EXHIBIT
SENATE JUDICIARY
EXHIBIT No. 23
2/16/15
SB 262

SALAZAR FIASCO / KERR DAM SCAM

I am conducting Petitions to address these two issues under Article IX-Referendum, "any enacted or proposed ordinance or resolution of the Council shall be submitted to a popular referendum." Tribal Council has the belief they and they alone are the Supreme Power of Authority and the Membership has NO say-so.

The Membership possesses the Supreme Power of Authority, our Tribal Constitution and Tribal Court affirms this.

1. Article VII - Bill of Rights - Section 2
2. Article IX – Referendum – Section 1
3. Tribal Court – Cause No. 13-423-CV

The People's Voice v. C.S.K.T Tribal Council Order dismissing complaint dated 01-13-14, pg. 5. The right of Referendum pertains to any enacted or proposed ordinance or resolution of the Council "and requires that the issue be submitted to the people."

PETITION 1. Salazar. Based on the actions displayed by Tribal Council and Tribal Legal Dept. who went to great lengths to deny the Membership any say-so in the disbursement of proceeds awarded from Salazar, despite the Membership's outcry for 100% payout.

The Membership possesses the Authority and Power to state unequivocally, "We have say-so." We the Membership vote to rescind Resolutions 12-70, 12-221, 12-228, 13-039.

Return the $150,126,000 awarded to C.S.K.T. from Nez Perce Tribe, et al. v. Salazar, No. 06-02239 (D.D.C.)

It was disclosed at the Ronan/Pablo District meeting held 02-26-14 $40 million of the Salazar proceeds is to be loaned to Energy Keepers, Inc.

PETITION 2: Kerr Dam Recapture Fund. Rescind Resolutions 86-02, 13-99, 13-248.

1. Disburse 100% of all funds for purchase/recapture of Kerr Dam to the Membership – adult and minor – with no withholdings.

100% disclosure to the Membership on issues of such magnitude is the proper protocol – not concealment.

Coercion, Government by Force.

Article IX-Referendum – The Will of the Membership. Vote on it.

The final say-so – it's happening.

Thomas A. Lozeau Jr.
Tribal Member
Ronan, MT

March 6, 2014

I, Thomas A. Lozeau, Jr. Tribal Member, hereby request a current Voter Registration List to conduct an Article IX REFERENDUM – Section 1, Petition to gather/collect signatures of eligible voters of C.S.K.T. to vote to rescind the following Resolutions:

12-70 Adopted March 1, 2012

12-221 Adopted August 30, 2012

12-228 Adopted September 6, 2012

13-039 Adopted November 15, 2012

86-02 Adopted October 4, 1985

13-99 Adopted February, 14, 2013

13-248 Adopted August 29, 2013

And All Resolutions pertaining to the Resolutions listed, that are currently not listed.

1. Petition 1 – Salazar – Rescind Resolutions 12-70, 12-221, 12-228, 13-039
   Return $150,126 million awarded to C.S.K.T./Nez Perce Tribe, et al. v. Salazar, No. 06-02239 (D.D.C.)
2. Petition 2 – Kerr Dam – Rescind Resolutions 86-02, 13-99, 13-248
   Disburse all funds for purchase/recapture KERR DAM
   100% to Membership – Adult and Minor, with **NO WITHHOLDINGS**

CONFEDERATED SALISH AND KOOTENAI TRIBES

EXPLANATION OF BUDGET FORECAST AND PLAN

October 4, 1985

RATE OF INFLATION

The average rate of inflation for the last thirty years is assumed to be the best predictor for average inflation during the next thirty years. This rate is 4.5 percent per year. This is between the two rates of inflation for the period 1954 -1984, as measured first by the Consumer Price Index and second by the implicit price deflator of Gross National Product. (The CPI alone is not accurate over the period 1954-1984 because of a change in its definition in 1978.)

At inflation of 4.5 percent per year, it will take $3.75 in 2015 to equal the buying power of $1.00 today.

RATE OF INTEREST

The average rate of interest to be earned in the future on tribal investments is assumed to be 6.66 percent per year. We do not have a long enough history on the rate of return earned on tribal investments to make a calculation similar to that made for the rate of inflation. The Branch of Investments appears to attain a return of just over 2 percent above the rate of inflation. This performance must be monitored carefully.

TEN YEAR REVIEW

Recognizing the difficulties inherent in forecasting, the Tribal Council intends to review the budget forecast and plan at least every ten years to determine if it is correct.

DESCRIPTION OF COLUMNS

Fiscal Year: Each fiscal year ends on September 30 and begins on October 1 of the previous year. For instance, fiscal year 1986 began on October 1, 1985 and will end on September 30, 1986. For convenience, the fiscal year column is repeated on each page.

REVENUE

Interest on Reserve: Annual interest income on the reserve is calculated by multiplying the interest rate by the average balance in the reserve during the fiscal year.

Revenue From Resources: All revenue that is not either interest on the reserve or rental for Kerr Dam is included in this column. Usually, timber sales are a substantial portion of this amount.

But at present timber revenue is only $40,000; the remainder is from leases, fees, and other resource-related income. This revenue is predicted to increase at 2 percent per year.

Kerr Rental. Beginning on September 5, 1985, the annual charge for Kerr Dam is $9,000,000, payable in four equal installments on September 5, December 5, March 5, and June 5. Each September, the $9,000,000 is adjusted to account for inflation. Inflation is measured with the Consumer Price Index for all urban consumers. The change in the CPI from June to June is used to adjust the annual charge. The value of the CPI in June, 1985, was 322.3. If its value in June, 1986, is 336.8, then annual inflation will be 4.5%. The calculation is as follows:

$$.045 = 336.8/322.2 - 1$$

The annual charge is assumed to escalate at the rate of inflation given on the top of page one of the table. Note that because the annual charge changes each September 5th, Kerr Rental in each fiscal year consists of three payments at one rate and one payment at the next year's rate.

Kerr Rental in fiscal year 1985 is the sum of the payment in January for calendar year 1984, $2.6 million; the pro-rata rental amount of the old rental for calendar year 1985, $1,759,452, and one fourth of the new first year rental, $2.25 million.

Total Revenue. Total Revenue is the sum of Interest on Reserve, Revenue from Resources, and Kerr Rental.

EXPENDITURES

Tribal Government: Expenditures to run all tribal governmental programs are listed in this column. The cost in fiscal year 1985 is the estimated actual cost. The cost for fiscal year 1986 is the currently budgeted cost. Future Tribal Government expenditures are projected to increase at the rate of inflation.

Economic Development or Land Purchase. The figure for fiscal year 1985 is the actual expenditures for land purchase and enterprise capitalization. The figure for fiscal year 1986 is the budgeted amount. Future values are projected to increase at the rate of inflation.

Kerr Recapture. In order to be certain that funds will be available to pay the Conveyance Price in the year 2015, $500,000 escalated at the rate of inflation should be set aside annually.

Per Capitas. Two equal per capita payments of $500 will be made on September 1 and December 1 of each year. The September 1st payment is shown as a part of the per capita expense of the succeeding fiscal year. (This was done to make the interest on the reserve easier to estimate.) Although the value of per capita payment does not escalate, the total enrollment of the

BUDGET SUMMARY

FISCAL YEAR	TOTAL REVENUE	TOTAL EXPENDITURES	DEFICIT OR SURPLUS	END OF YEAR BALANCES: RESERVE	END OF YEAR BALANCES: KERR FUND
				9,508,935	
1985	11,038,795	8,418,119	2,620,676	12,129,611	
1986	10,898,598	7,723,500	3,175,098	15,304,709	533,300
1987	11,335,785	11,100,349	235,436	15,540,145	1,126,116
1988	11,804,285	11,363,864	440,421	15,980,566	1,783,493
1989	12,289,740	12,137,467	152,272	16,132,839	2,510,857
1990	12,793,493	12,421,600	371,893	16,504,732	3,314,050
1991	13,333,641	12,716,721	616,920	17,121,652	4,199,355
1992	13,912,844	13,023,313	889,531	18,011,182	5,173,527
1993	14,550,602	12,841,878	1,708,724	19,719,906	6,243,832
1994	15,251,075	13,172,940	2,078,134	21,798,041	7,418,077
1995	16,002,063	13,517,050	2,485,013	24,283,054	8,704,656
1996	16,807,216	13,874,779	2,932,438	27,215,492	10,112,584
1997	17,670,442	14,246,727	3,423,715	30,639,206	11,651,550
1998	18,595,920	14,633,520	3,962,401	34,601,607	13,331,957
1999	19,588,126	15,035,811	4,552,316	39,153,923	15,164,977
2000	20,651,848	15,454,283	5,197,565	44,351,488	17,162,607
2001	21,792,207	15,889,651	5,902,557	50,254,044	19,337,723
2002	23,014,686	16,342,659	6,672,027	56,926,071	21,704,145
2003	24,325,148	16,814,088	7,511,060	64,437,131	24,276,705
2004	25,729,866	17,304,751	8,425,115	72,862,246	27,071,315
2005	27,235,549	17,815,499	9,420,049	82,282,296	30,105,047
2006	28,849,374	18,347,222	10,502,152	92,784,448	33,396,210
2007	30,579,017	18,900,846	11,678,171	104,462,618	36,964,442
2008	32,432,687	19,477,344	12,955,343	117,417,961	40,830,801
2009	34,419,163	20,077,729	14,341,433	131,759,394	45,017,862
2010	36,547,831	20,703,061	15,844,770	147,604,164	49,549,830
2011	38,828,731	21,354,446	17,474,284	165,078,449	54,452,647
2012	41,272,594	22,033,042	19,239,552	184,318,000	59,754,117
2013	43,890,895	22,740,057	21,150,838	205,468,838	65,484,037
2014	46,695,902	23,476,754	23,219,148	228,687,986	71,674,333
2015	49,700,729	24,244,453	25,456,276	254,144,262	78,359,211

Confederated Salish & Kootenai Tribes of the Flathead Nation

Balance Sheet — Governmental Funds

September 30, 2012

	General Fund	Grants and Contracts Fund	Settlement Fund	Total Governmental Funds
Assets				
Cash and cash equivalents	$ 106,168,244	$ 38,835,796	$ 10,464,166	$ 155,468,206
Investments	25,113,407	10,014,345	11,132,582	46,260,334
Restricted investments	500,000	-	-	500,000
Accounts receivable	664,552	22,512	-	687,064
Due from other governments	280,279	11,903,530	-	12,183,809
Due from other funds	16,065,980	-	3,494,707	19,560,687
Advances due from S&K Gaming, LLC	2,807,051	-	-	2,807,051
Inventory	75,481	-	-	75,481
Prepaid expense	86,334	245,675	1,780	333,789
Total assets	$ 151,761,328	$ 61,021,858	$ 25,093,235	$ 237,876,421
Liabilities and Fund Balances				
Liabilities				
Accounts payable	$ 1,275,600	$ 2,108,693	$ 2,986	$ 3,387,279
Accrued liabilities	10,062,296	1,451,051	45,672	11,559,019
Due to other funds	11,676,408	7,517,487	6,141	19,200,036
Due to fiduciary fund	224,694	-	-	224,694
Deferred revenues	582	42,098,818	19,228,385	61,327,785
Total liabilities	23,239,580	53,176,049	19,283,184	95,698,813
Fund balances				
Nonspendable				
Advances receivable	2,807,051	-	-	2,807,051
Inventory and prepaids	161,815	245,675	1,780	409,270
Restricted for				
Minimum cash in bank requirement	500,000	-	-	500,000
Fish and wildlife	-	-	5,808,271	5,808,271
Health and human services	-	7,600,134	-	7,600,134
(Committed for Kerr Dam purchase) TLJ.	31,183,589	-	-	31,183,589
Unassigned	93,869,293	-	-	93,869,293
Total fund balances	128,521,748	7,845,809	5,810,051	142,177,608
Total liabilities and fund balances	$ 151,761,328	$ 61,021,858	$ 25,093,235	$ 237,876,421

committed for Kerr Dam purchase (Dark Green Highlighter)

Add $40,000,000 Salazar Proceeds

The accompanying notes are an integral part of these financial statements.

