

## YAVAPAI-APACHE COMMUNITY COUNCIL

## LAND UTILIZATION CODE

SECTION I AUTHORITY

THE CONSTITUTION AND BY-LAWS APPROVED FEBRUARY 12, 1937 GRANT THE YAVAPAI-APACHE INDIAN COMMUNITY COUNCIL THE RIGHT TO PROMULGATE AND ENFORCE ORDINANCES PROVIDING FOR THE MANNER OF MAKING, HOLDING, AND REVOKING ASSIGNMENTS OF TRIBAL LAND OR INTEREST THEREIN.

SECTION II PURPOSE

IN ORDER TO PROMOTE BENEFICIAL USE OF THE RESOURCES OF THE CAMP VERDE RESERVATION FOR THE MEMBERS OF THE YAVAPAI-APACHE INDIAN COMMUNITY AND TO PROVIDE FOR THE GREATEST POSSIBLE USE OF THE AGRICULTURAL LANDS OF THE RESERVATION, THIS ORDINANCE IS PROMULGATED.

SECTION III LANDS COVERED BY ORDINANCE

ALL LANDS ON THE TWO TRACTS KNOWN AS MIDDLE VERDE AND CAMP VERDE (LOWER VERDE) ARE, FOR THE PURPOSE OF THIS ORDINANCE, CONSIDERED AS ONE RESERVATION, THE CAMP VERDE RESERVATION. THE LANDS WERE PURCHASED, IN TRUST, FOR THE BENEFIT OF THE MEMBERS OF THE YAVAPAI-APACHE INDIAN COMMUNITY. THEREFORE, THESE LANDS ARE COMMUNITY PROPERTY, OR TRIBAL LANDS, AND AS SUCH ARE SUBJECT TO CONTROL BY THE YAVAPAI-APACHE COMMUNITY COUNCIL, UNDER TERMS PROVIDED IN THIS ORDINANCE, WHEN APPROVED BY THE SECRETARY OF THE INTERIOR.

SECTION IV ELIGIBILITY FOR ASSIGNMENTS

ALL ELIGIBLE PERSONS, 18 YEARS OR OLDER, WHO ARE THE HEAD OF A FAMILY AND WHO APPEAR ON THE YAVAPAI-APACHE COMMUNITY ROLLS, SHALL BE ELIGIBLE FOR AND

UPON THEIR REQUEST SHALL RECEIVE HOMESITE ASSIGNMENTS, SUBJECT TO AVAILABILITY OF LAND, IN CONFORMANCE WITH STIPULATIONS SET FORTH BELOW AND ELSEWHERE IN THIS ORDINANCE.

(A) GRANT OF AGRICULTURAL ASSIGNMENTS: IT IS RECOGNIZED THAT UNOFFICIAL ASSIGNMENTS OF LAND HAVE BEEN MADE IN THE PAST YEARS AND HAVE BEEN IN FORCE, IN SOME CASES, FOR MANY YEARS. IT IS FURTHER RECOGNIZED THAT SOME ASSIGNMENTS HAVE BEEN IN CONTINUED BENEFICIAL USE FOR MANY YEARS BY THE ORIGINAL ASSIGNEE OR HIS HEIRS. IN CASES OF ASSIGNMENTS WHICH HAVE BEEN IN BENEFICIAL AND PRODUCTIVE USE DURING THE THREE YEARS IMMEDIATELY PRECEDING THE ADOPTION OF THIS ORDINANCE BY THE ORIGINAL ASSIGNEE OR HIS HEIRS SHALL NOT BE WITHDRAWN, HOWEVER, ACREAGES AND LOCATIONS MAY BE ADJUSTED FOR THE MUTUAL BENEFIT OF THE TRIBE AS A WHOLE, AS DETERMINED BY THE TRIBAL COUNCIL. SUCH LANDS SHALL BECOME ASSIGNMENTS IN FORCE, AND SHALL NOT EXCEED 10 ACRES.

