

Public Law 100-708
100th Congress

An Act

Nov. 23, 1988
[H.R. 2839]

To correct historical and geographical oversights in the establishment and development of the Utah component of the Confederated Tribes of the Goshute Reservation, to unify the land base of the Goshute Reservation, to simplify the boundaries of the Goshute Reservation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LANDS HELD IN TRUST FOR THE TRIBE PURSUANT TO EXECUTIVE ORDERS.

(a) **LANDS HELD IN TRUST.**—In recognition and confirmation of the actions of the President in Executive Order 1539 (May 29, 1912; IR 168) and Executive Order 1903 (March 23, 1914; IV K 1048), the lands in Utah described in such orders are hereby declared to be held in trust by the United States for the use and benefit of the Tribe.

(b) **EFFECTIVE DATE FOR DETERMINING WATER RIGHTS AND PRIORITIES.**—For purposes of determining water rights, and priorities related to such rights, in the lands held in trust for the Tribe under subsection (a), such lands shall be deemed to have been held in trust by the United States as of the dates of the respective Executive orders referred to in subsection (a) or such earlier dates as may be indicated by any applicable order or law.

SEC. 2. IMPLEMENTATION; PROTECTION OF THE RIGHTS OF THIRD PARTIES; RIGHTS OF ACCESS.

(a) **VALID EXISTING RIGHTS.**—Except as otherwise provided in this section, nothing in this Act shall be construed to deprive any person of any valid existing right or interest (including, but not limited to, a real property right or interest, water right or priority, right of ingress and egress, right-of-way, easement, license, grazing permit, oil and gas lease, mining claim, or other legal property or contract right or interest) which such person may have in the lands described in this Act on the date of enactment of this Act.

(b) **TRANSFER OF RIGHTS TO TRIBE.**—Upon the effective date of this Act, all valid rights-of-way, leases, permits, and other land use rights or authorizations, except mining claims, existing on the date of enactment of this Act in the lands described in this Act, including the right to receive compensation for use of the lands, shall cease to be the responsibility of, or inure to the benefit of, the United States, and shall become the responsibility of the Tribe and the Secretary as trustee. The Tribe or the Secretary as trustee shall succeed to the interests of the United States and shall continue to maintain those interests under the same terms and conditions as they were maintained by the United States.

(c) **DETERMINATION OF VALIDITY OF UNPATENTED MINING CLAIMS.**—Not later than two years after the date of enactment of this Act, the Secretary shall determine the validity of all mining claims existing on the date of enactment of this Act on the lands

within the exterior boundaries of the Reservation. Those mining claims which the Secretary determines to be valid shall be maintained thereafter in compliance with the mining laws of the United States.

SEC. 3. ADDITION OF LANDS TO THE RESERVATION.

(a) **LANDS UNINTENTIONALLY OMITTED FROM INCLUSION BY EXECUTIVE ORDER OF 1914.**—All right, title, and interest of the United States in and to the lands described in section 9(a) is hereby declared to be held by the United States in trust for the use and benefit of the Tribe and to be part of the Reservation.

(b) **FEDERAL BUT NON-INDIAN LANDS WITHIN THE BOUNDARIES OF THE 1912 AND 1914 EXECUTIVE ORDER RESERVATIONS.**—All right, title, and interest of the United States in and to the lands described in section 9(b) is hereby declared to be held by the United States in trust for the use and benefit of the Tribe and to be part of the Reservation. So long as such lands are held in trust, they shall not be developed for commercial purposes.

(c) **LANDS HELD IN TRUST BUT NOT PART OF THE RESERVATION.**—All lands described in section 9(c), title to which is held by the United States in trust for the Tribe, are hereby declared to be part of the Reservation.

(d) **UNIFICATION OF SUBSURFACE ESTATES.**—All right, title, and interest of the United States in and to the subsurface estates described in section 9(d) is hereby declared to be held by the United States in trust for the use and benefit of the Tribe and to be part of the Reservation.

(e) **LANDS HELD BY THE TRIBE AS A PRIVATE PARTY.**—The Secretary may accept a conveyance by the Tribe of all right, title, and interest of the Tribe in and to the lands described in section 9(e). Any such land accepted by the Secretary shall be held by the United States in trust for the use and benefit of the Tribe and shall become part of the Reservation.

(f) **FEDERAL LANDS SURROUNDING GOSHUTE TRIBAL CEMETERY.**—All right, title, and interest of the United States in and to the lands described in section 9(f) is hereby declared to be held by the United States in trust for the use and benefit of the Tribe and to be part of the Reservation. So long as such lands are held in trust, they shall not be developed for commercial purposes.