TRIBAL BUDGET FORECAST AND PLAN

EXPENDITURES

FISCAL YEAR	TRIBAL GOVERNMENT	ECONOMIC EVELOPMENT OR LAND PURCHASE	KERR RECAP-TURE	PER CAPITAS .75% 500 1,000	EDUCA-TION FUND	ELDERS' ASSIS-TANCE PROGRAM	GRAND TOTAL	
1985	3,318,523	1,998,496		3,101,100			8,418,119	
1986	3,500,000	500,000	500,000	3,123,500		100,000	7,723,500	
1987	3,657,500	522,500	522,500	6,293,349		104,500	11,100,349	
1988	3,822,088	546,013	546,013	6,340,549		109,203	11,363,864	
1989	3,994,081	570,583	570,583	6,388,103	500,000	114,117	12,137,467	
1990	4,173,815	596,259	596,259	6,436,014	500,000	119,252	12,421,600	
1991	4,361,637	623,091	623,091	6,484,284	500,000	124,618	12,716,721	
1992	4,557,910	651,130	651,130	6,532,916	500,000	130,226	13,023,313	
1993	4,763,016	680,431	680,431	6,581,913		136,086	12,841,878	
1994	4,977,352	711,050	711,050	6,631,277		142,210	13,172,940	
1995	5,201,333	743,048	743,048	6,681,012		148,610	13,517,050	10y
1996	5,435,393	776,485	776,485	6,731,120		155,297	13,874,779	
1997	5,679,986	811,427	811,427	6,781,603		162,285	14,246,727	
1998	5,935,585	847,941	847,941	6,832,465		169,588	14,633,520	
1999	6,202,686	886,098	886,098	6,883,709	$8.4	177,220	15,035,811	
2000	6,481,807	925,972	925,972	6,935,336		185,194	15,454,283	
2001	6,773,489	967,641	967,641	6,987,351		193,528	15,889,651	
2002	7,078,296	1,011,185	1,011,185	7,039,757		202,237	16,342,659	
2003	7,396,819	1,056,688	1,056,688	7,092,555		211,338	16,814,088	
2004	7,729,676	1,104,239	1,104,239	7,145,749		220,848	17,304,751	
2005	8,077,511	1,153,930	1,153,930	7,199,342		230,786	17,815,499	2nd 10yr
2006	8,440,999	1,205,857	1,205,857	7,253,337		241,171	18,347,222	
2007	8,820,844	1,260,121	1,260,121	7,307,737		252,024	18,900,846	
2008	9,217,782	1,316,826	1,316,826	7,362,545		263,365	19,477,344	
2009	9,632,582	1,376,083	1,376,083	7,417,764		275,217	20,077,729	
2010	10,066,048	1,438,007	1,438,007	7,473,397		287,601	20,703,061	
2011	10,519,021	1,502,717	1,502,717	7,529,448		300,543	21,354,446	
2012	10,992,377	1,570,340	1,570,340	7,585,919		314,068	22,033,042	
2013	11,487,033	1,641,005	1,641,005	7,642,813		328,201	22,740,057	
2014	12,003,950	1,714,850	1,714,850	7,700,134		342,970	23,476,754	
2015	12,544,128	1,792,018	1,792,018	7,757,885		358,404	24,244,453	3rd 10yr

What is -$8.4 in 1999?

Is this -8.4 then ew Tribal Complex?

NO +8.4 following the -8.4 in 1999

BUDGET SUMMARY

FISCAL YEAR	TOTAL REVENUE	TOTAL EXPENDITURES	DEFICIT OR SURPLUS	END OF YEAR BALANCES: RESERVE	END OF YEAR BALANCES: * KERR FUND
				9,508,935	
1985	11,038,795	8,418,119	2,620,676	12,129,611	
1986	10,898,598	7,723,500	3,175,098	15,304,709	533,300
1987	11,335,785	11,100,349	235,436	15,540,145	1,126,116
1988	11,804,285	11,363,864	440,421	15,980,566	1,783,493
1989	12,289,740	12,137,467	152,272	16,132,839	2,510,857
1990	12,793,493	12,421,600	371,893	16,504,732	3,314,050
1991	13,333,641	12,716,721	616,920	17,121,652	4,199,355
1992	13,912,844	13,023,313	889,531	18,011,182	5,173,527
1993	14,550,602	12,841,878	1,708,724	19,719,906	6,243,832
1994	15,251,075	13,172,940	2,078,134	21,798,041	7,418,077
1995	16,002,063	13,517,050	2,485,013	24,283,054	8,704,656
1996	16,807,216	13,874,779	2,932,438	27,215,492	10,112,584
1997	17,670,442	14,246,727	3,423,715	30,639,206	11,651,550
1998	18,595,920	14,633,520	3,962,401	34,601,607	13,331,957
* 1999	19,588,126	15,035,811	4,552,316	39,153,923	15,164,977 *
2000	20,651,848	15,454,283	5,197,565	44,351,488	17,162,607
2001	21,792,207	15,889,651	5,902,557	50,254,044	19,337,723
2002	23,014,686	16,342,659	6,672,027	56,926,071	21,704,145
2003	24,325,148	16,814,088	7,511,060	64,437,131	24,276,705
2004	25,729,866	17,304,751	8,425,115	72,862,246	27,071,315
2005	27,235,549	17,815,499	9,420,049	82,282,296	30,105,047
2006	28,849,374	18,347,222	10,502,152	92,784,448	33,396,210
2007	30,579,017	18,900,846	11,678,171	104,462,618	36,964,442
2008	32,432,687	19,477,344	12,955,343	117,417,961	40,830,801
2009	34,419,163	20,077,729	14,341,433	131,759,394	45,017,862
2010	36,547,831	20,703,061	15,844,770	147,604,164	49,549,830
2011	38,828,731	21,354,446	17,474,284	165,078,449	54,452,647
2012	41,272,594	22,033,042	19,239,552	184,318,000	59,754,117
* 2013	43,890,895	22,740,057	21,150,838	205,468,838	65,484,037 *
2014	46,695,902	23,476,754	23,219,148	228,687,986	* 71,674,333
* 2015	49,700,729	24,244,453	25,456,276	254,144,262	* 78,359,211

* Total Sum C.S.K.T Balance Sheet - Governmental Funds 09-30-2012 $31,183,589

Total Sum to be loaned to Energy Keepers Inc, from Salazar Proceeds $40,000,000

* $ 71,183,589

Why the need to loan any Salazar Proceeds?

Kerr Dam Purchase Price $18,000,000?

* $ 78,359,211
- 18,000,000
* $ 60,359,211 Surplus

TRIBAL BUDGET FORECAST AND PLAN
Revised, 2/18/86

INFLATION: 4.50%
INTEREST RATE: 6.66%

FISCAL YEAR	REVENUE: INTEREST ON RESERVE	FROM RESOURCES 2.0%	KERR RENTAL	TOTAL REVENUE
1985	1,173,806	3,255,537	6,609,452	11,038,795
1986	767,348	1,030,000	9,101,250	10,898,598
1987	774,379	1,050,600	9,510,806	11,335,785
1988	793,881	1,071,612	9,938,793	11,804,285
1989	810,657	1,093,044	10,386,038	12,289,740
1990	825,178	1,114,905	10,853,410	12,793,493
1991	854,624	1,137,203	11,341,813	13,333,641
1992	900,701	1,159,947	11,852,195	13,912,844
1993	981,912	1,183,146	12,385,544	14,550,602
1994	1,101,372	1,206,809	12,942,893	15,251,075
1995	1,245,794	1,230,945	13,525,323	16,002,063
1996	1,417,689	1,255,564	14,133,963	16,807,216
1997	1,619,775	1,280,676	14,769,991	17,670,442
1998	1,854,990	1,306,289	15,434,641	18,595,920
1999	2,126,512	1,332,415	16,129,200	19,588,126
2000	2,437,771	1,359,063	16,855,014	20,651,848
2001	2,792,474	1,386,244	17,613,489	21,792,207
2002	3,194,621	1,413,969	18,406,096	23,014,686
2003	3,648,529	1,442,249	19,234,371	24,325,148
2004	4,158,855	1,471,094	20,099,917	25,729,866
2005	4,730,620	1,500,516	21,004,414	27,235,549
2006	5,369,236	1,530,526	21,949,612	28,849,374
2007	6,080,536	1,561,136	22,937,345	30,579,017
2008	6,870,803	1,592,359	23,969,525	32,432,687
2009	7,746,802	1,624,206	25,048,154	34,419,163
2010	8,715,820	1,656,690	26,175,321	36,547,831
2011	9,785,696	1,689,824	27,353,210	38,828,731
2012	10,964,868	1,723,621	28,584,105	41,272,594
2013	12,262,412	1,758,093	29,870,390	43,890,895
2014	13,688,090	1,793,255	31,214,557	46,695,902
2015	15,252,397	1,829,120	32,619,212	49,700,729

ASSUMED CONSTANTS:

INFLATION	4.50%
INTEREST RATE ON RESERVES	6.66%
RESOURCE REVENUE GROWTH:	2.00%
ENROLLMENT GROWTH:	.75%
PER CAPITA AMOUNT:	500
PER CAPITA PAYMENT DATES:	SEPTEMBER 1
	DECEMBER 1

Resolution No. 86-02

RESOLUTION
OF THE GOVERNING BODY OF
THE CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MT.

RESOLUTION ESTABLISHING LONG RANGE PLAN FOR USE OF THE KERR DAM RENTAL AND OTHER TRIBAL REVENUES

WHEREAS, The increased annual rental from Kerr Dam Hydroelectric Power Site Lease has generated a need for planning out use of these and other Tribal revenues; and

WHEREAS, to ensure that funds are set aside on an annual basis to provide for the payment of the conveyance cost and training costs of the Kerr Project upon the Tribes' takeover of the Kerr Dam operation in the thirtieth (30th) year of the existing Kerr License; and

WHEREAS, The Tribal Council has put forth substantial thought and effort into the development of a long range plan which would allocate funding for per capita distributions, Elder's Assistance Program, Land Acquisition and Economic Development, Education Fund, Kerr Recapture Fund, and Annual Budget for Tribal Government; and

WHEREAS, A part of the plan would establish the policy of placing into individual accounts one half of the per capita payments for each enrolled minor to be held and earn interest until said minor reaches legal age; and

WHEREAS, The specific plans and eligibility criteria for the Elder's Assistance Program and Education Fund are to be established at a later date;

NOW, THEREFORE BE IT RESOLVED By the Tribal Council of Confederated Salish and Kootenai Tribes that the attached Long Range Tribal Fiscal Plan is hereby approved and adopted; and

BE IT FURTHER RESOLVED By the Tribal Council that the Tribal Council monitor the plan through the annual budget process to ensure that deficit spending not occur in any year of said plan; and

BE IT FURTHER RESOLVED By the Tribal Council that an in depth review the status of the plan be done at least each ten years to ensure that the intent and purpose of the plan is being met; and

BE IT FURTHER RESOLVED By the Tribal Council that the planned per capita distributions contained in said plan are to be scheduled to be paid out the first part of September and the first part of December each year; and

BE IT FURTHER RESOLVED That one half the per capita distribution for each minor enrolled in the Tribes is to be issued to said minor's parent or guardian and the other one half is to be placed in a trust account with the Bureau of Indian Affairs to accumulate and earn interest until said minor has reached legal age.

C E R T I F I C A T I O N

The foregoing Resolution was adopted by the Tribal Council on the 4th day of October, 1985, with a vote of 10 for 0 opposed and 0 not voting, pursuant to authority vested in it by Article VI, Section 1(a) of the Tribes' Constitution and Bylaws; said Constitution adopted and approved under Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended.

Joseph Felsman
CHAIRMAN, TRIBAL COUNCIL

ATTEST:

EXECUTIVE SECRETARY

CONSTITUTION AND BYLAWS OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD RESERVATION, as <u>Amended</u>

APPROVED OCTOBER 28, 1935

CONSTITUTION AND BYLAWS OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD RESERVATION, as Amended

PREAMBLE

We, the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, in order to establish a more responsible organization, promote our general welfare, conserve and develop our lands and resources, and secure to ourselves and our posterity the power to exercise certain rights of self-government not inconsistent with Federal, State, and local laws, do ordain and establish this Constitution for the Confederated Tribes of the Flathead Reservation.

