R. 6W

Sections 11 - 14, 23 - 26, 35, 36

SW Sections 10, 15, 22, 27, 34
Lots 1 - 4 Sections 10, 15, 22, 27, 34
SW Section 1
SW Section 1
Lots 1 - 3 Section 1

UNREADABLE

Section 1
Section 2
Section 3
Section 4
Section 5
Section 6
Section 7

Section 1, 2, 3

Sections 1, 11, 22, 33, 44, 55, 66, 77, 88, 99, 100, 111, 222, 333, 444, 555, 666, 777, 888, 999, 1000

And,

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Section 16

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Lot 1 Section 15

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Tracts 4 and 5 Section 14

The parties reserve their rights to challenge the validity, priority date, purposes, quantity of water, and any other characteristics of any water rights which may be claimed in the above-described area.

This stipulation shall not affect the jurisdiction of any parties over lands within the exterior boundaries of the Reservation.

AGREED this 15th day of April, 1980.

For the United States:

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U.S. Department of Justice
Land & Natural Resources Division
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LEGAL DESCRIPTION:

[Faint handwritten text, possibly a legal description or reference]

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4-21 Arapahoe Ranch

- a. The United States has alleged in its Statement of Claims that it acquired, by deed, certain lands adjacent to the northeastern stipulated boundary of the reservation. Those lands are part of what is known as the Arapahoe Ranch.
- b. No evidence was admitted with respect to the acquisition of those lands and, as a result, there is no need for the Court to make any findings relating thereto.

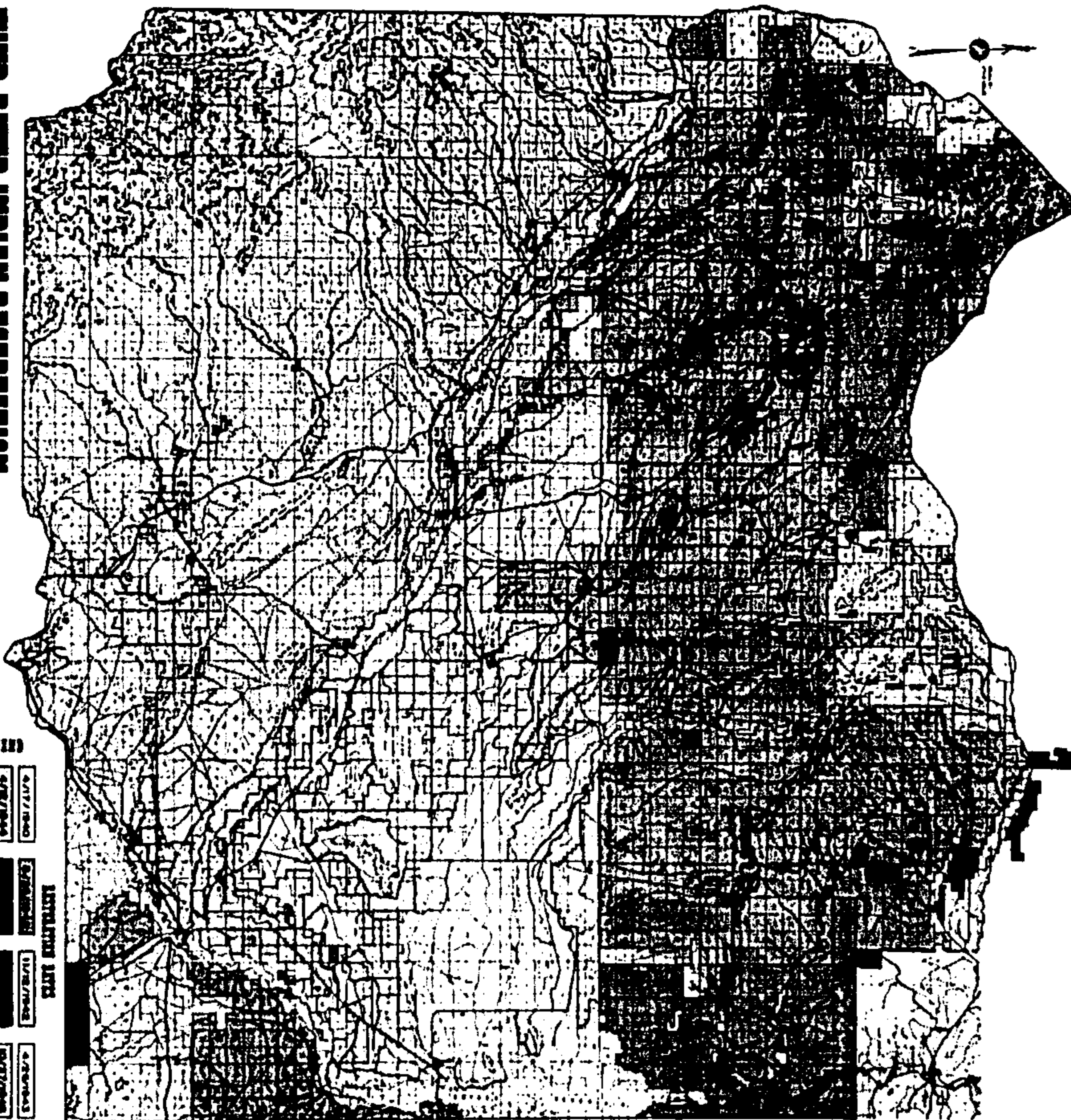
4-22 Illustrative Composite Map

In the pocket part immediately following this page is a composite map illustrating, in the different colors described in the legend, the status of the land within the stipulated exterior boundaries of the reservation (see Finding of Fact 4-20, above) as diminished reservation, ceded lands, restored lands, reacquired lands, and acquired lands. The accuracy of the map is limited by its relatively small scale. The map is provided herein solely for illustrative purposes and any conflicts between the map and the legal description set forth in the foregoing Findings of Fact must be resolved in favor of those legal descriptions and against the map.

WIND RIVER INDIAN RESERVATION

10000	10000
5000	5000
2500	2500
1000	1000
500	500
250	250
100	100
50	50
25	25
10	10
5	5

STATE BOUNDARIES



06 343

4-22 Wyo. Exh. WR-15a; U. S. Exhs. WRIR C-317, C-317a.

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4-23 Disestablishment - General

a. Second Treaty of Fort Bridger (1868)

1. The Wind River Indian Reservation originally consisted of 3,054,182 acres.

2. Pursuant to the Second Treaty of Fort Bridger, Article XI:

No treaty for cession of any portion of the reservations herein described which may be held in common shall be of any force or validity as against the said Indians unless executed and signed by at least a majority of all the adult male Indians occupying or interested in the same . . .

3. Congress ratified the Second Treaty of Fort Bridger on February 16, 1869.

4. President Andrew Johnson proclaimed the Treaty on February 24, 1869.

b. Brunot Agreement (1872)

1. On September 26, 1872, the Eastern Band of the Shoshone Tribe and the United States entered into an agreement (hereinafter "Brunot Agreement") by which the Tribe agreed as follows:

The Shoshone band or tribe of Indians (eastern band) hereby cede to the United States of America that portion of their reservation in Wyoming Territory which is situated south of a line beginning at a point on the eastern boundary of the Shoshone and Bannock reservation . . .

2. In consideration therefor, the United States agreed as follows:

The United States agree to pay to the Shoshone (eastern band) or tribe the sum of twenty-five thousand dollars; said sum to be expended under the direction of the President for the benefit and use of said Indians in the following manner, viz: On or before the tenth day of August of each year, for the term of five years after the ratification of this agreement, five thousand dollars shall be expended in the purchase of stock-cattle, and said cattle delivered to the Shoshones on their reservation. Second. The salary of five hundred dollars per annum shall be paid by the United States for the term of five years to Wash-a-kie, chief of the Shoshones.

3. The Brunot Agreement was approved by the Chief, head men, and men of the Eastern band of the Shoshone Indians, constituting a majority of all the adult male Indians of said band of Indians, who were duly authorized to act in the premises.
4. The Brunot Agreement, as above quoted, was approved and ratified by the Congress and the President of the United States on December 15, 1874.
5. The size of the Wind River Indian Reservation was diminished by 710,642 acres by virtue of the Brunot agreement.

6. The exterior boundaries of the reservation following the Brunot agreement were depicted on an 1892 map of the State of Wyoming, prepared by the General Land Office, U.S. Department of Interior, "compiled from official records of the General Land Office and Other Sources".

c. First McLaughlin Agreement (1896)

1. On April 21, 1896, at the Shoshone Agency in the State of Wyoming, the Shoshone and Arapahoe Indians (Tribes) and the United States entered into the First McLaughlin Agreement by which the Tribes agreed as follows:

For the consideration hereinafter named the said Shoshone and Arapahoe tribes of Indians hereby cede, convey, transfer, relinquish, and surrender forever and absolutely all their right, title, and interest of every kind and character in and to the lands and the water rights appertaining thereunto embraced in the following-described tract of country, embracing the Big Horn Hot Springs in the State of Wyoming . . .

2. In consideration therefor, the United States agreed as follows:

In consideration for the lands ceded, sold, relinquished, and conveyed as afore-said, the United States stipulates and agrees to pay to the said Shoshone and Arapahoe tribes of Indians the sum of sixty

thousand dollars, to be expended for the benefit of the said Indians in the manner hereinafter described.

3. The First McLaughlin Agreement was approved by the Chiefs of the Arapahoe and Shoshone Tribes and by two hundred seventy one of the other male adult Indians constituting a majority of all male Indians over eighteen years of age on the reservation.
4. The First McLaughlin Agreement as above-quoted was approved and ratified by the Congress of the United States on June 7, 1897.
5. Pursuant to the First McLaughlin Agreement, the size of the Wind River Indian Reservation was reduced by 55,040 acres of land in the northeast corner of the reservation.
6. The exterior boundaries of the Wind River Indian Reservation, following the First McLaughlin Agreement were depicted on a 1900 map of the State of Wyoming, prepared by the General Land Office, U.S. Department of Interior, "compiled from official records of the General Land Office and other sources," at a scale of twelve miles to one inch.

d. Second McLaughlin Agreement (1904)

1. On April 21, 1904 the Tribes and the United States executed the Second McLaughlin Agreement by which the Tribes agreed as follows:

do hereby cede, grant and relinquish to the United States, all right, title and interest which they may have to all lands embraced within (the Wind River Indian Reservation) except the lands within and bounded by the following described lines. . .

2. In consideration therefor, the United States agreed to pay to and expend for the Tribes a sum of money to be raised by the government's sale of the ceded lands under the provisions of the homestead, townsite, coal and mineral land laws at designated prices per acre.

Article IX of the Agreement provided as follows:

ARTICLE IX. It is understood that nothing in this agreement contained shall in any manner bind the United States to purchase any portion of the land herein described, except sections sixteen and thirty-six or the equivalent in each township or to dispose of said land except as provided herein, or to guarantee to find purchasers for said land or any portion thereof, it being the understanding that the United States shall act as trustee for said Indians to dispose of said lands and to expend for said Indians and pay over to them the proceeds received from the sale thereof only as received, as herein provided.

3. The Second McLaughlin Agreement provided that individual Indians having selected allotments within ceded lands could exchange such allotments for lands within the diminished reservation.
4. The Second McLaughlin Agreement provided that proceeds from the sale of ceded lands would be devoted first to each Indian and then to the acquisition of water rights under Wyoming State law.
5. The consideration agreement in the Second McLaughlin Treaty resulted from negotiations between Inspector James McLaughlin and the leaders of the Tribes.
6. The Second McLaughlin Agreement was signed by 58% of the male Tribe members over the age of eighteen years.
7. The Second McLaughlin Agreement was ratified and approved by Congress in 1905 with amendments.
8. Pursuant to the Second McLaughlin Agreement, the boundaries of the Wind River Indian Reservation were diminished by 1,480,000 acres or 65% of the then-existing reservation.

