

**SUBSCRIBING HAS ITS PERKS.**  
 Subscriptions to the Palo Verde Valley Times now include 52 weeks of unlimited digital access to The Washington Post. Free.



**Palo Verde Valley Times**  
 In partnership with **The Washington Post**

[Learn More](#)

Trusted local news leader for Blythe, California & Quartzsite, Arizona **pvvt.com**

Home | Classifieds | Place an Ad | Public Notices | Galleries | Opinions | Obituaries | Contact Us | Subscribe | e-News | RSS

[Find It](#) [Opinions](#) [Features](#) [Milestones](#) [Submit](#) [Extras](#) [Circulars](#) [Today's Ads](#)

# Palo Verde Valley Times & Quartzsite Times

home : latest news : latest news Share January 20, 2015 Search

Like  37  2  Recommend this on Google

1/16/2015 6:00:00 AM  
**Fight over CRIT boundary continues**  
 CRIT Tribal Council responds to member's reservation restriction ordinance

Zachary Matson  
 Today's News-Herald

BLYTHE, Calif./PARKER, Ariz. - A small memorial sits in the gravelly backyard shared by Bobbie Shaver and her daughter and son-in-law, Terri and Charlie Perez. The backyard rests on a bluff above a large bend in the Colorado River and faces east to Arizona.



Photos by Zachary Matson/News-Herald photo

Terri Perez, left, and her mother, Bobbie Shaver, in their riverfront backyard. Bobbie and her husband moved to the area in the early-1970s, and she and Terri agreed to sign a lease with CRIT in 2011 to avoid future conflict.

"That's my dad's memorial, and she wants her memorial right next to it," Terri said Wednesday evening, sitting on a bench beside her mother.

Bobbie and her husband purchased the property in 1971, and she, now 90, has lived there ever since. Terri and Charlie moved to live with Bobbie in 2011 and agreed to sign a lease giving control of the property to the Colorado River Indian Tribes but, they said, only after they felt intimidated and threatened with removal.

Bobbie and her family are current on their lease payments to the tribes, which own hundreds of property leases along a more than 15-mile stretch on the west bank of the Colorado River about 25 miles north of Blythe, Calif. To the tribe the small slice of California is rightfully part of their reservation; to many of the residents, it is known as the "disputed area."

"The only reason we signed a lease was to relieve us we would be here the rest of her life," Terri said.

"They didn't know how long I would be," Bobbie joked with a smile.

"I guess not," Terri said. "I worried that if she had to leave here and live elsewhere it would take her down."

Roger French, who had dropped by to chat with Charlie and Terrie as the sun slowly set behind them, used to have a place a few hundred yards down the river but was evicted in 2011 after more than a decade of refusing to pay his rent to the tribes.

French made the visit to the west bank as he awaits a decision from federal court judge John Tuchi on whether CRIT had jurisdiction to evict him from his riverfront home and award damages to the tribe.

The tribes and the United States government, which supports their position, argue French signed a lease that clearly stated the property was on tribal land and that within their reservation they have full jurisdiction, including the right to remove non-Indians.

French argues previous court decisions have left the reservation boundary in dispute and that



Left: Roger French returned to the site of his old property Wednesday, he stepped through the charred remains of the mobile home he had spent weekends and holidays at for nearly 30 years. In August, the home burned down, destroying a neighbor's garage that housed one of French's prized boats; left: Map showing disputed territory.

**We want to hear from you**   
 >>> Send us a news tip, letter or question

Currently **69°F** Clear  
 Tomorrow High **75°F** Low **41°F**  
 forecast provided by **WU WEATHER UNDERGROUND**  
[Click for weather forecast](#)

Enjoy life in a true resort community on the Colorado River!  
**RIVER BREEZE RESORT**  
 1-10 AT THE COLORADO RIVER

**Park Models & Trailers for Rent**  
**\$550 TO \$1000**  
 PER MONTH LONG TERM • ALSO PARK MODEL HOMES FOR SALE  
 CALL FOR INFO: 928-923-7483 OR WWW.RIVERBREEZERV.COM  
 CALL 844-534-5434 OR STOP BY FOR A TOUR!