ARTICLE I — TERRITORY

The jurisdiction of the Confederated Salish and Kootenai Tribes of Indians shall extend to the territory within the original confines of the Flathead Reservation as defined in the Treaty of July 16, 1855, and to such other lands without such boundaries, as may hereafter be added thereto under any law of the United States, except as otherwise provided by law.

ARTICLE II — MEMBERSHIP[1]

Section 1. The membership of the Confederated Tribes of the Flathead Reservation is confirmed in accordance with the per capita rolls as from time to time prepared.

Section 2. Membership in the Tribes on and after the date of the adoption of this amendment shall consist of all living persons whose names appear on the per capita roll of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, as prepared for the per capita distribution as shown on the per capita roll paid in February 1959 together with all children of such members, born too late to be included on such per capita roll and prior to the effective date of this section who possess one-fourth (1/4) or more Salish or Kootenai Blood or both and are born to a member of the Confederated Tribes of the Flathead Indian Reservation. Subject to review by the Secretary of the Interior, the Tribal Council shall make any necessary corrections in this 1959 membership roll so that no one eligible for membership under prior constitutional provisions shall be excluded therefrom.

Section 3. Future membership may be regulated from time to time by ordinance of the Confederated Tribes subject to review by the Secretary of the Interior. Until and unless an ordinance is adopted any person shall be enrolled as a member who shall (a) apply, or have application made on his behalf, establishing eligibility under this provision; (b) show that he is a natural child of a member of the Confederated Tribes; (c) that he

[1] Amendment 2, adopted April 1, 1960

possesses one–quarter (1/4) degree or more blood of the Salish or Kootenai Tribes or both, of the Flathead Indian Reservation, Montana; (d) is not enrolled on some other reservation.

Section 4. The Tribal Council shall have the power to enact and promulgate ordinances, subject to review by the Secretary of the Interior, governing the adoption of persons as members of the Confederated Salish and Kootenai Tribes.

Section 5. Membership in the Confederated Tribes may be lost (1) by resignation in writing to the Tribal Council; (2) by enrollment of the member with another Indian tribe; (3) by establishing a legal residence in a foreign country; (4) upon proof of lack of eligibility for enrollment, or fraud in obtaining enrollment, with due notice and opportunity to be heard and defend before the Tribal Council, subject to appeal to the Secretary of the Interior, whose decision shall be confined to the record made in such proceeding which, if supported by substantial evidence, shall be binding.

Section 6. Wherever the term "Indian Blood" shall have been used herein or in tribal ordinances, unless the context shall require a different meaning, it shall be determined to mean the blood of either or both the Kootenai or the Salish Tribes of the Flathead Reservation.

Section 7. The membership roll of the Confederated Salish and Kootenai Tribes of the Flathead Reservation shall be kept current by striking therefrom the names of persons who have died or have lost membership pursuant to this Constitution and adding thereto the names of persons who shall have established eligibility or been adopted. The roll so prepared shall be the basis for determining the right of persons whose names appear thereon to share in annual per capita distribution of funds or in any other tribal property, subject to Secretarial approval.

Section 8. The Tribal Council shall have the authority to prescribe rules to be followed in compiling a membership roll in accordance with the provisions of this article, the completed roll to be approved by the Tribal Council of the Confederated Salish and Kootenai Tribes. In case of distribution of tribal assets, the roll shall be submitted to the Secretary of the Interior for final approval as may be provided by law.

Section 9. No person shall be entitled to receive a per capita payment or share in any other tribal assets which were distributed prior to the date of his actual enrollment.

ARTICLE III — THE TRIBAL COUNCIL

SECTION 1. The governing body of the Confederated Salish and Kootenai Tribes of the Flathead Reservation shall be the Tribal Council.

SECTION 2. The Council shall consist of ten councilmen to be elected from the districts as set forth hereafter, and Chiefs Martin Charlo and Eneas Paul Koostahtah.

SECTION 3. Representation from the districts hereby designated shall be as follows: Jocko Valley and Mission Districts, two councilmen each; Ronan, Pablo, Polson, Elmo-Dayton, Hot Springs-Camas Prairie, and Dixon, one councilmen each.

SECTION 4. The Tribal Council shall have the power to change the districts and the representation from each district based on community organization or otherwise, as deemed advisable, such change to be made by ordinance, but the total number of delegates shall not be changed as provided for in Section 2 of Article III of the Constitution.

SECTION 5. The Tribal Council so organized shall elect from within its own number a chairman, and a vice chairman, and from within or without its own membership, a secretary, treasurer, sergeant-at-arms, and such other officers and committees as may be deemed necessary.

SECTION 6. No person shall be a candidate for membership in the Tribal Council unless he shall be a member of the Confederated Tribes of the Flathead Reservation and shall have resided in the district of his candidacy for a period of one year next preceding the election.

SECTION 7. The Tribal Council of the Confederated Tribes of the Flathead Reservation shall be the sole judge of the qualifications of its members.

ARTICLE IV — NOMINATIONS AND ELECTIONS[2]

SECTION 1. The first election of a Tribal Council under this Constitution shall be called and supervised by the present Tribal Council within 30 days after the ratification and approval of this Constitution, and thereafter elections shall be held every two years on the third Saturday prior to the expiration of the terms of office of the members of the Tribal Council. At the first election, five councilmen shall be elected for a period of two years and five for a period of four years. The term of office of a councilman shall be for a period of four years unless otherwise provided herein.

SECTION 2. The Tribal Council or an election board appointed by the Council shall determine rules and regulations governing all elections.

SECTION 3. Any qualified member of the Confederated Tribes may announce his candidacy for the Council, within the district of his residence, notifying the Secretary of the Tribal Council in writing of his candidacy at least 15 days prior to the election. It shall be the duty of the Secretary of the Tribal Council to post in each district at least 10 days before the election, the names of all candidates for the Council who have met these requirements. Where more than two members have filed for an office a Primary Election shall be held at least 30 days prior to the General Election. Only the two

[2] Amendment 5, adopted ?

candidates for each office receiving the most votes at such Primary Election shall be eligible to run for office in the General Election. Where no more than two members have filed for an office, a Primary Election will be unnecessary.

SECTION 4. The Tribal Council, or a board appointed by the Council, shall certify to the election of the members of the Council within 5 days after the elections returns.

SECTION 5. Any member of the Confederated Tribes of the Flathead Reservation who is 21 years of age or over and who has maintained a legal residence for at least one year on the Flathead Reservation shall be entitled to vote.

SECTION 6. The Tribal Council, or a board appointed by the Tribal Council, shall designate the polling places and appoint all election officials.

ARTICLE V — VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a councilman or official shall die, resign, permanently leave the reservation, or be removed from office, the Council shall declare the position vacant and appoint a successor to fill the unexpired term, provided that the person chosen to fill such vacancy shall be from the district in which such vacancy occurs.

SECTION 2. Any councilman who is proven guilty of improper conduct or gross neglect of duty may be expelled from the Council by a two-thirds vote of the membership of the Council voting in favor of such expulsion, and provided further, that the accused member shall be given full and fair opportunity to reply to any and all charges at a designated Council meeting. It is further stipulated that any such member shall be given a written statement of the charges against him at least five days before the meeting at which he is to appear.

ARTICLE VI — POWERS AND DUTIES OF THE TRIBAL COUNCIL[3]

SECTION 1. The Tribal Council shall have the power, subject to any limitations imposed by the Statutes or the Constitution of the United States, and subject to all express restrictions upon such powers contained in this Constitution and attached Bylaws;

(a) To regulate the uses and disposition of tribal property, to protect and preserve the tribal property, wildlife and natural resources of the Confederated Tribes, to cultivate Indian arts, crafts, and culture, to administer charity; to protect the health, security, and general welfare of the Confederated Tribes.
(b) To employ legal counsel for the protection and advancement of the rights of the Flathead Confederated Tribes and their members, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

[3] Amendment 7, adopted October 8, 1981

(c) To negotiate with the Federal, State and local governments on behalf of the Confederated Tribes, and to advise and consult with the representatives of the Department of the Government of the United States on all matters affecting the affairs of the Confederated Tribes.

(d) To approve or veto any sale, disposition, lease or encumbrance of tribal lands and tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other agency of the Government, provided that no tribal lands shall be sold or encumbered or leased for a period in excess of five years, except for Governmental purposes.

(e) To advise with the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Confederated Tribes, prior to the submission of such estimates to the Congress.

(f) To manage all economic affairs and enterprises of the Confederated Tribes in accordance with the terms of a charter to be issued by the Secretary of the Interior.

(g) To make assignments of tribal lands to members of the Confederated Tribes in conformity with Article VIII of this Constitution.

(h) To appropriate for tribal use of the reservation any available applicable tribal funds in the Tribal treasury, provided that any such appropriation in excess of $25,000.00 shall be subject to review by the Secretary of the Interior.

(i) To promulgate and enforce ordinances, subject to review by the Secretary of the Interior, which would provide for assessments or license fees upon nonmembers doing business within the reservation, or obtaining special rights or privileges, and the same may also be applied to members of the Confederated Tribes, provided such ordinances have been approved by a referendum of the Confederated Tribes.

(j) To exclude from the restricted lands of the reservation persons not legally entitled to reside thereon, under ordinances which may be subject to review by the Secretary of the Interior.

(k) To enact resolutions or ordinances not inconsistent with Article II of this Constitution governing adoptions and abandonment of membership.

(l) To promulgate and enforce ordinances which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Confederated Tribes, and providing for the maintenance of law and order and the administration of justice by the establishment of an Indian Court, and defining its powers and duties.

(m) To purchase land of members of the Confederated Tribes for public purposes under condemnation proceedings in courts of competent jurisdiction.

(n) To promulgate and enforce ordinances which are intended to safeguard and promote the peace, safety, morals and general welfare of the Confederated Tribes by regulating the conduct of trade and the use and disposition of property upon the reservation, providing that any ordinance directly affecting nonmembers shall be subject to review by the Secretary of the Interior.

(o) To charter subordinate organizations for economic purposes and to regulate the activities of all cooperative and other associations which may be organized under any charter issued under this Constitution.

(p) To regulate the inheritance of real and personal property, other than allotted lands, within the Flathead Reservation, subject to review by the Secretary of the Interior.

(q) To regulate the domestic relations of members of the Confederated Tribes.
(r) To recommend and provide for the appointment of guardians for orphans, minor members of the Confederated Tribes, and incompetents subject to the approval of the Secretary of the Interior, and to administer tribal and other funds or property which may be transferred or entrusted to the Confederated Tribes of Tribal Council for this purpose.
(s) To create and maintain a tribal fund by accepting grants or donations from any person, State or the United States.
(t) To delegate to subordinate boards or to cooperative associations which are open to all members of the Confederated Tribes, any of the following powers, reserving the right to review any action taken by virtue of such delegated power.
(u) To adopt resolutions or ordinances to effectuate any of the foregoing powers.

Section 2. Any resolution or ordinance which by the terms of this Constitution is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the Reservation who shall, within ten days thereafter, approve or disapprove the same, and if such ordinance or resolution is approved, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior who may, within 90 days from the date of enactment, rescind said ordinance or resolution for any cause, by notifying the Council of such action. Provided, that if the Superintendent shall refuse to approve any resolution or ordinance submitted to him within ten days after its enactment, he shall advise the Council of his reasons therefor; and the Council, if such reasons appear to be insufficient, may refer it to the Secretary of the Interior, who may pass upon same and either approve or disapprove it within 90 days from its enactment.

SECTION 3. The council of the Confederated Tribes may exercise such further powers as may in the future be delegated to it by the Federal Government, either through order of the Secretary of the Interior or by Congress, or by the State Government or by members of the Confederated Tribes.

SECTION 4. Any rights and powers heretofore vested in the Confederated Tribes but not expressly referred to in this Constitution shall not be abridged by this article, but may be exercised by the members of the Confederated Tribes through the adoption of appropriate Bylaws and Constitutional amendments.

