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SAN FRANCISCO

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOAQUIN OR BIG SANDY BAND OF INDIANS, et al.,

Plaintiffs,

v.

JAMES WATT, et al.,

Defendants.

CIVIL NO. C-80-3787-MHP

STIPULATION FOR ENTRY OF JUDGMENT

The parties to the above-entitled class action, recognizing that the uncertainties in the law and the burdens of further litigation make settlement of this action mutually beneficial, and subject to the approval of the Court pursuant to F.R.C.P. Rule 23(e), hereby stipulate and request that the court enter judgment as follows:

1. Plaintiffs Melba Beecher, Emma Cheepo and Dan Lewis represent the class of persons certified as consisting of all persons named in the distribution plan of the Big Sandy Rancheria as distributees of the assets of said Rancheria, or

the Indian heir(s), assign(s), executor(s), administrator(s), or successor(s) in interest thereof who, by reason of having participated in the distribution of the assets of said Rancheria at any time have been considered by the government of the United States or any other governmental entity to have lost their status as Indians under the laws of the United States.

2. Plaintiffs Loretta Sylvas, Linda Alec and Pearl Hutchins are certified as representing the class of persons consisting of all persons listed as or otherwise considered to be dependent members of the families of distributees of the Big Sandy Rancheria.

3. The status of the named individual plaintiffs and class members as Indians under the laws of the United States is confirmed.

4. The Secretary of the Interior shall list the Big Sandy Band of Indians as an Indian Tribal entity pursuant to 25 CFR Part 83.6(b).

5. The exterior boundaries of the Big Sandy Rancheria, encompassing all parcels shown on the Map of Fresno County Tract No. 2060 recorded at pages 89, 90 and 91 in volume 22 of Plats, Fresno County Records, except for Parcel 26 of said Tract, which was sold under the Rancheria's Distribution Plan, are reestablished, as is the status of said lands as Indian country within the meaning of 18 U.S.C. §1151. Reestablishment of the exterior boundaries and Indian country status of the Rancheria shall not affect the ownership rights and interests of non-Indian persons owning any parcel within said boundaries, and shall not vest the duly-constituted Tribal

governing body with jurisdiction over any parcel owned entirely by non-Indian persons while such land remains in non-Indian ownership, except upon the written consent of said non-Indians or if said land is being used by Indians with the consent of the non-Indian owner(s) thereof.

6. Any plaintiff or plaintiff class member, or the Indian successor(s) of any such plaintiff, who received fee title to an interest in any former trust allotment by reason of the distribution of the assets of the Big Sandy Rancheria shall be entitled to elect to restore any such interest to federal trust status, to be held by the United States for the benefit of such Indian person(s) as the grantor may specify.

7. Within one year of the date of entry of judgment herein, plaintiff Band shall convey to the United States all community-owned lands within the Big Sandy Rancheria to which the United States issued fee title in connection with or as the result of distribution of the assets of said Rancheria. Title to said lands will be accepted and held by the United States in trust for Big Sandy Band of Indians, or the Indians of the Big Sandy Rancheria, as may be specified in the instrument(s) of conveyance.

8. Any named plaintiff or plaintiff class member of the Big Sandy Rancheria owning land within the Rancheria, or the Indian heir(s), devisee(s) or successor(s) in interest to such class member, may elect to convey back to the United States title to any Rancheria lands owned by him/her. Pursuant to the authority conferred by §203 of Title II of the Act of January 12, 1983, Public Law No. 97-459, 96 Stat. 2515, and/or

the equitable powers of this court, title so conveyed shall be accepted and held by the United States in trust for such Indian class member(s) or entity as the grantor(s) may specify.

9. Defendant Secretary of the Interior shall facilitate the return of lands to trust status by providing, subject to available appropriations, reasonably necessary survey, title and recording assistance, and by clearing, discharging or assuming liens of up to $3500 for unpaid past and current real property taxes on lands belonging to the Auberry-Big Sandy Association. The obligation of the Secretary of the Interior to clear, discharge or assume real property tax liens on Association lands shall cease one year after date of judgment.

10. Defendants shall prepare and provide to plaintiffs a list of federal services, benefits and programs and the eligibility criteria therefor which were available to Indians because of the their status as Indians between May 2, 1973 and June 25, 1975. Any individual plaintiff or plaintiff class member who applied for any federal service (other than services provided by the Indian Health Service) available exclusively to Indians and whose application therefor was rejected solely on the ground that the applicant's status as an Indian had been terminated by the distribution of the assets of the Big Sandy Rancheria shall be entitled to re-apply for the same benefit or service (or, if said benefit or service no longer is offered in the form originally applied for, the present equivalent thereof), notwithstanding that the applicant might otherwise now be ineligible by reason of age or mere

passage of time.

11. Defendant Secretary of Health and Human Services never has deemed plaintiffs to have lost their status as Indians under the laws of the United States, and has continued to provide water and sanitation facilities and assistance on the Big Sandy Rancheria. Thus, the provisions of Paragraph 10 hereof do not apply to said defendant.

12. The Secretary of the Interior and plaintiffs agree that the distribution plan for the Big Sandy Rancheria shall be of no further force and effect, and shall not be further implemented. Notice thereof shall be published in the Federal Register; however, this provision shall not affect any vested rights created thereunder, the validity of any conveyances authorized and effected thereunder or the rights of any subsequent bona fide purchaser for value.

13. Plaintiffs' claims for money damages (the seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth and nineteenth claims) shall be dismissed with prejudice, plaintiffs having specifically considered the potential value of said claims, the probability of the success thereof, and the value of the relief to be obtained under this settlement agreement.

14. For the purpose of resolving any disputes which arise among the parties in the course of implementing the judgment to be entered pursuant to this stipulation, the court shall retain jurisdiction over this matter for a period of one year from entry of judgment, or for such longer time as may be

shown to be necessary on a motion duly noticed by any party within one year from entry of judgment.

15. Entry of judgment pursuant to this stipulation shall constitute a final settlement of all claims which named plaintiffs and plaintiff class members have or may have against the United States, its officers and employees arising out of the implementation of the California Rancheria Act at the Big Sandy Rancheria.

Dated: March 25, 1983

GEORGE FORMAN
DAVID RAPPORT
MICHAEL PFEFFER
CALIFORNIA INDIAN LEGAL SERVICES

Attorneys for Plaintiffs

By: _____

Dated: March 25, 1983

JOSEPH RUSSONIELLO, U.S. Attorney
FRANCIS B. BOONE, Ass't. U.S.Att'y.

By: _____

Attorneys for Defendants

FILED
JUN 16 8 05 AM '83
WILLIAM L. WHITTAKER
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CAL.

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOAQUIN OR BIG SANDY BAND OF INDIANS, et al.,

Plaintiffs,

v.

JAMES WATT, et al.,

Defendants.

CIVIL NO. C-80-3727-MHP

JUDGMENT (F.R.Civ.P. 58)

Plaintiffs and defendants having entered into a stipulation for entry of judgment, the court having approved said stipulation pursuant to F.R.Civ.P. 23(e) and good cause appearing therefor, it is hereby

ORDERED, ADJUDGED AND DECREED that final judgment be entered pursuant to the terms of said stipulation.

Dated: 1 8 JUN 1983

1 8 JUN 1983

U. S. District Judge