

BEFORE THE INDIAN CLAIMS COMMISSION

THE THREE AFFILIATED TRIBES OF THE FORT BERTHOLD RESERVATION,	)	Docket Nos. 350-B
	)	and 350-C
	)	
TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS,	)	Docket No. 113
	)	
RED LAKE BAND AND PETER GRAVES, ET AL., EX. REL., RED LAKE BAND, PEMBINA BAND AND KATHERINE CARL BARRETT, ET AL., EX. REL., PEMBINA BAND,	)	Docket No. 246
JOHN B. AZURE, ET AL., EX. REL., CHIEF LITTLE SHELL'S BAND OF PEMBINA CHIPPEWA INDIANS,	)	
	)	
THE LITTLE SHELL BAND OF CHIPPEWA INDIANS, AND JOSEPH H. DUSSOME, ET AL., EX. REL., SAID BAND,	)	Docket No. 191
	)	
CHIPPEWA CREE TRIBE OF THE ROCKY BOY'S RESERVATION, MONTANA, AND JOE CORCORAN, EX. REL., CHIPPEWA CREE TRIBE OF THE ROCKY BOY'S RESERVATION,	)	
BLANCHE PATENAUDE, ET AL., EX. REL., LITTLE SHELL BAND OF INDIANS AND THE CHIPPEWA CREE TRIBE,	)	Docket No. 221
	)	
THE SIOUX NATION, ET AL.,	)	Docket No. 74
	)	
THE CHIPPEWA CREE TRIBE OF ROCKY BOY'S RESERVATION,	)	Docket No. 221-A
	)	
	)	
	)	
Plaintiffs,	)	
v.	)	
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

FINAL ORDER DISMISSING THE CLAIM IN DOCKET NO.  
350-B AND INTERLOCUTORY ORDER IN DOCKET NO. 350-C

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:

1. The Three Affiliated Tribes of the Fort Berthold Reservation, plaintiff in Docket Nos. 350-B and 350-C, is entitled to maintain this action under the Indian Claims Commission Act (60 Stat. 1049).
2. With respect to the claim under Docket No. 350-B there is no evidence that plaintiff's predecessors in interest, the Arikara, Mandan and Hidatsa Tribes were unfairly or dishonorably dealt with by defendant when it failed to ratify the Treaty of July 27, 1866.
3. The three tribes continued to use and occupy the lands claimed in Docket No. 350-B after 1866, and the claimed area lies wholly within the boundaries of the area hereinafter described as the aboriginal lands held by the three tribes until April 12, 1870.
4. The claim in the matter of Docket No. 350-B should be dismissed.
5. The Mandan, Hidatsa and Arikara Tribes exclusively used and occupied for a long time prior to April 12, 1870, the area 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 through Dog Den Butte to the southwest tip of Buffalo Lodge Lake, which is where that Lake is intersected by South Egg Creek;
  - (3) Then due west to the western branch of the Mouse or Souris River;
  - (4) Then northwesterly in a direct line to the southeasternmost point in the town of Battleview, North Dakota;
  - (5) Then due west in a direct line to a point which is due north of the junction of the Yellowstone River with the Missouri River;

(6) Then southerly in a direct line to the junction of the Yellowstone River with the Missouri River;

(7) Then southeasterly along 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.)

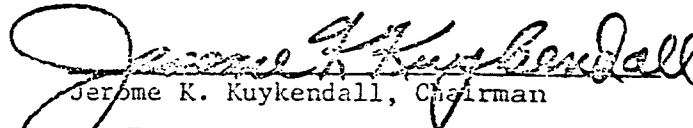
6. The Mandan, Hidatsa and Arikara Tribes did not exclusively use and occupy for a long time prior to 1870 any of the remainder of the claimed land in North Dakota or Montana.


7. The Mandan, Hidatsa and Arikara Tribes were deprived of the lands described in paragraph 5 above when by Executive Order of April 12, 1870 (I Kappler 883), a reservation was set apart for their use.


IT IS THEREFORE ORDERED that the claim in Docket No. 350-B be, and the same is hereby, dismissed.


IT IS FURTHER ORDERED that the claim in Docket No. 350-C proceed independently for the purpose of determining the acreage and fair market value of the described lands, as of April 12, 1870.


Dated at Washington, D. C., this 30<sup>th</sup> day of March 1971.

  
Jerome K. Kuykendall, Chairman

  
John I. Vance, Commissioner

  
Richard W. Yarborough, Commissioner

  
Margaret H. Pierce, Commissioner

  
Brantley Blue, Commissioner