

BEFORE THE INDIAN CLAIMS COMMISSION

THE SIOUX NATION, ET AL.,)	Docket No. 74
)	
THE CHIPPEWA CREE TRIBE OF)	Docket No. 221-A
ROCKY BOY RESERVATION,)	
)	
THE THREE AFFILIATED TRIBES OF)	Docket Nos. 350-B
THE FORT BERTHOLD RESERVATION,)	and 350-C
)	
Plaintiffs,)	
)	
v.)	
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

INTERLOCUTORY ORDER

Upon the Findings of Fact and Opinion this day filed herein and which are hereby made a part of this order, the Commission concludes as a matter of law that:

- a. The plaintiffs in Docket Nos. 74, 221-A, 350-B and 350-C are entitled to maintain this action under the Indian Claims Commission Act.
- b. The Teton and Yanktonai Sioux had aboriginal title to lands bounded as follows:

(1) Beginning at a point in the middle of the Missouri River opposite the mouth of the Heart River (in North Dakota), northerly in a direct line to the westernmost point on the limit of Bismarck, North Dakota;

(2) then northerly in a direct line to Dog Den Butte;

(3) then northeasterly in a direct line to the southeastern corner of the town of Minnewaukan, North Dakota;

(4) then southwesterly in a direct line to the point at which the James River crosses the western limit of the town of Manfred, North Dakota;

(5) then westerly and southerly down the James River to its junction with Moccasin Creek (north of Stratford, South Dakota);

(6) then southeasterly in a direct line to the northernmost point of Lake Kampensa (on the south side of Highway 20);

(7) then westerly in a direct line to the mouth of Snake Creek on the James River (south of Ashton, South Dakota);

(8) then westerly up the South Fork of Snake Creek to its source (south of Seneca, South Dakota);

(9) then in a direct line south-southwesterly to the western tip of Rice Lake, which is the source of North Medicine Creek (also called the northern branch of East Medicine Knoll Creek);

(10) then southwestly down North Medicine Creek and Medicine Knoll Creek to the junction of Medicine Knoll Creek with the Missouri River;

(11) then northerly up the middle of the Missouri River to the point of beginning.


(All of the above-described locations are as depicted on the latest editions of the U. S. Geological Survey maps, Western United States 1:250,000 series.)

- c. The land belonging to the Teton and Yanktonai Sioux was taken by the Treaty of April 29, 1868 (15 Stat. 635), which treaty was proclaimed on February 24, 1869. The valuation date of the subject lands is February 24, 1869.
- d. The Teton and Yanktonai Sioux did not have aboriginal title to any other land east of the Missouri River in North Dakota within the boundaries set forth in Sioux plaintiff's proposed Findings of Fact No. 4, filed May 31, 1963.
- e. The portion of the claim in Docket 221-A relating to lands in North and South Dakota east and south of the mouth of the Little Knife River should be and is hereby dismissed.

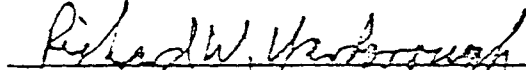
Docket 74 will proceed to the remaining issues of title, consideration and value. Plaintiffs in Docket 221-A shall notify the Commission within thirty days whether they intend to pursue their claim for lands in North Dakota north of the Missouri River and west

of the Little Knife River. Dockets 350-B and 350-C will be the subject of a separate opinion on title.


Dated at Washington, D. C. this 26th day of August, 1970.


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner

Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner