

S P E C I A L   C O N F E R E N C E S

SPECIAL CONFERENCE WITH THE SHOSHONE  
AND ARAPAHOE DELEGATES ON MAY 2, 1941

SUBJECT: Status of the oil leases at Maverick Springs.

The following statements supply the information requested by the delegates at this conference with Messers. F. L. France and T. W. Wheat of The Land Division.

The leases in the known productive area within the Maverick Springs oil field which have expired have all been renewed on substantially the same terms. Renewals are for 10 years as authorized by the act of August 21, 1916 (39 Stat. 519). They require production beginning not later than December 31, 1941, and that thereafter so long as the field is able to produce that much, that production be not less than 250 barrels per year for each acre in the productive area. Delay rentals are required for failure to produce between effective date of the renewal leases and December 31, 1941.

Payments amounting to a considerable sum have been made under the original leases which were a credit upon production. It was agreed in the new leases that these payments should not be a credit upon future production but that the funds so paid should belong absolutely to the Indians. Annual and delay rentals paid under the renewal leases are a credit upon production royalties only for the year for which they are paid.

At the time the form of renewal lease was being prepared it was considered whether a provision should be inserted requiring the lessees to test the sands below the present producing horizon. The lessees objected to such a provision. At that time it was almost impossible to work out a cooperative undertaking, as it was not known which leases might be renewed and whether all the lessees might be willing to cooperate. The provision therefore was not placed in the renewal leases partially because it was believed that the lessees on their own initiative would take appropriate action to locate additional reserves if a market was developed which would indicate that more oil could be sold at a profit than could be produced from the present producing sand. The lessees are required to exercise reasonable diligence in the operation and development of the leases. Under this provision the Secretary of the Interior could call upon the lessees to drill a deep test if market and other conditions indicated that such action was reasonable. The lessees could avoid the obligations at any time by surrendering the leases. The probable cost of a deep test is small and it is doubtful if a lessee would surrender a productive lease merely to avoid paying his share of the costs.

The number of barrels of oil which may be produced from a field cannot be estimated with any accurateness until after there has been substantial production from the field. Informal inquiries have been made concerning the Maverick Springs field but it does not appear that there has been sufficient production to date to justify anyone in making an estimate of the reserve, which would be more than a guess. It would seem that more definite information should be obtained before a decision is reached concerning whether it would be profitable to construct a pipe line into the field.

Mr. Tunison advised that he had made inquiries at Cheyenne concerning applications which may have been filed for a franchise to build a pipe line into the Maverick Springs field. He stated that only one application has been filed and that it was by Mr. W. T. Ross of the Riverton Oil Company. No action has been taken on the application.

The Maverick Springs field is on the ceded or opened portion of the Wind River Reservation. The lands do not have a tribal status and, under the act of August 21, 1916 (39 Stat. 519), the Secretary of the Interior is not required to get the consent of the Indians before leasing the lands. As a matter of policy the Indians have been consulted. There is existing authority under which, under stated conditions, the opened Wind River lands may be restored to the reservation. If this is done the lands will be tribal and subject to lease for mining purposes under the tribal leasing act of May 11, 1938 (52 Stat. 347). Under this act the Secretary can lease tribal lands for mining purposes only with the consent of the Indians.

SPECIAL CONFERENCE WITH THE SHOSHONE  
AND ARAPAHOE DELEGATES ON MAY 7, 1941

SUBJECT: Road development program, with particular emphasis on school bus routes.

In a conference with Mr. Paul Fickinger, Associate Director of Education, and Messrs. J. Maugh Brown and Leslie P. Towle of the Roads Division, the question was raised by these representatives, as to whether or not any survey had been made to show future settlement of families on newly-acquired lands on the reservation who would need to be served with school facilities and roads, and the reply was in the negative but that it was hoped that a study of that kind could be made in the near future. A general agreement was expressed that road construction on the Wind River reservation should have as its first consideration its serving of the needs of the people in the matter of adequate highways for school busses, marketing, and similar social requirements of the Arapahoe and Shoshone people. It was proposed that possibly the Shoshone tribe would be willing to permit some of their returns from the oil drilling activities to be paid to the tribe in terms of crude oil which in turn could be turned over to the Roads Division for use in oiling certain stretches of heavily-used reservation highways.

In response to a question from the delegates as to the amount of money that may be available for road work on the Wind River reservation during the fiscal year 1942, Mr. Brown and Mr. Towle explained that if the amount which the present appropriation bill includes for road work on Indian reservations is finally allowed, it will probably not be possible to make an allotment to the Wind River reservation for road purposes in excess of that for 1941.

SPECIAL CONFERENCE WITH THE SHOSHONE  
AND ARAPAHOE DELEGATES ON MAY 7, 1941

SUBJECT: Educational matters which involved some of the mission contracts.

Among the things discussed with Mr. Paul L. Fickinger of the Education Division, was the matter of the Roberts mission contract. The delegates expressed the feeling that Roberts mission was not being given adequate financial support from its parent organization and that it appeared that this parent organization was expecting the mission to operate solely on the funds provided under the terms of the contract with the Indian Service. The question was specifically asked as to whether or not the tribe had the right to request the Indian Service to audit the books of the mission. Mr. Fickinger explained that he did not feel that the Indian Service could demand such a right of the mission but that the tribe did have the right to request the Indian Service to investigate the program of care and education being carried on by the Roberts mission and to take up with the parent mission organization the matter of adequate financial support for the care of the Indian children and to take such steps as may be necessary to insure that these Indian youngsters received the proper type of care.

Mr. Fickinger advised the delegates that he expected to visit Wind River for the purpose of conferring with mission authorities and representatives of the tribe as well as other personnel on the jurisdiction in connection with educational matters and would advise the Superintendent when it would be possible for him to arrive.

The question was raised by the tribe as to what could be done to alleviate some concern on the part of certain families of the Catholic faith who by virtue of circumstances found it necessary to send their children to the Episcopal mission at Ethete. Mr. Fickinger referred the delegates to the plan outlined by him two years ago at Wind River whereby the government would take over the operation of St. Michael's at Ethete and operate it as a government school, thereby eliminating the religious denominational controversy. Unfortunately, this plan did not materialize in view of the fact that the Bishop finally turned down the proposal. It is expected that at the time Mr. Fickinger visits Wind River again this matter will be reopened and brought to a satisfactory conclusion if at all possible. This proposal seemingly has met with the approval of both the Shoshone and Arapahoe councils.

SPECIAL CONFERENCE WITH THE SHOSHONE  
AND ARAPAHOE DELEGATES ON MAY 7, 1941

SUBJECT: Operation and maintenance charges.

Mr. Southworth of the Irrigation Division reported that he had collaborated with Mr. Wheat and Mr. Pfeiffer of the Land Division in a conference to determine what should be done concerning delinquent operation and maintenance charges which are now standing as a lien against many acres of land on the reservation. In this connection Mr. Wheat read a recent letter from this Office, dated April 21, and approved by the Secretary, addressed to Superintendent Stone. This communication had specific reference to the proposed purchase of land from Jacob L. Hand by Orlando W. Antelope, both Indians, and covered generally the question of delinquent operation and maintenance assessments on Indian lands. The method of procedure for recommendations looking to the removal of these irrigation liens under the Act of July 1, 1932 in cases which are justifiable was outlined at considerable length in this letter. In order that the delegates may have this information for their ready reference a copy of the letter is incorporated in this report, as follows:

"There is transmitted herewith copy of memorandum from the Department relating to the proposed purchase of certain restricted land from Jacob L. Hand, an Indian, by Orlando W. Antelope, also an Indian, in connection with the extensive individual land purchase program now in progress on the diminished portion of the Wind River Reservation.

"In this case, as in others, we encounter unpaid operation and maintenance charges amounting to \$902 whereas the appraised value, which is also the sale price is only \$580.

"In connection with consideration of this and other cases of like character on the Wind River Reservation, and realizing that there will be many cases of the same kind to follow, it is believed that general instructions are needed to cover the entire matter. This phase of the individual Indian land acquisition program involves two types of cases, as follows:

1. Where the combined sale price and outstanding operation and maintenance charges do not exceed the appraised value of the land.
2. Where the combined sale price and the outstanding operation and maintenance charges exceed the appraised value of the land.

"Cases under class No. 1 can be favorably considered, as indicated by Departmental approval of the Lonjo McAdams case. As to those falling under class No. 2, the attached memorandum from the Department discloses that such purchases cannot be approved unless and until they are fully justified or satisfactory provisions has been made for removal of the irrigation lien. Since these restricted Indian purchasers are wards of the Government, and it is our duty to see that they do not enter into any transactions that will not be to their best interest, we could hardly justify the assuming by an Indian purchaser of operation and maintenance charges incurred while the property was in possession of another, especially where such sum is not covered by the value of the land being conveyed. Also, in the event we arranged for elimination of the operation and maintenance charges in class No. 2 and allowed them to stand on class No. 1, we would undoubtedly be subjecting ourselves to criticism, upon the ground of favoritism or discrimination. It has, therefore, been concluded to recommend to the Department in each purchase case regardless of class, if supported by adequate justification, elimination of such operation and maintenance charges under the Act of July 1, 1932 (47 Stat. 564), which authorizes the Secretary of the Interior to "adjust or eliminate reimbursable charges of the Government of the United States existing as debts against individual Indians or tribes of Indians in such a way as shall be equitable and just in consideration of all the circumstances under which such charges were made." However, such adjustments or eliminations cannot be made merely because they are desirable in connection with pending purchases, but must be in a just and equitable manner after consideration of all circumstances upon which such charges are based. Therefore, each such recommendation must be accompanied by proper justification. Also, the Act of July 1, 1932, supra, further provides "That any proceedings hereunder shall not be effective until approved by Congress unless Congress shall have failed to act favorably or unfavorably thereon by concurrent resolution within sixty legislative days after the filing of said report, in which case they shall become effective at the termination of the said sixty legislative days." In making our recommendations to the Department and to Congress it will be necessary for us to have, in each case, full information along the following lines:

1. Description of lands to which the operation and maintenance charges in question apply.
2. Total amount of such charges, including interest or penalties, if any, and the years over which such charges have accumulated.
3. Complete statement of facts with respect to the unpaid operation and maintenance charges and full justification upon which this office may base its recommendation for elimination of the charges. Such statement must also disclose why the individual Indian involved was not able to meet his operation and maintenance charges as they became due annually.

4. The amount of unpaid charges and penalties accruing during the periods the land was under lease, together with the reasons why the lessees failed to pay the charges and penalties.
5. Your opinion should be expressed concerning the equity and justness in cancelling the obligations in view of the circumstances under which the charges were made.

"It should be explained to prospective Indian vendors that adjustments or eliminations made by the Secretary of the Interior are actually not effective until approved by Congress or unless Congress fails to act within the sixty legislative day period referred to above. It can be said, however, that under this authority the Secretary of the Interior has made many adjustments and eliminations which have become final in the manner provided by the Act of July 1, 1932, supra.

Sincerely yours,

(Sgd) John Herrick,  
Assistant to the Commissioner.

APPROVED: April 22, 1941

(Sgd) Oscar L. Chapman,  
Assistant Secretary"

The discussion which followed was largely explanatory of the several points brought out in the communication.

An inquiry was made as to when the Walker Unit might reach the Wind River Reservation. Your delegation was informed it would probably be at least a year and maybe longer, and in view of this situation it was suggested that in cases of urgency where adjustments were deemed advisable it would not be necessary to wait for the Walker Committee, but a list containing a number of desirable adjustments should be sent in as soon as the information outlined in the letter could be obtained.

The subject of paying current operation and maintenance charges was also discussed. Mr. Southworth pointed out that the Bureau of the Budget and Congress are beginning more and more to question the advisability of appropriating reimbursable funds for the operation and maintenance of Indian irrigation projects which do not demonstrate reasonable capacity of meeting these charges. It was also stated that this Office regards the development of a successful self-supporting irrigation project as one of the most productive resources on the Wind River Reservation, and therefore the matter of placing the irrigation project on a self-sustaining basis should receive the first consideration of the officials of the Service as well as of the Indians.

SPECIAL CONFERENCE WITH THE SHOSHONE  
AND ARAPAHOE DELEGATES ON MAY 8, 1941

SUBJECT: Noxious weed control.

Mr. Bristol and Mr. Laflin made the following statements in response to the delegates inquiries regarding noxious weed control.

Mr. Bristol: "The problem of noxious weed control has been occupying a lot of time of some of the workers in the Service. There is a need for noxious weed control work on practically every Indian reservation in the Western States. The noxious weed problem is especially serious on irrigated lands. The delegates should familiarize themselves with the seriousness of this problem for it is a most serious menace to the constructive plans at Wind River. If this situation is not taken care of, a very large acreage of irrigated land is going to be worthless at some future time. The necessary steps should be taken now to prevent the spreading of noxious weeds. The CCC-ID program, which was approved by the Council, proposed a plan of cooperation between the Irrigation and CCC-ID Divisions for weed control work. The plans called for some rather material expenditures by the Irrigation Division during the coming year. The Irrigation Division has not been able to obtain an appropriation for such work. This year's request called for an amount of approximately \$15,000 for weed control work at Wind River, but the Bureau of Budget disallowed our request, due to the fact that it did not believe this type of work was a proper function of the Irrigation Division. Therefore, any cooperation on the part of the Irrigation Division this year will have to come from the regular O&M funds. The Irrigation Division will contribute approximately \$10,000 or \$12,000 for drainage work on the irrigated lands at Wind River next year.

"Through noxious weed surveys conducted several years ago, it was estimated that \$3,000,000 or \$4,000,000 would be needed for such work. This, however, was too ambitious a program to undertake at that time.

"One of the main obstacles in weed control work is that surrounding communities are often unable to properly take part in such work. On some of the reservations the costs range from \$30 to \$150 per acre to eradicate noxious weeds. This may seem high but such costs are necessary to protect the Indians' land and lands of neighboring people.

"The Fort Hall Indians have made available some \$15,000 from tribal funds for weed control work during the past ten years. No funds have been made available for weed control work by the Congress. There is, however, a proposed federal weed control bill being sponsored by Congressmen from the Western States that calls for the active participation of the Government in such work. The states and individual land owners will share in the costs of weed eradication, with the Federal Government participating up to

approximately 50% of the costs. There has been some discussion as to what could be considered as federal lands. The Government would, of course, pay for weed eradication on federal lands, and we are trying to have Indian lands considered as federal lands. Until funds are appropriated for noxious weed control work there is not much we can do about it. An appropriation could be made by Congress from tribal funds belonging to the Wind River Indians, for assisting with such weed control work."

Mr. Laflin of the Irrigation Division stated, "The Irrigation Division recognizes the acuteness of the problem on the Wind River Reservation as regards noxious weeds, and in its presentation to the Budget Bureau for the 1942 fiscal year there was included an item for \$15,000 to start work on this campaign. Also, in our 6-year estimate of funds necessary for irrigation work we included \$10,000 per year for continuing this type of endeavor. The Bureau of the Budget, however, disallowed the item and stated very firmly that it did not believe weed control was a valid part of the activities of the Irrigation Division. As a consequence the only assistance which could be rendered in this instance is the possible use of irrigation equipment and supervision if such could be worked out with the Project Engineer."

