

BEFORE THE INDIAN CLAIMS COMMISSION

TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS,)	
)	Docket No. 113
)	
PEMBINA BAND, AND KATHERINE CARL BARRETT, ET AL., EX. REL., PEMBINA BAND,)	
)	Docket No. 246
)	
THE LITTLE SHELL BAND OF CHIPPEWA INDIANS, AND JOSEPH H. DUSSOME, ET AL., EX. REL., SAID BAND,)	
)	Docket No. 191
)	
BLANCHE PATENAUDE, ET AL., EX. REL., LITTLE SHELL BAND OF INDIANS AND THE CHIPPEWA CREE TRIBE,)	
)	Docket No. 221
)	
THE THREE AFFILIATED TRIBES OF THE FORT BERTHOLD RESERVATION,)	
)	Docket Nos. 350-B and 350-C
)	
Plaintiffs,)	
)	
v.)	
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER AMENDING FINDINGS AND INTERLOCUTORY ORDER

On August 6, 1970, plaintiffs in Docket No. 246 filed a motion for rehearing requesting that the Commission amend certain findings and modify its order entered herein on June 30, 1970 (23 Ind. Cl. Comm. 315). On September 4, 1970, plaintiff in Docket No. 113 filed a motion for rehearing requesting that the Commission reconsider its findings, determinations, and order entered herein on June 30, 1970. On September 18, 1970, plaintiff in Docket Nos. 350-B and 350-C filed a response to the Docket No. 113 motion. On October 23, 1970, plaintiffs in Docket Nos. 191 and 221 filed a response to the Docket No. 246 motion, and on November 13, 1970, filed a response to the Docket No. 113 motion. On December 9, 1970, the plaintiff in Docket No. 113 filed a reply to the Docket Nos. 191 and 221 responses.

Upon the findings of fact filed this day herein, and for the reasons stated in the opinion accompanying this order, IT IS HEREBY ORDERED that:

1. Finding of fact 1, entered herein on June 30, 1970, is amended by striking the words "these plaintiffs," in the fourth sentence of the second paragraph, and substituting in lieu thereof "the plaintiffs in these two dockets."

2. Finding of fact 19, entered herein on June 30, 1970, is stricken and in lieu thereof is substituted the following:

19. Considering all the evidence, we find that the Plains-Ojibwa exclusively used and occupied for a long time prior to 1905 an area bounded as follows:

(1) Beginning at the International Boundary where it is intersected by the western boundary of the lands described in Article 2 of the Treaty of October 2, 1863, 13 Stat. 667, with the Red Lake and Pembina Bands of Chippewa Indians, southerly on that western boundary to the point at which it intersects the Middle Branch of the Forest or Salt River,

(2) Then southwest to the northeasternmost point on Stump Lake, which is where Stump Lake is intersected by the stream running between Stump Lake and Coon Lake;

(3) Then westerly through the Devil's Lake complex to the southeastern corner of the town of Minnewaukan;

(4) Then in a southwesterly direction to Dog Den Butte, which is part of the Missouri Coteau;

(5) Then in a northerly direction to the Souris or Mouse River;

(6) Then westerly along the Souris River to a point due west of the southwest tip of Buffalo Lodge Lake (the point where that lake is intersected by South Egg Creek);

(7) Then in a west-northwesterly direction along the northern boundary of the land described in call number (4) of finding number 26 entered in Docket Nos. 350-B, et al., March 30, 1971 (Three Affiliated Tribes of the Fort Berthold Reservation v. United States,

25 Ind. Cl. Comm. 179, 209), until it intersects the shoreline of Lower Lostwood Lake, in Township 158 North, Range 91 West;

(8) Then due north to the International Boundary;

(9) Then east on the International Boundary 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.)

The Plains Indians did not exclusively use and occupy for a long time prior to 1895 any of the remainder of the land in North Dakota claimed in this case by plaintiffs.

3. Paragraph c of the order entered herein on June 30, 1970, is amended by striking the description of aboriginal lands contained therein and substituting the description contained in amended finding of fact 19 entered today.

4. Except to the extent indicated above the motions of plaintiffs for rehearing are denied.

Dated at Washington, D. C., this 11th day of November, 1971.

Jerome K. Kuykendall
Jerome K. Kuykendall, Chairman

John T. Vance
John T. Vance, Commissioner

Richard W. Yarborough, Commissioner

Margaret H. Pierce
Margaret H. Pierce, Commissioner

Brantley Blue
Brantley Blue, Commissioner