9. The exterior boundaries of the reservation following the Second McLaughlin Agreement, as ratified and amended by the 1905 Act, were depicted on a 1907 map of the State of Wyoming, prepared by the General Land Office, United States Department of Interior, "compiled from the official records of the General Land Office and other sources," at a scale of one inch equals twelve miles.
10. The same exterior boundaries were depicted on a 1912 map of the State of Wyoming, prepared by the General Land Office, United States Department of Interior, "compiled from the official records of the General Land Office and other sources," at a scale of one inch equals twelve miles.
11. The same boundaries of the reservation are shown on a number of maps prepared by the State of Wyoming, including the following:
 1. A 1932 Highway Map of the State of Wyoming, published and distributed by the Wyoming State Highway Department.

2. A 1933 Highway Map, also published and distributed by the Wyoming State Highway Department.

e. State jurisdiction over ceded lands

1. After the Second McLaughlin Agreement was approved by Congress in 1905, 33 Stat. 1016, the United States applied for Wyoming State permits for water rights to irrigate 14,914.5 acres of land in the area removed from the Wind River Indian Reservation by the Brunot Agreement, the First McLaughlin Agreement and the Second McLaughlin Agreement.
2. A number of maps prepared by the State of Wyoming after 1905 show the areas ceded by the Brunot Agreement, the First McLaughlin Agreement and the Second McLaughlin Agreement as being State lands and no longer part of the Wind River Indian Reservation.
3. A number of maps prepared by the General Land Office, U.S. Department of Interior "compiled from official records of the General Land Office and other sources," show the areas ceded by the Brunot Agreement, the First McLaughlin Agreement

and the Second McLaughlin Agreement as being State lands and no longer part of the Wind River Indian Reservation.

4. The Carey Act provides in pertinent part as follows:

To aid the public-land States in the reclamation of the desert lands therein, and the settlement, cultivation and sale thereof in small tracts to actual settlers, the Secretary of the Interior with the approval of the President is, as of August 18, 1894, authorized and empowered, upon proper application of the State to contract and agree, from time to time, with each of the States in which there may be situated desert lands as defined by the Act approved March 3, 1877, and the Act amendatory thereof, approved March 3, 1891, binding the United States to donate, grant and patent to the State free of cost for survey or price such desert lands, not exceeding one million acres in each State, as the State may cause to be irrigated, reclaimed, occupied, and not less than twenty acres of each one hundred and sixty acre tract cultivated by actual settlers, as thoroughly as is required of citizens who may enter under the said desert-land law, within ten years from the date of approval by the Secretary of the Interior of the State's application for the segregation of such lands. . .

5. The provisions of the Carey Act were extended to the desert lands within the limits of the former Wind River Indian Reservation by the Act of April 4, 1910, which provides in pertinent part as follows:

That the provisions of section four of "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-four, and the Act amendatory thereof, approved June eleventh, eighteen hundred and sixty-six, respectively, be, and are hereby, extended over and shall apply to the desert lands included within the limits of the former Shoshone or Wind River Indian Reservation, in Wyoming, not included in any forest reservation: Provided, That before a patent shall issue for any of the lands aforesaid under the terms of the said Act approved August eighteenth, eighteen hundred and ninety-four, and amendments thereto, the State of Wyoming shall pay into the Treasury of the United States the sum of one dollar and twenty-five cents per acre for the lands so patented, and the money so paid shall be subject to the provision of "An Act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes," approved May twenty-seventh, nineteen hundred and two.

6. The State of Wyoming has exercised exclusive jurisdiction over the lands ceded by the Brunot Agreement, the First McLaughlin Agreement and the Second McLaughlin Agreement.

f. Miscellaneous Findings Concerning Disestablishment

1. The Brunot Agreement, the First McLaughlin Agreement and the Second McLaughlin Agreement, together, diminished the size of the Wind River

Indian Reservation by approximately 1,245,682 acres or roughly 40.7% of the original reservation as established by the Second Treaty of Fort Bridger (1868). Approximately 1,808,500.00 acres or 59.3% of the original reservation remained after the Brunot Agreement, the First McLaughlin Agreement and the Second McLaughlin Agreement.

2. The Brunot Agreement, the First McLaughlin Agreement, and the Second McLaughlin Agreement were consented to by the Tribes in full compliance with the procedures required for Tribal consent to cession of portions of the Wind River Indian Reservation, as set forth in the Second Treaty of Fort Bridger, Article XI.
3. Pursuant to the Second McLaughlin Agreement, the lands ceded by the Tribes were left open to entry and settlement under the federal public land laws.
4. Numerous vested rights in land and water were acquired by private parties in reliance on the boundaries of the Wind River Indian Reservation as depicted in the maps prepared by the General Land Office in 1892, 1900, 1907 and 1912.

- 4-23 a. 1. See Wyo. Exh. PW-2, p. 203.
3. 15 Stat. 673 (1869).
4. 15 Stat. 677, 678 (1869).
- b. 1. Art. I, 18 Stat. 291 (1874).
2. Art. II, 18 Stat. 291 (1874).
3. See 18 Stat. 291 (1874).
4. See id.
5. See Wyo. Exh. PW-2, p. 203.
6. See Wyo. Exh. WR 32-8.
- c. 1. Art. I, 30 Stat. 93 (1897).
2. Art. II, 30 Stat. 93 (1897).
3. See 30 Stat. 93 (1897).
4. Id.
5. See Wyo. Exh. PW-2, p. 203.
6. See Wyo. Exh. WR 32-9.
- d. 1. Art. I, 33 Stat. 1016 (1905).
2. Art. II, id.
3. Art. I, id.
4. See Art. III, id.
5. See Wyo. Exh. WRIR I & P 8 (Minutes of Council at Shoshone Agency).
6. See 33 Stat. 1019 (1905).
7. See 33 Stat. 1016 (1905).
8. See H. R. Rep. No. 3700, 58th Cong., 3d Sess. 14 (1904) (Wyo. Exh. WRIR I & P 6).

9. See Wyo. Exh. WR 32-10.
10. See Wyo. Exh. WR 32-12.
11. 1. See Wyo. Exh. WR 32-13.
2. See Wyo. Exh. WR 32-14.
- e. 1. See Wyo. Exhs. WRIR SR-8, SR-9.
2. See, e.g., Wyo. Exhs. WR 32-13, 32-14.
3. See Wyo. Exhs. WR 32-8, 32-9, 32-10, 32-12;
Findings of Fact 4-23.b.6, c.6, d.9, d.10.
4. 43 U.S.C. Section 641 (1974) (Act of August 18,
1894, c. 301, Section 4, 28 Stat. 422).
5. 61st Cong., 2d Sess., c. 140, sec. 27 (1910)
(Wyo. Exh. WR 33.8).
- f. 4. Wyo. Exhs. WR 32-8, 32-9, 32-10, 32-12; see,
e.g., Wyo. Exh. WRIR SR-5.

4-24 Disestablishment - Retention of Benefits

Evidence concerning the retention of a beneficial interest by the Indians is not relevant to a determination of disestablishment. Although such evidence might be relevant to a determination of whether the lands ceded from the reservation became "public lands" following cession, the public lands question is completely separate from the question of disestablishment.

4-24 See Rosebud Sioux Tribe v. Kneip, 430 U.S. 554, 97 S.
Ct. 1361, 51 L.Ed. 2d 660 (1977).

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4-25 Miscellaneous

- a. The Master finds that the Wind River Indian Reservation, described above lies completely within Water Division 3 in the State of Wyoming.
- b. In finding that any portion of the Wind River Indian Reservation was established, ceded, restored or reacquired, as of a certain date the Master makes no finding, either express or implied, as to the existence, nature, or quantity of any water rights in relation to such lands.

Findings of Fact Relating to the
Purpose For Which the Wind River Indian Reservation
Was Reserved

5-1 No Reserved Water Rights Were Created On Behalf of the
Wind River Indian Reservation.

The Court is of the opinion, and has concluded, that the United States probably did not intend to create a reserved water right on behalf of the Wind River Indian Reservation. Because of the significance of this case, however, the Court believes that a detailed review of all issues should be included in these findings. It is appropriate for the Court to determine, by reviewing the purpose of the Wind River Indian Reservation, what the purpose of any reserved water rights associated with the Reservation would be. This portion of the findings addresses that question.

5-1 See Findings of Fact and Conclusions of Law Relating to the Existence of Congressional Intent to Reserve Water for the Wind River Indian Reservation.

The State of Wyoming has submitted exhibits, Wyoming Exhibits, WRIR I & P 1 through 237, argument, Transcript at 11291 - 11355, as well as proposed findings of fact on the issue of whether Congress intended to reserve water. These require the conclusions that no reserved water right was created by the United States on behalf of the Wind River Indian Reservation.

Nonetheless, if the Court finds that Congress did intend to reserve water on Wind River Indian Reservation, then it must determine the purpose of the reservation in order to assign a purpose to the reserved right. The amount of water impliedly reserved is only that amount necessary to fulfill the "primary purpose" of the reservation. United States v. New Mexico, 438 U.S. 696 (1978). Water for any other purpose must be acquired under state law. Id. Thus, the Court must examine the evidence to determine the purposes for which the reservation was created.

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5-2

Primary Purpose of Wind River Indian Reservation is
Agricultural

As set forth in Conclusions of Law herein, a reserved water right is created only to serve the primary purpose of a reservation. Thus, in determining the purpose for which any reserved water right for the Wind River Indian Reservation may exist, the Court begins with the proposition that it must define the Wind River Indian Reservation's primary purpose. A review of the pertinent factual materials reveals that the primary purpose of the Wind River Indian Reservation was to convert the Tribes living on the Reservation from nomadic to agrarian people by promoting agriculture on the Reservation. This is the sole primary purpose of the Reservation.

5-2 See Findings of Fact 5-1 to 5-12, inclusive.

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General Description of Purpose Findings

Any reserved right which may have been created by Congress was intended to be used solely for agricultural purposes.

The Court finds that:

1. The Treaty of July 3, 1868, which created the Wind River Indian Reservation, expressly defined its purpose as agricultural.
2. The Treaty of September 26, 1872 indicates that mining was not a primary purpose of the Reservation, while the Treaty of April 1, 1896 supports the conclusion that the Reservation was not created for aesthetic purposes. Each in turn reinforces the express agricultural purpose stated in the Treaty of 1868.
3. The agreement of April 22, 1904, as confirmed by Act of Congress on March 3, 1905, underscores the Wind River Indian Reservation's agricultural purpose.
4. Time and time again, federal officials charged with the administration of the Wind River Indian Reservation, from the highest to lowest levels of agency responsibility, recognized the singular agricultural purpose of the Reservation.
5. Numerous appropriation acts of Congress affecting the Wind River Indian Reservation confirm that its purpose was primarily agricultural.

5-3 See Findings of Fact 5-1 to 5-12, inclusive.

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The Treaty of July 3, 1868

The Wind River Indian Reservation was created by the Treaty of July 3, 1868. Since that Treaty created the Reservation, it exists as the primary document by which the purposes of the Reservation must be judged. Several portions of the Treaty are virtually conclusive evidence of the fact that the Wind River Indian Reservation was created solely for agricultural purposes.

5-4 See Findings of Fact 5-4a and 5.4b.

