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Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA  
Phoenix Division

|   |   |                              |
|---|---|------------------------------|
| Apache Stronghold,                        | ) | No. <b>CV-21-50-PHX-CDB</b>  |
| a 501(c)(3) nonprofit organization,       | ) |                              |
|   | ) |                              |
| Plaintiff,                                | ) | <b>NOTICE OF LIS PENDENS</b> |
| v.  | ) |                              |
|   | ) |                              |
| United States of America,                 | ) |                              |
|   | ) |                              |
| Sonny Perdue, Secretary, U.S. Department  | ) |                              |
| of Agriculture (USDA),                    | ) |                              |
|   | ) |                              |
| Vicki Christensen, Chief, Forest Service, | ) |                              |
| USDA,                                     | ) |                              |
|   | ) |                              |
| Neil Bosworth, Supervisor, Tonto National | ) |                              |
| Forest, USDA,                             | ) |                              |
|   | ) |                              |
| And                                       | ) |                              |
|   | ) |                              |
| Tom Torres, Acting Supervisor, Tonto      | ) |                              |
| National Forest, USDA,                    | ) |                              |
|   | ) |                              |
| Defendants.                               | ) |                              |
|   | ) |                              |

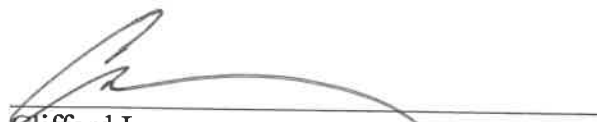
Please take notice that a civil action, captioned as above, has been instituted in the above entitled Court, in which the relief sought affect title or interests in real property.

1. The names of the parties to the action are: Apache Stronghold; the United States of America; Sonny Perdue, Secretary of the U. S. Department of Agriculture (USDA); Vicki

Christensen, Chief, Forest Service, USDA; Neil Bosworth, Supervisor, Tonto National Forest, USDA; and Tom Torres, Acting Supervisor, Tonto National Forest, USDA.

2. The object of the action is to determine property and religious interests in certain real property located in Pinal County as more fully described below.
3. The relief demanded in the action is a declaration that the parcel of land containing Chi'chil Bıldagoteel ("Oak Flat") is Apache land with treaty and property rights reserved by and to the Apaches in accordance with the terms of the 1852 Treaty of Sante Fe, and that the Defendant United States of America does not own that land.
4. The real property affected by the action is described as follows: Exhibit A 1 is the General Description of the Property Involved; and Exhibit A 2 is the General Map of the Property Involved; totaling 2,422 acres.
5. The real property affected by the action is further described as follows: Exhibit B 1 is the Legal Description of the Property Involved; Exhibit B 1 is MAP 1408-H of the Property Involved; Exhibit B 2 is MAP 1439-B of the Property Involved; and Exhibit B 3 is MAP 1446-B of the Property Involved; totaling 2,422.11 acres.

Dated this 13<sup>th</sup> day of January 2021.

  
Clifford Levenson  
Attorney for Plaintiff  
5119 North 19th Avenue, Suite K  
Phoenix, AZ 85015

# EXHIBIT A-1

**EXHIBIT A -1**

**GENERAL MAP DESCRIPTION**

**SOURCE:**

The attached map (Exhibit A-2) was secured on January 11, 2021, from the Tonto National Forest website URLs:

<https://www.resolutionmineeis.us/>

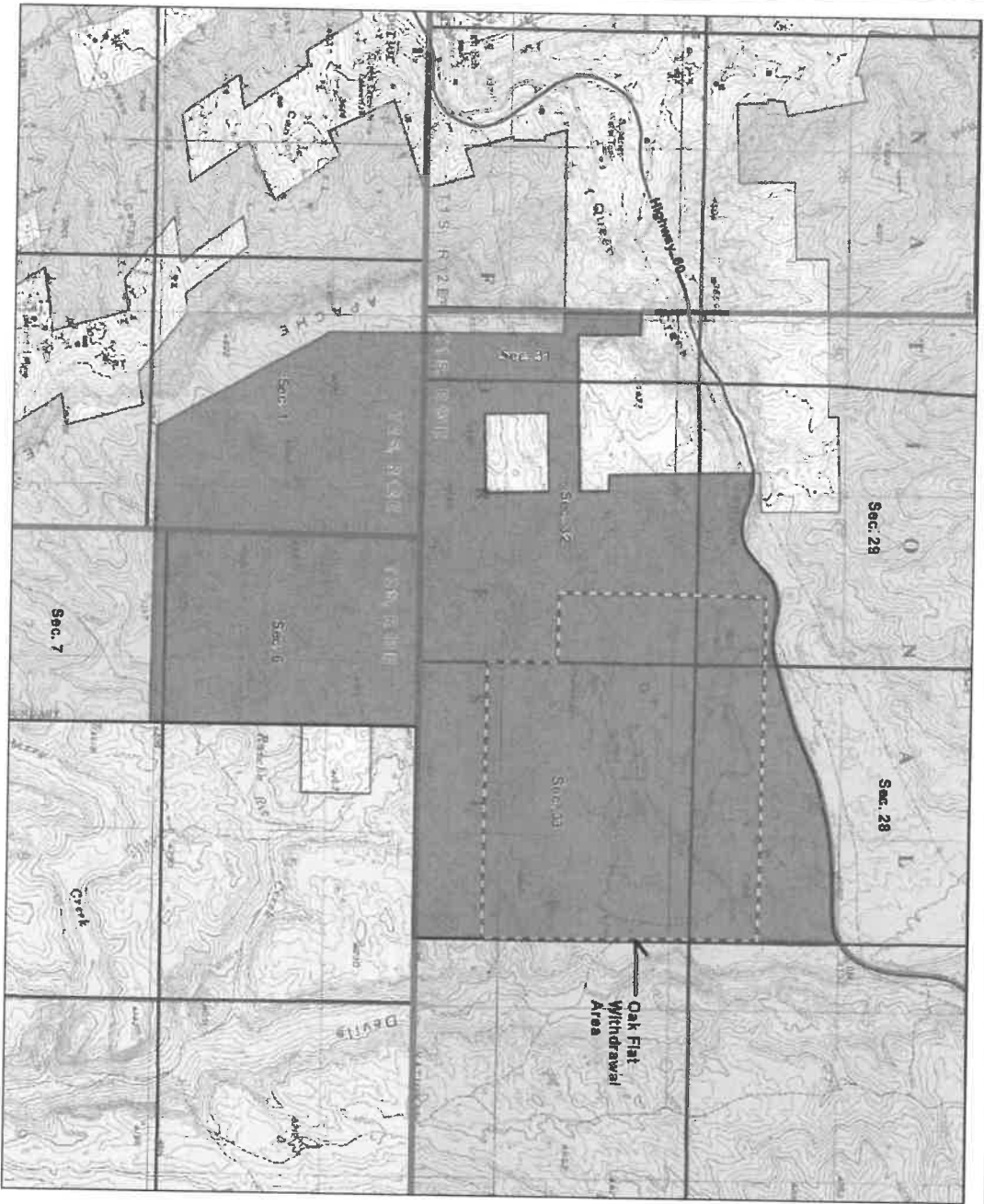
<https://www.resolutionmineeis.us/documents/usfs-resolution-land-exchange-parcels-2016>

**"Maps of Land Exchange Parcels" Download PDF**

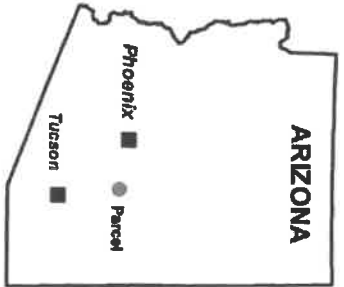
**Southeast Arizona Land Exchange and Conservation Act of 2011, FEDERAL PARCEL – OAK FLAT, TONTO NATIONAL FOREST, PHOENIX, ARIZONA, Page 6 of 12 [.pdf page 1];**

**Federal Parcel – Oak Flat Approximately 2,422 Acres**

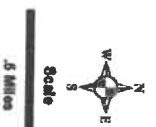
# EXHIBIT A-2



-Map Projection: UTM NAD27, Zone 12 North, Meters  
 -Source Management Source: Bureau of Land Management 2012  
 -Location: U.S.D.A. Forest Service, Southwestern Region, Tonto National Forest, Phoenix, Arizona  
 -Copies of this map are on file in the office of the Regional Forester, Southwestern Region, Lands, Albuquerque, New Mexico  
 -Disclaimer: Pending legal description verification