**Upgrade Your Softener and Save SALT and WATER!**

Culligan® HE Softener is the most efficient water softener on the market! It can cut water, salt and energy usage up to 46%\*



**CONSUMER BEST BUY PRICED**

The BEST BUY DEAL is the highest percentage of Consumers' Smart Connections™ (CSC) and under \$400.  
 \*MSI has tested a Culligan HE softener against a standard softener.

**\$200 Trade-in** **Trade-in credit on your current softener system. Restrictions apply. See dealer for details**

**Culligan**

140 N. Spring Street, Blythe • 760-922-5701

[CLICK FOR DETAILS](#)

the tribes don't have the authority to force rent payments or conduct eviction procedures against him.

A longtime coming

The boundary dispute dates to an 1876 executive order from President Ulysses Grant that defined the reservation's western boundary as "the west bank of the Colorado River." But the river's "west bank" has moved course in the nearly 140 years since the order.

The tribe and the United State Government maintain that the boundary should be a fixed line that represents the location of the bank at the time of the order. The state of California and some of the west bank residents argue the boundary should be considered "riparian" and move with the river over time.

A 1969 secretarial order from the Department of Interior established the reservation's western border in California - an order the tribe and the federal government have cited as the final word on the boundary. But California Attorney General Kamala Harris filed a brief in French's suit in October arguing that the 1969 order is far from the final word and asked the judge to rule on the larger boundary dispute.

In the decades since the order, non-Indian property owners have been moved into lease agreements and make rental payments to the tribes. Some of the residents refused to sign a lease or stopped making rent payments, some have been evicted and some have been forcibly removed by the tribes.

At least one CRIT member thinks the tribe needs to more strongly assert its territorial authority in the so-called disputed area. Michael Tsosie, a tribal member who doesn't hold an official position, released a proposed ordinance earlier this week that calls for removal of non-Indians from the western part of the reservation, imposes access restrictions to the area and encourages tribal settlement.

CRIT Chairman Dennis Patch in a written statement said Tsosie's proposal did not represent the official position of the tribes. Moreover, he said that some of the items in Tsosie's proposal "clearly do not" comply with tribal and federal law.

"While CRIT shares Mr. Tsosie's frustration with trespassers - and will continue to focus on removing them from our lands - we have no intention of taking action against the many tenants in good standing and our business partners on the California side of CRIT's reservation," Patch said.

During a visit to the west bank, each resident had a unique story to share and varying histories with the tribes. "They have always been very cooperative with us," said Bill Luttrell, who has had a place on the west bank since 1993 and said he has never had a problem with the tribes. "I'm very happy with their services."

But some of the residents, especially those who purchased property before the 1969 order, have refused to sign leases with the tribes.

"We don't have a problem paying, but we don't want to sign over our rights," said Ben Fraga, whose family first purchased property in 1958 - he said he has received at least 10 eviction notices from the tribes over the years. "We don't want to sign something that says they can kick us off at any time."

In January, 1949, Bill Tuttle purchased nearly 100 acres of riverfront on the west bank, hoping to one day develop and sell parts of the land. The tribes and the federal government sued Tuttle in 1971 to give his property over to the reservation. After six years, with a settlement conference nearly every month, Tuttle relented and agreed to sign a 50-year lease with the tribe, relinquishing ownership of the property. He said he was advised by his attorney that he had no choice but to sign the agreement. "It certainly wasn't voluntary."

Tuttle, now 92, said he still holds out hope that the land along the river will be developed, which, he said, could help improve Blythe's economy.

"I hope to stay here long enough to see some of this land developed," he said. "It will be the next land boom."

On the merits

When Roger French returned to the site of his old property Wednesday, he stepped through the charred remains of the mobile home he had spent weekends and holidays at for nearly 30 years. In August, the home burned down, destroying a neighbor's garage that housed one of French's prized boats.

He showed off a deck and boat launch and three-car garage that he had installed while living at the site before taking a seat at a picnic table overlooking the river and recounting his long legal saga.

"I'm an engineer, I'm not a lawyer," said French, who has represented himself in federal court. "I've had to become a lawyer over the last 10 years."

French said that he does not challenge the boundary itself but that CRIT has jurisdiction over him and the right to evict him.