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5-4a. Agricultural and Farming Language

On its face, the Treaty of July 3, 1868, establishes that the Wind River Indian Reservation was created as an agricultural reservation. At Article VII, the Treaty contains an express declaration that the Wind River Indian Reservation is an "agricultural reservation". The remainder of the Treaty is fully consistent with this declaration. Article VI authorizes farming allotments of 320 acres for heads of families and 80 acres for those under the age of 18. Article IX provides that any allottee who farms in good faith will receive free seed and agricultural implements. Under Article IX, the United States consented to pay \$20 annually to each Indian engaged in farming, but only \$10 each to each "roaming" Indian. Article XII provided for a \$50 annual prize to the 10 best Indian farmers on the Wind River Indian Reservation. The Treaty states no other express purpose. Neither does the Treaty offer any encouragement for any occupation or profession other than farming.

5-4a Treaty of 1868, entered July 3, 1868, ratified on February 26, 1869, Wyoming Exhibit WRIR I & P 1. The Treaty of July 3, 1868, by which the Wind River Indian Reservation was created, provides forceful evidence on its face regarding the issue of the purpose of its creation. There can be no question that the sole primary purpose of the Reservation was to promote agriculture among the Tribes thereon.

Article VII of the Treaty of 1868 provides:

In order to insure the civilization of the tribes entering into this treaty, the necessity of education is admitted, especially of such of them as are or may be settled on said agricultural reservations, and they therefore pledge themselves to compel their children . . . to attend school (Emphasis added)

Article VII shows that the Wind River Indian Reservation, like others established at this time, was intended to "insure the civilization of the tribes." Civilizing meant training the Indians in agriculture as is revealed by the express statement that the reservations (the Treaty provided for a reservation for the Bannocks also) created are "agricultural reservations." It is significant that the reservations were not designated as "mining reservations" or "hunting" or "fishing" or "commercial." There is but one purpose of the reservation: agriculture.

Like the express language of Article VII, the comprehensive scheme embodied in the Treaty to provide the means and incentives for farming, but for no other activity, also supports a finding that the purpose of the reservation was solely agricultural. Article VI authorizes allotments of 320 acres for heads of families for "farming." Individuals under the age of 18 received 80 acres "for purposes of cultivations."

Article VIII states that if an allottee will farm in good faith, he will receive seed and agricultural implements for up to three years.

Under Article IX, the United States agreed to pay each farming Indian \$20 annually, but only \$10 to each "roaming" Indian.

Article XII provides for a \$50 annual prize to the ten best Indian farmers.

In contrast to the assistance given farming, the treaty offers no encouragement for any other activity or profession.

5-4b. The "Permanent Home" Language of the July 3, 1868 Treaty

Article IV of the Treaty of July 3, 1868, states that the Indians will make the Wind River Indian Reservation "their permanent home and they will make no permanent settlement elsewhere." Read in the context of the entire Treaty, This portion of Article IV does not expand the purposes for which the Wind River Indian Reservation was created. It provides a limitation on the Tribes right of movement and defines the duration of the Treaty without further defining the purpose for which the Wind River Indian Reservation was created.

5-4b The United States and Tribes have focused their attention on the phrase "permanent home" contained in Article IV of the Treaty, to the exclusion of the Treaty's other portions. They contend that this one phrase vastly expands the purposes of the Wind River Indian Reservation. Their contention takes the phrase "permanent home" out of context. Article IV reads:

The Indians herein named agree, when the agency house and other buildings shall be constructed on their reservation named, That they will make said reservation their permanent home, and they will make no permanent settlement elsewhere . . .
. . . (emphasis added)

On its face, Article IV does nothing more than provide that the Indians must live permanently on the Wind River Indian Reservation and not elsewhere. They are to make the Reservation their "permanent home" as opposed to establishing a "permanent settlement elsewhere." Thus, Article IV defines the duration of the Treaty restrictions and limits the right of the Indians to move elsewhere as a Tribe. It does not define the purpose of the reservation. The purpose of the "permanent home," i.e., the Wind River Indian Reservation is, rather, expressly defined by the sections of the Treaty described at Finding of Fact 5-4a. As the Conclusions of Law show, other courts have considered treaties containing the same or similar language, but none has ever resorted to using that language to define a treaty's specific purpose. In the face of the express language of the Treaty, this durational requirement cannot be read to expand the purpose of the Treaty of 1868.

The Brunot Agreement, Treaty of September 26, 1872

The Treaty of September 26, 1872, also called the "Brunot Agreement," supports a finding that the Wind River Indian Reservation was created for agricultural purposes. The Brunot Agreement removed certain extensive mining lands from the Reservation. This action expressly indicates that the United States viewed mining as extraneous to the purpose of the Reservation and, when read in conjunction with the express agricultural purpose of the 1868 Treaty, supports the conclusion that the sole purpose of the Wind River Indian Reservation was agricultural.

5-5 The Treaty of September 26, 1872, Wyo. Exh. WRIR I & P 2 (Treaty of 1872, entered on September 26, 1872, ratified on December 15, 1872) also called the "Brunot Agreement," enabled the United States to purchase a large portion of the Wind River Indian Reservation. The reason for the purchase was enunciated in the Treaty:

And whereas, previous to and since the date of said treaty (of 1868), mines have been discovered, and citizens of the United States have made improvements within the limits of said reservation, and it is deemed advisable for the settlement of all difficulties between the parties, arising in consequence of said occupancy, to change the southern limit of said reservation.

The Brunot Agreement contradicts any assertion that the Wind River Indian Reservation was created for mining purposes, an assertion made in this case by both the United States and the Tribes. Since mining lands were removed from the Reservation for exploration by non-Indians, Congress must have viewed mining as unrelated to the purposes for which it created the Wind River Indian Reservation. Read in conjunction with the Treaty of 1868 the Brunot Agreement confirms the exclusive agricultural purpose of the Reservation.

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By Treaty of April 1, 1896, the Indians ceded the lands containing the Big Horn Hot Springs on the Wind River Indian Reservation. This Treaty was negotiated by James McLaughlin who described the ceded area as "magnificent." In negotiating with the Indians, Mr. McLaughlin indicated that the United States desired to set apart the Big Horn Hot Springs as a national park or reservation for the general public. The removal from the Reservation of lands primarily suited for aesthetic or recreational purposes indicates that those were not primary purposes of the Reservation. When read in conjunction with the express agricultural purpose of the Treaty of 1868, the Treaty of April 1, 1896 supports the conclusion that the primary purpose for which the Wind River Indian Reservation was created was agricultural.

5-6 Wyo. Exh. WRIR I & P 3 (Treaty of 1896), entered April 21, 1896, ratified June 7, 1897). James McLaughlin, the negotiator for the United States, described the mountain scenery around the Hot Springs as "magnificent":

The Big Wind River, which has its source in the Rocky Mountains and which runs through the Shoshone Reservation tending northeast, after passing through the canyon of the Owl Mountains, is known as the Big Horn River. The canyon is cut of solid rock through the Owl Mountains several hundred feet deep. It is about 9 miles long with almost perpendicular rock walls. [Par.] The main or principal spring is on the east side of the Big Horn River and the mountain scenery at this point is magnificent. This spring is truly wonderful, the surface cauldron, with a temperature of 132° F., and discharging a volume estimated at 1,250,000 gallons every twenty four hours.

Wyo. Exh. WRIR I & P 4 (Letter from James McLaughlin (April 23, 1896). S. Doc. No. 247, 54th Cong., 1st Sess. 2 (1896)). The reason the federal government wanted these springs was made clear to the Indians. Mr. McLaughlin told the Indians that he visited the springs "to report upon the character of country and the advisability of having that tract purchased by the Government and set apart as a national park or reservation" (Letter from James McLaughlin dated April 20, 1896, S. Doc. No. 247, 54th Cong., 1st Sess. 8 (1896).) It cannot be argued that the Reservation had, as one of its purposes, aesthetics, when these beautiful springs were taken out of the Reservation. Read in conjunction with the Treaty of 1868, the Treaty of 1896 is persuasive evidence that the sole purpose of the Reservation was agricultural.

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The Agreement of April 22, 1904

On April 22, 1904, James McLaughlin concluded a second agreement with the Tribes of the Wind River Indian Reservation by which the Tribes ceded a major portion of the Reservation north of the Wind River and east of the Popo Agie to the United States, for settlement by non-Indians. The terms of the Agreement, its history, and Congress' ratification of it, support the conclusion that the Wind River Indian Reservation was created solely for agricultural purposes.

5-7 See Findings of Fact 5-7a to 5-7d.

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5-7a. The Language of the Agreement of April 22, 1904

By the Agreement of April 22, 1904, ratified by Act of Congress on March 3, 1905, a major portion of the Wind River Indian Reservation was ceded by the Indians for non-Indian settlement. The Agreement also specified that Indians who had selected, but not finalized allotments on the ceded portion were entitled to remain on the selected lands and to ultimately receive allotments. Existing allottees were entitled to retain the allotments which they had located on the ceded portion of the Wind River Indian Reservation. Lands disposed of under the Agreement were paid for by non-Indian settlers under the terms of Article VII. The fund which grew out of the cession was to be used, inter alia, to make certain per capita payments to Indians on the Reservation, to acquire water rights under Wyoming law for irrigation of Indian lands on either the diminished or ceded portion of the Reservation, to construct an irrigation system on the diminished reservation, and to purchase livestock for the Indians. The Agreement provided no encouragement of or financing for the acquisition of water rights for any other purpose whatsoever or for the promotion of any but agricultural pursuits. Water rights were to be acquired for all Indian owned lands remaining on the Reservation for irrigation purposes only.

5-7a The Agreement of April 12, 1904, ratified on March 3, 1905, Wyo. Exh. WRIR I & P 5, provides strong evidence of the agricultural purpose of the Reservation, as established by the Treaty of 1868.

The Agreement of April 22, 1904, caused a cession of the lands of the Wind River Indian Reservation north of the Wind River and east of the Popo Agie to the United States for opening to non-Indian settlers under various laws. Article I and Article II. Under Article I Indians have selected lands on having received allotments on the ceded portion of the Reservation were entitled to keep them. The lands opened to settlement were to be paid for under the terms of Article II by entering non-Indians. The funds raised from the sale were to be used for specific purposes for the benefit of the Indians. Under Article III, the funds were to be dispensed as follows:

It is further agreed that of the amount to be derived from the sale of said lands, as stipulated in Article II of this agreement, the sum of eighty-five thousand dollars shall be devoted to making a per capita payment to the said Indians of fifty dollars each in cash within sixty days after the opening of the ceded lands to settlement, or as soon thereafter as such sum shall be available, which per capita payment shall be from the proceeds of the sale of sections sixteen and thirty-six or an equivalent of two sections in

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each township within the deeded territory, and which sections are to be paid for by the United States at the rate of one dollar and twenty-five cents per acre: And provided further, That upon the completion of the said fifty dollars per capita payment, any balance remaining in the said fund of eighty-five thousand dollars, shall at once become available and shall be devoted to surveying, platting, making of maps, payment of the fees, and the performance of such acts as are required by the statutes of the State of Wyoming in securing water rights from said State for the irrigation of such lands as shall remain the property of said Indians, whether located within the territory intended to be ceded by this agreement or within the diminished reserve.

The water rights to be secured under Article III were irrigation rights only and were for no other purpose. Consistent with the entire history of the Reservation, the 1904 Agreement provided first for the agricultural needs of the Indians.

The conclusion that the Wind River Indian Reservation was created for agricultural purposes is also confirmed by Article IV of the 1904 Agreement. Under Article IV, \$150,000 of the land sale fund was to be used for the construction of an irrigation system on the diminished Reservation. As Article IV stated:

It is further agreed that the moneys derived from the sale of said lands . . . shall be expended . . . for the construction and extension of an irrigation system within the diminished reservation for the irrigation of the lands of the said Indians . . . (emphasis added)

As with Article III, the concern of Article IV is first for agriculture. The Agreement provided no funds for the financing of a water system for any purpose other than irrigation.