- Federal Parcel - Oak Flat
- Approximately 2,422 Acres
- RCML Patented & Fee Land
- Other Private Ownership (No Color)
- Arizona State Trust Lands
- U.S.A. Lands (Tonto National Forest)



|   |  |
|---|--|
| <b>Southeast Arizona Land Exchange and Conservation Act of 2011</b><br><b>FEDERAL PARCEL - OAK FLAT</b><br><b>TONTO NATIONAL FOREST, PHOENIX, ARIZONA</b> |  |
| County: PINAL   | Location: T15, R12E, Portion of Secs. 28, 29, 31, 32 & Sec. 33; T25, R12E, Portion of Sec. 1; T25, R12E, Sec. 6 and Portion of Sec. 7. |
| USGS 7.5' Quad: SUPERIOR & PICKETPOST MOUNTAIN  | Date: March, 2011<br>Revised March 30, 2015  |

# EXHIBIT B-1

Exhibit B-1

LEGAL DESCRIPTION:

Map 1408-H:

TOWNSHIP 1 SOUTH, RANGE 13 EAST, OF THE GILA AND SALT RIVER MERIDIAN,  
ARIZONA SHEET 1 OF 3, TRACT 48 1,631.37 Acres

Map 1439-B:

TOWNSHIP 2 SOUTH, RANGE 12 EAST, OF THE GILA AND SALT RIVER  
MERIDIAN, ARIZONA SHEET 1 OF 2, TRACT 37 385.90 Acres

Map 1446-B:

TOWNSHIP 2 SOUTH, RANGE 13 EAST, OF THE GILA AND SALT RIVER  
MERIDIAN, ARIZONA, All of Section 6 404.84 Acres

The source of this description comes from the maps themselves secured on January 11, 2021 from:

<https://glorerecords.blm.gov/>

Surveys Plats and Field Notes

<https://glorerecords.blm.gov/search/default.aspx?searchTabIndex=0&searchByTypeIndex=1>

Map 1408-H is attached to this Notice of Lis Pendens as Exhibit B-2

Map 1439-B is attached to this Notice of Lis Pendens as Exhibit B-3

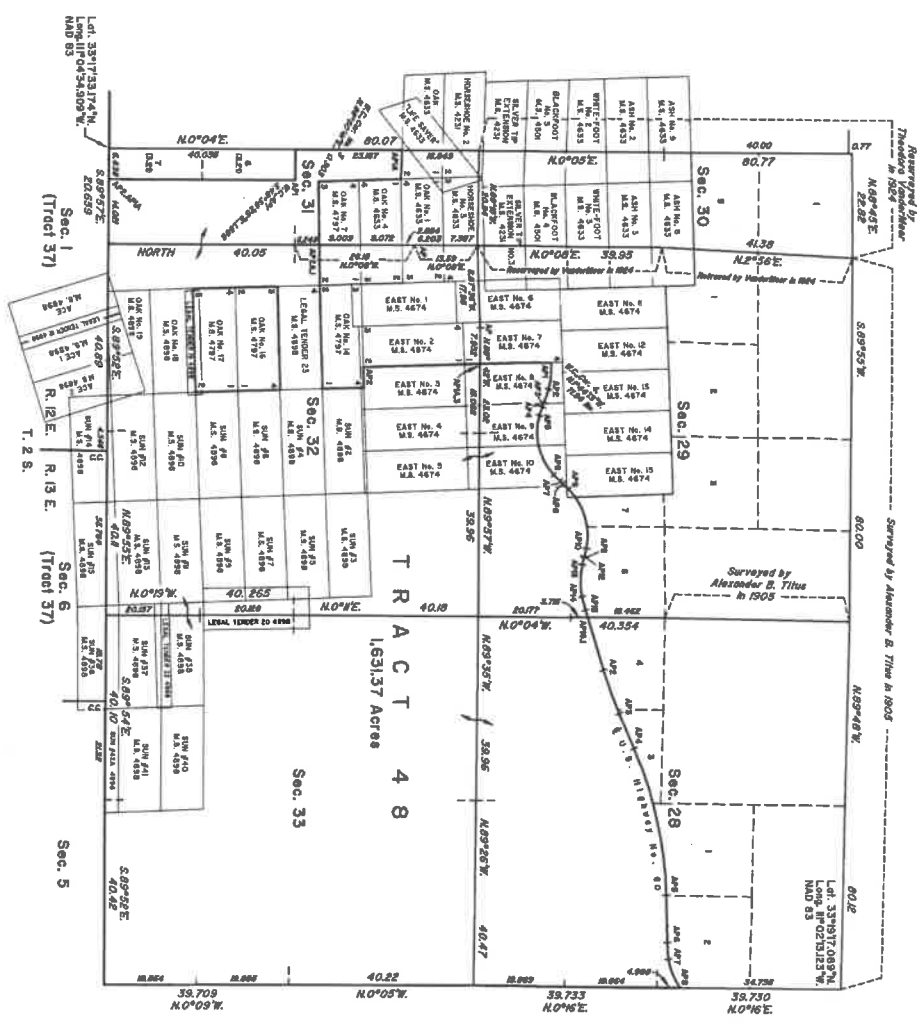
Map 1446-HBis attached to this Notice of Lis Pendens as Exhibit B-4



