

EXHIBIT 12

Lund-Allet.

72564-15

P. B. M.

Executive Order
Reservation for
Cemetery.

The Honorable

JUL 19 1915

The Secretary of the Interior.

Sir:

On March 19, 1915 the Superintendent of the Bishop Indian School, California, recommended that steps be taken to have the $\frac{1}{4}$ of Sec. 11, T. 2 S., R. 31 E., M. D. R., Mono County, California, set aside as a cemetery for the Paiute Indians, who have used the land in this manner for a very long time. The Superintendent's report also showed that there was some undertaking on foot to interfere with the burying ground of these Paiute Indians.

General Land Office letters of May 14 and June 5, 1915, which are included among the enclosed papers, show that there are no reasons appearing on the records of that office or of the local land office at Independence, California, why the above described land should not be reserved for Indian purposes.

The attention of the Superintendent was invited by the Office to the fact that 160 acres seemed a rather large area to be permanently reserved for the purposes indicated, and on June 24, 1915 he called the attention

of the Office to the fact that to definitely locate the small portion used as a cemetery would necessitate a survey of the whole section, and the cost of such survey would be more than the whole section is worth. Moreover, he reports that there are quite a number of Indians in that section who are without a camping ground, being located on private land at present, and the 160 acres would not only provide them with a cemetery but also with a place to camp.

This request appears reasonable to the Office, and it is felt that the Indians' rights to bury their dead in this spot, as they have been so long accustomed to do, should be unmolested.

Accordingly, there has been prepared for Departmental signature the enclosed letter transmitting a draft of an Executive Order permanently reserving the land in question, and the Office has the honor to recommend that the same receive your favorable consideration.

Respectfully,

(Signed) W. E. MCGEE
W. E. MCGEE

7-HAS-9

Assistant Commissioner.

Inclosure 15542

EXHIBIT 13

7284-Alloements
72564-12
P.M.

JUL 20 1915

FOR THE PRESIDENT

1930 27 6 17

I have the honor to transmit herewith the draft of an Executive Order regarding the acres of the unappropriated public domain in Mono County, California, as a suitable and suitable ground for a tract of Indian training under the classification of the Indian School. A report from the Superintendent of the Indian School shows that the said land will be used for Indian purposes for a long time, and that the Indians who now live on it voluntarily own land and have no place to go.

Your answer(s) of the questions in **Reported cases**

Capítulo 10: *Yerusha*

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Geological Survey of India

Die Präsidenten

The White House.

To Secretary

THE BOSTONIAN

EXHIBIT 14

80977 15 (11)

EXECUTIVE ORDER

FILED BY C. P. E.

It is hereby ordered that the 23rd of Section
11, Locality 8 South, Range 51 West, the D. I. H., contains
the 100 acres, in Mono County, California, be and the
same is hereby declared the site of a small band of Pointe
Mojave Indians near Benton, California, as a cemetery and
residence for the Indians removed. That this order shall not affect
any existing valid rights of the person or persons to the
land described.

WILLIAM HOWARD

22nd JULY, 1915.

to Secretary

Posted

JUL 24 1915 M20/141
W.W.B.

JUL 18 1915

EXHIBIT 15

EXECUTIVE ORDERS RELATING TO INDIAN
Reservations. 1855-1922.
Brigham Young University Library.

32

allotments to Klamath River Indians on the Hoopa Valley Reservation, in California, which trust period expires during the calendar year 1920, be, and is hereby, extended for a period of ten years.

WOODROW WILSON.

THE WHITE HOUSE,
10 July, 1920.

PAIUTE.

It is hereby ordered that the SE. $\frac{1}{4}$ of the SW. $\frac{1}{4}$ and the SW. $\frac{1}{4}$ of the SE. $\frac{1}{4}$ of section 29 and the W. $\frac{1}{4}$ of the NE. $\frac{1}{4}$ of section 32, township 10 south, range 34 east, Mount Diablo meridian, in California, be, and the same are hereby, temporarily reserved from settlement, entry, sale, or other disposition until their suitableness for allotment purposes to homeless Paiute or other Indians living on or adjacent thereto may be fully investigated, subject to any prior valid existing rights of any persons thereto.