ARTICLE VII — BILL OF RIGHTS[4]

SECTION 1. All members of the Confederated Tribes over the age of 18 years shall have the right to vote in all tribal elections, subject to any restrictions as to residence as set forth in Article IV.

SECTION 2. All members of the Confederated Tribes shall be accorded equal opportunities to participate in the economic resources and activities of the reservation.

[4] Amendment 6, adopted ?

CONSTITUTION AND BYLAWS
of the
SALISH AND KOOTENAI TRIBES
of the
FLATHEAD RESERVATION
MONTANA

Amendment III

Article VIII of the Constitution entitled "Land" is hereby amended in its entirety to read as follows:

"Section 1. Land Transactions - Subject to any limitations imposed by this Constitution and Bylaws, to any applicable Federal statute and to the approval of the Secretary of the Interior, the Tribal Council may:

(1) Purchase or receive by gift or relinquishment land or any interest therein, and may lease, exchange (with or without the giving or receipt of other consideration), encumber, and assign tribal lands or any interest therein; and

(2) Adopt ordinances or resolutions governing any or all such transactions.

"Section 2. Saving Clause - Nothing herein shall be held to impair rights heretofore acquired in any allotment or assignment held by any individual."

CERTIFICATION OF ADOPTION

Pursuant to an order approved January 20, 1960, by the Assistant Secretary of the Interior, the attached amendment to the Constitution of the Confederated Salish and Kootenai Tribes of the Flathead Reservation was submitted for ratification to the qualified voters of the Salish and Kootenai Indian Tribes and was on April 1, 1960, duly ratified by a vote of 617 for, and 329 against, in an election in which at least 30 percent of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

(sgd.) Jerome Hewankorn
Vice-Chairman, Tribal Council,
Confederated Salish and Kootenai Tribes

(sgd.) E. W. Morigeau
Actg. Secretary, Tribal Council,
Confederated Salish and Kootenai Tribes

(sgd) Charles S. Spencer
Superintendent, Flathead Agency

APPROVAL

I, Fred A. Seaton, Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendment III to the Constitution of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, to be effective as of April 1, 1960, the date of the ratification by the qualified voters of the tribes.

Approval recommended:

(sgd) Glenn L. Emmons
Commissioner, Bureau of Indian Affairs

(sgd) Fred A. Seaton
Secretary of the Interior
(SEAL)

May 5, 1960 Washington, D. C.

SECTION 3. All members of the Confederated Tribes may enjoy without hindrance freedom of worship, speech, press, and assembly.

SECTION 4. Any member of the Confederated Tribes accused of any offense, shall have the right to a prompt, open, and public hearing, with due notice of the offense charged, and shall be permitted to summon witnesses in his own behalf and trial by jury shall be accorded, when duly requested, by any member accused of any offense punishable by more than 30 days imprisonment, and excessive bail or cruel or unusual punishment shall not be imposed.

ARTICLE VIII — LAND[5]

SECTION 1. Allotted lands, including heirship lands, within the Flathead Reservation, shall continue to be held as heretofore by their present owners. The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in this Constitution, but the owner of restricted land, may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Confederated Tribes either in exchange for a money payment or in exchange for an assignment covering the same land of other land, as hereinafter provided.

The Tribal Council shall have the right to exchange tribal lands for individual allotments when necessary for consolidation of tribal holdings and subject to approval of the Secretary of the Interior. Such exchanges shall be based on the appraised value of the lands so exchanged, and the individual Indian shall hold the land so exchanged in the same manner as the original allotment.

SECTION 2. The unallotted lands of the Flathead Reservation and all lands, which may hereafter be acquired by the Flathead Confederated Tribes or by the United States in trust for the Flathead Confederated Tribes, shall be held as tribal land and no part of such land shall be mortgaged or sold. Tribal lands shall not be allotted to individuals but may be assigned to members of the Confederated Tribes as hereinafter provided.

Section 3. Tribal lands may be leased by the Tribal Council, with the approval of the Secretary of the Interior, for such periods of time as are permitted by law.

In the leasing of tribal lands preference shall be given, first, to Indian cooperative associations, and secondly, to individual Indians who are members of the Confederated Tribes. No lease of tribal land to a non-member shall be made by the Tribal Council unless it shall appear that no Indian cooperative association of individual member of the Confederated Tribes is able and willing to use the land and to pay a reasonable fee for such use.

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[5] Amendment 3, adopted April 1, 1960

Grazing permits covering tribal land may be issued by the Tribal Council with the approval of the Secretary of the Interior in the same manner and upon the same terms as leases.

Section 4. In any assignment of tribal lands which now are owned by the Confederated Tribes or which may hereafter be acquired for the Confederated Tribes by the United States, or purchased by the Confederated Tribes out of tribal funds, preference shall be given, first, to heads of families which are entirely landless, and, secondly, to heads of families which have no allotted lands or interests in allotted lands but shall have already received assignments consisting of less than 80 acres of agricultural land, or other land or interest in land of equal value.

No allotted member of the Confederated Tribes who may hereafter have the restrictions upon his land removed and whose land may thereafter be alienated shall be entitled to receive an assignment of lands as a landless Indian.

Assignments made under this section shall be for the primary purpose of establishing homes for landless Indian, and shall be known as "Standard Assignments."

The Tribal Council may, if it seems fit, charge a fee of not to exceed $5.00 on approval of an assignment of land made under this section.

Section 5. If any member of the Confederated Tribes holding a standard assignment of land shall, for a period of one year, fail to use the land so assigned, or shall use such land for any unlawful purposes, his assignment may be cancelled by the Tribal Council after he has had due notice and an opportunity to be heard, and the said land may be reassigned in accordance with the provisions of Section 4 of this article.

Upon the death of any Indian holding a "Standard Assignment," his heirs, or other individuals, designated by him by will or by written request, shall have a preference in the reassignment of the land, provided such persons are members of the Confederated Tribes who would be eligible to receive a "Standard Assignment."

Section 6. Any member of the Confederated Tribes who owns an allotment or any share of heirship land, or any unencumbered deeded land within the reservations, may voluntarily transfer his interest in such land to the Confederated Tribes in exchange for an assignment to the same land or to other lands of equal value. If the assignee prefers, he may receive, in lieu of a specific tract of land, a proportionate share in a larger grazing unit.

Assignments made under Section shall be known as "Exchange Assignments."

Section 7. Exchange assignments may be used by the assignee or leased by him to Indian cooperative associations, to individual members of the Confederated Tribes, or, if no individual Indian or Indian cooperative association is able and willing to rent the land

at a reasonable fee, such assignments may be leased to non-Indians in the same manner as allotted lands.

Section 8. Upon the death of the holder of any exchange assignment, such land shall be reassigned by the Tribal Council to his heirs or devisees, subject to the following conditions:

(a) Such land may not be reassigned to any heirs or devisees that are not members of the Confederated Tribes, except that a life assignment may be made to the surviving widower or widow of the holder of an assignment.
(b) Such lands may not be reassigned to any heir or devisees who already holds more than 320 acres of grazing land, or other land or interests in lands of equal value, either under allotment or under assignment.
(c) Such lands may not be subdivided into units smaller that 160 acres, and no area of agricultural land shall be subdivided into units smaller than two and one-half acres, except that land used for buildings of other improvements may be divided to suit the convenience of the parties. Where it is impossible to divide the land properly among the eligible heirs or devisees, the Tribal Council shall issue to the eligible heirs or devisees, grazing permits or other interest in tribal lands of the same value as the assignment of the decedent.
(d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment in accordance with the provisions of Section 4 of this Article.

Section 9. Improvements of any character made upon assigned land may be bequeathed to and inherited by members of the Confederated Tribes, or otherwise disposed of under such regulations, as the Tribal Council shall provide. No permanent improvements shall be removed from the land without the consent of the Tribal Council.

Section 10. Assignments may be exchanged between members of the Confederated Tribes by common consent in such manner, as the Tribal Council shall designate.

Section 11. Tribal funds may be used, with the consent of the Secretary of the Interior, to acquire land under the following conditions:

(a) Land within the Flathead Reservation, or adjacent to the boundaries thereof which is not now in Indian ownership, may be purchased by or for the Confederated Tribes.
(b) Restricted land which is in heirship status at the time of the adoption and approval of this Constitution may be purchased by or for the Confederated Tribes with the consent of all the adult heirs, and the legal guardian of minor heirs, or incompetent heirs, payment therefore to be made as may be agreed upon.
(c) Land owned by any member of the Confederated Tribes who is over the age of 60 years, or who is physically incapacitated, may be transferred by its owner to the Confederated Tribes in exchange for a pension or not more than twice the annual rental value of the land for the life of the pensioner, to be paid out of available tribal funds.

(d) Land in excess of 320 acres owned by any member of the Confederated Tribes, with the consent of the owner, payments to be made under such terms as may be agreed upon.
(e) Land owned by any member of the Confederated Tribes who desires to leave the reservation permanently may be purchased by the Confederated Tribes, under such terms as may be agreed upon.

Section 12. Applications for assignments shall be filed with the Secretary of the Council and shall be in writing, setting forth the name of the person or persons applying for the land and as accurate a description of the land desired as the circumstances will permit. Notices of all applications received by the Secretary shall be posed by him in the agency office and in at least three conspicuous places in the district in which the land is located, for not less than 20 days before action is taken by the Council.

Any member of the Confederated Tribes wishing oppose the granting of an assignment shall do so in writing, setting forth his objections, to be filed with the Secretary of the Council, and may, if he so desires, appear before the Council to present evidence. The Secretary of the Council shall furnish the Superintendent or other officer in charge of the agency a complete record of all action taken by the Council on the application for assignment of land, and a complete record of assignments shall be kept in the agency office and shall be open for inspection by all members of the Confederated Tribes.

The Council shall draw up one or more forms for standard and exchange assignments, which shall be subject to the approval of the Secretary of the Interior.

ARTICLE IX — REFERENDUM

SECTION 1. Upon a petition of at least one-third (1/3) of the eligible voters of the Confederated Tribes, or upon the request of a majority of the members of the Tribal Council, any enacted or proposed ordinance or resolution of the Council shall be submitted to a popular referendum, and the vote of a majority of the qualified voters voting in such referendum shall be conclusive and binding on the Tribal Council, provided that at least thirty percent (30%) of the eligible voters shall vote in such election.

ARTICLE X — AMENDMENTS

Section 1. This Constitution and Bylaws may be amended by a majority vote of the qualified voters of the Confederated Tribes voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty percent (30%) of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment, at the request of two-thirds (2/3) of the Council, or upon presentation of a petition signed by one-third (1/3) of the qualified voters, members of the Confederated Tribes.

BYLAWS

ARTICLE I — THE TRIBAL COUNCIL

SECTION 1. The Chairman of the Council shall preside over all meetings of the Council, perform all duties of chairman, and exercise any authority detailed to him, and he shall be entitled to vote on all questions.

SECTION 2. The vice-chairman shall assist the chairman when called on so to do, in the absence of the chairman, shall preside, and when so presiding shall have all the privileges, duties, and responsibilities of the chairman.

SECTION 3. The Council secretary shall forward a copy of the minutes of all meetings to the Superintendent of the Reservation and to the Commissioner of Indian Affairs.

SECTION 4. The duties of all appointed boards or officers of the organization shall be clearly defined by resolutions of the Council at the time of their creation or appointment. Such boards and officers shall report from time to time as required to the Council and their activities and decisions shall be subject to review by the Council upon petition of any person aggrieved.

SECTION 5. Newly elected members who have been duly certified shall be installed at the first regular meeting of the Tribal Council.

SECTION 6. Each member of the Tribal Council and each officer or subordinate officer, elected or appointed hereunder, shall take an oath of office prior to assuming the duties thereof, by which oath, he shall pledge himself to support and defend the Constitution of the United States and this Constitution and Bylaws. The following form of oath of office shall be given: "I _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, to carry out faithfully and impartially, the duties of my office to the best of my ability; to cooperate, promote, and protect the best interests of my Tribe, in accordance with this Constitution and Bylaws."

SECTION 7. Regular meetings of the Tribal Council shall be held on the first Friday of January, April, July, and October, at 9:00 O'clock a.m., at the Flathead Agency.