Finally, Article V of the Agreement also confirms the primary agricultural purpose of the Wind River Indian Reservation when it states that ". . . at least \$50,000 of the moneys derived from the sale of the ceded lands shall be expended . . . in the purchase of live stock for issue to said Indians . . ."

On its face, the 1904 Agreement is persuasive evidence of the Wind River Indian Reservation's primary agricultural purpose.

5-7b. The Minutes of the Negotiations of the April 22, 1904
Agreement

Like the 1904 Agreement itself, the negotiations upon which the agreement was founded indicate that all parties understood that water rights were to be acquired on behalf of Indian owned land for irrigation only. The minutes of the negotiation show that the Indians of the Wind River Indian Reservation were genuinely concerned that water rights for their lands be secured with the money earned from the cession. Major James McLaughlin, the negotiator for the United States, promised that part of the proceeds of the cession would be used to secure water rights so that non-Indians could not deprive the Indians of water for irrigation. No beneficial use, other than irrigation, was mentioned by spokesmen for the Tribes or the United States.

5-7b Minutes of Negotiations, Agreement of April 22, 1904, at 22 (Wyo. Exh. WRIR I & P 8).

The use of the funds anticipated from the sale of the ceded lands was a topic of the negotiations for the 1904 Agreement. George Terry, one of the leading spokesmen of the Shoshone, disagreed with the use of the funds for the creation of an experimental farm, as was proposed to be included in Article V of the Agreement. Terry argued that "we should take as much of this money as is necessary to secure our water rights and make them good to us."

McLaughlin replied:

The money to be set apart for irrigation, I consider of great importance. Every dollar properly expended to obtain water to irrigate your lands will bring \$20.00 in return. You are all interested in this, and you have a magnificent soil when you get water on it. The irrigation fund is not large enough. I should like to see that increased.

The \$85,000 cash per capita payment will be inserted in the agreement, and I will accept your request in that matter that it will be paid sixty days after the land is open for entry or as soon thereafter, as the time required to transact the business of collecting, etc., will permit. That payment will give to each man, woman and child a per capita amount of \$50.00, and leave a surplus in securing your water rights so that the whiteman cannot deprive you of water with which to irrigate your lands. (emphasis added).

Neither McLaughlin or the Tribal members mentioned the need to secure water rights for any other purpose.

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5-7c Congress' Ratification Of The April 22, 1904 Agreement,
The Act of March 3, 1905.

Congress ratified the 1904 Agreement on March 3, 1905. The 1905 Act, like the 1904 Agreement, was designed to secure the Indians' right to use water for irrigation purposes only. In enacting the 1905 Act, Congress considered and rejected a proposal by the Indian Rights Association designed to prevent non-Indians from acquiring irrigation water rights within the ceded portion of the Reservation which would be senior to the Indians water rights until such time as Indian allotments were perfected and steps taken to secure water rights for the allotments. The proposal of the Indian Rights Association would have protected Indian appropriations for irrigation only. At no time in its consideration of the ratification did Congress seek to protect or design a means to protect Indian water rights for any purpose other than irrigation.

5-7c When the House Committee on Indian Affairs considered the bill to ratify the 1904 Agreement, it considered and proposed adoption of an amendment suggested by the Indian Rights Association and concurred in by the Secretary of Interior. The amendment, proposed as a proviso to Article III, would have prevented non-Indians from acquiring water rights for irrigation on the ceded lands which would be senior to the Indians' rights, until such time as the Indians completed the necessary steps under state law to secure water rights for their allotments. It would have stated (as shown by the underscored language):

Article III. It is further agreed that of the amount to be derived from the sale of said lands, as stipulated in Article II of this Agreement, the sum of eighty-five thousand dollars shall be devoted to making a per capita payment to the said Indians of fifty dollars each in case within sixty days after the opening of the ceded lands to settlement, or as soon thereafter as such sum shall be available: And provided further, That upon the completion of the said fifty dollars per capita payment any balance remaining in the said fund of eighty-five thousand dollars shall at once become available and shall be devoted to surveying, platting, making of maps, payment of the fees, and the performance of such acts as are required by the statutes of the State of Wyoming in securing water rights from said State for the irrigation of such lands as shall remain the property of said Indians, whether located within the territory intended to be ceded by this

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agreement or within the diminished reserve. Provided, That the constitution and laws of the State of Wyoming shall not operate to secure any rights, having priority to those of members of the Shoshone tribe of Indians, to the use of the waters within the territory hereby opened to sale and settlement, including Big Wind River and its tributaries, for purposes of irrigation of the lands comprised within such territory, until such time as the United States shall have perfected allotments to the members of the Shoshone Indian tribe, either from the lands to be opened for settlement or within the diminished reservation of said Indians, and completed the necessary steps under the law to secure the desired water rights for the said allotments. (emphasis added).

House Report No. 3700, 58th Cong. 3d Sess. 1905. Wyo. Exh. WRIR I & P 6. The provision would have protected the Indian water rights for their allotments from senior agricultural appropriations and was designed to protect the Indians' use of water for irrigation. Though the amendment failed it does show that Congress was concerned with protecting Indian water rights for irrigation only.

5-7d Summary of Agreement of April 22, 1904 and Act of
March 3, 1905

The evidence indicates that the United States and the Tribes, at the time of the entry and ratification of the April 22, 1904 Agreement, while concerned about securing water rights for the Reservation, were concerned only about securing water rights to irrigate Indian lands. No other beneficial uses were considered. This is a forceful confirmation of the express agricultural purpose of the Treaty of July 3, 1868, which created the Wind River Indian Reservation.

5-7d See Findings of Fact 5-7a. to 5-7c.

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Congressional Appropriations Affecting the Wind River
Indian Reservation

Beginning shortly after the creation of the Wind River Indian Reservation, Congress began to appropriate funds to meet the needs of the Reservation. These appropriations acts further confirm that the purpose of the Reservation was recognized by Congress to be primarily agricultural. Certain of these appropriations acts referred specifically to the Wind River Indian Reservation, while others, though applicable to it, did not specifically refer to it, or to any other reservations. Rather, they made general appropriations on behalf of the Department of Interior for Indian purposes.

5-8 See Findings of Fact 5-8a. to 5-8d. See also Wyo. Exhs.

WRIR I & P 205 to 237.

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5-8a The Appropriation Act of 1914.

Especially instructive is the Appropriation Act of 1914 by which Congress appropriated \$25,000 specifically to continue the construction of an irrigation system on the Wind River Indian Reservation during the 1914-15 fiscal year. No funds were appropriated to fund water development for any other purpose. During the consideration of the Act, Congress considered and rejected an attempt by several Senators and Representatives to create a reserved water right on behalf of the Wind River Indian Reservation. That proposal would have created a reserved water right for domestic, irrigation, and stock watering purposes only, and not for any other purposes.

5-8a One appropriation act is of particular significance in this inquiry, since it is the only one discovered by Wyoming which expressly attempted to create reserved water rights for the Wind River Indian Reservation. The appropriation act of 1914 appropriated \$25,000 for the continuation of the construction of an irrigation system on the Reservation. In the consideration of this bill, however, a proviso to this appropriation was recommended to the House, Wyo. Exh. WRIR I & P 15, House Subcommittee on Indian Affairs (1913) at 703, and to the Senate, Wyo. Exh. WRIR I & P 16, Senate Subcommittee of the Committee on Indian Affairs (1913), at 279, by the Commission on Indian Affairs. The amendment, which was supported by the Indian Affairs Committees of House and Senate, would have been appended to the \$25,000 appropriation, and would have read as the following underscored language shows:

For continuing the work of constructing an irrigation system within the diminished Shoshone or Wind River Reservation, in Wyoming, including the maintenance and operation of completed canals, \$25,000, reimbursable in accordance with the provisions of the Act of March third, nineteen hundred and five, and to remain available until expended.

Provided, That the use of so much water as may be necessary to supply for domestic, stockwatering, and irrigation purposes, land

allotted or to be allotted to Indians on the
Wind River Reservation or set aside for
administrative purposes within said
reservation, is hereby reserved, and the
failure of any individual Indian or Indians
to make beneficial use of such water shall
not operate in any manner to defeat his or
her right thereto while said land is held in
trust by the United States. All laws or
parts or laws in conflict herewith are
hereby repealed.

As is apparent from the language of the proposal, the express reserved right which was sought to be created as a part of the Appropriation Act of 1914 would have served only the domestic, stockwatering, and irrigation purposes of the Indians. While the proviso was, after debate in the full House and Senate, removed from the bill, see Wyo. Exhs. I & P 17-20, it shows that its supporters would have created a reserved right for the Wind River Indian Reservation only for agricultural purposes. No other purpose was contemplated as debated. The purpose of the Wind River Indian Reservation was known and recognized by all to be only agricultural.

5-8b Appropriations for the Wind River Indian Reservation

In accordance with its treaty obligations, Congress appropriated funds on a tribe-by-tribe basis for activities on specific reservations. Specifically for the Wind River Indian Reservation, Congress consistently appropriated money for a variety of agricultural activities on the Reservation. Significantly, not all reservations received funds earmarked for agricultural projects. The Wind River Indian Reservation, however, received money in 1870 for "surveying the reservation selected by [Shoshone and Bannocks] for farming purposes" for the "purchase of seed to be furnished head of families who desire to commence farming," and for agricultural implements. Identical provisions were included in appropriations of 1874, 1875, 1876, 1877, 1878, 1879, and 1880 for the Wind River Indian Reservation.

Beginning in the 1880's, as described in Finding of Fact 5-8c, Congress began to make general appropriations on behalf of the Department of Interior for all reservations. After the turn of the century, however, Congress did specifically appropriate funds for the Wind River Indian Reservation for the construction of irrigation works. These appropriations appeared in 1909, 1911, 1912, 1914 and 1917. No other beneficial use was mentioned.

5-8b Some of the provisions in Wyo. Exh. WRIR I & P 205 (Act of July 15, 1870, 16 Stat. 335) include appropriations for "surveying the reservation selected by (the Shoshones and Bannocks) for farming purposes" for "purchase of seed to be furnished heads of families who desire to commence farming, and for incidental expenses including expenditures for agricultural implements." Id. at 352 (emphasis added).

Identical provisions are found in later appropriation acts on behalf of the Wind River Indian Reservation. Wyo. Exh. WRIR I & P 206 (Act of June 22, 1874, 18 Stat. 146) at 166; Wyo. Exh. WRIR I & P 207 (Act of March 3, 1875, 18 Stat. 420) at 440; Wyo. Exh. WRIR I & P 208 (Act of August 15, 1876, 19 Stat. 176) at 191-198; Wyo. Exh. WRIR I & P 209 (Act of March 3, 1877, 19 Stat. 271) at 285; Wyo. Exh. WRIR I & P 210 (Act of May 27, 1878, 20 Stat. 63) at 70; Wyo. Exh. WRIR I & P 211 (Act of February 17, 1879, 20 Stat. 295) at 309; Wyo. Exh. WRIR I & P 212 (Act of May 11, 1880, 21 Stat. 1140) at 126.

Though Congress appropriated funds for the Wind River Indian Reservation by means of appropriations applicable to Indian reservations generally beginning in the early 1880's, see Finding of Fact 5-8c., Congress did make specific appropriations for the Wind River Indian Reservation for agricultural purposes beginning again in 1909. In that year, language was added to the appropriation act authorizing expenditures for "continuing

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the work of constructing an irrigation system within the diminished Shoshone or Wind River Reservation." Wyo. Exh. WRIR I & P 225 (Act of March 3, 1909, 35 Stat. 781) at 815.