(B) ANY ASSIGNEE WHO HAS NOT MADE BENEFICIAL USE OF HIS LAND FOR A PERIOD OF THREE YEARS PRIOR TO THE ADOPTION OF THIS ORDINANCE, SHALL FORFEIT ANY RIGHTS, PRIVILEGES OR CLAIM TO SAID LAND AND THE LAND SHALL BE ASSIGNED OR LEASED IN ACCORDANCE WITH PROVISIONS OF THIS ORDINANCE.

(C) ANY HEAD OF A FAMILY RECEIVING AN ASSIGNMENT OF LAND SHALL RESIDE ON AND OCCUPY SAID ASSIGNMENT.

#### SECTION V PURPOSE AND SIZE OF HOMESITE ASSIGNMENTS

THE PURPOSE OF ASSIGNMENTS FOR HOMESITES ON THE CAMP VERDE RESERVATION IS TO PROVIDE PERMANENT HOMESITES FOR HEADS OF FAMILIES WHO DESIRE TO RESIDE ON THE RESERVATION AND TO PROVIDE FOR THE BENEFICIAL USE OF ALL THE AGRICULTURAL LAND WITHIN THE BOUNDARIES OF THE RESERVATION. THE SIZE OF HOMESITE ASSIGNMENTS SHALL BE ONE-QUARTER (1/4) ACRE OF LAND, MORE OR LESS.

SECTION IV APPLICATION FOR GRANT OF HOMESITE ASSIGNMENT

APPLICATION FOR AN ASSIGNMENT SHOULD BE FILED WITH THE TRIBAL COUNCIL ON A FORM PROVIDED BY AND APPROVED BY THE COUNCIL. THE APPLICANT SHALL SET FORTH IN WRITING THE NAME AND AGE OF THE PERSON REQUESTING ASSIGNMENT; THE PURPOSE FOR WHICH ASSIGNMENT IS TO BE USED. APPLICANT SHOULD SIGN APPLICATION MANUALLY BEFORE TWO WITNESSES. IN SIGNING APPLICATION, APPLICANT ACKNOWLEDGES THE TERMS AND CONDITIONS UNDER WHICH ASSIGNMENT IS MADE AND AGREES TO TERMS OF OCCUPANCY AND CANCELLATION.

SECTION VII TENURE OF ASSIGNMENTS

ASSIGNMENTS ARE FOR THE ASSIGNEE'S LIFETIME PROVIDED THAT HE COMPLIES WITH THE STIPULATIONS OF THE ASSIGNMENT.

SECTION VIII INHERITANCE OF ASSIGNMENTS

THE ORIGINAL ASSIGNEE MAY DESIGNATE ONE OF HIS HEIRS TO INHERIT HIS ASSIGNMENT WITH IMPROVEMENTS TO HAVE AND TO HOLD SO LONG AS SAID HEIR SHALL OCCUPY SAID ASSIGNMENT AND MAINTAIN THE IMPROVEMENTS AND CONFORM TO THE OTHER REQUIREMENTS OF THE ASSIGNMENT.

SECTION IX LOCATION OF ASSIGNMENTS

THE LOCATION OF ALL ASSIGNMENTS SHALL BE DETERMINED BY THE TRIBAL COUNCIL IN SUCH A MANNER AS TO PROVIDE FOR THE GREATEST ECONOMICAL USE OF ALL AGRICULTURAL LAND ON THE RESERVATION.

SECTION X CANCELLATION OF AN ASSIGNMENT

ANY ASSIGNEE WHO SHALL NOT OCCUPY SAID ASSIGNMENT FOR A PERIOD OF ONE YEAR, OR

WHO SHALL USE SAME FOR UNLAWFUL PURPOSES MAY HAVE HIS ASSIGNMENT CANCELLED BY THE TRIBAL COUNCIL. THE OWNER SHALL HAVE 90 DAYS AFTER THE DATE OF CANCELLATION OF ASSIGNMENT TO DISPOSE OF ANY IMPROVEMENTS MADE THEREON.