SECTION 8. Special meetings may be called by a written notice signed by the chairman or a majority of the Tribal Council and when so called the Tribal Council shall have the power to transact business as in regular meetings.

SECTION 9. No business shall be transacted unless a quorum is present which shall consist of two-thirds (2/3) of the entire membership.

SECTION 10. Order of business:

(a) Call to order by chairman.
(b) Roll call.
(c) Reading of minutes of last meeting.
(d) Unfinished business.
(e) Reports.
(f) New business.
(g) Adjournment.

SECTION 11. It shall be the duty of each member of the Tribal Council to make reports to the district from which he is elected, concerning the proceedings of the Tribal Council.

SECTION 12. The Tribal Council may prescribe such salaries for officers or members of the Council, as it deems advisable, from such funds as may be available.

ARTICLE II — ORDINANCES AND RESOLUTIONS

SECTION 1. All final decisions of the Council on matters of general and permanent interest to the members of the Confederated Tribes shall be embodied in ordinances. Such ordinances shall be published from time to time for the information and education of the members of the Confederated Tribes.

SECTION 2. All final decisions of the Council on matters of temporary interest (such as action on the reservation budget for a single year, or petition to Congress or the Secretary of the Interior) or relating especially to particular individuals or officials (such as adoption of members, instructions for tribal employees or rules of order for the Council) shall be embodied in resolutions. Such resolutions shall be recorded in a special book, which shall be open to inspection by members of the Confederated Tribes.

SECTION 3. All questions of procedure (such as acceptance of Committee reports or invitations to outsiders to speak) shall be decided by action of the Council or by ruling of the Chairman, if no objection is heard.

In all ordinances, resolutions or motions the Council may act by majority vote, but all matters of importance shall be fully discussed and reasonable attempt shall be made to secure unanimous agreement.

SECTION 4. Legislative forms. Every ordinance shall begin with the words: "Be it enacted by the Council of the Confederated Salish and Kootenai Tribes—."

SECTION 5. Every resolution shall begin with the words: "Be it resolved by the Council of the Confederated Salish and Kootenai Tribes—."

SECTION 6. Every ordinance or resolution shall contain a recital of the laws of the United States and the provisions of this Constitution under which authority for the said ordinance or resolution is found.

ARTICLE III — RATIFICATION OF CONSTITUTION AND BYLAWS

This Constitution and the attached Bylaws, when adopted by a majority vote of the voters of the Confederated Tribes voting at a special election called by the Secretary of the Interior, in which at least thirty percent (30%) of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be in force from the date of such approval.

CERTIFICATE OF ADOPTION

Pursuant to an order, approved September 25, 1935, by the Secretary of the Interior, the attached Constitution and Bylaws were submitted for ratification to the members of the Confederated Salish and Kootenai Tribes of the Flathead Reservation and were on October 4, 1935, duly adopted by a majority vote of the members of said voting in an election in which over thirty percent (30%) of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 14, 1935 (Pub., No. 147, 74th Cong.)

UNITED STATES
DEPARTMENT OF THE INTERIOR
RECEIVED OFFICE OF THE SOLICITOR
WASHINGTON, D.C. 20240

Nitzschke
Shulstad 9/15
Jacobson
Anderson
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JUN - 1979

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OCT 1997
RECEIVED
FLATHEAD AGENCY
PABLO, MT

Memorandum FIELD SOLICITOR
Minneapolis, Minn.

To: Solicitor
Assistant Secretary--Indian Affairs

From: Associate Solicitor, Indian Affairs

Subject: Numerous allotment transfers void due to administrative error

The Twin Cities Field Solicitor has called our attention to a serious problem involving conveyances of inherited allotments pursuant to the Act of May 14, 1948 (25 U.S.C. §483) [hereinafter referred to as the 1948 Act]. The problem is potentially as troublesome as some of the eastern Indian land claims, as it involves over 500 conveyances in the Minnesota Agency alone and perhaps hundreds more elsewhere.

In short, the 1948 Act authorized the Secretary to approve real estate conveyances "upon application of the Indian owners" with respect to interests in land held by individual Indians on reservations of tribes organized under the Indian Reorganization Act of 1934. The problem is that between 1948 and 1958 BIA officials approved numerous conveyances of inherited allotments without the requisite consents of all the Indian land owners. This was done notwithstanding a June 24, 1955, Memorandum from the Associate Solicitor for Indian Affairs to the Commissioner of Indian Affairs advising that the interests of a non-consenting owner may not be sold by the Secretary. As a result, it appears that numerous transactions were entered into without the requisite authority and are therefore void. See Ewert v. Bluejacket, 259 U.S. 159 (1922). Current holders of those 160-acre allotments include non-Indians, municipalities, Indian tribes, and federal agencies such as the U.S. Forest Service. Their titles now suffer from a severe cloud which is a direct result of unauthorized administrative action.

A further complication is that many of the heirs whose interests were transferred without their consent often did not receive much if any of the consideration paid for their interests because that money was used to pay off the debts of the deceased allottee, including state old age assistance claims contrary to the ruling in Running Horse v. Udall, 211 F.Supp. 586 (D.D.C. 1962). It should be noted, however, that this practice was endorsed by the Solicitor's Office on a number of occasions.

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL # of pages ▸ 4

To BUD MORAN	From RON APPELBAUM
Dept./Agency	Phone #
Fax # 5099	Fax #

NSN 7540-01-317-7368 5099-101 GENERAL SERVICES ADMINISTRATION

Admin. CF

Supt.

Route Copy to Tom Lozeau

Evidently the BIA officials responsible for the conveyance approvals during this period were of the view that the 1948 Act merely reinstated a provision in section 1 of the Act of June 25, 1910, to the effect that if the Secretary decides that one or more of the heirs to an allotment is incompetent, "he may, in his discretion, cause such lands to be sold." 25 U.S.C. §372. The Secretary's authority under that provision was nullified with respect to allotments on IRA reservations by section 4 of the IRA (25 U.S.C. §464), which prohibits the approval of any conveyance or transfer of restricted Indian lands. The 1948 Act was intended to overcome that prohibition, but it did not merely reinstate the 1910 Act. Rather, it provided a new standard for the conveyances of allotments, namely that such conveyances be made only "upon the application of the Indian owner." A detailed discussion of the legal issues may be found in a March 7, 1978, Memorandum from the Twin Cities Field Solicitor (attached).

OPTIONS

The first, and perhaps most obvious alternative, is to recommend to the Justice Department that suits in ejectment or to quiet title be filed on behalf of the beneficial owners of the allotments unlawfully conveyed. Such suits, insofar as they seek damages for unauthorized possession of the land prior to 1966, would be subject to the statute of limitations due to run on April 1, 1980. Unfortunately, this action would appear to put us in the position of suing innocent purchasers of Indian lands and their grantees as a direct result of BIA misfeasance. Furthermore, the beneficiaries of such lawsuits may be difficult to identify since the BIA may no longer have adequate records of the heirs to former allotments. And even if they can be identified, in cases where heirship is quite fractionated (a reason, we presume, for not obtaining consents to the conveyance in the first place) the benefit to the heirs from such a suit may be minimal. Where Indian tribes now possess the land, we are in a flat conflict of interest as trustee, and where some federal agency claims title to the land, no lawsuit can be filed at all.

Another alternative is for the BIA to take administrative action to cancel the patents unlawfully issued. Any persons adversely affected by this action could then seek APA review. This is the tentative recommendation of the Field Solicitor, and it certainly would be a more efficient procedure than filing quiet title suits.

Indian Reorganization Act As Currently Amended and Codified in Title 25 > Chapter 14 > Subchapter V > Sections 461 to 479

Sec. 461 - Allotment of land on Indian reservations

On and after June 18, 1934, no land of any Indian reservation, created or set apart by treaty or agreement with the Indians, Act of Congress, Executive order, purchase, or otherwise, shall be allotted in severalty to any Indian

Sec. 462 - Existing periods of trust and restrictions on alienation extended

The existing periods of trust placed upon any Indian lands and any restriction on alienation thereof are extended and continued until otherwise directed by Congress

Sec. 463 - Restoration of lands to tribal ownership

(a) Protection of existing rights
The Secretary of the Interior, if he shall find it to be in the public interest, is authorized to restore to tribal ownership the remaining surplus lands of any Indian reservation heretofore opened, or authorized to be opened, to sale, or any other form of disposal by Presidential proclamation, or by any of the public-land laws of the United States: Provided, however, That valid rights or claims of any persons to any lands so withdrawn existing on the date of the withdrawal shall not be affected by this Act: Provided further, That this section shall not apply to lands within any reclamation project heretofore authorized in any Indian reservation.

(b) Papago Indians; permits for easements, etc.

(1) ,
(2) Repealed. May 27, 1955, ch. 106, Sec. 1, 69 Stat. 67.
(3) Water reservoirs, charcos, water holes, springs, wells, or any other form of water development by the United States or the Papago Indians shall not be used for mining purposes under the terms of this Act, except under permit from the Secretary of the Interior approved by the Papago Indian Council: Provided, That nothing herein shall be construed as interfering with or affecting the validity of the water rights of the Indians of this reservation: Provided further, That the appropriation of living water heretofore or hereafter affected, by the Papago Indians is recognized and validated subject to all the laws applicable thereto.
(4) Nothing herein contained shall restrict the granting or use of permits for easements or rights-of-way; or ingress or egress over the lands for all proper and lawful purposes.

Sec. 464 - Transfer of restricted Indian lands or shares in assets of Indian tribes or corporations; exchange of lands

Gabriel Bighorn Allotment 1610-A

Thomas A. Lozeau Jr.

Except as herein provided, no sale, devise, gift, exchange, or other transfer of restricted Indian lands or of shares in the assets of any Indian tribe or corporation organized hereunder, shall be made or approved: Provided, however, That such lands or interests may, with the approval of the Secretary of the Interior, be sold, devised, or otherwise transferred to the Indian tribe in which the lands or shares are located or from which the shares were derived or to a successor corporation; and in all instances such lands or interests shall descend or be devised, in accordance with the then existing laws of the State, or Federal laws where applicable, in which said lands are located or in which the subject matter of the corporation is located, to any member of such tribe or of such corporation or any heirs or lineal descendants of such member or, except as provided by the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.), any other Indian person for whom the Secretary of the Interior determines that the United States may hold land in trust: Provided further, That the Secretary of the Interior may authorize voluntary exchanges of lands of equal value and the voluntary exchange of shares of equal value whenever such exchange, in his judgment, is expedient and beneficial for or compatible with the proper consolidation of Indian lands and for the benefit of cooperative organizations.

Sec. 465 - Acquisition of lands, water rights or surface rights; appropriation; title to lands; tax exemption

The Secretary of the Interior is authorized, in his discretion, to acquire, through purchase, relinquishment, gift, exchange, or assignment, any interest in lands, water rights, or surface rights to lands, within or without existing reservations, including trust or otherwise restricted allotments, whether the allottee be living or deceased, for the purpose of providing land for Indians.

For the acquisition of such lands, interests in lands, water rights, and surface rights, and for expenses incident to such acquisition, there is authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, a sum not to exceed $2,000,000 in any one fiscal year: Provided, That no part of such funds shall be used to acquire additional land outside of the exterior boundaries of the Navajo Indian Reservation for the Navajo Indians in Arizona, nor in New Mexico, in the event that legislation to define the exterior boundaries of the Navajo Indian Reservation in New Mexico, and for other purposes, or similar legislation, becomes law.

The unexpended balances of any appropriations made pursuant to this section shall remain available until expended.

Title to any lands or rights acquired pursuant to this Act or the Act of July 28, 1955 (69 Stat. 392), as amended (25 U.S.C. 608 et seq.) shall be taken in the name of the United States in trust for the Indian tribe or individual Indian for which the land is acquired, and such lands or rights shall be exempt from State and local taxation.

Sec. 466 - Indian forestry units; rules and regulations

the disadvantage to this option is that it provides no means of seeking trespass damages for pre-1966 unlawful possession. Hence, this option is available both before and after April 1, 1980.