Any tracts occupied and improved by any person and listed upon application of the occupant under authority of the act of June 11, 1906 (34 U. S. Stats. L., page 233), are hereby excepted from the provisions of this order.

W. M. TAFT.

THE WHITE HOUSE,
September 7, 1912.

It is hereby ordered that the NE. $\frac{1}{4}$ of section 11, township 2 south, range 31 east, M. D. M., containing 160 acres, in Mono County, California, be, and the same is hereby, reserved for use of a small band of Paiute Indians living near Benton, California, as a cemetery and camping ground: *Provided*, That this order shall not affect any existing valid rights of any person or persons to the land described.

WOODROW WILSON.

THE WHITE HOUSE,
22 July, 1915.

POTRERO AND RINCON.

It is hereby ordered, under authority contained in the act of March 2, 1917 (Public 369), that the period of trust on lands held in trust for the use and benefit of the Potrero (La Piche or La Jolla) and Rincon Bands or Villages of Indians in California, which trust expires during the calendar year 1917, be, and is hereby, extended for a period of ten years from the date of expiration thereof.

WOODROW WILSON.

THE WHITE HOUSE,
16 August, 1917.

ROUND VALLEY.

It is hereby ordered, under authority contained in the act of February 8, 1887 (24 Stat., 388-389), that the trust period on the allotments to the Indians on the Round Valley Reservation, in California, which trust period expires during the calendar year 1920, be, and is hereby, extended for a period of three years.

WOODROW WILSON.

EXHIBIT 16

5
Bishop's
cemetery

THE WHITE HOUSE
WASHINGTON



July 22, 1915

Dear Mr. Secretary:

The President has today signed the draft order submitted with your letter of the 20th instant, reserving certain lands in Mono County, California, as a cemetery for a band of Paiute Indians under the jurisdiction of the Bishop Indian School.

Sincerely yours,

Secretary to the President

Cal

Hon. Franklin K. Lane,
Secretary of the Interior.

Land Allotments
C. O. K.

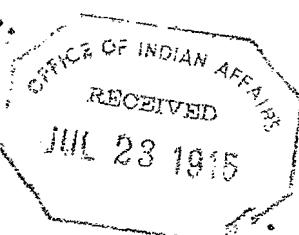


EXHIBIT 17

August 12, 1970

Mr. Robert N. Seitz
Area Realty Officer
Bureau of Indian Affairs
Sacramento Area Office
2800 Cottage Way
Sacramento, California 95825

Dear Mr. Seitz:

First, I would like to know if there is a reservation in old Benton, California. If so, what is the location? If not, what happened to it? I'm told by Native Americans around here that there was one.

Secondly, I would like to have applications and eligibility forms to claim 160 acres of unused Federal Government land. I would like to have about 10 of each for my brothers and sisters. I would like to have a map that shows the unused land in this area (Inyo and Mono counties). If you don't have a map, where can I get one or any other information concerning unused Federal land.

Thirdly, What is the new appraised value of Sac-192, Jim Walker. It seems that we had some problems with the estates of Pete Saulque and Elsie Saulque Byles. I feel that it is important that we, as Native Americans that have an interest in this property, should have a record of the appraised value. I also like to know who made the appraisement?

"INDIAN POWER"

Joseph C. Saulque

EXHIBIT 18



UNITED STATES
 DEPARTMENT OF THE INTERIOR
 BUREAU OF INDIAN AFFAIRS
 Sacramento Area Office
 2800 Cottage Way
 Sacramento, California 95825

Real Prop. Mgmt.
 Acq. & Disp. Section
 Sac-192, Jim Walker

AUG 19 1970

Mr. Joseph C. Saulque
 1980 Mt. Pleasant Road
 San Jose, California 95122

Dear Mr. Saulque:

This is in reply to your two letters dated August 12 regarding Allotment No. Sac-192, Jim Walker. Copies of the following are enclosed:

1. Trust Patent No. 105594 issued July 6, 1932.
2. Order Determining Heirs, Sacramento Allottee No. 192, Probate No. 312527-46, issued August 7, 1946, and Modification issued December 28, 1964.
3. Allotment or Estate Record.

