

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

COMANCHE NATION,)	
OKLAHOMA,)	DECLARATION OF JEFF HOUSER IN
)	SUPPORT OF PLAINTIFF'S MOTION
Plaintiff)	FOR ENFORCEMENT OF SETTLEMENT
)	AGREEMENT
)	
-vs-)	Case No. CIV-05-328-F
)	
UNITED STATES OF AMERICA,)	
et al.,)	
)	
Defendants.)	
_____)	

DECLARATION OF JEFF HOUSER

JEFF HOUSER hereby certifies that the following is true and correct, and based on personal knowledge:

1. I am Tribal Chairperson for Plaintiff Fort Sill Apache Tribe ("Tribe") and have served in that position since 2002.
2. I have personal knowledge of the following facts and would and could testify competently thereto.
3. I submit this Declaration in support of the Fort Sill Apache Tribe's Motion for Enforcement of Agreement of Compromise and Settlement hereby and attest to the following:
4. That on or about June 26, 2002, the United States of America issued a Warranty Deed taking land located in Luna County, New Mexico into trust for the Fort Sill Apache Tribe of Oklahoma. (Exhibit 1).

5. That on or about July 29, 2002, in response to the Tribe's request for Reservation Status on said property, the Bureau of Indian Affairs (BIA) assigned a Reservation Code for the Tribe's trust land in Luna County, New Mexico and has stamped that code on the official trust deed for this property. (Exhibit 2 and see Exhibit 1).

6. That the BIA has never provided the Tribe a copy of the BIA Land Office official land title report on the land in Luna County, New Mexico.

7. That on or about May 27, 2005, this Court issued an Order granting the Comanche Nation's Motion for Preliminary Injunction Staying Agency Action Pending Review, which at that time restrained and enjoined the United States from publishing notice and approving the Fort Sill Apache Tribe's Class III gaming compact.

8. That the Parties entered into a Memorandum of Understanding on June 16, 2005 which included specific language stating that the United States would agreed to "accept and timely process a Fort Sill Apache Tribal application for Reservation Proclamation for land currently held in trust for the Fort Sill Apache Tribe which is located in Luna County, New Mexico."

9. That on or about March 8, 2007, the Parties to this action entered into an Agreement of Compromise and Settlement Recitals (Settlement Agreement). That under ¶ 11 of the Settlement Agreement, the parties agreed the Settlement Agreement would be incorporated by reference into the Order dismissing the above-captioned action and that, "the Court thereafter shall have continuing jurisdiction to enforce the terms of this Agreement under the authority of Kokkonen v. Guardian Life Insurance Co., 511 U.S. 375, 381-82 (1994)."

10. That on or about March 9, 2007 the Court entered an Order Approving Settlement of Compromise and Settlement and dismissing the case.

11. That under the Section (7) (l) of the Settlement Agreement, the United States agreed to “accept and timely process a Fort Sill Apache Tribe application for a reservation proclamation” on land currently held in trust for the Tribe in Luna County, New Mexico.

12. That neither the United States, the United States Department of the Interior nor the United States Bureau of Indian Affairs have any regulations that provide any clear definition as to what lands qualify as Reservation with regard to Native American Tribal lands.

13. That the Tribe forwarded a request for a Reservation Proclamation pursuant to the direction of the BIA on or about April 14, 2006. (Exhibit 3)

14. That the Tribe received a confirmation response relating to this request was dated May 6, 2006 from the BIA Mescalero Indian Agency relating to the Tribe’s Reservation Proclamation request. (Exhibit 4)

15. That from May 6, 2006 until Tuesday, March 11, 2008, the Fort Sill Apache Tribe received no official correspondence from the United States or any of its agents or agencies relating to the status of or request for any additional information on the Tribe’s request for a reservation proclamation.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 11th day of March 2008, at Lawton, Oklahoma.



JEFF HOUSER