A third option is to seek legislation which would resolve this very sticky problem. Of course, to so state begs the question of what the legislation might provide for. One solution--and there may be many--would be to ratify all transfers of allotments which resulted from such BIA error, and then to provide for an administrative claims procedure under which the former beneficial owners of the allotments could seek remuneration from the United States for the fair market value of their interest in the property at the time of the transaction, plus 6% simple interest since the date of the transaction, minus any consideration which the Indian owner may have actually received at the time of the transaction. Perhaps we could limit such claims to persons who did not consent to the transactions as required by the 1948 Act. Indeed, the transfer of the undivided interests of consenting owners may have been entirely valid, notwithstanding the fact that other owners of the same allotment may not have consented. Such legislation might also provide that the BIA has an affirmative duty to seek out all such beneficial owners and provide them with notice of such a claims procedure.

An obvious disadvantage to this solution is that it will cost the United States Government some fair amount of money. The actual amount for which the U.S. might be liable cannot yet be determined because we do not know how extensive this unauthorized administrative practice was outside of the Minneapolis Area. We are trying to get that information at this time. See attached memorandum of February 16, 1979.

We may also be criticized for proposing such a solution because we are seeking only money rather than land for the beneficial Indian owners, and this is contrary to our general policy of trying to provide some more permanent benefits to our Indian wards. The question might also be raised why we have not endorsed such a ratification procedure in the case of the eastern Indian land claims. The difference between the eastern claims and this problem is a significant one, however, In the case of the eastern claims there was no actual misfeasance or fault on the part of the United States except that Congress and the executive branch as a whole appeared to have disregarded Indian land transactions on the east coast. In contrast, this problem involves affirmative administrative action taken without sufficient statutory authority therefor.

THIS PAGE WAS RETYPED DUE TO POOR QUALITY OF ORIGINAL

Also, in many of these cases the Indian people have not been asserting these claims on their own. Rather, we have discovered the clouds on the titles to these lands as a result of our search of BIA files as part of our general statute of limitations effort. Perhaps most of the beneficial owners of these allotments would be satisfied with cash remuneration since they are not now seeking a return of those lands or the lands of their ancestors. On the other hand, in some areas Indian claimants appear to be organizing to assert claims to the land itself. At any rate, any legislative solution will undoubtedly be both expensive and controversial.

We look forward to your guidance on this most difficult problem.

Thomas W. Fredericks

Thomas W. Fredericks

Attachment

RECEIVED
MAR 19 1923
22566

W I L L .

IN THE NAME OF GOD, AMEN:

BE IT REMEMBERED THAT I, Isabel Tsooee, Flathead Allottee No. 1608, now a resident of the Flathead Indian Reservation, in the County of Missoula, State of Montana, of the age of about 69 years, being of a sound and disposing mind and memory, and not acting under duress, fraud, or under the influence of any person whatsoever, do make, publish and declare this to be my last will and testament, in the following manner, that is to say:

To Therese Lillacelle Loxeau I bequeath one-half of the allotment of Gabriel Bighorn, No. 1610, described as the SE¼ of the NW¼ of Sec. 7, Twn. 16 N., R. 19 W., to which I have been declared the sole heir.

To my beloved brother, Mathew Whitfield of Lapwai, Idaho, I bequeath the following property:

All of my allotment No. 1608, described as the NW¼ of the SW¼ & SW¼ of the NW¼ Sec. 7, Twn. 16 N., R. 19 W., containing 80 acres.

One-half of the allotment of Gabriel Bighorn, No. 1610, described as the SW¼ of the NE¼ Sec. 7, Twn. 16 N., R. 19 W., containing 40 acres, to which I have been declared the sole heir.

All my one-half interest in the allotment of my deceased husband, Pierre Tsooee, No. 1607, described as the N½ of the SW¼ of Sec. 14, Twn. 16 N., R. 20 W., containing 80 acres.

All of my interest in the estate of my deceased brother, Arthur Paul (Whitfield), a deceased Nez Perce Indian, whose allotment is on the Nez Perce Reservation, Idaho, the description of which I do not know, and to which I have been declared an heir.

All personal property of every description, funds to my credit, horses, cattle, clothing, etc., I will to the said Mathew Whitefield. and I hereby revoke all former wills made.

In consideration of the above the beneficiaries under this will are to pay my debts, if any, and to provide for and pay for my funeral expenses.

IN WITNESS WHEREOF, I have set my hand and seal this 3d day of March, in the year of our Lord One Thousand Nine Hundred Twenty-three.

her
Isabel Tsooee

Witnesses:

Both of Dixon, Montana.

The foregoing instrument, consisting of this one page, was at the date thereof, signed, sealed, published and declared by the said Isabel Tsooee, to be her last will and testament, in the present of each of us, who, at her request, and in the presence of each other, and in her presence, have subscribed our names as witnesses hereto.

Dixon, Montana.

Dixon, Montana.

Probate
M C M

5-107 Sheet 1

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
FIELD SERVICE
Missoula, Montana

February 19, 1946

SUMMARY OF REPORT ON HEIRS

Estate of Edward Lozeau, deceased Flathead

Allottee No. 746, died February 25, 1945, aged 74, hearing held May 22, 1945

at Flathead Agency, Dixon, Montana.

Heirs, at the date of hearing, in accordance with the laws of the State of Montana and Washington

Heir	Relationship	Share
Alexander Lozeau, Al. #2891	Son	1/5
Mary Louise Lozeau Pierre, Al. #2893	Daughter	1/5
Thomas Alfred Lozeau, Al. #2894	Son	1/5
Theresa May Lozeau Mahseelah, Unal.	Daughter	1/5
Louella Joan Courville, Unal.	Granddaughter	1/5

* If more space is necessary to give names of heirs, affix a separate sheet at this point.

OFFICE OF INDIAN AFFAIRS RECEIVED MAR 11 1946 10132

The trust or restricted estate of the decedent consists of:

Original allotment, appraised at fee patented	—
Inherited lands, state of Washington, appraised at	583.33
Inherited lands, appraised at	906.66
Cash, securities, or other personal restricted estate appraised at	38.65
Total	1528.64

No dower, curtesy, or homestead rights involved.

Merle C. Martin
Merle C. Martin Examiner of Inheritance.

Verified ....., 19.....

By .....
Chief, Probate Division.

[over]

S-107-c

Probate
10132-46
M C M

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF ~~THE SECRETARY~~ Indian Affairs
~~WASHINGTON~~
Chicago

ORDER DETERMINING HEIRS

WHEREAS, Edward Lozeau, Allottee No. 746 of the Flathead Indian Agency in the State of Montana died intestate on the 25th day of February, 1945, at the age of 74 years, and

WHEREAS, a hearing was duly held at the Flathead Agency, Dixon, Montana on the 22nd day of May, 1945, for the purpose of ascertaining the heirs of said decedent:

NOW, THEREFORE, by virtue of the power and authority vested in the Secretary of the Interior by section 1 of the act of June 25, 1910 (36 Stat. L., 855), and other applicable statutes,* I hereby find, adjudge, and declare that at the date of the above-mentioned hearing the heirs of said decedent, determined in accordance with the laws of the States of Montana and Washington and their respective shares in his estate were:

Alexander Lozeau, Al. #2891	Son	1/5
Mary Louise Lozeau Pierre, Al. #2893	Daughter	1/5
Thomas Alfred Lozeau, Al. #2894	Son	1/5
Theresa May Lozeau Mahseelah, Unal.	Daughter	1/5
Louella Joan Courville, Unal.	Granddaughter	1/5

The following claims are hereby allowed and are to be paid from funds now held or hereafter accruing, in the following order:

1. $ 25.00 - probate fee.
2. $1028.64 - Dept. of Public Welfare, State of Montana, Helena, Montana, covering old age assistance grants.
3. $ 48.22 - Mrs. L. H. Jeannot, 1910 Grove St., San Francisco, Calif., covering groceries and supplies sold to decedent.
   $ 17.90 - Jacobs & Jacobs, Perma, Mont., covering groceries and supplies sold to decedent.
   $ 2.80 - Lozar Merc. Co., Dixon, Mont., covering merchandise sold to decedent.

*and pursuant to Departmental regulations of December 17, 1943, delegating probate authority to the Commissioner of Indian Affairs.

The estate of said decedent subject to the jurisdiction of this Department having been appraised at $ 1528.64, a fee of $ 25.00 will be collected by the Superintendent or other officer in charge, pursuant to authority found in the act of January 24, 1923 (42 Stat. L., 1185).

Done at the city of ~~Washington, District of Columbia~~ Chicago, Illinois, and dated APR 24 1946, 19__

APR 29 1946

Copy to Superintendent Neal, Colville
G. A. O. & Examiner Wright, Flathead

A. M. Myers
~~Assistant Secretary~~
Acting Commissioner.

* HEIRSHIP BREAKDOWN

ALLOTMENT 1608, Isabel Tsooee, dec.
Probate 22566-29; Nez Perc, 26996-33
SW¼NW¼ & NW¼SW¼, Sec. 7, Twp. 16 N., R.19 W., 80 acres

By Device:

Lucy Whitfield, dec.	1/2	$515.00
Melinda Whitfield	1/4	257.50
Effie Whitfield	1/4	257.50
Total appraised valuation		1030.00

ALLOTMENT 1610, Gabrielle Bighorn, dec.
Probate 128086-13; 22566-29; NezPerc 26996-33;
SE¼NW¼ & SW¼NE¼, Sec. 7, Twp. 16 N., R.19 W., 80 acres

* By device:

* No. 747, Therese L. Lozeau, dec., SE¼NW¼, 7-16-19; 40 acres
Probate 41347-29; 17434-33; 239-39; 10132-46; 28377-46;

*746, *Edward Lozeau, *dec., to est. claims		4/9	$226.64
2891, Alexander Lozeau		1/9	56.67
* 2894, Thomas A. Lozeau		* 1/9	56.67
Unal. Therese M. Lozeau		1/9	56.67
" Louella Joan Courville	(m)	1/18	28.33
" George Elmer Mitchell	(m)	1/18	28.33
" Ina Lee Matt	(m)	1/18	28.34
" Alice Marie Matt	(m)	1/18	28.34
			$510.00

Owns No Share as of April 26, 1946

Owns 1/5 Share

* Device 747 is wrong: Results in *1/9 share not 1/5. *Using Device 746 is correct. Results *1/5 share

By device: SW¼NE¼, Sec. 7, T.16 N., R. 19 W. 40 acres *Edwards Probate *

04-26-46

Lucy Whitfield, dec.	(Nez Perc)	1/2	$255.00
Melinda Whitfield	(NezPerc)	1/4	127.50
Effie Whitfield	(Nez Perc)	1/4	127.50
			$510.00
Total appraised valuation			$1020.00

Probate of Lucy Whitfield, dec.
Nez Perc allottee. Nos. 5754-43; 9258-45;
Susie White, sole heir.

