

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3193

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IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2012

Referred to the Committee on Natural Resources

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## AN ACT

To make technical corrections to the legal description of certain land to be held in trust for the Barona Band of Mission Indians, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Barona Band of Mis-  
3 sion Indians Land Transfer Clarification Act of 2012”.

4 **SEC. 2. FINDINGS; PURPOSES.**

5 (a) FINDINGS.—Congress finds that—

6 (1) the legal description of land previously  
7 taken into trust by the United States for the benefit  
8 of the Barona Band of Mission Indians may be in-  
9 terpreted to refer to private, nontribal land;

10 (2) there is a continued, unresolved disagree-  
11 ment between the Barona Band of Mission Indians  
12 and certain off-reservation property owners relating  
13 to the causes of diminishing native groundwater;

14 (3) Congress expresses no opinion, nor should  
15 an opinion of Congress be inferred, relating to the  
16 disagreement described in paragraph (2); and

17 (4) it is the intent of Congress that, if the land  
18 described in section 121(b) of the Native American  
19 Technical Corrections Act of 2004 (118 Stat. 544)  
20 (as amended by section 3) is used to bring water to  
21 the Barona Indian Reservation, the effort is author-  
22 ized only if the effort also addresses water avail-  
23 ability for neighboring off-reservation land located  
24 along Old Barona Road that is occupied as of the  
25 date of enactment of this Act by providing guaran-  
26 teed access to that water supply at a mutually agree-

1       able site on the southwest boundary of the Barona  
2       Indian Reservation.

3       (b) PURPOSES.—The purposes of this Act are—

4             (1) to clarify the legal description of the land  
5       placed into trust for the Barona Band of Mission In-  
6       dians in 2004; and

7             (2) to remove all doubt relating to the specific  
8       parcels of land that Congress has placed into trust  
9       for the Barona Band of Mission Indians.

10   **SEC. 3. LAND TRANSFER.**

11       Section 121 of the Native American Technical Cor-  
12       rections Act of 2004 (Public Law 108–204; 118 Stat.  
13       544) is amended—

14             (1) by striking subsection (b) and inserting the  
15       following:

16       “(b) DESCRIPTION OF LAND.—The land referred to  
17       in subsection (a) is land comprising approximately 86.87  
18       acres in T. 14 S., R. 1 E., San Bernardino Meridian, San  
19       Diego County, California, and described more particularly  
20       as follows:

21             “(1) The approximately 69.85 acres located in  
22       Section 21 and described as—

23             “(A) SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, excepting the north 475  
24       feet;

1           “(B)  $W^{1/2}$   $SE^{1/4}$   $SW^{1/4}$ , excepting the  
2 north 475 feet;

3           “(C)  $E^{1/2}$   $SE^{1/4}$   $SW^{1/4}$ , excepting the north  
4 350 feet; and

5           “(D) the portion of  $W^{1/2}$   $SE^{1/4}$  that lies  
6 southwesterly of the following line: Beginning  
7 at the intersection of the southerly line of said  
8  $SE^{1/4}$  of Section 21 with the westerly boundary  
9 of Rancho Canada De San Vicente Y Mesa Del  
10 Padre Barona as shown on United States Gov-  
11 ernment Resurvey approved January 21, 1939,  
12 and thence northwesterly along said boundary  
13 to an intersection with the westerly line of said  
14  $SE^{1/4}$ .

15           “(2) The approximately 17.02 acres located in  
16 Section 28 and described as  $NW^{1/4}$   $NW^{1/4}$ , excepting  
17 the east 750 feet.”; and

18           (2) by adding at the end the following:

19           “(d) CLARIFICATIONS.—

20           “(1) EFFECT ON SECTION.—The provisions of  
21 subsection (c) shall apply to the land described in  
22 subsection (b), as in effect on the day after the date  
23 of enactment of the Barona Band of Mission Indians  
24 Land Transfer Clarification Act of 2012.

1           “(2) EFFECT ON PRIVATE LAND.—The parcel  
2 of private, non-Indian land referenced in subsection  
3 (a) and described in subsection (b), as in effect on  
4 the day before the date of enactment of the Barona  
5 Band of Mission Indians Land Transfer Clarifica-  
6 tion Act of 2012, but excluded from the revised de-  
7 scription of the land in subsection (b) was not in-  
8 tended to be—

9           “(A) held in trust by the United States for  
10 the benefit of the Band; or

11           “(B) considered to be a part of the res-  
12 ervation of the Band.”.

Passed the Senate September 22 (legislative day,  
September 21), 2012.

Attest:

NANCY ERICKSON,

*Secretary.*