The probate order shows the relationship of the different heirs to the allottee.

The appraisal was made in September 1969 by Mr. Walter J. Wood of the Sacramento Area Office who has since retired. As we informed you in our letter of February 6 it was appraised at \$125.00 per acre or a total of \$11,000.00.

We are unable to find any record of a reservation around Benton, California. The nearest reservation is at Bishop, approximately 40 miles south.

Your inquiry about public domain allotments will be covered by a separate letter.

Sincerely yours,

Weldon A. Rolfe
 Weldon A. Rolfe
 Acting Area Realty Officer

Enclosures.

EXHIBIT 19

DECEMBER?
September 21, 1971

Mr. Robert N. Sietz
Bureau of Indian Affairs,
Sacramento Area Office,
2800 Cottage Way
Sacramento, California 95825

Dear Sir:

I wrote a letter to you, dated August 12, 1970, concerning Indian Land in Benton, Mono, California. Your reply dated August 19, 1970, signed by Weldon A. Rolfe, acting area Realty officer, said, "We are unable to find any record of a reservation around Benton, California. The nearest reservation is at Bishop, Calif., approximately 40 miles south."

However, since I have been here at Brigham Young University, I have been looking in the library for information concerning reservations and/or Indian Land. I came across a book with orders from the White House concerning Indian Land. The Benton area land signed by Woodrow Wilson, September 17, 1912, states:

July 22, 1915
"It is hereby ordered that the NE. $\frac{1}{4}$ of section 11, t township 2 south, Range 31 east, MDM., containing 160 acrea, in Mono County, California, be, and the same is hereby, reserved for use of a small band of Paiute Indians living near Benton, California, as a Cemetery and camping ground: PROVIDED, that this order shall not effect any existing valid rights of any person or persons to the land described."

Therefore, I would again request any information that you may have concerning this property. For example, is the land still available for Indian use today as ordered by Mr. Wilson in 1912. There is still an Indian cemetery on it, which has been fenced in. There is not too many Paiutes around Benton any more, but there is a few of us, and with out land. In addition, I can send you a

copy of the page and the title of the book that I got this information from. Thank You.

Sincerely Yours,
Joseph C. Saulque.
Joseph C. Saulque

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RECEIVED
DEC 3 1970
FEDERAL BUREAU OF INVESTIGATION

EXHIBIT 20

Real Prop. Mgmt.
Acq. & Disp. Section
308-Benton Paiute
Indian Reservation

DEC 28 1971

Manager
Riverside District
and Land Office
1414 University Avenue
Box 723
Riverside, California 92508

Dear Sir:

Enclosed is a copy of the Executive Order of July 22, 1915, requested by Mr. Chumley, which reads as follows:

It is hereby ordered that the NE^{1/4} of section 11, township 2 south, range 31 east, M.D.M., containing 160.00 acres, in Mono County, California, be, and the same is hereby, reserved for use of a small band of Paiute Indians, living near Benton, California, as a cemetery and camping ground; Provided, That this order shall not affect any existing valid rights of any person or persons to the land described.

WOODROW WILSON

The White House
22 July, 1915

It is our understanding that your records show the 160-acre parcel as vacant public domain. The Executive Order was also overlooked by this office and we have not been carrying the land on our records; however, from now on the reserved land will be known as the Benton Paiute Indian Reservation.