(g) **MAPS AND LEGAL DESCRIPTIONS.**—Within 90 days after the date of enactment of this Act, the Secretary shall publish a legal description in the Federal Register of the lands added by this Act to the Reservation. During such period, the Secretary is authorized to correct any technical errors in the legal descriptions contained in this Act. A map depicting the lands added to the Reservation by this Act shall be on file and available for public inspection in the Bureau of Indian Affairs' Land Title Record Office having jurisdiction over these lands.

SEC. 4. CONTINGENT ADDITION OF LANDS AND INTERESTS HELD BY THE STATE OF UTAH; CONTINGENT UNIFICATION OF SPLIT ESTATES.

(a) **LANDS HELD BY THE STATE OF UTAH.**—If any right, title, and interest in and to any or all portions of the tracts of land described in section 9(g)(1) ever vests in the United States as the result of an exchange of public domain land, the United States shall hold all of its right, title, and interest in and to such tracts in trust for the use

Federal
Register,
publication.

Public
information.

and benefit of the Tribe and such tracts shall become part of the Reservation.

(b) **UNIFICATION OF SPLIT ESTATES.**—If any right, title, and interest in and to any subsurface estate in any or all portions of the tracts of land described in section 9(g)(2) shall ever vest in the United States, the United States shall hold all of its right, title, and interest in and to the minerals in such tracts in trust for the use and benefit of the Tribe and such interests shall become part of the Reservation.

Minerals and
mining.

SEC. 5. RESTRICTION ON DISPOSAL OF CERTAIN FEDERAL LANDS ADJACENT TO THE GOSHUTE INDIAN RESERVATION.

Any right, title, or interest of the United States in and to the lands described in section 9(h) may not be conveyed, sold, or otherwise transferred by the Bureau of Land Management, or any other Federal agency, without the approval of the Secretary, after consideration of the desire and need of the Tribe for such lands.

SEC. 6. EXTINGUISHMENT OF RIGHT OF UNITED STATES TO CONSTRUCT DITCHES AND CANALS.

The reserved right of the United States to construct ditches and canals on the lands described in this Act is hereby extinguished.

SEC. 7. APPLICATION OF UNITED STATES LAWS TO LANDS ADDED TO RESERVATION.

The lands which are declared to be held in trust for the Tribe and added to the Reservation under this Act shall be subject to the laws of the United States relating to Indian land to the same extent and in the same manner as the lands comprising the Reservation of the Tribe on the day of the enactment of this Act.

SEC. 8. DEFINITIONS.

For the purposes of this Act—

- (1) the term "Reservation" means the reservation of the Tribe;
- (2) the term "Secretary" means the Secretary of the Interior; and
- (3) the term "Tribe" means the Confederated Tribes of the Goshute Reservation.

SEC. 9. LAND DESCRIPTIONS.

(a) **LANDS UNINTENTIONALLY OMITTED FROM INCLUSION BY EXECUTIVE ORDER OF 1914.**—The lands referred to in section 3(a), comprising approximately 1753.51 acres of acquired lands, are described as follows:

Fractional Township 11 South, Range 20 West, Salt Lake Base and Meridian, Juab County, Utah

Section 1: All.

Section 12: Lots 1-4, the northeast $\frac{1}{4}$, and the northeast $\frac{1}{4}$ of the southeast $\frac{1}{4}$.

Section 13: Lots 1-4, the west $\frac{1}{2}$ of the southeast $\frac{1}{4}$, and the southeast $\frac{1}{4}$ of the southeast $\frac{1}{4}$.

Section 24: All.

Section 25: All.

Fractional Township 12 South, Range 20 West, Salt Lake Base and Meridian, Juab County, Utah

Section 1: All.

Section 12: Lots 1 and 2.

(b) FEDERAL BUT NON-INDIAN LANDS WITHIN THE BOUNDARIES OF THE 1912 AND 1914 EXECUTIVE ORDER RESERVATIONS.—The lands referred to in section 3(b), comprising approximately 80 acres, are described as follows:

1926 ALLOTMENT RECONVEYANCE

Township 11 South, Range 19 West; Salt Lake Base and Meridian, Juab County, Utah

Section 8: The southeast $\frac{1}{4}$ of the southeast $\frac{1}{4}$.

Section 9: The southwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$.

(c) LANDS HELD IN TRUST BUT NOT PART OF THE RESERVATION.—The lands referred to in section 3(c), comprising approximately 5,075.69 acres, are described as follows:

(1) HEADQUARTERS UNIT

Township 9 South, Range 19 West, Salt Lake Base and Meridian, Tooele County, Utah

Section 33: The southeast $\frac{1}{4}$ of the northeast $\frac{1}{4}$, the southeast $\frac{1}{4}$, the southeast southwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$.

