

## TITLE 19 - LAND

### CHAPTER 2 - NONMEMBER LAND LEASES

*Legislative History: Ordinance No. 15, "To Regulate the Use and Occupancy of Tribal Lands by Non-members of the Papago Tribe," was enacted by the Papago Council on June 20, 1947 and approved by Sells Indian Agency on June 29, 1947, and amended by Resolution No. 351 (replacing the word "assignment" with "lease" throughout Ordinance No. 15), which was enacted by the Papago Council on February 6, 1948 and approved by the Sells Agency Superintendent on February 13, 1948.*

*Note: In an unsigned letter dated August 8, 1947 from the Sells Agency Superintendent to the Commissioner of Indian Affairs, the Superintendent stated that his approval of Ordinance No. 15 was subject to changing the word "assignment" to "lease" "whenever it refers to non-members of the tribe." As noted above, Ordinance No. 15 was subsequently amended by the Papago Council to make this substitution.*

*Amended by Res. #351 (2-6-48) Attached*

ORDINANCE  
OF  
THE PAPAGO COUNCIL

To Regulate the Use and Occupancy of Tribal  
Lands By Non-members of the Papago Tribe:

No. 15

Section I - Assignment Required

It shall be unlawful for any person, other than an employee of the Government of the United States on Official business or a member of the Papago Tribe of Arizona, to use or occupy Tribal Land within the Papago, San Xavier, or Gila Bend Reservations without first having obtained from the Papago Council a written assignment to that land. It shall also be unlawful for any such person to use or occupy the (assignment) of a member of the Papago Tribe without first having obtained written permission from the Papago Council.

Section II - Application for Assignment

Any person desiring an assignment of Tribal Land under this Ordinance, and any person desiring to use or occupy the (assignment) of a member of the Papago Tribe under this Ordinance, shall make written application therefor to the Papago Council. Applications for assignments must state the use to which the land is to be put, must contain an accurate description of the land for which assignment is sought, and must be accompanied by four copies of an accurate plot plan of that land.

Section III - District Council Action Required

Applications for assignments or for the use of (assignments) under this Ordinance shall be transmitted by the Papago Council to the District Council of the District in which the land is located, and the District Council shall return the application to the Papago Council within one month with its recommendation. No assignment or permission to use an (assignment) shall be granted by the Papago Council unless the District Council has given its approval, PROVIDED that, if the District Council does not submit its recommendation within one month, the Papago Council may act without the District Council approval.

Section IV - Valid period of Assignments

Assignments of land under this ordinance shall be valid until revoked by the Papago Council, but shall become invalid immediately.

- A) If the rental fee becomes delinquent,
- B) If the use for which the assignment was granted ceases,
- C) If the ownership of the improvements upon the assignment is transferred, or
- D) If the regulations governing the conduct of non-Indians on Indian land are violated by the assignee, a member of his family, or his employee.

Section V - Rental Fees

- A) With the exceptions provided in (B) and (C) of this section, each person receiving an assignment of land under this ordinance shall pay to the Papago Tribe a rental fee of \$50.00 per year for each acre within the assignment. The rental year shall begin each July 1, and rental fees shall become due and payable upon that date for the year beginning on that date. Remaining portions of a rental year and fractions of an acre shall be charged pro rata.

Section V - Rental Fees (Continued)

- B) Rental fee shall be waived for any approved religious or educational use.
- C) In specific cases, where the use is of benefit to the Papago Tribe and not for personal gain, the Papago Council may set lesser rental fees.

Section VI - Present Use Confirmed

Applications for assignments by persons using and occupying Tribal Land prior to the date on which this Ordinance becomes effective shall be approved by the Papago Council and the District Council automatically, provided that the application is solely for the land then occupied, and the use then being made of it. Provided that applications for such assignments may be made at any time prior to December 30, 1947, but the rental period shall begin July 1, 1947.

Section VII - Size of Assignments

Assignments of Tribal Land under this Ordinance shall be made only for the amount of land actually necessary for the use and occupancy intended, but shall consist of one contiguous piece, except where broken by highway rights-of-way.