Mr. Bristol: "Irrigated lands will in time become useless if such work is not taken care of. Every effort should be made to have this work done. From a report made in 1938, it is noted that 122 patches of noxious weeds containing approximately 562 acres grew to about 300 patches and 975 acres in the space of two years' time. Every year new patches start and the old ones increase. When you people get back home, you should place this serious problem before your people, calling to their attention the menace of noxious weeds and the possible damages that may result if these weeds are not eradicated."

SPECIAL CONFERENCE WITH THE SHOSHONE  
AND ARAPAHOE DELEGATES ON MAY 8, 1941

SUBJECT: Request for a per capita payment.

The delegates discussed with Mr. Daiker, Assistant to the Commissioner, and Mrs. Adams, Director of the Community Service Branch, their request for a per capita payment from funds to the credit of the Shoshone and Arapahoe Tribes.

From the standpoint of the Shoshones it was pointed out that this money was needed and would prove most helpful in meeting various operating expenses incident to carrying on the programs for the use and expenditure of the judgment funds; that the Shoshone Indians had cooperated fully with the Office in carrying out the general objective for the use of such moneys and that the Office should show its appreciation by making such a payment. From the standpoint of the Arapahoes it was stated that they needed such a payment for various purposes, and that it should be made.

The Office pointed out that in view of the provisions of section 6 of the act for the use and payment of the judgment funds, there was a legal question as to whether any joint tribal funds were available for any other purpose than reimbursement of the judgment funds until repayment into that fund had been completed.

Before the Office can give a definite answer as to whether a payment will be made it will be necessary to obtain a legal determination of the availability of these tribal funds. This determination is now being sought.

The Indian Office representatives pointed out the advisability of using a large portion of the accumulated tribal funds now on hand in the Treasury in making the repayment as required by section 6, and that such action would tend to reduce the accumulation of interest against the two tribes, and at the same time benefit the Shoshones, since some of the money to be used is now in the Treasury without drawing interest.

The following statement of tribal funds was made available to the delegates for their information:

May 8, 1941

STATEMENT OF TRIBAL FUNDS ON DEPOSIT WITH THE  
UNITED STATES TREASURY TO THE CREDIT OF THE  
SHOSHONE AND ARAPAHO INDIANS, WYOMING

	<u>Amount</u>	
	<u>Available Balances Authorized for Expenditure</u>	<u>Available Balances</u>
Proceeds of Labor, Shoshone and Arapahoe Indians, Wyoming		\$41,742.09
Interest on Proceeds of Labor, Shoshone and Arapahoe Indians, Wyoming		1,339.07
Proceeds of Wind River Reservation, Wyoming		38,734.58
Interest on Proceeds of Wind River Reservation, Wyoming		6,382.84
Proceeds of Oil and Gas, Wind River Reservation, Wyoming		87,675.11
Proceeds of Oil and Gas, Wind River Reservation, Wyoming, (Ind. Asst. Reimb.) 1929-41	\$1,915.80	
Interest on Proceeds of Oil and Gas, Wind River Reservation, Wyoming		17,133.78
<b>Total Shoshone and Arapahoe Tribal Funds</b>	<b>\$1,915.80</b>	<b>\$193,007.47</b>

The available balance, principal and interest, of the Shoshone Judgment Fund after setting aside the amounts authorized by the act of July 27, 1939, 53 Stat. 1139, is \$376,949.60.

SPECIAL CONFERENCE WITH THE SHOSHONE  
AND ARAPAHOE DELEGATES ON MAY 8, 1941

SUBJECT: Status of the tribal constitution.

In a conference held with the Organization Division on May 8, 1941, the Shoshone and Arapahoe delegates discussed the status of the tribal constitution with a view of effecting such changes within that document as may be necessary to adapt it to the needs of the tribes.

Mr. Fox reviewed briefly for the delegates the general scope of council activities and powers and proceeded to read with the delegates certain pertinent sections of the present constitution. He read also for the information and consideration of the delegates excerpts from other approved non-I.R.A. constitutions. The delegates expressed a keen desire to revamp the present constitution in order to make its provisions more definite and clear. Various questions were asked and answered in regard to the procedure to be followed in drafting and submitting constitutions for Office or Departmental approval. It was emphasized to the delegates that a tribal constitution should be one that represents the best thinking of the tribe and is adapted to the needs of the particular group to which it applies. Some discussion ensued as to the matter of including in the proposed constitution the authority of the council to approve leases on tribal property. In this connection it was pointed out that since this tribe is not under the Indian Reorganization Act, any funds accruing to the council from such leases, or from other tribal assets, must be placed in the United States Treasury in accordance with Federal Statute. It was agreed that the Organization Division would devise a rough draft of a constitution including therein enumerated powers which a non-I.R.A. council may exercise and send it to the tribes to provide a basis of discussion and revision by the Shoshone and Arapahoe tribes.

MISCELLANEOUS COMMUNICATIONS

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
Office of Indian Affairs  
Washington

May 8, 1941

MEMORANDUM for the Shoshone and Arapahoe Delegates:

The following suggestions as to amendments to the Regulations governing the disbursement of individual shares of the Shoshone Judgment Fund are handed to you in conformity with paragraphs two and three of my letter to you of May 6th.

Section 223.50 is hereby amended by adding thereto the following:

"The additional apportionment of \$1,000 available after the expiration of the first year may be expended for all purposes herein enumerated and such others as in the judgment of the superintendent and the council are necessary to carry out an approved or modified program. Any moneys withdrawn for a specific purpose may not be used for other purposes except with the approval of the superintendent and the council, and where deemed advisable with the right of review by the Commissioner of Indian Affairs."