Standard Form No. 1017 G - Revised
Treasury Department No. 1017
Form prescribed by Comptr. Gen. U. S.
October 4, 1948

JOURNAL VOUCHER

J. V. No. [illegible]

F. M. Hazelland, E. D. Acc. Billings Area Office, [illegible]

Date [illegible], 20, 1950

REFERENCE	EXPLANATION	DEBIT	CREDIT
	60.80 INDIVIDUAL INDIAN ACCOUNTS		
	Individual Indian Accounts		
	Individual Indian Accounts	$3050.00	
	Transfer of Funds from K-32 (Loan Acct) Claim Reason Detention for purchase of land: TO THE FOLLOWING:		3050.00
	Name - 25 Land Sale Fee - IHA		
E-64	Susie White (Kas Force) ($10.25)$204.75		
E-63	Melinda Whitfield (") (5.15) 102.85		
V-19	Effie Whitfield (") (5.15) 102.85		
C-120	$305.00 Total land sale fees.		
	Total land sale	$3050.00	
	Allotment 1303, Deed approved Billings Area Director Paul L. Fickinger 5-1-50; Recorded Billings Area No. 5, Vol. 75; [illegible] File No. 1303. Page 26, 27, 28		
	Allot. 1019, Gabrielle Bighorn, Dec. Prob. 1[illegible]-19; [illegible] Montana [illegible]; [illegible] & [illegible]. Sec. 7, Twp. 16 N., R.19 W., 80 acres		
	By Devises:		
	No. 747 Theresa L. Lessum, Decl.[illegible]. 7-16-19; 40 acres. Prob. 41847-49. 17[illegible]; [illegible]; 101123-46; [illegible];		
E-61	Edward Lessum, Less. Est.Claims $[illegible].11		
E-57	Alexander Lessum		
E-61	Thomas A. Lessum	96.53	
[illegible]	Theresa M. Lessum	[illegible]	
C-129	Estelle Jean Courville	[illegible]	
M-[illegible]	George Edward Mitchell	[illegible]	
M-[illegible]	Ina Lee Matt - Peter A Auld	[illegible]	
M-[illegible]	Alice Marie Matt - Vincent Curley 97.77		

*Edward is Proper Device

My father

DATE: 11/23/2009
TIME: 12:58:47 CST

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
TITLE STATUS REPORT
TITLE INTERESTS HELD IN FEE OR TRUST

REQUESTOR: GDUCHARM

--------TRACT ID-------- LAND AREA	PFX	NUMBER	SFX	TITLE PLANT	LAND AREA NAME	RESOURCES	-------DATE OF LAST------- CERTIFICATION/VERIFICATION
203	T	1610	-A	PORTLAND	FLATHEAD	Surface	9/12/1995

GABRIEL BIGHORN
*** TRACT NAME ***

SEC	TOWNSHIP	RANGE	STATE	COUNTY	MERIDIAN	LEGAL DESCRIPTION	ACRES	CUMULATIVE ACRES	LAND DESCRIPTION NOTES REMARK OR EXPLANATION
7	016.00N	019.00W	MONTANA	LAKE	Principal	SE NW	40.000	40.000	
						TOTAL SECTION ACRES:	40.000	40.000	

-------- OWNER -------- TRB	NUM/DOB	TYP	OT	INT	CLS	TYP	--- DOCUMENT --- NUMBER	NAME IN WHICH ACQUIRED SURNAME / FIRST NAME	FRACTION TRACT AS ACQUIRED	AGGREGATE SHARE CONVERTED TO LCD	AGGREGATE DECIMAL
203	T203-30	T	T	A	10		23269	FLATHEAD TRIBES	1	1	
									1	1	1.0000000000

Document 203 23269 is Deed To Restricted Indian Land dated November 9, 1984, Gabriel Bighorn Allotment 1610-A and 1610-B

Tribal Resolution No. 85-28 is dated November 9, 1984

RECEIVED
NOV 23 2009
TRIBAL LANDS DEPARTMENT

IN TRUST:	1	
	1	1.0000000000
IN FEE:	0	
	1	.0000000000
TOTAL:	1	
	1	1.0000000000

TITLE IS SUBJECT TO THE FOLLOWING ENCUMBRANCES AND NOTES:

NO TRACT NOTES FOUND

CONTRACT TYPE/ CONTRACTOR NAME	CONTRACT NUMBER	CONTRACTOR	BEGINNING DATE	EXPIRATION DATE	LEASED ACRES	RECORDED IMAGE #	RECORDING REMARKS
Telephone/Telegraph BLACKFOOT TELEPHONE COOPERATIVE INC.	8R16217727	203C002111	3/15/1977	03/14/2027	.110	203 20167	

--------TRACT ID-------- LAND AREA	PFX	NUMBER	SFX	TITLE PLANT	LAND AREA NAME	RESOURCES	* -------DATE OF LAST------- CERTIFICATION/VERIFICATION
203	T	* 1610	-A	PORTLAND	FLATHEAD	Surface	9/12/1995

NATURE OF ENCUMBRANCE	ENCUMBRANCE HOLDER	EXPIRATION DATE	DOCUMENT CLS	DOCUMENT TYP	DOCUMENT NUMBER	DESCRIPTION / EXPLANATION *
MISCELLANEOUS	-----	PERPETUAL	08	*	803	ORDER TRANS INHERITED INTMAY NOT BE IN ACCORDANCE WITH ACT 5-14-48 (62 STAT236) AS INTERPRETED BY SOLICITOR'S OPINION OF 6-24-55, * ACT 6-25-10 (36 STAT 855) * INAPPLICABLE BY1948 ACT REQUIRING CON- SENT OF ALL INDIAN OWNERSON I.R.A. RESERVATIONS.
MISCELLANEOUS	203-U5141	PERPETUAL	10		23269	SURFACE ONLY

1. * Is Act of 06-25-10 * Inapplicable By Act of 05-14-48?
Yes. No.

2. * Does Section 4 of the Indian Reorganation Act 25 U.S.C. Chapter 14 Section 464 * VOID

* Act of 06-25-10? Yes. No.

3. Does Encumbrance 803 on 1610-A VOID Tribal Resolution 85-28 203 23325 Warranty Deed requires Land to be Exchanged for "Tribal Tract 1375," that the same is free from all Encumbrances"? Yes. NO.

SALES, EXCHANGES AND CONVEYANCES OF TRUST OR RESTRICTED LANDS

§ 152.17 Sales, exchanges, and conveyances by, or with the consent of the individual Indian owner.

Pursuant to the Acts of May 27, 1902 (32 Stat. 275; 25 U.S.C. 379); May 17, 1906 (34 Stat. 197), as amended August 2, 1956 (70 Stat. 954; 48 U.S.C. 357); March 1, 1907 (34 Stat. 1018; 25 U.S.C. 405); May 29, 1908 (35 Stat. 444; 25 U.S.C. 404); June 25, 1910 (36 Stat. 855; 25 U.S.C. 372), as amended May 25, 1926 (44 Stat. 629; 48 U.S.C. 355a-355d); June 18, 1934 (48 Stat. 984; 25 U.S.C. 464); and May 14, 1948 (62 Stat. 236; 25 U.S.C. 483); and pursuant to other authorizing acts, trust or restricted lands acquired by allotment, devise, inheritance, purchase, exchange, or gift may be sold, exchanged, and conveyed by the Indian owner with the approval of the Secretary or by the Secretary with the consent of the Indian owner.

§ 152.18 Sale with the consent of natural guardian or person designated by the Secretary.

Pursuant to the Act of May 29, 1908 (35 Stat. 444; 25 U.S.C. 404), the Secretary may, with the consent of the natural guardian of a minor, sell trust or restricted land belonging to such minor; and the Secretary may, with the consent of a person designated by him, sell trust or restricted land belonging to Indians who are minor orphans without a natural guardian, and Indians who are non compos mentis or otherwise under legal disability. The authority contained in this act is not applicable to lands in Oklahoma, Minnesota, and South Dakota, nor to lands authorized to be sold by the Act of May 14, 1948 (62 Stat. 236; 25 U.S.C. 483).

§ 152.19 Sale by fiduciaries.

Guardians, conservators, or other fiduciaries appointed by State courts, or by tribal courts operating under approved constitutions or law and order codes, may, upon order of the court, convey with the approval of the Secretary or consent to the conveyance by the Secretary of trust or restricted land belonging to their Indian wards who are minors, non compos mentis or otherwise under legal disability. This section is subject to the exceptions contained in 25 U.S.C. 954(b).

§ 152.20 Sale by Secretary of certain land in multiple ownership.

Pursuant to the Act of June 25, 1910 (36 Stat. 855), as amended (25 U.S.C. 372), if the Secretary decides that one or more of the heirs who have inherited trust land are incapable of managing their own affairs, he may sell any or all interests in that land. This authority is not applicable to lands authorized to be sold by the Act of May 14, 1948 (62 Stat. 236; 25 U.S.C. 483).

§ 152.21 Sale or exchange of tribal land.

Certain tribal land may be sold or exchanged pursuant to the Acts of February 14, 1920 (41 Stat. 415; 25 U.S.C. 294); June 18, 1934 (48 Stat. 984; 25 U.S.C. 464); August 10, 1939 (53 Stat. 1351; 25 U.S.C. 463(e)); July 1, 1948 (62 Stat. 1214); June 4, 1953 (67 Stat. 41; 25 U.S.C. 293(a)); July 28, 1955 (69 Stat. 392), as amended August 31, 1964 (78 Stat. 747; 25 U.S.C. 608-608c); June 18, 1956 (70 Stat. 290; 25 U.S.C. 403a-2); July 24, 1956 (70 Stat. 626); May 19, 1958 (72 Stat. 121; 25 U.S.C. 463, Note); September 2, 1958 (72 Stat. 1762); April 4, 1960 (74 Stat. 13); April 29, 1960 (74 Stat. 85); December 11, 1963 (77 Stat. 349); August 11, 1964 (78 Stat. 389), and pursuant to other authorizing acts. Except as otherwise provided by law, and as far as practicable, the regulations in this part 152 shall be applicable to sale or exchanges of such tribal land.

§ 152.22 Secretarial approval necessary to convey individual-owned trust or restricted lands or land owned by a tribe.

(a) *Individual lands.* Trust or restricted lands, except inherited lands of the Five Civilized Tribes, or any interest therein, may not be conveyed without the approval of the Secretary. Moreover, inducing an Indian to execute an instrument purporting to convey any trust land or interest therein, or the offering of any such instrument for record, is prohibited and criminal penalties may be incurred. (See 25 U.S.C. 202 and 348.)

(b) *Tribal lands.* Lands held in trust by the United States for an Indian

No written documentation to support ~~incop~~ incompetency.

June 25, 1910.
[H. R. 18978.]
[Public, No. 290.]
36 Stat., 837.

CHAP. 408.—An act to authorize the Secretary of the Interior to issue a patent to the city of Anadarko, State of Oklahoma, for a tract of land, and for other purposes.

Oklahoma eastern district.
Appeals to court of appeals in allotment cases.

SEC. 3. That an appeal to the Supreme Court of the United States in all suits affecting the allotted lands within the eastern district of Oklahoma or on demurrers in such suits appealed to the United States circuit court of appeals, eighth circuit, is hereby authorized to be made by any of the parties thereto, including appeals from orders reversing judgments of the trial court.[1]

Approved, June 25, 1910.

June 25, 1910.
[H. R. 24992.]
[Public, No. 313.]
36 Stat., 855.

CHAP. 431.—An act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes.

Indian trust allotments.
Disposal to heirs of intestate Indians.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when any Indian to whom an allotment of land has been made, or may hereafter be made, dies before the expiration of the trust period and before the issuance of a fee simple patent, without having made a will disposing of said allotment as hereinafter provided, the Secretary of the Interior, upon notice and hearing, under such rules as he may prescribe, shall ascertain the legal heirs of such decedent, and his decision thereon shall be final and conclusive.[2] If the Secretary of the Interior decides the heir or heirs of such decedent competent to manage their own affairs, he shall issue to such heir or heirs a patent in fee for the allotment of such decedent; if he shall decide one or more of the heirs to be incompetent, he may, in his discretion, cause such lands to be sold: *Provided*, That if the Secretary of the Interior shall find that the lands of the decedent are capable of partition to the advantage of the heirs, he may cause the shares of such as are competent, upon their petition, to be set aside and patents in fee to be issued to them therefor. All sales of lands allotted to Indians authorized by this or any other act shall be made under such rules and regulations and upon such terms as the Secretary of the Interior may prescribe, and he shall require a deposit of ten per centum of the purchase price at the time of the sale. Should the purchaser fail to comply with the terms of sale prescribed by the Secretary of the Interior, the amount so paid shall be forfeited; in case the balance of the purchase price is to be paid in deferred payments, a further amount, not exceeding fifteen per centum of the purchase price, may be so forfeited for failure to comply with the terms of the sale. All forfeitures shall inure to the benefit of the heirs. Upon payment of the purchase price in full, the Secretary of the Interior shall cause to be issued to the purchaser patent in fee for such land: *Provided*, That the proceeds of the sale of inherited lands shall be paid to such heir or heirs as may be competent and held in trust subject to use and expenditure during the trust period for such heir or heirs as may be incompetent, as their respective interests shall appear: *Provided further*, That the Secretary of the Interior is hereby authorized in his discretion to issue a certificate of competency, upon application therefor, to any Indian, or in case of his death, to his heirs, to whom a patent in fee containing restrictions on alienation has been or may hereafter be issued, and such certificate shall have the effect of removing the restrictions on alienation contained in such patent: *Provided further*, That hereafter any United States Indian agent, superintendent, or other disbursing agent of the Indian Service may deposit Indian moneys, individual or tribal, coming into his hands as custodian, in such bank or banks as he may

Discretion of Secretary of Interior.
36 Stat., 856.
Provisos.
Partition.
Rules for sales, etc.
Issue of patents in fee.
Distribution of proceeds.
Competency certificates.
Deposit of Indian funds in banks.