#### SECTION XI RENTING OR LEASING OF ASSIGNMENTS

THE ASSIGNEE MAY RENT OR LEASE HIS ASSIGNMENT TO ANOTHER MEMBER OF THE TRIBE, WITH THE CONSENT OF THE TRIBAL COUNCIL, PROVIDED THAT SAID RENTER OR LESSEE SHALL OCCUPY AND PROPERLY UTILIZE SAID ASSIGNMENT.

#### SECTION XII METHOD MAKING AN ASSIGNMENT

ASSIGNMENTS SHALL BE MADE BY WRITTEN APPLICATION ON A FORM APPROVED BY THE TRIBAL COUNCIL. THE STIPULATIONS OF AN ASSIGNMENT SHALL APPEAR ON THE FORM AND BECOME A PART OF THIS ORDINANCE. THE TRIBAL COUNCIL MAY MAKE ASSIGNMENTS AT ANY REGULAR OR SPECIAL MEETING OF THE COUNCIL.

#### SECTION XIII UNASSIGNED TRIBAL LAND

ALL RESERVATION LANDS NOT COVERED BY AN ASSIGNMENT UNDER THIS ORDINANCE MAY BE LEASED FROM THE TRIBAL COUNCIL; TRIBAL MEMBERS WILL BE GIVEN PREFERENCE IN ANY LEASING PROGRAM. AN AGRICULTURAL LEASE SHALL BE OF SUFFICIENT ACREAGE TO MEET THE MINIMUM REQUIREMENTS OF AN ECONOMIC UNIT. AGRICULTURAL LEASES SHALL CARRY A YEARLY CASH RENTAL FEE PER ACRE PAYABLE TO THE TRIBAL COUNCIL EACH YEAR. SIZE, TENURE, RENTAL FEES AND OTHER LEASE STIPULATIONS SHALL BE EMBODIED IN A LEASE FORM APPROVED BY THE TRIBAL COUNCIL AND SHALL BE BINDING ON THE LESSEE AND LESSOR ALIKE FOR THE DURATION OF THE LEASE. ANY LAND SO LEASED SHALL NOT BE SUBJECT TO ASSIGNMENT OR SUBLEASING, ETC. DURING THE TERM OF THE LEASE WITHOUT THE WRITTEN CONSENT OF THE LESSEE, AND THE APPROVAL OF THE TRIBAL COUNCIL.

#### SECTION XIV WATER RIGHTS

ASSIGNEES OR LESSEES OF AGRICULTURAL LANDS SHALL BE ENTITLED TO SUCH WATER AS IS AVAILABLE IN THE DITCH IN PROPORTION TO THE AMOUNT OF AGRICULTURAL LAND UNDER ASSIGNMENT OR LEASE AND IN PROPORTION TO AVAILABLE WATER IN THE DITCH ALLOTTED FOR ALL RESERVATION AGRICULTURAL LANDS BY THE RESPECTIVE DITCH COMPANIES SERVING SAID LANDS.

THE TRIBAL COUNCIL SHALL BE RESPONSIBLE FOR THE APPORTIONMENT OF ALL WATER AND BE LIABLE FOR ASSESSMENTS MADE BY THE RESPECTIVE DITCH COMPANIES AGAINST RESERVATION LANDS. THE TRIBAL COUNCIL SHALL HAVE THE POWER TO ENACT, PROMULGATE, AND ENFORCE REGULATIONS CONTROLLING THE DELIVERY AND ASSESSMENTS OF WATER TO RESERVATION LANDS EITHER IN CASH, OR LABOR, OR BOTH. AN ASSIGNEE OR LESSEE WHO FAILS TO COMPLY WITH ANY OF THE REGULATIONS GOVERNING THE DELIVERY OF WATER TO HIS ASSIGNMENT OR LEASE SHALL BE IN DEFAULT AND THEREFORE THE ASSIGNMENT OR LEASE IN QUESTION SHALL BE SUBJECT TO CANCELLATION BY THE TRIBAL COUNCIL IN SUCH MANNER AS IS HEREINAFTER PROVIDED.