# EXHIBIT B-2

PARTIALLY SURVEYED  
TOWNSHIP 1 SOUTH, RANGE 13 EAST, OF THE GILA AND SALT RIVER MERIDIAN, ARIZONA  
DEPENDENT RESURVEY AND METES-AND-BOUNDS SURVEY

SEE SHEET 2 FOR THE ENLARGEMENT OF SECTIONS 28 & 29  
SEE SHEET 3 FOR THE ENLARGEMENT OF SECTIONS 31 & 32



The history of surveys is contained in the field notes.

This survey represents the dependent resurvey of portions of the south and west boundaries, a portion of the subdivisional lines, and portions of certain patented mineral surveys in sections 29, 31, and 32, designed to restore the corners in their true original positions. The survey was conducted in accordance with the survey of portions of the original evidence, and the right-of-way of U.S. Highway No. 50, and a metes-and-bounds survey in section 31, Township 1 South, Range 13 East, Gila and Salt River Meridian, Arizona.

Except as indicated hereon, the lotlines and areas shown on the plat approved March 12, 1906, the plat approved April 12, 2017, and the plat approved February 29, 1927, the supplemental plat approved May 22, 1972, and the plat of Mineral Survey Nos. 4231, 4501, 4533, 4674, 4797, and 4898.

The survey was executed by Blas J. Ureno, Cadastral Surveyor, beginning April 12, 2017, and completed March 15, 2018, in accordance with the instructions dated March 29, 2017, for Group No. 1856.

AREA OF FEDERAL INTEREST LAND RESURVEYED

| SECTION | LOCATION                  | ACREAGE |
|---------|---------------------------|---------|
| 28      | Updated cross bar         | 280.22  |
| 29      | S. of U.S. 50 barrier bar | 103.06  |
| 31      | Updated cross bar         | 104.50  |
| 32      | Updated cross             | 65.87   |
| 33      | All                       | 946.09  |

