

BEFORE THE INDIAN CLAIMS COMMISSION

THE THREE AFFILIATED TRIBES OF THE)	
FORT BERTHOLD RESERVATION, ET AL.,)	
)	
Plaintiff,)	Docket No. 350-F
)	
v.)	
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER AMENDING, VACATING, OR AFFIRMING
FINDINGS OF FACT AND INTERLOCUTORY ORDER

Upon the supplemental findings of fact and opinion this day entered herein and in compliance with the decision of the Court of Claims affirming in part, reversing in part and remanding this docket for further proceedings, Three Affiliated Tribes of The Fort Berthold Reservation v. United States, 182 Ct. Cl. 543, 390 F. 2d 686 (1968),

IT IS ORDERED that all findings of fact previously entered on November 4, 1965, in this docket which do not conform to or are inconsistent with the aforesaid decision of the Court of Claims and the Commission's opinion and supplemental findings of fact entered herein this date are either vacated in their entirety or amended to the extent they do conform. All other findings of fact entered on November 4, 1965, are hereby re-entered and affirmed.

Upon the supplemental findings of fact and the opinion this day entered herein, and which are made part of this order, and in compliance with the aforesaid opinion of the Court of Claims, the Commission concludes as a matter of law that:

1. Defendant, as trustee for plaintiff tribe, was grossly negligent in disposing of plaintiff's lands to homesteaders under the terms of the Act of June 1, 1910, 36 Stat. 455, and acts supplementary thereto for an amount far below the fair market value of the lands on their respective valuation dates.

2. For said homestead lands plaintiff is entitled to recover the fair market value less compensation received, or \$2,765,067, plus an additional amount measured at 3 per cent per annum on the net proceeds which would have been realized if said lands had been offered and sold at their fair market value.


3. Plaintiff is entitled to recover "just compensation" from the defendant for the taking of school lands and for the lands set aside for the St. Edward Mission and for the Verendrye National Monument, including interest as part of just compensation at the rate of 5 percent from the respective dates of taking until the date of payment.


IT IS ORDERED that the plaintiff tribe have and recover from the defendant the sum of \$8,809,057 set forth below plus an additional amount upon the principal sums from June 30, 1972 until paid measured by the rates of interest set out in the opinion entered herein this date.

<u>Subject Lands</u>	<u>Principal Award</u>	<u>Interest to 6/30/72</u>	<u>Total</u>
(a) Homestead Lands	\$2,765,067	\$4,840,019	\$7,605,086
(b) School Lands	315,386	876,509	1,191,895
(c) St. Edward Mission	2,400	6,570	8,970
(d) Verendrye National Monument	828	2,278	3,106
	<u>\$3,083,681</u>	<u>\$5,725,376</u>	<u>\$8,809,057</u>

Dated at Washington, D. C., this 2nd day of August 1972.


 Jerome K. Kuykendall, Chairman


 John T. Vance, Commissioner


 Richard W. Yarborough, Commissioner

Margaret H. Pierce, Commissioner


 Brantley Blue, Commissioner