

## BEFORE THE INDIAN CLAIMS COMMISSION

THE SIOUX NATION, ET AL.,	)	
	)	
Plaintiffs,	)	Docket No. 74
	)	(1868 Treaty)
v.	)	
	)	Docket No. 74-B
THE UNITED STATES OF AMERICA,	)	(1877 Act)
	)	
Defendant.	)	

ORDER AMENDING INTERLOCUTORY ORDER  
AND DENYING OTHER MOTIONS

On July 23, 1970, the plaintiff filed a motion for the modification of the Commission's order of July 8, 1970. On August 6, 1970 defendant filed a motion for the dismissal of plaintiffs' aboriginal title claims west of the Missouri River or in the alternative for an order setting a time for the plaintiffs to file briefs on these cases. Responses and replies were made to each motion.

For the reasons stated in the opinion accompanying this order, IT IS HEREBY ORDERED that:

1. Defendant's "Motion for Dismissal or an Order Setting Time for Petitioners to File Brief", filed August 6, 1970, is denied.
2. Paragraph (4) of plaintiff's "Motion for Modification of Interlocutory Order and Notice Pursuant Thereto" is denied.
3. The Commission's Interlocutory Order entered herein On July 8, 1970, is amended by redesignating paragraph (a) as paragraph (b) and by adding the following paragraph (a):

Under Article 11 of the Treaty of 1868 the Sioux retained the right to hunt over the area bounded as follows: Beginning where the Sioux Fort Laramie Line intersects the 43rd parallel of north latitude, southwesterly along the Sioux Fort Laramie Line to the forks of the Platte River, then southerly along the eastern boundary of the territory reserved to the Cheyenne and Arapaho by the Treaty of Fort Laramie of September 17, 1851, to a point where

It crosses the Republican River (west of McCook, Nebraska), then west-southwesterly along the Republican River and its south fork to its headwaters (south of Bovina, Colorado), then west-northwesterly in a direct line to a point where the Sioux Fort Laramie Line is intersected by the 104th Meridian, then northerly on said meridian to its intersection with the 43rd parallel of north latitude, then easterly on said parallel to the point of beginning.


The "Sioux Fort Laramie Line" referred to is the boundary set out in the Commission's order of September 10, 1969, 21 Ind. Cl. Comm. 371, 381 at 382.

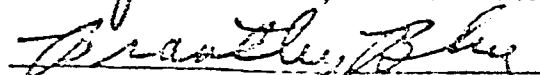
4. The Commission's Interlocutory Order entered herein on July 8, 1970, is further amended by striking paragraph (b) and substituting in lieu thereof the following paragraph (c):

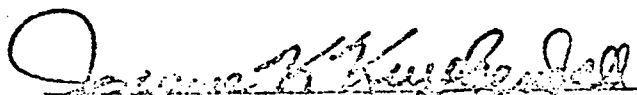
The valuation of Sioux lands west of the Missouri shall be at their highest and best use without deduction for hunting rights retained either under Article 11 or Article 16 of the Treaty of 1868 (15 Stat. 635). The value of any hunting rights granted by Article 16 of the Treaty shall not be deducted as consideration under the Treaty.

Plaintiffs shall within thirty days notify the Clerk of the Commission whether they desire a hearing to be set in Docket No. 74-B on the question whether any further compensation is due plaintiffs because of the loss of hunting rights granted or retained under Articles 11 and 16 of the 1868 Treaty.

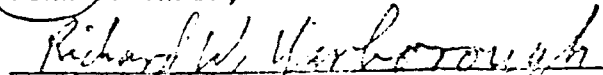
Dated at Washington, D. C., this 30<sup>th</sup> day of November 1970.

  
Margaret H. Pierce, Commissioner

  
Brantley Blue, Commissioner

  
Jerome K. Kuykendall, Chairman

  
John F. Vance, Commissioner

  
Richard W. Yarborough, Commissioner