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

Phoenix, Arizona

This plot is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

Chief Cadastral Surveyor of Arizona



102.11

# EXHIBIT B-3

# TOWNSHIP 2 SOUTH, RANGE 12 EAST, OF THE GILA AND SALT RIVER MERIDIAN, ARIZONA

1439-B  
SHEET 1 OF 2

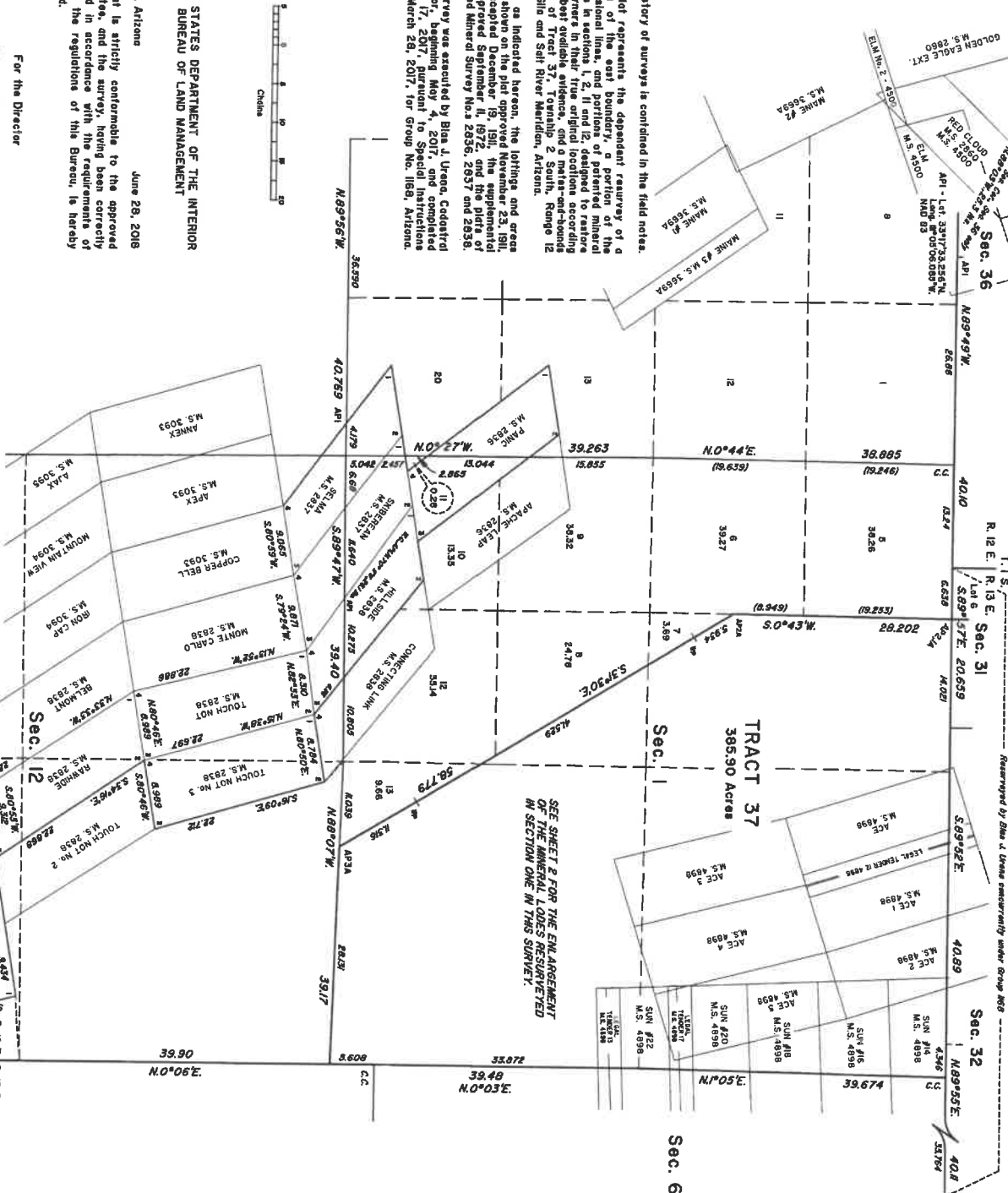
Resurveyed by Blain A. Ureux, unaccredited under Group No. 10

Sec. 36  
Sec. 31  
Sec. 32  
Sec. 6

The history of surveys is contained in the field notes.

This plot represents the dependent resurvey of a portion of the east boundary, a portion of the subdivision lines, and portions of patented mineral surveys in sections 1, 2, 11 and 12, designed to retrace the corners in their true original locations according to the best available evidence, and a main-and-bound survey of the original Township 2 South, Range 12 East, Gila and Salt River Meridian, Arizona.

Except as indicated herein, the lottings and areas are as shown on the plat approved November 23, 1911, and accepted December 19, 1911, the supplemental plat approved September 11, 1972, and the plat of patented Mineral Survey Nos. 2936, 2937 and 2938. This survey was executed by Blain A. Ureux, Cadastral Surveyor, beginning May 4, 2017, and completed August 17, 2017, pursuant to Special Instructions dated March 29, 2017, for Group No. 108, Arizona.



UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

Phoenix, Arizona

June 28, 2018

This plot is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director



Chief Cadastral Surveyor of Arizona

AREA OF FEDERAL INTEREST LAND RESURVEYED

| SECTION | LOCATION        | ACREAGE |
|---------|-----------------|---------|
| 1       | Unpatented area | 384.65  |

SEE SHEET 2 FOR THE ENLARGEMENT OF THE MINERAL LOTS RESURVEYED IN SECTION ONE IN THIS SURVEY.