Section 223.57 is hereby amended by adding thereto the following:

"Savings arising through reduction in cost of the articles purchased on purchase orders may be made available to the Indian, provided such withdrawal shall not exceed \$30 during any one quarter and provided further that such cash withdrawals shall be approved by the business council and the superintendent based on an acceptable showing on a progress report and of the manner in which the saving was accomplished."

John Herrick,  
Assistant to the Commissioner.

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
Office of Indian Affairs  
Washington

May 6, 1941.

Mr. Charles A. Driskell,  
Mr. Charles Washakie,  
Mr. Marshall Washakie,  
Mr. Gilbert Day,  
Mr. Hunting Hill,  
Mrs. Maude Clairmont,  
Shoshone Delegation from the Wind River  
Agency, Wyoming, to Washington, D.C.

Dear Friends:

In a meeting with the Shoshone delegation on May 5, 1941, various matters having to do with the Shoshone Judgment Fund were discussed. Mr. Daiker was present during the conversations, and Assistant Commissioner Zimmerman was present during part of the meeting. The delegates were represented by the Shoshone attorneys, Messrs. Tunison and Kappler.

The question was brought up of the regulations governing the use of the \$1,000 of each individual share of the Judgment Fund. After some discussion, it was decided that the Indian Office would prepare a draft of a provision to be included in the regulations which would extend the present regulations to cover expenditure of the \$1,000 remainder, but with an important proviso to permit an expenditure for purchases outside the present regulations, such expenditure to have the prior approval of the Superintendent and the Shoshone Business Council or its delegated representatives.

Members of the delegation expressed a desire to have the regulations amended so as to permit disbursements in cash rather than via a purchase order. Messrs. Driskell and Day expressed the belief that such an amendment would result in savings to individual tribal members. It was agreed that the delegates, their attorneys, and Superintendent Stone would prepare a proposed amendment to carry out the wishes of the delegation.

Mr. Tunison inquired as to the attitude of the Indian Office concerning the expressed desire of the Shoshone Tribe to have the Federal Government, by legislation, reimburse the Shoshone Judgment Fund for any moneys expended under authority of the amendment permitting Judgment moneys to be used to purchase lands off the reservation. Mr. Tunison went, at some length, into the history of the amendment and purchases thereunder. He stated it was the feeling of the Shoshone Tribe that General Council

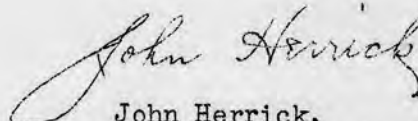
approval should have been had before an extension of the proposed program as contemplated by the amendment was undertaken. It was pointed out by Mr. Herrick that at the time the amendment was introduced, the Second Deficiency Bill, to which it was attached, was in the Senate Committee and time was too short to allow of a conference with the tribe, that it was felt that the Indians were amply protected since every purchase under the amendment had to be approved by the tribal representatives in the same manner that approval is given to purchases on the reservation, and that approval of purchases under the amendment had been had after full discussion, with the majority of each Business Council voting in the affirmative.

Mr. Tunison stated that, in his opinion, despite a resolution adopted by the Business Councils on October 2, 1939, the language of the Judgment Fund Act required that the entire joint annual income of the two tribes be used to reimburse the Shoshone Judgment Fund on account of judgment money expended for land purchases. Mr. Tunison stated, however, that he believed this statutory requirement would not prevent the payment of Council expenses out of joint tribal income, and he felt that the Shoshones might waive the requirements of the Act so far as they were concerned and receive a per capita payment out of the joint tribal income. He stated, however, that the Arapahoes could not receive such a per capita payment or use their share of the joint tribal income as a loan fund or for other purposes until the Judgment Fund had been fully reimbursed.

It was suggested by Mr. Herrick that since there was an obvious difference of opinion concerning this question of reimbursing the Judgment Fund, Mr. Tunison and Mr. Kappler should get together with counsel for the Indian Office for a discussion of this important matter. The question is of increasing importance, since payments for land purchases are now being made and reimbursement out of the joint tribal income will be in order.

Discussion was also had concerning the use of the remainder of the Judgment Fund. Mr. Kappler read a proposed draft of legislation to make this remainder available for purposes similar to those for which the \$125,000 loan fund will be used. It was suggested, however, that the Bureau of the Budget might require a more specific statement of the uses to which the remaining portion of the Judgment Fund might be put.

Sincerely yours,



John Herrick,  
Assistant to the Commissioner.

L A N D D A T A

MEMORANDUM concerning land data.

Included hereafter are certain data concerning lands on the Wind River Reservation which were used in the general conference of May 7, 1941, the subject of which was the proposed division of the reservation. These data were prepared by the Agency committee whose names are listed in the minutes of that conference.

Also included is a table showing the grazing capacities and estimated values of lands east and west of the Wind River Meridian. By reference to this table, it will be seen that on the basis of estimated values of resources on each side of the Wind River Meridian, if the timber resources are included and the value of lands within the Reclamation Withdrawal is also included, the natural resources of the reservation west of the Wind River Meridian will be worth \$1,056,668 more than the natural resources east of the Wind River Meridian. This difference in favor of the Shoshone side of the reservation, if translated into cow months at \$5 per cow month, would make 211,333 cow months, or approximately as many cow months of grazing as there are on the entire reservation.