#### SECTION XV GRAZING OF LIVESTOCK

ALL LIVESTOCK SHALL BE KEPT UNDER FENCE ON THE RESERVATION. THE OWNER OF SAID LIVESTOCK SHALL BE RESPONSIBLE FOR KEEPING THEM UNDER FENCE AND LIKEWISE LIABLE FOR ANY DAMAGES CAUSED BY SAID LIVESTOCK.

#### SECTION XVI LAND CONSTRUCTION AND DEVELOPMENT

THE TRIBAL COUNCIL SHALL HAVE THE AUTHORITY TO APPROVE ANY CONSTRUCTION AND DEVELOPMENT PLANS THAT MAY BE PRESENTED THAT WILL BENEFIT THE TRIBE AS A WHOLE.

SECTION XVII PROCEDURE FOR CANCELLATION OF ASSIGNMENT

ANY PERSON, WHO RECEIVES AN ASSIGNMENT UNDER THIS ORDINANCE, WHO DOES NOT PROPERLY UTILIZE THE ASSIGNMENT, OR WHO UTILIZES IT IN SUCH A WAY AS TO BECOME A PUBLIC NUISANCE, OR FAILS TO FARM AN "AGRICULTURAL" ASSIGNMENT, SHALL BE NOTIFIED IN WRITING BY THE TRIBAL COUNCIL. SUCH NOTIFICATION SHALL SET FORTH THE COMPLAINT, AND SET A DATE FOR THE ASSIGNEE TO APPEAR BEFORE THE COUNCIL AND SHOW CAUSE WHY THE ASSIGNMENT SHOULD NOT BE CANCELLED. IF THE ASSIGNEE DOES NOT APPEAR ON THE DATE SPECIFIED, AND HAS NOT TAKEN ANY ACTION TO CORRECT THE CAUSE OF THE COMPLAINT WITHIN 60 DAYS, THE COUNCIL MAY DECLARE THE ASSIGNMENT CANCELLED. AN ASSIGNEE MAY APPEAL THE CANCELLATION OF AN ASSIGNMENT TO THE COMMISSIONER OF INDIAN AFFAIRS, OR HIS DESIGNATED REPRESENTATIVE, WHO MAY REVIEW THE ACTION AND APPROVE OR DISAPPROVE THE CANCELLATION.

CERTIFICATION

I, THE UNDERSIGNED, AS SECRETARY OF THE COMMUNITY COUNCIL, DO HEREBY CERTIFY THAT THE COMMUNITY COUNCIL OF THE YAVAPAI-APACHE INDIAN COMMUNITY OF CAMP VERDE RESERVATION, ARIZONA IS COMPOSED OF 8 MEMBERS, OF WHOM 6, CONSTITUTING A QUORUM WERE PRESENT AT A SPECIAL MEETING HELD ON THE 15 DAY OF MAY, 1954; AND THAT THE FOREGOING ORDINANCE NO. 6 WAS ADOPTED BY A VOTE OF 6 FOR AND 0 AGAINST, PURSUANT TO AUTHORITY CONTAINED IN SECTIONS I AND IV OF ARTICLE IV OF THE CONSTITUTION AND BY-LAWS OF THE YAVAPAI-APACHE INDIAN COMMUNITY OF THE CAMP VERDE RESERVATION.

ATTEST:

(SIGNED) FRANCIS A. KIDDE  
FRANCIS A. KIDDE, SECRETARY

(SIGNED) WILSON E. BEECHER  
WILSON E. BEECHER, CHAIRMAN

APPROVED:

(SIGNED) JAMES M. STEWART  
JAMES M. STEWART, SUPERINTENDENT

DATE MAY 18, 1954