Sincerely yours,

/s/ Wesley L. Barker

ACTING Area Director

Enclosure

cc: Tribal Operations (SAO)

WARolfe:dlh 12-28-71

EXHIBIT 21

Real Prop. Mgmt.
Acq. & Disp. Section
#308-Benton Paiute
Indian Reservation

DEC 30 1971

Mr. Joseph C. Saulque

[REDACTED]

Dear Mr. Saulque:

This acknowledges your letter of September 21, received on December 23, regarding the NE^{1/4} of section 11, T. 2 S., R. 31 E., W.D.M., California, 160.00 acres, which was reserved for the Paiute Indians of Benton, California, by the Executive Order of July 22, 1915.

The Executive Order has been overlooked by both the Bureau of Land Management and the Bureau of Indian Affairs and we were not aware of it until you brought it to our attention.

The Bureau of Land Management has been carrying the land on their records as vacant public domain; however, we sent their Riverside Office a copy of the Executive Order and informed them that from now on the reserved land will be known as the Benton Paiute Indian Reservation.

Sincerely yours,

/s/ Wesley L. Barker

ACTING Area Director

cc: Mr. Norman Rambeau, w/cy Executive Order and map

WARolfe:dlh 12-29-71

INITIALS COPY

Leff

EXHIBIT 22

CONSTITUTION
OF THE
UTU UTU GWAITU PAIUTE TRIBE
BENTON PAIUTE RESERVATION
BENTON, CALIFORNIA

PREAMBLE

We, the Indians of the Utu Utu Gwaitu Paiute Tribe of the Benton Paiute Reservation, in order to establish our tribal organization, to conserve our tribal property, to develop our community resource and to promote the welfare of ourselves and our descendants, propose this constitution for ratification and approval pursuant to the Indians Reorganization Act of June 18, 1934 (48 Stat. 984).

ARTICLE I - NAME

The name of this organization shall be the Utu Utu Gwaitu Paiute Tribe hereinafter referred to as the tribe.

ARTICLE II - TERRITORY

The jurisdiction of the tribe shall extend to the territory included in the present reservation and to such lands as may be legally added thereto.

ARTICLE III - MEMBERSHIP

Section 1. The following persons are eligible for enrollment:

- (a) All Paiutes whose names appear on the official roll of California Indians prepared pursuant to the Act of May 18, 1928 (45 Stat. 502), as approved by the Secretary of the Interior on May 16, 1933, and who were then living in the Benton area.

EXHIBIT 23

Benton Paiute Reservation

U tu Utu Gwaitu Paiute Tribe
106 South Main Street, Room # 7
P. O. Box 1595
Bishop, California 93514
(714) 873-7448

ORDINANCE NO. 76-01 - ENROLLMENT ORDINANCE:

Subject: Rules and procedural requirements governing the enrollment activities of the U tu Utu Gwaitu Paiute Tribe, Benton Paiute Reservation.

Whereas: The Constitution and By-Laws for the U tu Utu Gwaitu Paiute Tribe of the Benton Paiute Reservation states that ordinances, subject to review by the Secretary of the Interior may be promulgated to cover membership, and

Whereas: This Reservation has been overlooked by the Bureau of Land Management until it was discovered in 1971, and

Whereas: Many of the Benton Paiute People no longer reside in the area, the whereabouts of some being unknown, and for roll-making purposes, current information is needed for all persons eligible for membership, and

Whereas: The foregoing reasons make it impractical and undesirable to grant automatic enrollment right to accord membership status to any person without first obtaining enrollment applications from all who wish to have their names included on the membership roll.

NOW, THEREFORE BE IT KNOWN that in accordance with the authority contained in Section #3 of Article III, Membership, Benton Paiute Reservation's Constitution, we hereby adopt the following requirements and procedures, subject to review by the Secretary of the

Interior or his authorized representative, to become effective upon approval by the Area Director of the Sacramento Area Office.