As was pointed out in the conference, it is obvious that if these dollar estimates are correct, or even approximately correct, it would be impossible for the Shoshones to compensate the Arapahoes. They would have to give up all their grazing lands.

In addition to the table above referred to, are two sets of computations showing the basis for the recommendations made by representatives of the Indian Office, that in any division of the reservation, whether for purposes of land use or for local segregation of the assets of the reservation, the timber resources should be excluded from division, and grazing lands in the Reclamation Withdrawal should be treated as lands for use in common.

Considering only the question of use of the range land and basing the computation on carrying capacity, it will be seen that if the grazing lands within the Reclamation Withdrawal are omitted, there will be an excess of 18,086 cow months east of the Wind River Meridian. In other words, in order to obtain a fair division of the range, the Arapahoes would have to cede to the Shoshones the use of 9,043 cow months of range. By adjustment of the boundary line between the two halves of the reservation in the manner indicated at the conference, approximately 6,000 acres of the amount owed to the Shoshones would be taken care of. The remaining difference of approximately 3,000 acres, as was indicated at the conference, could then be taken care of by giving to the Shoshones a larger use of the common range within the Reclamation Withdrawal.

If a legal division of the reservation is contemplated, and a computation is made in dollars, and lands within the Reclamation Withdrawal and the timber resources as well, are left out of consideration, it will be seen

that there is a net difference in favor of the Arapahoes of \$142,783, or of 28,556 cow months. This would mean that the Arapahoes would owe to the Shoshones 14,278 cow months. This figure compares rather closely with the figure of 9,043 cow months as computed above on the carrying capacity basis. Adjustment to take care of the 14,278 cow months could also be made by adjustment of the boundary line between the two halves of the reservation and by allocation of grazing privileges within the Reclamation Withdrawal.

So far as the studies have proceeded, therefore, it would appear that any division of the reservation between the two tribes should proceed on the theory that the timber should not be formally divided, and that until the future use of the lands within the Reclamation Withdrawal has been determined, those lands should be for joint use by the two tribes.

TRIBAL GRAZING LANDS.  
Including Lands now Tribally Owned  
And Ceded Lands to be Restored.  
(Carrying Capacity in Cow Unit Months)

Grazing Unit No.	E or W	Winter		Summer		Spring & Fall		Total	
		Carrying Capacity	Acres	Carrying Capacity	Acres	Carrying Capacity	Acres	Cap'y	Acres
2	W			700	4,480			700	4,480
3	W			310	3,680	590	8,870	900	12,550
4	W			570	5,640	240	3,760	810	9,400
5	W					1,130	13,110	1,130	13,110
6	W					260	3,430	260	3,430
7	W					525	7,540	525	7,540
10	W	1,130	12,320			1,830	16,480	2,960	28,800
11	W	2,150	17,200	2,300	23,400	2,690	26,900	7,140	67,500
12	W			150	1,120	690	5,440	840	6,560
13	W					410	4,850	410	4,850
14	W			700	8,790			700	8,790
15	W			1,090	10,880			1,090	10,880
16	E			1,810	5,440			1,810	5,440
16	W			730	2,160			730	2,160
17	E			7,480	29,930	5,625	31,040	13,105	60,970
18	E(R)	3,400	54,700					3,400	54,700
19	E			2,040	8,500			2,040	8,500
21	W	1,600	24,160	2,460	20,820	3,490	41,870	7,550	86,850
22	E	400	6,000					400	6,000
22	W	1,250	25,120	4,620	37,030	1,500	17,760	7,370	79,910
24	E			875	7,120	65	1,000	940	8,120
24	W			410	2,720	320	1,920	730	4,640
25	E	250	3,760	800	4,000	710	10,370	1,760	18,130
25	W	120	3,040			170	1,700	290	4,740
27	E			1,170	5,120			1,170	5,120
28	E			1,820	8,560			1,820	8,560
29	E					410	1,660	410	1,660
30	E					1,600	7,840	1,600	7,840
31	E	1,480	17,940	1,125	9,380	1,025	15,620	3,630	42,940
32	E	1,655	25,920	1,695	8,480	865	8,660	4,215	43,060
32	E(R)	1,165	17,680					1,165	17,680
33	E	1,555	21,780					1,555	21,780
33	E(R)	2,345	32,860					2,345	32,860
34	E	630	7,840			125	1,860	755	9,700
35	W	1,480	15,460					1,480	15,460
35	W(R)	100	1,480					100	1,480
37	E	1,615	28,800					1,615	28,800
37	E(R)	1,845	36,110					1,845	36,110
39	E			160	640	2,460	14,660	2,620	15,300
40	E	3,400	21,760	5,590	27,950	3,160	18,960	12,150	68,670
40	E(R)	125	3,840					125	3,840
41	E	275	3,280	575	2,880	110	320	960	6,480
42	E			14,530	36,330	5,270	15,520	19,800	51,850
43	E	750	18,680	600	10,880	350	3,560	1,700	33,120
44	E(R)	1,200	26,090					1,200	26,090