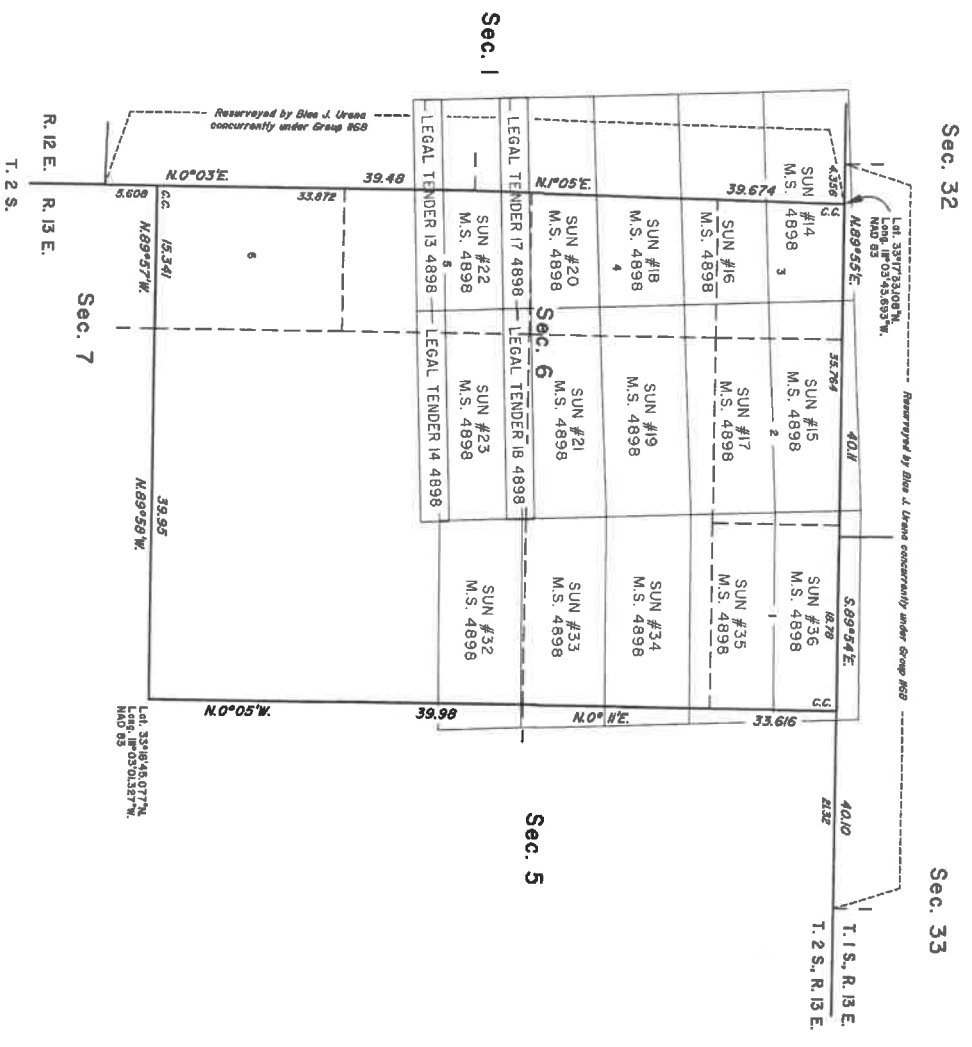
10.1.18

# EXHIBIT B-4

TOWNSHIP 2 SOUTH, RANGE 13 EAST, OF THE GILA AND SALT RIVER MERIDIAN, ARIZONA

1446-B

DEPENDENT RESURVEY



Sec. 32

Sec. 33

Sec. 5

Sec. 6

Sec. 7

The history of surveys is contained in the field notes. This plot represents the dependent resurvey of a portion of the subdivided lines designed to restore the corners in their true original locations according to the best available evidence, Township 2 South, Range 13 East, 5th and Salt River Meridian, Arizona. Except as indicated herein, the lottings and areas are as shown on the plat approved February 7, 1921. This survey was executed by Blae J. Ureno, Cadastral Surveyor, beginning April 11, 2017, and completed August 25, 2018, pursuant to Special Instructions dated August 25, 2010, for Group No 1103, Arizona.

AREA OF FEDERAL INTEREST LAND RESURVEYED

| SECTION | LOCATION | ACREAGE |
|---------|----------|---------|
| 6       | 48       | 404.84  |

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

Phoenix, Arizona  
June 28, 2018  
This plot is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director  
  
Chief Cadastral Surveyor of Arizona



20.5A