Later acts appropriated sums for this same purpose. Wyo. Exh. WRIR I & P 234 (Act of March 3, 1911) 36 Stat. 1058) at 1076; Wyo. Exh. WRIR I & P 235 (Act of August 24, 1912, 37 Stat. 518) at 539; Wyo. Exh. WRIR I & P 236 (Act of August 1, 1914, 38 Stat. 582) at 608; Wyo. Exh. WRIR I & P 237 (Act of March 2, 1917, 39 Stat. 969) at 993.

In short, every appropriation by Congress for the Wind River Indian Reservation was fully consistent with its express agricultural purpose.

Beginning in the early 1880's, Congress appropriated funds for the Wind River Indian Reservation, and all reservations by means of general appropriations for the Department of Interior. These appropriations were fully consistent with the primary agricultural purpose of the Reservation. Thus, in 1884, 1885, 1889, 1893, and 1894, Congress appropriated funds for the Secretary of Interior "to employ practical farmers . . . to superintend and direct farming."

Congress appropriated funds to employ "practical" stockmen in 1897, 1898, 1900, 1901, 1903, 1905, and 1909.

In 1897 and 1898, surplus funds were directed to be expended for "the assistance of [Indians] to become farmers."

In every act between 1891 and 1917, money was designated for a farmer to instruct the Reservation Indians in farming.

Major expenditures were made for the construction of irrigation systems and the purchase of irrigation equipment in every act between 1870 - 1917.

5-8c Beginning in the early 1880's, Congress began to appropriate funds for all Indian reservations, including the Wind River Indian Reservation, by means of general appropriations to the Department of Interior. These appropriations were fully consistent with the agricultural purposes of the Wind River Indian Reservation. Starting in 1884 Congress included language in all appropriation acts enabling the Secretary of the Interior (and later a commissioner under him)

to employ practical farmers, in addition to the agency farmers now employed, . . . to superintend and direct farming among such Indians as are making effort for self support . . .

Wyo. Exh. WRIR I & P 215 (Act of July 4, 1884, 23 Stat. 76) at 92. See also Wyo. Exh. WRIR I & P 216 (Act of March 3, 1885, 23 Stat. 362) at 380; Wyo. Exh. WRIR I & P 217 (Act of March 2, 1889, 25 Stat. 980) at 997; Wyo. Exh. WRIR I & P 220 (Act of March 3, 1893, 27 Stat. 612) at 632; Wyo. Exh. WRIR I & P 222 (Act of August 15, 1894, 28 Stat. 286) at 305.

In 1894 Congress permitted the Secretary of Interior to hire both "practical farmers" and "practical stockmen to assist Indians in their farming and stockraising." Wyo. Exh. WRIR I & P 222 supra. See also Wyo. Exh. WRIR I & P 221 (Act of June 7, 1897, 30 Stat. 62) at 65; Wyo. Exh. WRIR I & P 226 (Act of July 1, 1898, 30 Stat. 571) at 574;

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Wyo. Exh. WRIR I & P 228 (Act of May 31, 1900, 31 Stat. 221) at 224; Wyo. Exh. WRIR I & P 229 (Act of March 3, 1901, 31 Stat. 1058) at 1061; Wyo. Exh. WRIR I & P 231 (Act of March 3, 1903, 32 Stat. 982) at 984; Wyo. Exh. WRIR I & P 232 (Act of March 3, 1905, 33 Stat. 1048) at 1050; Wyo. Exh. WRIR I & P 225 (Act of March 3, 1909, 35 Stat. 781) at 786.

With the 1884 Act, Congress first authorized the Secretary of Interior to use any surplus funds to assist the Indians in becoming farmers, and in some cases, stockmen. Wyo. Exh. WRIR I & P 215 (Act of July 4, 1884, 23 Stat 76) at 97. See also Wyo. Exh. WRIR I & P 216 (Act of March 3, 1885, 23 Stat. 362) at 384; Wyo. Exh. WRIR I & P 227 (Act of March 1, 1899, 30 Stat. 924) at 946. Wyo. Exh. WRIR I & P 233 (Act of June 21, 1906, at 326.

The Appropriation Act of 1889 allocated funds to aid Indian allottees "to procure seed, farming implements, and other things necessary . . . for the commencement of farming" Wyo. Exh. WRIR I & P 217 (Act of March 2, 1889, 25 Stat. 980) at 998. See also Wyo. Exh. WRIR I & P 219 (Act of July 13, 1892) at 137.

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From 1891 through 1917 every appropriation act included provision for payment to a farmer to instruct the reservation Indians in farming methods. See Wyo. Exh. WRIR I & P 218 (Act of March 3, 1891, 26 Stat. 989) at 1007 through WRIR I & P 237, Act of March 2, 1917, 39 Stat. 969.

Congress also made appropriations to conduct experiments on Indian schools or agency farms to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, cotton and fruit. Wyo. Exh. WRIR I & P 225 (Act of March 3, 1909, 35 Stat. 781) at 783; Wyo. Exh. WRIR I & P 234 (Act of March 3, 1911, 36 Stat. 1058) at 1060; Wyo. Exh. WRIR I & P 236 (Act of August 1, 1914) at 585; Wyo. Exh. WRIR I & P 237 (Act of March 2, 1917, 39 Stat. 969) at 971.

In 1898 Congress authorized the construction of irrigation ditches and reservoirs as well as the purchase of water rights on Indian reservations. Wyo. Exh. WRIR I & P 226 (Act of July 1, 1898) at 591. In 1909 Congress added an appropriation for:

lands necessary for canals, pipelines, and reservoirs, for Indian reservations and allotments, and for drainage and protection of irrigable lands from damage by floods

Wyo. Exh. WRIR I & P 225 (Act of March 3, 1909, 35 Stat. 781) at 782. See also Wyo. Exh. WRIR I & P 234 (Act of

March 3, 1911, 36 Stat. 1058) at 1059; Wyo. Exh. WRIR I & P 235 (Act of August 24, 1912, 37 Stat. 518) at 518; Wyo. Exh. WRIR I & P 236 (Act of August 1, 1914) at 582-3; Wyo. Exh. WRIR I & P 237 (Act of March 2, 1917, 39 Stat. 969) at 969.

Congress also consistently appropriated funds for the purpose of the "construction, purchase, and use of irrigating machinery and appliances" Wyo. Exh. WRIR I & P 219 (Act of July 13, 1892) at 137. See also Wyo. Exh. WRIR I & P 220 (Act of March 3, 1893, 27 Stat. 612) at 631; Wyo. Exh. WRIR I & P 221 (Act of June 7, 1897, 30 Stat. 62) at 85; Wyo. Exh. WRIR I & P 222 (Act of August 15, 1894, 28 Stat. 286) at 305; Wyo. Exh. WRIR I & P 223 (Act of March 2, 1895, 28 Stat. 876) at 900; Wyo. Exh. WRIR I & P 224 (Act of June 10, 1896, 29 Stat. 321) at 341; Wyo. Exh. WRIR I & P 228 (Act of May 31, 1900, 31 Stat. 221) at 239; Wyo. Exh. WRIR I & P 231 (Act of March 3, 1903) at 997; Wyo. Exh. WRIR I & P 233 (Act of June 21, 1906) at 328: cf. Wyo. Exh. WRIR I & P 218 (Act of March 3, 1891, 26 Stat. 989) at 1011 (for the "construction, purchase, and use of irrigating machinery and appliances in Arizona, Montana, and Nevada").

None of the foregoing appropriations was in any way inconsistent with the Wind River Indian Reservation's agricultural purpose. Rather, they were fully consistent with it.

5-8d No Inconsistent Appropriations

Other provisions in the appropriation acts referred to are not inconsistent with the conclusion that those acts recognized that the primary purpose the of Wind River Indian Reservation was agricultural.

5-8d There are numerous expenses in addition to those described at Findings of Fact 5-8a to 5-8c which must be met in the management of an Indian reservation. Congress provided appropriations to meet those expenses in the appropriations acts described at Findings of Fact 5-8a to 5-8c. The purposes underlying such appropriations are not inconsistent with the conclusion that the purpose of the Wind River Indian Reservation was solely agriculture. For example, Congress paid for necessary Indian agents, for the transportation of goods purchased for the Indians, for Indian police, for agency buildings, for schools, and for legal expenses in defending lawsuits in which Indians were parties. These are but examples of the kinds of expenditures necessary to operate an agricultural reservation. In no case, however, did any expenditure ever conflict with the fact that the primary purpose of the Wind River Indian Reservation was agricultural. These appropriations acts promoted no other occupations and encouraged no other pursuits on a permanent basis. The acts are fully consistent with the express agricultural purpose of the Wind River Indian Reservation.

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Construction of Wind River Indian Reservation Purposes
by Officials Charged With The Administration of the
Reservation.

Officials charged with the administration of the Wind River Indian Reservation consistently managed the Reservation to achieve its primary agricultural policy. This sustained course of conduct, faithful to Congressional directive, as detailed above, provides further factual support for the conclusion that the sole primary purpose of the Wind River Indian Reservation was agricultural. The policy of these administrative officials is found in correspondence, agency memoranda and reports and similiar documentation.

5-9 See Findings of Fact 5-9a. to 5-9c., inclusive.

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5.9a Correspondence.

Positions taken in correspondence between federal officials indicated that, prior to the decision in Winters v. United States, the Wind River Indian Reservation was consistently managed as an agricultural reservation. No reserved water right was thought to exist on behalf of the Wind River Indian Reservation prior to Winters.

5-9a See Findings of Fact 5-9a.1 to 5-9a.8, inclusive.

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5-9a.1. Letter of August 25, 1903, Commissioner of Indian Affairs to Secretary of Interior.

Beginning in roughly 1903, a concern began to be expressed by those responsible for administration of the Wind River Indian Reservation that the construction of non-Indian water projects in the Big Horn Basin would leave the Indians little water for use on the Reservation. That concern was directed only at the possibility that the Indians might not have sufficient water for agricultural purposes. One of the earliest letters expressing this concern is a letter written by the Commissioner of Indian Affairs to the Secretary of Interior on August 25, 1903. Commissioner of Indian Affairs Jones complained that the allotment program on the Wind River Indian Reservation was proceeding so slowly that the Indians were losing the opportunity to acquire water rights for irrigation. Commissioner Jones expressed concern over water rights for irrigation only.

5-9a.1.

Shortly after the turn of the century, a concern began to be expressed regarding the need to protect Wind River Indian Reservation water rights. Administrative officials in the highest levels of the Office of Indian Affairs recognized the importance of acquiring water rights for the Indians. By far, the primary concern was with the acquisition of water for agricultural purposes. The August 25, 1903 letter of the Commissioner of Indian Affairs represents this attitude. In a letter to the Secretary of Interior, the Commissioner urged speedy action on allotments in order that the Indian allottees might be able to acquire water rights at the earliest possible date and said:

He (the Wind River Indian Reservation allotting agent) was advised by this office that the lands on the Shoshone reservation were not valuable for farming purposes unless irrigated; that if such were the case it would seem useless to allot and locate the Indians upon lands not now irrigated or susceptible of irrigation

Wyo. Exh. WRIR I & P 45 (Letter from Commissioner Jones to the Secretary of Interior, dated August 25, 1903) at 6.

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5-9a.2. Letter of October 14, 1903, Commissioner of Indian Affairs to Secretary of Interior.

On October 14, 1903, Commissioner Jones again wrote the Secretary of Interior explaining the need for immediate work on a system of irrigation on the Wind River Indian Reservation. The letter states that without immediate action "the Indian lands will be rendered worthless for all time to come." Like the August 25, 1903, letter, this letter expressed concern only with the Indians need for water for irrigation purposes.