TRIBAL GRAZING LANDS.  
Including Lands Now Tribally Owned  
And Ceded Lands to be Restored.  
(Carrying Capacity in Cow Unit Months)

Grazing Unit No.	E or W	Winter		Summer		Spring & Fall		Total	
		Carrying Capacity	Acres	Carrying Capacity	Acres	Capacity	Acres	Capacity	Acres
46	E	760	5,860					760	5,860
48	E					1,640	5,300	1,640	5,300
49	E	170	3,680			175	2,550	345	6,230
50	E	105	1,050					105	1,050
51	E	1,600	9,860					1,600	9,860
52	E	3,300	38,070					3,300	38,070
53	E	4,650	37,200					4,650	37,200
54	E	9,250	9,440					9,250	9,440
56	E					260	2,370	260	2,370
57	W	2,510	27,580					2,510	27,580
57	W(R)	150	1,520					150	1,520
58	E	960	11,520					960	11,520
58	E(R)	810	9,760					810	9,760
58	W	825	9,920					825	9,920
58	W(R)	100	1,500					100	1,500
59	E	820	8,080					820	8,080
59	E(R)	65	960					65	960
59	W	2,215	14,740					2,215	14,740
61	E	210	4,760					210	4,760
62	E	125	1,470					125	1,470
64	W	1,390	11,120					1,390	11,120
65	W			385	1,920			385	1,920
1D	W			360	2,880	555	10,510	915	13,390
2D	W					675	8,760	675	8,760
3D	W			920	15,200	1,150	5,760	2,070	20,960
4D	W					1,655	13,250	1,655	13,250
5D	W			1,200	9,920	1,200	4,800	2,400	14,720
6D	W			1,200	16,960	1,200	7,200	2,400	24,160
8D	W					480	3,320	480	3,320
9D	W			1,000	9,480	1,570	9,440	2,570	18,920
10D	W					1,000	7,840	1,000	7,840
11D	W					1,860	14,980	1,860	14,980
12D	W			175	5,120	115	1,160	290	6,280
16D	E	1,325	13,440					1,325	13,440
16D	W	600	6,080					600	6,080
17D	W					1,645	13,190	1,645	13,190
18D	E	1,330	13,880					1,330	13,880
19D	E	1,850	19,530					1,850	19,530
20D	E	1,250	15,180					1,250	15,180
21D	E					870	6,720	870	6,720
21D	W					1,475	11,200	1,475	11,200
22D	E					1,080	11,180	1,080	11,180
22D	W					70	560	70	560
23D	E					505	3,100	505	3,100

TRIBAL GRAZING LANDS.  
Including Lands Now Tribally Owned  
And ceded Lands to be Restored.  
(Carrying Capacity in Cow Unit Months)

Grazing Unit No.	E or W	Winter		Summer		Spring & Fall		Total	
		Carrying Capacity	Acres	Carrying Capacity	Acres	Carrying Capacity	Acres	Capacity	Acres
23D	W					130	800	130	800
24D	E	2,580	22,890					2,580	22,890
25D	E	1,410	12,000					1,410	12,000
26D	E	620	4,960					620	4,960
27D	W					1,420	11,360	1,420	11,360
28D	W					960	8,640	960	8,640
30D	W					770	7,910	770	7,910
33D	W			400	1,600	160	3,400	560	5,000
34D	W			580	4,360			580	4,360
35D	W			460	3,650			460	3,650
36D	W			2,115	21,600			2,115	21,600
37D	W			3,370	32,230			3,370	32,230
38D	W			4,800	49,960			4,800	49,960
39D	W			645	8,400			645	8,400
40D	W			250	6,080	630	6,080	880	12,160
41D	W					3,215	27,900	3,215	27,900
A	W			290	12,480			290	12,480
B	W			1,060	16,260			1,060	16,260
D	W			650	6,340			650	6,340
E	W			710	9,920			710	9,920
F	W			1,490	15,520			1,490	15,520
G	W			800	8,480			800	8,480
H	W			570	18,080			570	18,080
J	W			490	9,200			490	9,200
K	W			670	7,860			670	7,860
L	W			255	3,550			255	3,550
M	W			880	10,080			880	10,080
Total	E	44,325	388,630	40,270	165,210	26,305	331,690	110,900	885,530
Total	E(R)	10,955	182,000	---	---	---	---	10,955	182,000
Total	W	15,270	166,740	39,765	427,850	35,780	162,290	90,815	756,880
Total	W(R)	350	4,500	---	---	---	---	350	4,500
GRAND TOTAL		70,900	741,870	80,035	593,060	62,085	493,980	213,020	1,828,910

ALLOTED INDIAN LANDS  
(Exclusive of such land to be purchased)

Acres and Value

(Only lands included in Wind River Irrigation Project)