DEFINITIONS

Wherever used in this document the terms defined in this section shall have the following meaning:

1. "Adoption" means any Benton Paiute or person of Paiute blood who has been closely identified with the Benton Paiutes, can be adopted into the Tribe.
2. "Allotment" means an individual who has obtained a trust patent on a separate piece of land within or outside of an Indian reservation and would hold title himself.
3. "Assignment" means tribal land that is assigned to an individual to live on and use, but does not hold title to.
4. "Enrollment Committee" means an appointed group of Benton Paiutes whose responsibility it is to screen membership applications for the Benton Paiute Reservation.
5. "Arbitration Council" means a separate council from the Tribal Council to hear alleged unfair rulings made by the Tribal Council, pursuant to Article VIII, Section 1 of the Tribe's Constitution.
6. "Recognized Member" means a Paiute that is on the official roll of another Reservation or Rancheria.

Section 1. - Eligibility for Enrollment:

Living persons in the following categories whose written applications are filed with the Enrollment Committee within the time specified, shall be eligible to have their names included on the membership roll.

- a. All Paiutes in the Benton area whose names appear on the official roll of California Indians prepared pursuant to the Act of May 18, 1928 (45 Stat. 602).
- b. All one-quarter (1/4) degree descendants of those individuals referred to in Section 1(a) regardless of whether the ancestor through whom eligibility is claimed is living or deceased.
- c. A Paiute having been adopted by the Tribe in accordance with an adoption ordinance approved by the Secretary of the Interior or his authorized representative.

Section 2. - Non-Eligibility:

No person(s), who is otherwise qualified, shall be enrolled if that person(s) is/are:

- a. A recognized member(s) of another rancheria or reservation.
- b. An allottee (not inheritance of an allotment) or the holder of a formal assignment of land at another rancheria or reservation.
- c. A person(s) named as a distributee or a dependent family member in an accepted plan providing for the distribution of assets at another rancheria or reservation, except for inheritance.

Section 3. - Enrollment Committee:

The Tribal Council shall appoint a five (5) member Enrollment Committee. The Enrollment Committee shall select a Chairman, a Vice-Chairman, and a Secretary from within its membership. Such Committee shall be appointed from the Benton Paiute Reservation's membership. The Enrollment Committee shall serve for a period of

EXHIBIT 24

“Census 1928 draft database Version 2.4.1492, March 19, 2010”

LAST	FIRST	ADDRESS	BIA APP. NO.	TOTAL
1. Charles	Johnson	Benton	5047	1
2. Charles	Alice	Benton	5048	1
3. Salque	Mary and three children	Benton	5067	4
4. Rambeau	Jennie and two children	Benton	5068	3
5. Williams	Billy and one child	Benton	5070	2
6. Williams	Nannie	Benton	5071	1
7. Fred	Butcher	Benton	5072	1
8. Fredericks	Levi J. and four children	Benton	5073	5
9. Dick	Queen	Benton	5074	1
10. Goodnow	Billy and one child	Benton	5083	2
11. Bowers	Phil	Benton	5084	1
12. Bowers	Mary Jane	Benton	5085	1
13. Jackson	Katie	Benton	5086	1
14. Sandobal	Emma	Benton	5087	1
15. May	Bob (Bob Goodnow)	Benton	5088	1
16. Brazzenovitch	Mary Ann	Benton	5089	1
17. Washington	Mike and two children	Benton	5090	3
18. Pedro	Maggie and four children	Benton	5095	5
19. Bernard	Ida Sabe	Benton	5098	1
20. Meredith	May and seven children	Benton	5099	8

21. Scott, Mary Jane and two children	Benton	5100	3
22. Beuchler, Sally	Benton	5109	1
23. Keller, Mabel and six children	Benton	5118	7
24. Brandon, Lizzie	Benton	5121	1
25. Washington, Emma	Benton	5122	1
26. Dennison, Long Jane	Benton	5125	1
27. Given, Bob	Benton	5170	1
28. Meredith, Albert F. and one child	Benton	5197	2
29. Meredith, Effie and four children	Benton	5199	5
30. Saulque, John	Benton	5255	1
31. Walker, Jim	Benton	5256	1
32. Alpine, Dick	Benton	5284	1
33. Byles, Elsie	Benton	5293	1
34. Rambeau, Billy E.	Benton	5294	1
35. Paragon, Charley	Benton	5295	1