Section VIII - Disposition of Revenues

One-half of all revenues accruing under this Ordinance shall be paid into the General Fund of the Papago Tribe, and the remaining one-half shall be paid into the General Fund of the District in which the land is located.

Section IX - Previous Ordinances and Resolutions Rescinded

Ordinance #2 of the Papago Council and any and all Ordinances and/or Resolutions, or portions thereof, regarding the use and occupancy of Tribal Lands by non-members of the Papago Tribe are hereby rescinded.

Section X - Effective Date

This Ordinance shall become effective July 1, 1947.

Section XI - Definitions

The term person as used in this Ordinance shall include firm, company, association, partnership, or corporation.

The term Tribal Land shall mean reservation lands under the control of the Papago Council to which use and occupancy (assignments) have not been made to members of the Papago Tribe of Arizona.

The foregoing Ordinance was on June 20, 1947, duly enacted by a vote of 14 for and 9 against, by the Papago Council, pursuant to authority vested in it by Section 3 (a), Article V, of the Constitution of the Tribe, ratified by the Tribe

on December 12, 1936, pursuant to Section 16 of the Act of June 18, 1934, (48 Stat. 924). Said Ordinance is effective as of the date of its approval by the Superintendent of the Sells Agency, subject to its rescission by the Secretary of the Interior pursuant to Section 6, Article V, of the Constitution and By-laws of the Papago Tribe.

THE PAPAGO COUNCIL

BY:

Thomas A. Segundo  
Thomas A. Segundo, Chairman

Attest:

Ida N. Wilson  
Ida N. Wilson, Secretary & Treasurer

Approved: RECEIVED 2-2-1947

MORIS BURGE  
Moris Burge, Superintendent

<sup>617</sup>  
See I. O. letter dated August 4, 1947, File No. 064.1 and reply by Sells Agency dated Aug 8, 1947, copy attached to this Ordinance

Copy &

Sells Indian Agency  
Sells, Arizona

August 8, 1947

AIR MAIL

Commissioner of Indian Affairs  
Chicago 54, Illinois

Dear Sir:

We have your letter of August 4 regarding Ordinance No. 15 approved by me June 29, 1947. We agree that the change suggested would clarify the meaning and intent of the Ordinance. It appears that the term "assignment" has been used in the past in connection with the use of lands by church and similar organization.

In line with your suggestion my approval Ordinance No. 15 is subject to changing the work "assignment" to "lease" wherever it refers to non-members of the tribe.

Sincerely yours,

Moris Burge  
Superintnedent

cc: District Director  
cc: Papago Tribal Council

RESOLUTION  
OF THE  
PAPAGO COUNCIL

NO. 351

WHEREAS, That an error was made in phraseology in Ordinance #15.

THEREFORE BE IT RESOLVED, Wherever the word (Assignment) is used, referring to permission to use land by nonmembers of the tribe, the word (Lease) be substituted.

The foregoing resolution was on February 6, 1948, duly enacted by a vote of 14 for and 0 against, by the Papago Council, pursuant to authority-vested in it by Section 4, of Article VIII, of the Constitution of the Tribe, ratified by the Tribe on December 12, 1936, and approved by the Secretary of the Interior on January 6, 1937, pursuant to Section 16 of the Act of June 18, 1934, (48 Stat. 984). Said resolution is effective as of the date of its approval by the Superintendent of Sells Agency, and is subject to the rescission by the Secretary of the Interior, pursuant to Section 6, Article V, of the Constitution and By-laws of the Papago Tribe.

THE APAPAGO COUNCIL

BY:

/s/ Thomas A. Segundo  
Thomas A. Segundo, Chairman

ATTEST:Q

/s/ Alfred C. Garcia  
Alfred C. Garcia, Acting Sec. & Treas.

APPROVED: Feb. 13, 1948

/s/ Burton A. Ladd  
Burton A. Ladd, Superintendent.

En/ Attach to Ord. #15