Type and Class	Shoshone		Arapahoe	
	Acres	Value	Acres	Value
Total Allotted Lands	27,487.00	\$323,744.43	39,052.40	\$464,481.16
Irrigated Agricultural (All grain, beans, corn, sugar beets)	3,996.91	86,189.10	9,630.76	196,265.30
Good (\$30 )	1,194.27	35,828.10	3,302.39	99,071.70
Fair (\$20 )	2,233.47	44,669.40	3,390.99	67,819.80
Poor (\$10 )	569.16	5,691.60	2,937.38	29,373.80
Meadows, Native Hay, etc. (Alfalfa, clover, timothy)	6,769.22	145,958.00	6,315.93	135,697.80
Good (\$30 )	2,937.17	88,115.10	2,325.53	69,765.90
Fair (\$20 )	1,952.24	39,044.80	2,602.79	52,055.80
Poor (\$10 )	1,879.81	18,798.10	1,387.61	13,876.10
Pasture Lands, Irrigated	6,241.97	60,612.70	8,373.41	84,889.60
Good (\$15 )	1,435.66	21,534.90	2,858.68	42,880.20
Fair (\$10 )	3,009.25	30,092.50	2,887.15	28,871.50
Poor (\$ 5 )	1,797.06	8,985.30	2,627.58	13,137.90
Pasture Lands, Sub-irrigated	4,961.10	24,087.38	7,649.40	38,774.83
Good (\$ 7.50)	1,141.05	8,557.88	2,611.51	19,586.33
Fair (\$ 5.00)	2,391.75	11,958.75	2,637.51	13,187.55
Poor (\$ 2.50)	1,428.30	3,570.75	2,400.38	6,000.95
Grazing Lands, Dry	5,517.80	6,897.25	7,082.90	8,853.63
Good )	1,269.10	1,586.38	2,418.11	3,022.64
Fair (\$ 1.25)	2,660.13	3,325.16	2,442.18	3,052.73
Poor )	1,588.57	1,985.71	2,222.61	2,778.26

ALLOTTED INDIAN LANDS  
(Exclusive of such land to be purchased)

Acres and Value

(Only lands included under Private Ditch)

Type and Class	Shoshone		Arapahoe	
	Acres	Value	Acres	Value
Total Allotted Lands	14,102.44	\$105,543.53	2,018.90	\$13,683.63
Irrigated Agricultural (All grain, corn, beans, sugar beets)	680.55	13,957.30	270.00	5,980.00
Good (\$30 )	195.05	5,851.50	108.00	3,240.00
Fair (\$20 )	325.08	6,501.60	112.00	2,240.00
Poor (\$10 )	160.42	1,604.20	50.00	500.00
Meadows, Native Hay, etc. (Alfalfa, clover, timothy)	2,567.14	54,646.40	150.00	2,300.00
Good (\$30 )	970.50	29,115.00	---	---
Fair (\$20 )	956.50	19,130.00	80.00	1,600.00
Poor (\$10 )	640.14	6,401.40	70.00	700.00
Pasture Lands, Irrigated	2,385.11	23,785.60	239.00	1,945.00
Good (\$15 )	500.45	7,506.75	---	---
Fair (\$10 )	1,371.11	13,711.10	150.00	1,500.00
Poor (\$ 5 )	513.55	2,567.75	89.00	445.00
Pasture Lands, Sub- irrigated	696.58	3,437.90	367.00	2,217.50
Good (\$7.50)	170.70	1,280.25	210.00	1,575.00
Fair (\$5.00)	337.18	1,685.90	100.00	500.00
Poor (\$2.50)	188.70	471.75	57.00	142.50
Grazing Lands, Dry	7,773.06	9,716.33	992.90	1,241.13
Good )	2,026.00	2,532.50	208.22	260.28
Fair (\$1.25)	3,556.00	4,445.00	496.45	620.56
Poor )	2,191.06	2,738.83	288.23	360.29

VALUE OF LANDS EAST AND WEST OF WIND RIVER MERIDIAN

	Carrying Capacity (cow months)				Estimated Value in Dollars			
	East of W.R.M. Arapahoe	West of W.R.M. Shoshone	Diff. in favor of East Arapahoe	Diff. in favor of West Shoshone	East of W.R.M. Arapahoe	West of W.R.M. Shoshone	Diff. in favor of East Arapahoe	Diff. in favor of West Shoshone
Range Outside Rec. Withdrawal								
Winter (\$5 per cow month)	44,325	15,270	29,055		\$221,625	\$76,350	\$145,275	
Summer ( " " )	40,270	39,765	505	9,475	201,350	198,825	2,525	\$47,375
S & F ( " " )	26,305	35,780	20,085		131,525	178,900	100,425	
Sub-total	110,900	90,815	(net)		554,500	454,075	(net)	
Range Within Rec. Withdrawal								
Winter (\$5 per cow month)	10,955	350	10,605	2,000	54,775	1,750	53,025	10,000
Grazing on National Forest		2,000				10,000		
Sub-total, All Range	121,855	93,165	28,690		609,275	465,825	143,450	
(net)							(net)	
Allotted Lands, Irr. Project					464,481	323,744	140,737	
Allotted Lands, Pvt. Ditch					13,684	105,491		91,807
Sub-total allotted lands					478,165	429,235	48,930	
(net)							(net)	
Purchased Lands (excluding all lands in Rec. withdrawal except Mazet lands)								
Purchased Lands in Rec. withdrawal (except Mazet)					521,414	517,986	3,428	
Sub-total, Purchased Lands					25,020	517,986	25,020	
(net)					546,434		28,448	
Timber Resources					163,462	1,440,958		1,277,496
Total Differences							370,010	1,426,678

Net Difference in favor of Shoshones - \$1,056,668

Translated into cow months @ \$5 per cow month, 211,333 Cow Months.

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