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The Department of the Interior has recommended enactment of Federal legislation to establish a special three-judge Federal District Court to settle a disputed boundary between the Navajo and Ute Mountain Indian Tribes in New Mexico. Several millions of dollars are at stake.

The disputed area is a strip of land immediately south of the Colorado border approximately two miles wide and ten and one-half miles long. The United States holds the title to the area in trust for one of the two tribes and both claim it.

The dispute developed from the following facts:

The Navajo boundary in the area was fixed by a treaty of June 1, 1868 which provided a boundary "parallel of longitude which if prolonged south would pass through Old Fort Lyon, or the Ojo-de-oso, Bear Spring." The boundary was surveyed and monumented in 1869, but the monuments cannot now be located. The Ute Mountain boundary was established by an Act of Feb. 20, 1895 in terms of II all of townships 31 and 32 of ranges ..... 16."

It is "reasonably apparent, II that the Navajo boundary, if resurveyed in accordance with the original field notes, would overlap a portion of the two townships, the Department reports.

The dispute over the area became active during the past decade when oil was discovered in the Four Corners area. The two tribes entered into an agreement in 1957 to lease the area jointly and place all revenues in a joint account pending a settlement of the dispute. Originally, because of the leasing pattern, the agreement covered a two-mile area on each side of the disputed strip. A supplemental agreement approved Sept. 8, 1965 eliminated both two-miles areas from the joint leasing agreement.

As of February 1965, bonuses, royalties, and rentals in the joint account totaled $5,768,226, although that amount would be reduced by severance and other State and local taxes. Accrued interest on the principal in the joint account was an additional $969,843.

The maximum either tribe could expect to receive if it established full title to the land would be about two-thirds the joint account.

Legislation now being considered by Congress provides that a special three-judge court in the United States District Court for the District of New Mexico would decide the case with the right of direct appeal to the United States Supreme Court.

In recommending passage of the legislation, the Department of the Interior proposed an amendment to eliminate language which suggested that the United States was a party in the proposed litigation. The amendment proposes substitute language to the effect that the United States, which holds the legal title to the land in trust, consents to the litigation so that the issue between the two tribes may be settled, but that the United States has no beneficial claim to or interest in the land involved and shall not be joined as a defendant in the litigation.