Section 34: The southwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$, the west $\frac{1}{2}$ of the southwest $\frac{1}{4}$, the northeast $\frac{1}{4}$ of the southwest $\frac{1}{4}$, the southeast $\frac{1}{4}$ of the northwest $\frac{1}{4}$.

Township 10 South, Range 19 West, Salt Lake Base and Meridian, Tooele County, Utah

Section 3: Lot 4 and the southwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$.

Section 4: Lot 1 and Lot 2, the south $\frac{1}{2}$ of the northeast $\frac{1}{4}$, the southeast $\frac{1}{4}$.

(2) HALSTEAD PURCHASE

Township 9 South, Range 19 West, Salt Lake Base and Meridian, Tooele County, Utah

Section 22: The southeast $\frac{1}{4}$ of the southwest $\frac{1}{4}$.

Section 27: The east $\frac{1}{2}$ of the west $\frac{1}{2}$.

Section 34: The north $\frac{1}{2}$ of the northwest $\frac{1}{4}$.

Township 10 South, Range 19 West, Salt Lake Base and Meridian, Tooele County, Utah

Section 9: The northeast $\frac{1}{4}$ of the northwest $\frac{1}{4}$, the south $\frac{1}{2}$ of the northwest $\frac{1}{4}$, the north $\frac{1}{2}$ of the southwest $\frac{1}{4}$, the north $\frac{1}{2}$ of the northeast $\frac{1}{4}$.

(3) VARIOUS PURCHASED INHOLDINGS IN 11 SOUTH, 19 WEST

Township 11 South, Range 19 West, Salt Lake Base and Meridian,
Juab County, Utah

Section 19: The northeast $\frac{1}{4}$ of the southwest $\frac{1}{4}$.

Section 20: The east $\frac{1}{2}$ of the west $\frac{1}{2}$.

Section 22: The north $\frac{1}{2}$ of the southeast $\frac{1}{4}$, the northeast $\frac{1}{4}$, the west $\frac{1}{2}$, the south $\frac{1}{2}$ of the southeast $\frac{1}{4}$.

(4) PURCHASED AND EXCHANGED LAND IN 12 SOUTH, 19 WEST

Township 12 South, Range 19 West, Salt Lake Base and Meridian,
Juab County, Utah

Section 27: The southwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$, the northwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$.

Section 28: The east $\frac{1}{2}$ of the northeast $\frac{1}{4}$, the east $\frac{1}{2}$ of the northwest $\frac{1}{4}$, the northwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$, the southeast $\frac{1}{4}$ of the southwest $\frac{1}{4}$.

Section 29: The southeast $\frac{1}{4}$, the southwest $\frac{1}{4}$ of the northeast $\frac{1}{4}$, the north $\frac{1}{2}$ of the northeast $\frac{1}{4}$.

Section 30: The south $\frac{1}{2}$ of the northeast $\frac{1}{4}$.

Section 33: The northeast $\frac{1}{4}$ of the northwest $\frac{1}{4}$, the northwest $\frac{1}{4}$ of the northeast $\frac{1}{4}$.

Section 34: The southeast $\frac{1}{4}$, the southeast $\frac{1}{4}$ of the northeast $\frac{1}{4}$, the north $\frac{1}{2}$ of the northeast $\frac{1}{4}$, the northeast $\frac{1}{4}$ of the northwest $\frac{1}{4}$.

Section 27: The northwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$, the southeast $\frac{1}{4}$ of the northwest $\frac{1}{4}$, the east $\frac{1}{2}$ of the southwest $\frac{1}{4}$, the southwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$.

Section 28: The west $\frac{1}{2}$ of the northeast $\frac{1}{4}$, the southwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$, the northeast $\frac{1}{4}$ of the southwest $\frac{1}{4}$, the southwest $\frac{1}{4}$ of the southeast $\frac{1}{4}$, the east $\frac{1}{2}$ of the southeast $\frac{1}{4}$.

Section 29: The southeast $\frac{1}{4}$ of the northeast $\frac{1}{4}$.

Section 33: The northeast $\frac{1}{4}$ of the northeast $\frac{1}{4}$.

Section 34: The northwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$.

Section 35: The northwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$.

Section 28: The west $\frac{1}{2}$ of the southwest $\frac{1}{4}$, the northwest $\frac{1}{4}$ of the southeast $\frac{1}{4}$.

Section 30: The north $\frac{1}{2}$ of the northeast $\frac{1}{4}$, the northeast $\frac{1}{4}$ of the northwest $\frac{1}{4}$ and Lot 1.