CRIT and the federal government have argued that the tribes were well within their jurisdiction to evict French and seek damages after he stopped paying rent on his property, refuting the status of any legally relevant dispute over the reservation's boundary.

"The land that Mr. French occupied for nearly 30 years is part of the Colorado River Indian Reservation, and is held in trust by the United States for the tribes," US Department of Justice attorneys wrote in a brief. "The Secretary of the Interior declared it so in 1969 (and reaffirmed it in 1970), and the (order) has never been withdrawn, reversed, or overturned... and thus remains valid and legally binding."



Moreover, the government argued, French agreed to the terms of a lease that clearly stated that the property was "within the Colorado River Indian Reservation" and is "tribal land," and he paid his rent for more than 10 years.

"Mr. French cannot rely on a purported dispute that is not properly before this court to defeat tribal jurisdiction..." the brief continued. "(He) relies heavily on selective quotes and never-adopted factual findings..." And, the justice lawyers argue, any challenge to the reservation boundary as set by the 1969 order would fall outside the statute of limitations.

French isn't alone, however, in arguing that the boundary dispute is material to his case. California filed an amicus brief - which has not yet been accepted into the court record by the judge - that argues the US Supreme Court had "stated multiple times" the 1969 order did not resolve the boundary dispute and that the federal government had supported the riparian boundary theory in a previous case.

"California urges this court to fully review the long history of the dispute... and determine that the Colorado is the riparian western boundary of the reservation and that the disputed area is not part of the (CRIT) reservation."

### Area Circulars



**Big 5 Sporting Goods** Expires this Wednesday  
**Ralphs** Expires this Tue

### Related Stories:

- CRIT members propose California Highway 95 and river restrictions for all non members
- Colorado River Indian Tribes sue feds over Blythe's Solar Power Project
- Press release issued by the West Bank Homeowners Association
- CRIT issues press release concerning eviction of Blythe Boat Club
- CRIT evicts Blythe Boat Club

Most Viewed
Recently Commented

- OBITUARY: Franklin Wayne Kribbs
- Fight over CRIT boundary continues
- OBITUARY: Opal Morabito
- Food business opportunity at Palo Verde College
- Motorists should use caution along Highway 95

### Article Comment Submission Form

Comments are not posted immediately. Submissions must adhere to our Use of Service [Terms of Use agreement](#). Rambling or nonsensical comments may not be posted. Comments are limited to Facebook character limits. **In order for us to reasonably manage this feature we may limit excessive comment entries.**

### Submit an Article Comment

Also post on Facebook
 

Posting as **Roger French** ▾

**Trina Rymer** · Follow · Works at Being Mommy

The 1864 Four Tribes Act says there can be no more than four reservations within California. CRIT did not exist until later, so they can have no claim to California land.

Reply · Like · Follow Post · January 16 at 12:59pm

Facebook social plugin

- [Find It](#)
- [Opinions](#)
- [Features](#)
- [Milestones](#)
- [Submit](#)
- [Extras](#)
- [Other Publications](#)
- [Local Listings](#)

[Home](#) | [Classifieds](#) | [Public Notices](#) | [Galleries](#) | [Opinions](#) | [Obituaries](#) | [Merchant Guide](#) | [Contact Us](#) | [Subscribe](#) | [e-News](#) | [RSS](#) | [Site Map](#)

Discover the difference with  
Culligan® Water Softeners  
Drinking Water Systems

No long-term contract required. 30-Day, 100% satisfaction guarantee.\*

Schedule your appointment now  
(760) 922-5701

Just \$9.95/mo. for the 1st 3 months

\*Click to see terms and conditions.

Copyright 2015 Western News&Info, Inc. Palo Verde Valley Times is the information source for Blythe, California, Quartzsite, Arizona and surrounding area communities. Original content may not be reprinted or distributed without the written permission of Western News&Info, Inc. Palo Verde Valley Times Online is a service of WNI. By using the Site, pvvt.com, you agree to abide and be bound by the site's



[Terms of Use and Privacy Policy](#), which prohibit commercial use of any information on the site. [Click Here](#) to email your questions or comments to the Webmaster. Palo Verde Valley Times Online is a proud publication of Western News&Info Inc.® All Rights Reserved.

Software © 1998-2015 1up! Software, All Rights Reserved