5-9a.2. Wyo. Exh. WRIR I & P 44 (Letter from Commissioner Jones to the Secretary of the Interior, dated October 14, 1903).

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5-9a.3 Letter of H. E. Wadsworth, September 21, 1903, and
Timothy Burke, September 1, 1903.

Commissioner Jones' letter reveals the depth of the concern for protecting Wind River Indian Reservation water rights. Jones' letter refers to the September 21, 1903, letter from Wind River Indian Reservation Agent H. E. Wadsworth to him in which Wadsworth expressed his concern that immediate action be taken to protect the Indians' water from prior appropriation. Wadsworth's letter referred to his letter to Wyoming United States Attorney Timothy Burke seeking instructions on how to take that action. Burke replied on September 1, 1903, in a letter also referred to in Jones' letter, stating that the United States was required to comply with Wyoming law. Both Wadsworth and Burke were concerned with protecting the Indians' right to use water for agricultural purposes.

5-9a.3. Wyo. Exh. WRIR I & P 42 (Letter from Agent H. E. Wadsworth to Commissioner Jones, September 21, 1903); Wyo. Exh. WRIR I & P 43 (Letter from Timothy Burke, to United States Attorney for Wyoming to H. E. Wadsworth, September 1, 1903).

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5-9a.4 Letters of May 6, 1904, Acting Commissioner of Indian Affairs to Wind River Indian Reservation Agent; July 28, 1904, Indian Rights Association to Secretary of Interior; August 11, 1904, Acting Commissioner to Wind River Indian Reservation Irrigation Superintendent; August 12, 1904, Acting Commissioner to Wind River Indian Reservation Agent; August 15, 1904, Commissioner of Indian Affairs to Secretary of Interior

The concern expressed by the letters described in Findings of Fact 5-9a.1. to 5-9a.3. lead to a coordinated program to protect the Indians' water rights under Wyoming law. On May 6, 1904, Acting Commissioner of Indian Affairs Tonnen ordered Wind River Indian Reservation Agent Wadsworth to initiate applications for irrigation water rights on behalf of the Wind River Indian Reservation. On August 11, 1904, Tonnen wrote to Wind River Indian Reservation Irrigation Superintendent W. B. Hill ordering him to "survey and lay out a proper system of irrigation" on the Reservation and expressing his concern that rapid action be taken lest non-Indian settlers claim all water and imperil the water supply for irrigation on the Reservation. Tonnen made his August 11, 1904, orders known to Wadsworth by letter of August 12, 1904. On August 15, 1904, Commissioner of Indian Affairs Jones also made the orders to Hill known to the Secretary of Interior. The Secretary had earlier

referred the July 28, 1904, letter of S. M. Brosius, agent for the Indian Rights Association, to him, to the Office of Indian Affairs. The Brosius letter was highly critical of the delays attending the allotment of Indian lands. Brosius felt that the delays imperiled the early acquisition of Indian water rights for irrigation. In his letter of August 15, 1904, Commissioner Jones explained that action was being taken to secure such rights. In all of these letters, each of which showed a genuine concern for the need to secure water rights for the Wind River Indian Reservation, the only beneficial use mentioned is irrigation. This was the sole concern of those charged with protecting water rights for the Wind River Indian Reservation Indians.

5-9a.4.

A series of letters transformed the official concern with the protection of Wind River Indian Reservation water rights into a program of action. On May 6, 1904, Assistant Commissioner of Indian Affairs, Tonnen wrote to H. E. Wadsworth ordering him to initiate applications under Wyoming law for the "appropriation of a sufficient amount of water to provide for the irrigation of the Wind River Reservation . . ." (emphasis added). Only irrigation was mentioned. Wyo. Exh. WRIR I & P 46 (Letter of A. C. Tonnen to H. E. Wadsworth, May 6, 1904).

On August 11, 1904, Wyo. Exh. WRIR I & P 46, Tonnen wrote to W. B. Hill, the Reservation's Irrigation Superintendent, expressing the need to secure Wind River Indian Reservation water rights and ordering Hill as follows. At pages 10-11 he said:

You will survey and lay out a proper system of irrigation embracing the lands as above indicated, south of Big Wind River, already allotted, and those susceptible of irrigation, and suitable for allotments. Maps of this system should be made showing the length of the ditches, the amount of irrigable land covered thereby, the allotments already made, if necessary; also the proposed allotments and any other information, if any, required under the Statutes of Wyoming. When you shall have made the necessary preliminary surveys and prepared the maps covering the proposed system of irrigation, you

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will make application to the State Engineer, or other proper officer, for a permit to make appropriation of the water necessary. This application and the accompanying papers should contain all the requirements of the Statutes of Wyoming relative to the matter. In case there is any expense connected with this work and in taking the filings necessary to secure water rights for the Indians, not covered by existing authorities granted you, you will submit an estimate of the same in order that proper authority may be obtained for the expenditure of the amount required. A conference with the proper county or state officers relating to the question of securing irrigation water rights would doubtless materially aid you in your method of procedure and the steps necessary to be taken in the premises. (emphasis added)

Tonnen's orders to Hill were also forwarded to Wadsworth by Letter of August 12, 1904. Wyo. Exh. WRIR I & P 50.

Tonnen's letter of August 11, 1904, indicates that he was motivated largely by two other letters. One was the September 1, 1903 letter from Burke to Wadsworth, described at Finding of Fact 5-9a.3. The other was a letter of July 28, 1904, from S. M. Brosius, Agent for the Indian Rights Association, to the Secretary of Interior. Like the federal officials, Brosius was greatly concerned for the Indians' water rights. Also like them, he urged action to protect their rights to irrigation supplies

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only. The Brosius letter, which is Wyo. Exh. WRIR I & P 58, refused to accept the assurances some were apparently making, questioning the need for quick action to secure the Indians' water rights. Brosius said:

The question cannot be dismissed by statements that there is no immediate danger that the supply of water for irrigation of the Shoshone lands is imperiled. Article 8th Section 1, of the Constitution of the State of Wyoming provides that "The water of all natural streams, springs, lakes, or other collections of still water, within the boundaries of the State, are hereby declared to be the property of the State." Section 3, declares: that "Priority of appropriation for beneficial uses shall give the better right. No appropriation shall be denied except when such denial is demanded by the public interests."

Brosius expressed a primary, indeed singular, concern for irrigation.

Finally, Commissioner of Indian Affairs made the orders to Hill known to the Secretary of Interior. Commissioner Jones made it known to the Secretary that the need to secure Indian water rights on Wind River Indian Reservation was critical, but explained that the program to secure irrigation rights was doing so. Wyo. Exh. WRIR I & P 53 (Letter from W. A. Jones to Secretary of Interior).

There is little doubt that an agency-wide concern for the water rights of the Tribes of the Wind River Indian Reservation had developed early in this century. The program designed to alleviate that concern sought to acquire water rights for irrigation only, a fact that confirms the primacy, the singularity, of the Reservation's purpose.

5-9a.5. Letter of September 7, 1904 Acting Commissioner of
Indian Affairs to Secretary of Interior

On September 17, 1904, Acting Commissioner of Indian Affairs Tonnen again wrote the Secretary of Interior. As described by the August 11, 1904, letter from Acting Commissioner Tonnen to W. B. Hill, Hill had been directed to proceed to the Reservation for the purpose of surveying and planning an irrigation system. Tonnen recommended to the Secretary that Hill be granted authority to expend \$3,000 on preliminary irrigation work.

5-9a.5. Wyo. Exh. WRIR I & P 193 (Letter from Acting Commissioner of Indian Affairs to the Secretary of Interior, dated September 17, 1904). The letter stated:

The office has the honor to recommend that authority be granted W. B. Hill, Superintendent of Irrigation, to expend not exceeding \$3,000 on preliminary irrigation work (emphasis added)

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5-9a.6. Letter of February 3, 1905, Commissioner of Indian Affairs to Secretary of Interior

By early 1905, the Commissioner of Indian Affairs was satisfied that a program was in effect to protect the water needs of the Wind River Indian Reservation. On February 3, 1905, the Commissioner of Indian Affairs wrote yet again to the Secretary of Interior describing the efforts to secure water for irrigation for the Indians of the Reservation. The Commissioner cited the report of W. H. Code, United States Inspector of Irrigation, reporting on the progress on the Wind River Indian Reservation. The concern of the letter was almost exclusively irrigation. The only other water uses mentioned were minor domestic uses for the Indian school and the agency itself.

5-9a.6. Wyo. Exh. WRIR I & P 57 (Letter from the Commissioner of Indian Affairs dated February 3, 1905). This letter, like all correspondence of this era, discusses only the Commissioner's concern with acquiring irrigation water for the Wind River Indian Reservation. Two paragraphs mention a proposed pipeline for domestic use of the Indian school and the agency itself. No other uses are mentioned.

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5-9a.7. Letter of April 14, 1905, Chief Engineer to Secretary of Interior.

As work continued on the Wind River Indian Reservation, Chief Engineer Code wrote the Secretary of Interior on April 14, 1905, to report on the canal surveys for the Reservation and to request additional funds to carry on the work. Code expressed his belief that the ongoing water right acquisition program, designed solely to protect irrigation rights, would "fully protect" the Tribes' water rights. He described the near completion of the surveys and the need for funds to begin actual construction of the system.

5-9a.7. Wyo. Exh. WRIR I & P 62 (Letter from Wind River Indian Reservation Chief Engineer Code to Secretary of Interior dated April 14, 1905).

This letter is part of a series of correspondence dealing with the efforts to obtain state permits for irrigation. Mr. Code's letter relates to the surveying of canals and the anticipated start of construction. Significantly, Code concludes:

It is a relief to know that we have the water rights of the Shoshone and Arapahoe Indians fully protected(emphasis added)

Id. at 2.

5.9a.8 Letter of May 3, 1905, Acting Commissioner of Indian Affairs to Chief Engineer Code.

Chief Engineer Code's request for additional funds was granted. He was informed that he would be allowed to expend \$10,000 for construction of irrigation canals on the diminished reservation.

5-9a.8. Wyo. Exh. WRIR I & P 65.. (Letter from Acting
Commissioner of Indian Affairs C.F. Larabee to Chief
Engineer Code, dated May 3, 1905).

You will observe that the Secretary of the
Interior has granted the authority for the
expenditure of \$10,000 in carrying on the
construction and extension of the irrigation
system on the diminished reserve
(emphasis added)

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5.9.b. Applications for Permits.

During this pre-Winters period, in which federal administrators were so concerned with protecting Wind River Indian Reservation water rights, no assertion of reserved rights was made. Rather, numerous applications for water rights were made to the State of Wyoming under this program to protect the Reservation's water rights. Between 1905 and 1915, the United States filed for 109 permits for the Wind River Indian Reservation. Of the 109 permits applied for by the United States, 107 were solely for irrigation purposes. Of the remaining two permits applied for, one was for domestic use in connection with the government Indian Agency and the other was for "agricultural and domestic purposes." The applications are fully consistent with the agricultural purpose of the Reservation.

5-9b Wyo. Exh. WRIR I & P 101, inclusive.

The permits applied for are numbered as Wyo. Exh. 101. Each permit has been marked as a separate exhibit. Each exhibit in the 101 series has, as its sub-number, the actual permit number. For example, permit 6601 is Exh. 101.6601.