Section 33: The south $\frac{1}{2}$ of the northeast $\frac{1}{4}$.

Section 34: The southwest $\frac{1}{4}$ of the northeast $\frac{1}{4}$, the south $\frac{1}{2}$ of the northwest $\frac{1}{4}$, the southwest $\frac{1}{4}$.

(5) PURCHASED AND EXCHANGED LAND IN 12 SOUTH, 20 WEST

FRACTIONAL TOWNSHIP 12 SOUTH, RANGE 20 WEST, SALT LAKE BASE
AND MERIDIAN, JUAB COUNTY, UTAH

Section 12: Lots 3 and 4.

Section 13: Lots 1, 2, 3 and 4.

Section 24: Lots 1, 2, 3 and 4.

(d) UNIFICATION OF SUBSURFACE ESTATES.—The lands referred to in section 3(d) are described as follows:

Township 9 South, Range 19 West, Salt Lake Base and Meridian,
Tooele County, Utah

Section 22: The southeast $\frac{1}{4}$ of the southwest $\frac{1}{4}$ (oil and gas).
Section 34: The southeast $\frac{1}{4}$ of the northwest $\frac{1}{4}$, and the north-
east $\frac{1}{4}$ of the southwest $\frac{1}{4}$ (all minerals).

Township 10 South, Range 19 West, Salt Lake Base and Meridian,
Tooele County, Utah

Section 4: The south $\frac{1}{2}$ of the southwest $\frac{1}{4}$ of the southeast $\frac{1}{4}$ of
the northwest $\frac{1}{4}$ (oil and gas).

Township 12 South, Range 19 West, Salt Lake Base and Meridian,
Juab County, Utah

Section 28: The north $\frac{1}{2}$ of the northwest $\frac{1}{4}$ and the southeast $\frac{1}{4}$
of the northwest $\frac{1}{4}$ (all minerals).

Section 29: The west $\frac{1}{2}$ of the east $\frac{1}{2}$, the northeast $\frac{1}{4}$ of the
northeast $\frac{1}{4}$, and the east $\frac{1}{2}$ of the southeast $\frac{1}{4}$ (all minerals).

Section 30: The south $\frac{1}{2}$ of the northeast $\frac{1}{4}$ (all minerals).

Township 12 South, Range 20 West, Salt Lake Base and Meridian,
Juab County, Utah

Section 12: Lots 3 and 4 (all minerals).

Section 13: All (all minerals).

Section 24: All (all minerals).

(e) **LANDS HELD BY THE GOSHUTE INDIAN TRIBE AS A PRIVATE PARTY.**—The lands referred to in section 3(e), comprising approximately 5 acres, are described as follows:

GOSHUTE TRIBAL CEMETERY

Township 10 South, Range 19 West, Salt Lake Base and Meridian,
Tooele County, Utah

Section 4: The south $\frac{1}{2}$ of the southwest $\frac{1}{4}$ of the southeast $\frac{1}{4}$ of
the northwest $\frac{1}{4}$.

(f) **FEDERAL LANDS SURROUNDING GOSHUTE TRIBAL CEMETERY.**—The lands referred to in section 3(f), comprising approximately 360 acres, are described as follows:

(1) Township 10 South, Range 19 West; Salt Lake Base and
Meridian, Tooele County, Utah

Section 4: Lots 3 and 4, the southwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$, the
east $\frac{1}{2}$ of the southeast $\frac{1}{4}$ of the northwest $\frac{1}{4}$, the northwest $\frac{1}{4}$ of
the southeast $\frac{1}{4}$ of the northwest $\frac{1}{4}$, the north $\frac{1}{2}$ of the southwest
 $\frac{1}{4}$ of the southeast $\frac{1}{4}$ of the northwest $\frac{1}{4}$, and the southwest $\frac{1}{4}$.

Section 9: The northwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$.

(g) **LANDS HELD BY THE STATE OF UTAH.**—(1) The lands referred to
in section 4(a), comprising approximately 860.16 acres and including
the surface and subsurface estates, are described as follows:

Township 11 South, Range 19 West, Salt Lake Base and Meridian,
Juab County, Utah

Section 16: The east $\frac{1}{2}$ of the west $\frac{1}{2}$ and the east $\frac{1}{2}$.

Fractional Township 11 South, Range 20 West, Salt Lake Base and
Meridian, Juab County, Utah

Section 36: All.

(2) The lands referred to in section 4(b), comprising approximately 1,275.91 acres and including only the subsurface estate, are described as follows:

Township 12 South, Range 19 West, Salt Lake Base and Meridian,
Juab County, Utah

Section 30: Lot 1, the north $\frac{1}{2}$ of the northeast $\frac{1}{4}$, the northeast $\frac{1}{4}$ of the northwest $\frac{1}{4}$.

Section 33: The south $\frac{1}{2}$ of the northeast $\frac{1}{4}$.

Section 34: The southwest $\frac{1}{4}$ of the northeast $\frac{1}{4}$, the south $\frac{1}{2}$ of the northwest $\frac{1}{4}$ and the southwest $\frac{1}{4}$.

Section 28: The southwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$.

Section 29: The southeast $\frac{1}{4}$ of the northeast $\frac{1}{4}$.

Section 27: The southeast $\frac{1}{4}$ of the northwest $\frac{1}{4}$, the northeast $\frac{1}{4}$ of the southwest $\frac{1}{4}$, the southwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$.

Section 28: The east $\frac{1}{2}$ of the southeast $\frac{1}{4}$.

Section 27: The northwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$.

Section 35: The northwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$.

Section 27: The southeast $\frac{1}{4}$ of the southwest $\frac{1}{4}$.

Section 33: The northeast $\frac{1}{4}$ of the northeast $\frac{1}{4}$.

Section 34: The northwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$.

Section 28: The west $\frac{1}{2}$ of the northeast $\frac{1}{4}$, the northeast $\frac{1}{4}$ of the southwest $\frac{1}{4}$, the southwest $\frac{1}{4}$ of the southeast $\frac{1}{4}$.

Section 28: The west $\frac{1}{2}$ of the southwest $\frac{1}{4}$, the northwest $\frac{1}{4}$ of the southeast $\frac{1}{4}$.

(h) CERTAIN FEDERAL LANDS ADJACENT TO THE GOSHUTE INDIAN RESERVATION.—The lands referred to in section 6, comprising approximately 640.00 acres, are described as follows:

Township 9 South, Range 19 West, Salt Lake Base and Meridian,
Tooele County, Utah

Section 21: The southeast $\frac{1}{4}$ of the southeast $\frac{1}{4}$.

Section 27: The west $\frac{1}{2}$ of the west $\frac{1}{2}$.

Section 28: The east $\frac{1}{2}$ of the east $\frac{1}{2}$.

Section 33: The northeast $\frac{1}{4}$ of the northeast $\frac{1}{4}$.

Section 34: The southeast $\frac{1}{4}$ of the southwest $\frac{1}{4}$.

Township 10 South, Range 19 West, Salt Lake Base and Meridian,
Tooele County, Utah

Section 9: The south $\frac{1}{2}$ of the northeast $\frac{1}{4}$, the north $\frac{1}{2}$ of the southeast $\frac{1}{4}$, the southeast $\frac{1}{4}$ of the southeast $\frac{1}{4}$, the east $\frac{1}{2}$ of the southwest $\frac{1}{4}$ of the southeast $\frac{1}{4}$, east $\frac{1}{2}$ of the northwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of the southeast $\frac{1}{4}$.

SEC. 10.

Except for the conveyance of lands pursuant to subsections 3(e) or 3(f), the conveyance of interests of the United States under sections 3 and 4 of this Act in lands located in Tooele County, Utah shall be subject to the payment by the Tribe of fair market value for those interests as determined by the Secretary.

SEC. 11. LANDS HELD IN TRUST FOR THE UTE MOUNTAIN UTE INDIAN TRIBE.

(a) **LAND HELD IN TRUST.**—The land described in subsection (b) is declared—

(1) to be held in trust by the United States for the benefit of the Ute Mountain Ute Indian Tribe, and

(2) to be part of the Ute Mountain Ute Indian Reservation.

(b) **LAND DESCRIPTIONS.**—The land referred to in subsection (a) is the parcel of land withdrawn from the public domain and reserved for use as a site for a school for the Ute Indians under the Act approved May 31, 1924 (43 Stat. 246) and more particularly described as follows:

The 40-acre parcel which is approximately the northeast quarter of the southwest quarter of section 7, township 36 south, range 21 east, Salt Lake meridian, San Juan County, Utah, and is bordered by Indian allotment number 15 on the east, by Indian allotment number 55 on the north, and by public domain land on the south and west.

(c) The Act approved May 31, 1924 (43 Stat. 246) is repealed.

Approved November 23, 1988.

LEGISLATIVE HISTORY—H.R. 2839:

HOUSE REPORTS: No. 100-402 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-549 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 133 (1987): Nov. 16, considered and passed House.

Vol. 134 (1988): Oct. 21, considered and passed Senate, amended. House concurred in Senate amendments.