Between 1905 and 1915, the United States applied to the Wyoming State Engineer for 109 permits for water rights for the Wind River Indian Reservation. These permit applications constitute the actions taken by the United States to protect the water rights of the Reservation Indians during that period. Of the 109 permit applications, 107 were made exclusively for irrigation purposes. One application, for permit 12050, was for domestic use for the agency headquarters, for fire protection, and for irrigation of the agency lawn and garden. A second, number 3198, was for agricultural and domestic purposes. The applications and permits demonstrate overwhelmingly that the government understood there to be only one primary Reservation purpose: agriculture. If the Wind River Indian Reservation had any purpose, other than agricultural, the United States would have been bound to have secured water for those purposes as well as for the irrigation purpose.

The permits are striking evidence for they reveal the purpose of the Wind River Indian Reservation in terms of its water needs. This is of particular significance in this case, where the Court seeks to define the purpose of any reserved water right found to exist on behalf of the Wind River Indian Reservation.

The need for water on the reservation was well-known. Yet no permits were sought to serve any Reservation purpose other than agriculture. There can be little doubt that the purpose of the Wind River Indian Reservation is the express purpose stated in the Treaty of 1868: agriculture.

5-9.c. Summary of Water Rights Acquisition Program

Administrators charged to administer the Wind River Indian Reservation were concerned about the acquisition of water rights for the Wind River Indian Reservation. They embarked on a program to acquire such rights as they felt were needed to fully protect the Reservation's water needs. In doing so, they directed their efforts exclusively toward the acquisition of water rights for agricultural purposes and to the development of a water system for agricultural purposes, each to the mutual exclusion of any other efforts.

5-9c See Finding of Fact 5-9 to 5-9b., inclusive.

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5-10

Construction of Wind River Indian Reservation Purposes
by Officials Charged With the Administration of the
Reservation: Post-Winters

After the decision in Winters v. United States, some administrators began to allege that a reserved water right existed on behalf of the Wind River Indian Reservation and that water rights need not be obtained, as they had consistently been, under Wyoming law. The change in attitude regarding the legal source of water rights on the Reservation did not in any way alter the understanding that the sole purpose of the Reservation was agricultural.

5-10 See Findings of Fact 5-10a. to 5-10.c.4., inclusive.

5-10.a. United States v. Hampleman

While the issue of the purposes of the Wind River Indian Reservation is not resolved, or ever raised, by the decree in United States v. Hampleman, certain of the documents filed by the United States in the case are persuasive evidence of the purposes of the Reservation. In the Complaint in Hampleman, filed in 1915, the United States claimed that a reserved right existed on behalf of the Wind River Indian Reservation. The Complaint alleged that that right existed solely for the domestic needs of the Indians, for livestock watering, and for irrigation of agricultural lands. No other purposes were alleged in the Complaint or in any other document filed by the United States in the matter. The allegations in Hampleman are particularly persuasive on the purposes issue for they were made in the context of a judicial proceeding begun to secure, by litigation, all water rights of the Wind River Indian Reservation Indians.

5-10a The Complaint of the United States in Hampleman, Wyo.
Exh. WRIR I & P 35, attempts to specifically define
the purposes of the reserved rights claimed therein.

The Complaint states:

That the lands included within said reservation are arid in character and incapable of producing agricultural crops successfully without irrigation; that portions of said reservation include lands unfit for cultivation, but which are adapted to pasturage and the grazing and feeding of livestock thereon; that it was the intention of the parties to said treaty that all water within the boundaries of said reservation, reasonably necessary for supplying the domestic needs of said Indians, watering their livestock, and the irrigation of their agricultural lands, should be reserved for the perpetual use of said Indians as appurtenant to the lands of said reservation; that the lands within said reservation have at all times since the creation thereof been used and occupied as the home and abiding place of said tribe of Indians, with the exception of a portion ceded and relinquished by agreement approved by Act of Congress March 3rd, 1905; (emphasis added).

No other purpose is claimed for the reserved right which is alleged to exist.

5-10.b. United States v. Parkins

United States v. Parkins provides no evidence on the issue of purposes. Though the Court's decision assumed that a reserved right on behalf of the Wind River Indian Reservation existed, the United States does not appear to have claimed or argued for such a right or attempted to specify its purposes.

5-10b See Wyo. Exhs. WRIR I & P 38 and 39.

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5-10c. Correspondence and Reports

Correspondence and reports subsequent to Winters reveal that, regardless of what may have been thought to be the legal basis of the Indians' water rights, the purpose of the reservation, and, hence the water rights, was understood to be agricultural.

5-10c See Findings of Fact 5-10.c.1 to 5-10.c.4.

5-10.c.1. Letter of December 7, 1914, Secretary of Interior
to United States House and Senate

An important interpretation of the water rights issues on the Wind River Indian Reservation is contained in the letters of December 7, 1914, from Secretary of Interior Franklin Lane to the United States House and Senate. In these letters, Lane informed Congress to expect a proposal from Interior for legislation to protect Wind River Indian Reservation water rights, which legislation was apparently never submitted. Lane noted that some were contending that Winters type water rights existed on behalf of the Wind River Indian Reservation and that that issue might be resolved in United States v. Hampleman. The Secretary, however, noted that the reserved right contention would secure water to the Indians for irrigating purposes only. He proposed or envisioned no other uses in his letters to the House and Senate.

5-10.c.1. In conformity with the apparently universal view that the purpose of the Wind River Indian Reservation was solely agricultural, the Secretary of Interior wrote Congress asking it to consider special legislation to protect Indian water rights and of his belief that Hampleman might find that Winters rights existed on the Wind River Indian Reservation (It did not.) Wyo. Exh. WRIR I & P 109 (Letter from Secretary of Interior Franklin K. Lane, dated December 7, 1914). See also Wyo. Exh. WRIR I & P 109A (same letter as Wyo. Exh. WRIR I & P 109 appearing as House of Representative document No. 1274, 63d Cong., 3d Sess.). Secretary Lane, however, understood that any such rights would be for agricultural purposes only. He said regarding Hampleman:

If this contention (i.e. Winters rights) can be maintained the water rights for irrigating the Indian lands will be secure until the expiration of the trust period on the allotments

Id. at 3 (emphasis supplied).

5-10.c.2. Letter of January 1, 1919, Assistant Secretary of
Interior to Wyoming State Engineer

In a letter dated approximately January 1, 1919, to Wyoming State Engineer True, Assistant Secretary of Interior S. G. Hopkins alleged that the Treaty of July 3, 1868, had created a reserved water right on behalf of the Wind River Indian Reservation. In spite of this contention, however, Hopkins argued that the purpose of any such right was solely for domestic, irrigation and livestock use. In so arguing, Hopkins examined and defined the purpose of the Reservation based upon precisely the same provisions reviewed by and relied upon by the Court in Finding of Fact 5-4.a. Hopkins found no other purpose for the reserved right he proposed, in spite of his detailed review of the Treaty of July 3, 1868.

5-10.c.2

Correspondence and reports pertaining to the post-Winters era show that some officials did assert that a reserved water right existed on the Wind River Indian Reservation. No one, however, ever asserted that the purpose of that right was for any but agricultural purposes.

A letter from Assistant Secretary of Interior S. G. Hopkins to Wyoming State Engineer True took the position that the United States held reserved water rights on the Wind River Indian Reservation. Wyo. Exh. WRIR I & P 106 (Letter from S. G. Hopkins dated January 2, 1919). In so stating, Hopkins relied entirely on the Treaty of 1868, Articles IV, VI, VII, VIII, IX, XII, exactly the same articles relied upon by Finding of Fact 5-4a, to conclude that a reserved right existed for only agricultural purposes. He concluded:

It follows therefore . . . there was reserved for the benefit of the Indians sufficient water from the streams adjacent to and within the reservation to irrigate the agricultural lands therein.

Id. at 3 (emphasis added).

5-10.c.3.

Letter of September 11, 1918, Assistant
Commissioner of Indian Affairs to Federal Farm
Loan Board

On September 11, 1918, Assistant Commissioner of Indian Affairs Meritt wrote to Mr. Charles Lobdell of the Federal Farm Loan Board. The Board was concerned that the Indians be able to show secure water rights prior to receiving loans for farming purposes. Acknowledging the silence of the July 3, 1868 Treaty on water or water rights, Meritt argued that a reserved water right "for irrigation purposes" existed on behalf of the Reservation. No other purposes were claimed.

5-10c.3.

Assistant Commissioner of Indian Affairs, E. B. Meritt also reached the conclusion that any reserved water right on the Wind River Indian Reservation was for agricultural purposes only. In September, 1918, Meritt wrote to Mr. Charles Lobdell of the Federal Farm Loan Board, regarding the Board's fear of making loans to the Indians because of its doubts regarding the security of their water rights. Wyo. Exh. WRIR I & P 107 (Letter from E. B. Meritt to Charles Lobdell dated September 11, 1918). Meritt argued:

While the original treaty (Treaty of July 3, 1868) may have been silent as to a reservation of water for irrigation purposes for use of the Indians of this reservation, yet under the doctrine laid down in the case of *Winters v. United States* (207 U.S. 564), it is clear that such treaty carries and (sic) "implied reservation" of sufficient water for the needs of the Indians. (emphasis supplied)

Id. at 2.

Irrigation was the only use suggested as the purpose of the implied reserved right on behalf of the Indians.

5-10.c.4. Other Relevant Documentation - Post Winters

There also exist other documents in the early post-Winters years which discuss only the agricultural use of water. On March 18, 1919, Assistant Commissioner of Indian Affairs E. B. Meritt wrote to Wyoming State Engineer True regarding the state's jurisdiction over water rights on the Wind River Indian Reservation. The primary Indian use described was irrigation. The 1911 Annual Report for the Wind River Indian Reservation speaks of perfecting title to water for irrigation. In November, 1920, an engineer with the United States Reclamation Service submitted a report concerned only with irrigation on the Reservation. Joe H. Norris, an Inspector of the Department of Interior recommended in his report dated July 6, 1912, actions to secure water rights for irrigation. All these documents support the inference that the Wind River Indian Reservation had solely an agricultural purpose, regardless from what legal source the right to use water for the Reservation arose.

5-10c.4. Wyo. Exh. WRIR I & P 110 (Letter from E.B. Meritt to James True, March 18, 1919).

The 1911 Annual Report for the Wind River Indian Reservation speaks of perfecting title to water for irrigation. Wyo. Exh. WRIR I & P 112. It states:

In order to perfect and retain titles to water in this state, it is necessary that all the lands under the various canals of this irrigation system be cultivated regularly. For this reason every effort should be made to get all such lands under cultivation at the earliest possible date. My plan is to require the head of each family to farm as much land of his own or other family allotment as possible, and to lease the balance.

Id. Section IV(9).

In November, 1920, I. B. Hosig, an engineer with the United States Reclamation Service submitted a report concerned solely with irrigation on the reservation. Wyo. Exh. WRIR I & P 122 (Report of I. B. Hosig, dated November, 1920). See also Wyo. Exh. WRIR I & P 123 (three United States Reclamation Service memos).

Finally, Joe H. Norris, Inspector of the Department of Interior in his report to the Secretary of Interior recommended actions to secure water rights for irrigation. Wyo. Exh. WRIR I & P 113 (Report of Joe H. Norris, dated July 6, 1912) at 19-21.

5-11 Annual Reports, Wind River Indian Reservation Agents.

Evidence of the purpose of the Wind River Indian Reservation is found in the annual reports of the Indian Agents for the Reservation. These, too, constitute administrative interpretations of the Reservation's purpose by administrators changed with its management.

Year after year these reports, which described the actual, on-site administration of the Wind River Indian Reservation, concerned themselves primarily with farming, stock-raising and other agricultural pursuits. As described in detail below, the Reports show that the Wind River Indian Reservation Agents themselves recognized that the purpose of the Reservation was agricultural. It should be noted that these reports were presented annually to Congress, which was therefore aware of the course of administration of the Reservation. Congress never directed a change in that course.

5-11 See Findings of Fact 5-11.a. to 5-11.r.

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5-11a. Report of James I. Patten, September 1, 1877.

One of the earliest helpful reports is that of Wind River Indian Reservation Agent James I. Patten who sent his first annual report to Congress on September 1, 1877. That report described all aspects of the life of the Indians on the Shoshone Reservation including population, housing, education, missionary work, clothing, alcohol abuse and battles. The report noted that the "Shoshones are rapidly drifting toward a useful and industrious life. They take to farming and stock-raising quite naturally." No reference is made to the Shoshone's involvement in any other occupation.

5-11a Wyo. Exh. WRIR I & P 194, at 604 (Report of James I.
Patten, dated September 1, 1877).

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5-11b. Report of Charles Hatton, August 25, 1980.

Agent Charles Hatton's report to Congress on August 25, 1980, was primarily concerned with agricultural developments on the Reservation. He described the Indians' efforts at farming and stock-raising and the problems with obtaining machinery and growing hay. The remainder of his letter discussed the education of the children and other domestic concerns and does not mention any other occupation.

5-11.b. Wyo. Exh. WRIR I & P 195 (Report of Charles Hatton, dated August 25, 1880). Hatton reported:

The Shoshones have, I understand, made some attempts at farming for several years past, though not with very satisfactory results. They have not been taught to save grain and other seeds for sowing and planting and have no conveniences for so doing.

It is utterly impossible for these Indians to break wild lands with their ponies; good teams and skilled workmen are required for that purpose. With a sufficient amount of land properly broken and fenced, and a sufficient force to instruct them in sowing, cultivating and gathering crops, more favorable results might be reasonably expected.

The report does not mention any other occupation. Mr. Hatton discusses at length the agricultural affairs on the reservation and some domestic concerns. He does not express the slightest interest in directing the Indians to pursue any activity except farming.

5-11c. Report of Charles Hatton, August 22, 1881.

On August 22, 1881, Agent Hatton stated in his second annual report to Congress: "The Shoshones, under the leadership of Chief Washakie, are steadily improving in farming." He described the fencing of land and other agricultural activity.

The remainder of the report dealt with domestic concerns, such as sanitary conditions and alcohol abuse, and the death of the Arapahoe interpreter. One paragraph referred to the Indian freighters who hauled supplies from the railroad to the agency. No occupation other than farming was stressed.

5-11.c. Wyo. Exh. WRIR I & P 196 at 241 (Report of Charles
Hatton, dated August 22, 1881).

5-11d. Report of S. R. Martin, August 15, 1884.

In his report to Congress of August 15, 1884, Agent S. R. Martin discussed a variety of topics, including education, sanitation, civilization of the Indians, farming and stock-raising. Agriculture was the only occupation of any importance described by Martin's report.

5-11.d. Wyo. Exh. WRIR I & P 197 (Report of S. R. Martin,
dated August 15, 1884).

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5-11e. Report of Thomas M. Jones, August 7, 1886.

The 1886 annual report of Agent Thomas M. Jones dealt with a variety of topics: education, police, sanitation, civilization of the Indians, Indian courts, public property, housing, shelter, and alcohol abuse. The only Indian occupations described in detail are farming, stock-raising and grazing. Agent Jones expressed his dismay regarding the Indians' farming techniques and suggested the development of a special instructional farm for the Indians' benefit. The report devoted only one paragraph to the freighting of supplies by Indians and describes two freighting trips made by Indians.

5-11.e. Wyo. Exh. WRIR I & P 198 (Report of Thomas M. Jones,
dated August 7, 1886) at 476-77.

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5-11f. Report of Thomas M. Jones, July 25, 1887.

On July 25, 1887, Agent Jones submitted his second annual report to Congress. He noted that both tribes "have displayed great energy in fencing in their places, and have, during the year, enclosed large fields of hay and placed good fences about their crops." The emphasis in this report, as in Jones' previous report, is on farming to the exclusion of all other occupations.

5-11f. Wyo. Exh. WRIR I & P 199 (Report of Thomas M. Jones,
dated July 25, 1887).

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5-11g. Report of John Fosher, August 24, 1892.

The August 24, 1892, report of Agent John Fosher begins with a few introductory sentences, including: "Nothing of an unusual nature has passed during the year. The Indians have been contented and more inclined to work and improve their ranches." While this report contained only a brief discussion of agriculture, the explanation may be found in the statement: "(The Indians) did not get any seed last spring, and as a consequence have only a small acreage of grain and garden vegetables planted." No other occupation is reviewed.

5-11.g. Wyo. Exh. WRIR I & P 200 (Report of John Fosher, dated August 24, 1892).

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5-11h. Report of P. H. Ray, August 25, 1894.

Agent P. H. Ray noted in his annual report of August 25, 1894, that the Indians of the Wind River Indian Reservation "must depend upon agriculture and stock-raising for their future support." He recommended instructional farms to train the Indians in those occupations. Agriculture was discussed to the exclusion of other occupations.

5-11.h. Wyo. Exh. WRIR I & P 40 (Report of P. H. Ray, dated
August 25, 1894) at 337.

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5-11i. Report of Richard H. Wilson, August 16, 1895.

The report of Richard H. Wilson submitted to Congress on August 16, 1895, details the progress the Indians were making as farmers and the progress toward completing construction "of the extensive system of irrigating ditches laid out by my predecessor." Again, no other occupation is discussed.

5-11.i. Wyo. Exh. WRIR I & P 210 (Report of Richard H. Wilson,
dated August 16, 1895).

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5-11j. Report of Richard H. Wilson, August 25, 1897.

Agent Wilson reported again on August 25, 1897, stating that "The principal occupation of the Indians of this Reservation during the year has been farming, and the work has progressed very satisfactorily."

5-11.j. Wyo. Exh. WRIR I & P 202 (Report. of Richard H. Wilson,
dated August 25, 1897).

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5-11k. Report of H. G. Nickerson, August 24, 1898.

Agent H. G. Nickerson remarked in his report of August 24, 1898, that among the Shoshone and Araphoe: "Agriculture is the principal pursuit of the Indians of this reservation, although they also engage to a considerable extent in wood chopping, freighting and stock raising."

5-11.k. Wyo. Exh. WRIR I & P 203 (Report of H. G. Nickerson,
dated August 24, 1898) at 322.

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5-11.1 Report of H. G. Nickerson, August 25, 1899.

On August 25, 1899, Agent Nickerson reported concerning the Shoshone and Arapahoe Reservation:

During the year there has been a large amount of work done by the Indians on canals and ditches on this reservation, the most important of which is the St. Lawrence Canal. This takes the water from St. Lawrence Creek and carries it 5 miles into Sage Creek, increasing the volume of water in the latter sufficient to irrigate a large tract of farming land which could not otherwise be made productive.

5-11.1. Wyo. Exh. WRIR I & P 204 (Report of H. G. Nickerson,
dated August 25, 1899).

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5-11m. Report of H. G. Nickerson, August 28, 1900.

In his third annual report submitted on August 28, 1900, concerning the Indians in Wyoming, Nickerson observed:

The Indians on this reservation, realizing that their future prosperity depends largely on agricultural pursuits, manifest a commendable interest in land and farming

5-11.m. Wyo. Exh. WRIR I & P 204A (Report of H. G. Nickerson,
dated August 28, 1900) at 414.

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5-11n. Report of H. E. Wadsworth, August 15, 1903.

In his report of August 15, 1903, Agent Wadsworth continued to express concern for the Indians' progress in agriculture. He reported that a lack of seed and water had resulted in an "unsatisfactory condition of affairs." No other occupations were described.

5-11.n. Wyo. Exh. WRIR I & P 41 (Report of H. E. Wadsworth,
dated August 15, 1903).

Agriculture -- Lack of seed and water have been the prime causes of the very unsatisfactory condition of affairs in this respect. On account of poor crops in this section last season, seed grain could not be had after the ground had been prepared, which discouraged many who were anxious to farm.

Id. at 361-632.

5-110. Report of H. E. Wadsworth, August 15, 1905.

The August 15, 1905, report of Agent Wadsworth devoted considerable attention to agricultural matters. He reported at length on the construction of canals which when completed would "reclaim practically all of the agricultural land of the diminished reservation."

This land is of the very best quality and, when supplied with the water necessary for irrigation, will be capable of producing the very finest crops imaginable.

Wadsworth also observed: "In order to encourage them (the Indians) and to persuade them to continue this work, it will be necessary to furnish them with a steady market for the products of these farms."

5-11.o. Wyo. Exh. WRIR I & P 92 (Report of H. E. Wadsworth,
dated August 15, 1905) at 381, 382.

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5-11p. Report of H. E. Wadsworth, August 15, 1906.

In his 1906 report, Wadsworth described the goal of placing each family on an allotment with land for a garden "and as much farmland as may be needed for immediate cultivation." Furthermore, he complained that other activities were frustrating his goal. Farming was considered to be the primary occupation in which the Indians were to participate.

5-11.p. Wyo. Exh. WRIR I & P 93 (Report of H. E. Wadsworth, dated August 15, 1906) at 403.

The fact that Wadsworth sought to place all the families on allotments with farmland for "immediate cultivation" indicates that he viewed the purpose of the reservation as agricultural. His view was confirmed when Wadsworth discussed the recent progress in agriculture on the reservation.

(Because of) great demand for Indian labor on irrigation projects, filling military freight contracts, and hauling wood and forage for the military, it has been a difficult matter to make even nominal progress in agriculture.

Id.

So far as Wadsworth, the Indian Agent was concerned, the employment of the Indians in other activities frustrated progress in agriculture. Agriculture was, therefore, the paramount goal.

5-11q. Report of H. E. Wadsworth, August 15, 1907.

The overriding importance of farming and irrigation on the Wind River Indian Reservation is illustrated in Wadsworth's 1907 report. He reported that the completion of the irrigation system in order to secure "incontestable title for the water necessary to reclaim" the reservation lands required "all the Indian labor available on the project until completed."

5-11.q. Wyo. Exh. WRIR I & P 94 (Report of H. E. Wadsworth,
dated August 15, 1907) at 2-3.

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5-11r. Summary, Agency Reports.

The reports of the Indian agents represent a consistent and uncontradicted interpretation of the purposes of the Wind River Reservation as agriculture. The reports discuss the problems of and progress by the Indians in farming. No other occupations receive any sustained attention. They are persuasive evidence that the primary purpose of the Reservation was agriculture. Nothing contained in the reports contradicts this conclusion.

5-11.r. See Findings of Fact 5-11 to 5-11.q. The reports of the Wind River Indian Reservation agents repeatedly emphasize the need to and the progress of the Indians in agriculture, the teaching of farming and the construction of an irrigation system. No other occupations are mentioned except for a few references to the employment of the Indians for building the irrigation system, hauling freight for the military, and some timber cutting. This is not to say Indians would not or did not enter other occupations or professions. It does show, however, that the primary purpose of the reservation was agriculture.

The evidence before the Court reveals that the sole primary purpose of the Wind River Indian Reservation was an agricultural one. The Reservation was created to convert the Indians living thereon from a nomadic, hunting people to an agrarian people. The Treaty of July 3, 1868, which created the reservation, makes this clear on its face. Its intent is confirmed by subsequent treaties and agreements, by acts of Congress, and by interpretations of administrative officials. The sole, primary purpose of the Wind River Indian Reservation is agricultural. As demonstrated by the Conclusions of Law, so must be the purpose of any reserved water rights which may exist on behalf of the Reservation.

5-12 See Findings of Fact 5-1 through 5-11.r., inclusive, supra.

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Note:

The State of Wyoming has intentionally submitted no Findings of Fact, numbered 6-1, et seq.