[1] Mullen v. U. S., 224 U. S. 448; Deming Investment Co. v. U. S., 224 U. S., 471.
[2] Parr v. Colfax, 197 Fed. 302; Pel-ato-yakot v. U. S., 188 Fed. 387; Bond v. U. S., 181 Fed. 613. Heirs of Grace Cox, decision of Secretary of the Interior Sept. 16, 1913, 42 L. D., 493; Little Chief, 40 L. D., 102; Crow Eagle, 40 L. D., 120; Moses Agreement, 40 L. D., 212.

Act of May 14, 1948

[CHAPTER 293]

AN ACT

May 14, 1948
[H. R. 5262]
[Public Law 529]

To authorize the sale of individual Indian lands acquired under the Act of June 18, 1934, and under the Act of June 26, 1936.

Sale of Indian lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, or his duly authorized representative, is hereby authorized in his discretion, and upon application of the Indian owners, to issue patents in fee, to remove restrictions against alienation, and to approve conveyances, with respect to lands or interests in lands held by individual Indians under the provisions of the Act of June 18, 1934 (48 Stat. 984), or the Act of June 26, 1936 (49 Stat. 1967).

25 U. S. C. §§ 461–479, 501–509; Supp. I, § 502.
Post, p. 991.

Approved May 14, 1948.

[CHAPTER 298]

AN ACT

May 18, 1948
[H. R. 1189]
[Public Law 530]

To establish the methods of advancement for post-office employees (rural carriers) in the field service.

Seniority Act for Rural Mail Carriers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the seniority status of a rural mail carrier shall be based upon the regulations of the Post Office Department which provide that seniority shall commence on the day of appointment as a regular rural carrier. In case of voluntary transfer from one post office to another, or from any branch of the service into the rural service, the relative seniority of the transferee shall be determined by the date of entrance into the rural service of the office to which transfer is made.

Original appointments.

SEC. 2. All rural carriers, upon entering the service, shall be assigned to the least desirable route and shall rise to the more desirable routes by seniority only.

Promotions.

SEC. 3. The awarding of promotions and preferential assignments shall be based upon seniority and ability; if ability be sufficient, seniority shall govern.

New route or vacancy.

SEC. 4. Each new route or vacancy shall be bulletined and all rural carriers attached to the office shall be given a chance to apply. The senior rural carrier who applies shall be assigned thereto as provided in section 3.

Inability to fill assignment.

SEC. 5. Rural carriers awarded these assignments shall have ninety days in which to demonstrate their fitness for the route and shall not be removed therefrom until their inability to fill the assignment has been proven. In case of their inability to fill the new assignment they shall be returned to their former position. Such rural carrier shall be allowed the right of appeal as stated in section 6.

Hearing.

SEC. 6. (a) A senior rural carrier who makes application for a new or vacant route, whose application has been denied, or who has been declared incompetent for same, shall have the right, upon written request, to a hearing before a post-office inspector, on his case, and shall be furnished a statement in writing of the reasons for his rejection by official responsible for same.

(b) This hearing shall occur, except under unusual conditions preventing same, within ten days from the date of his request. In case of a postponement, the rural carrier affected shall be given a written statement of the reason for the postponement.

(c) The rural carrier shall have the right to be represented at the hearing by not more than three representatives of his own choosing.

VOL. 128 - P 166

ENCUMBRANCE 203 803

Allot. No. 1610

Order Transferring Inherited Interests in Indian Land To An Indian

WHEREAS, under authority of the allotment act of February 8, 1887 (as amended), the land described below was duly allotted to Gabrielle Bighorn, deceased allotee No. 1610 of the Flathead Indian Reservation, Montana, for which trust patent was issued October 8, 1908, and,

WHEREAS, the said land is now held in trust by the heirs of the said allotee, and,

WHEREAS, section 1 of the * act of June 25, 1910 (36 Stat. 855) provides the Secretary of the Interior with the exclusive authority to determine the heirs of deceased Indians, and also authorizes the Secretary, in his discretion, to cause the lands allotted to deceased Indians to be sold if he shall decided one or more of the heirs to be incompetent, and,

WHEREAS, authority has been delegated by the Secretary of the Interior to the Commissioner of Indian Affairs and to the Area Directors under the act of August 8, 1946 (Pub. 687, 79th Cong.), and,

WHEREAS, the said Gabrielle Bighorn died on or about July 24, 1906, since which date the heirs of the said allottee have been duly determined pursuant to the authority hereinbefore cited, four of them are minors and are incompetent, and,

BUREAU OF INDIAN AFFAIRS RECEIVED SEP 11 1950 18055

The Act of May 14, 1948 as cited in 25 C.F.R. 152.17 Sales, exchanges, and conveyances by, or with the consent of the individual Indian Owner. 152.20, 152.22 support this.

According to Indian Affairs Manual, Vol. V Resources Part IV Land. Termination of Restrictions ON AND Conveyances of Indian Land, Section 2.1 Patents in Fee, Certificates of Competency, and Removal of Restrictions, .2 Factor to be considered.

No written documentation to support Section 1 of Act of June 25, 1910 thus it fails.

203 803 Allot. NO. 1610 Order Transferring Inherited Interests in Indian Land To An Indian is in fact "Null And Void Ab Initio."

* 25 CFR Chapter I * Encumbrance

*Sub Chapter H - Land and Water

*Part 152 152.20 *

203 (803)

Allot. No. 1610

Order Transferring Inherited Interests in Indian Land To An Indian

* Act of 5-14-48 Belongs

WHEREAS, under authority of the allotment act of February 8, 1887 (as amended), the land described below was duly allotted to Gabrielle Bighorn, deceased allotee No. 1610 of the Flathead Indian Reservation, Montana, for which trust patent was issued October 8, 1908, and,

WHEREAS, the said land is now held in trust by the heirs of the said allotee, and,

WHEREAS, section 1 of the act of June 25, 1910 (36 Stat. 855) provides the Secretary of the Interior with the exclusive authority to determine the heirs of deceased Indians, and also authorizes the Secretary, in his discretion, to cause the lands allotted to deceased Indians to be sold if he shall decided one or more of the heirs to be incompetent, and,

* Section 4 of the IRA 25 U.S.C. 464 Prohibits the approval of any conveyance or transfer of restricted Indian Lands.

WHEREAS, authority has been delegated by the Secretary of the Interior to the Commissioner of Indian Affairs and to the ~~Regional~~ Area Directors under the act of August 8, 1946 (Pub. 687, 79th Cong.), and,

WHEREAS, the said Gabrielle Bighorn died on or about July 24, 1905, since which date the heirs of the said allottee have been duly determined pursuant to the authority hereinbefore cited, four of whom are minors and are incompetent, and,

BUREAU OF INDIAN AFFAIRS RECEIVED SEP 11 1950 18755 Washington, D.C.

WHEREAS, Clara Keenan Dumontier, #2835, an Indian of the Confederated Salish and Kootenai Tribes, has requested the ~~Regional~~ Area Director to purchase the land, title to which will be taken in the name of THE UNITED STATES OF AMERICA IN TRUST FOR Clara Keenan Dumontier, Flathead allottee No. 2835 pursuant to the act of June 18, 1934 (48 Stat. 984), and has deposited with the superintendent $ 510.00 of the purchase price or has made other satisfactory arrangement guaranteeing the payment of the consideration as follows: Approved Tribal Revolving Credit Fund Loan CF No. 457

, and,

WHEREAS, deeming it to be for the best interests of the heirs of the above-named deceased Indian allottee, and the Indians of the said Indian reservation, that the land herein described be reacquired for the said Indian, and having previously caused said land to be appraised by a competent appraiser or appraisers who have fixed the value of the same at the sum of Five Hundred Ten and No/100 ($ 510.00) which sum the officer in charge of the above-mentioned reservation, pursuant to authority heretofore granted him, has deposited to the credit of the estate of the said deceased allottee for distribution, upon issuance of this order, to the heirs of said estate, according to their respective interests therein as heretofore found and determined by this Department,

NOW, THEREFORE, by virtue of the authority conferred upon the ~~Regional~~ Area Director by the statutes hereinabove referred to, and other applicable provisions of law and by Departmental and Indian Office orders, I hereby declare that all right, title, interest, claim or demand of any nature whatsoever of the heirs of the above-named allottee in and to the lands described as follows to-wit:

[illegible], Section 7, Twp. 16 N., R. 19 W., [illegible] M., Montana, 40 acres, more or less;

together with all improvements thereon and appurtenances thereunto belonging is hereby transferred to THE UNITED STATES OF AMERICA IN TRUST FOR Clara Keenan Dumontier, Flathead allottee No. 2835

for use and disposition as other trust allotments on the said reservation. This conveyance so made is subject to all valid existing rights-of-way and liens for repayment of irrigation charges and to reservations in the trust patent, if any.

Done at Billings, Montana, and dated

(Sgd) Paul L. Bickinger

TERMINATION OF RESTRICTIONS ON AND CONVEYANCES OF INDIAN LAND

Section 2.1 Patents in Fee, Certificates of Competency, and Removal of Restrictions

.1 Policy
.2 Factor to be Considered
.3 Patents in Fee
.4 Patents in Fee to Lands of Adult Mixed-blood Indians within the White Earth Reservation, Minnesota
.5 Certificates of Competency
.6 Removal of Restrictions on Purchased Lands

Section 2.2 Sale of Allotted and Purchased Lands, Exclusive of Five Civilized Tribe Allotted Lands

.1 Policy
.2 Authority
.3 Procedure

Section 2.3 Partitions of Inherited Allotments (Except as to Osage and Five Civilized Tribes)

.1 Authority
.2 General Policy
.3 Procedure

Section 2.4 Removal of Restrictions and Sales of Five Civilized Tribes Allotted Lands and Purchased Lands Held Under Carney-Lacher Form Deeds

.1 Policy
.2 Authority
.3 Determination of Competency and Factors to be Considered before Approving Applications
.4 Procedures
.5 Procedures for Sales after Issuance of Conditional Orders Removing Restrictions

Section 2.5 Recording of Approved Mortgages on Trust Land

.1 Purpose
.2 Procedure

2 TERMINATION OF RESTRICTIONS ON AND CONVEYANCES OF INDIAN LAND INCLUDING EXCHANGES AND PARTITIONS

2.1 Patents in Fee, Certificates of Competency, and Removal of Restrictions.

.1 Policy. Patents in fee, certificates of competency, and orders removing restrictions may be issued upon the written application of adult Indian owners. If the Indian owner is competent to manage the property for which he requests a patent, certificate, or order, the Government has no moral or equitable right to deny his application.

If the Superintendent upon investigation finds the applicant to be competent but finds that the land covered by the application is a key tract and the termination of the trust status may adversely affect the protection and use of Indian lands remaining in trust status, the Superintendent will investigate the specific effect of the alienation on the surrounding trust lands, inform the tribal officials or individual Indians of the possibilities available for working out a satisfactory solution to the problem, and assist in negotiations or other action necessary to the solution. For example, this may in some cases be simply a matter of negotiating for a stock right of way, or a right of way for access purposes, or for the construction, maintenance, and use of a logging road to remove timber. Should the tract control the source of livestock water for a grazing unit, it may be possible to acquire a stock watering permit, or it may be a matter of developing other sources of water on another part of the range. Should it be found that acquisition of the tract by the tribe or an individual Indian is the only feasible means of protecting other Indian trust lands, the Superintendent will discuss the matter with the interested parties.

If the tribe or an individual Indian wishes to acquire the land, the Superintendent will assist in negotiating with the owner to acquire the land by purchase or exchange. If negotiations fail due to the refusal of the owner to negotiate a conveyance of the land to the tribe or an Indian, or there is a lack of available funds to consummate the acquisition, the application and all accompanying papers should be submitted by the Superintendent, with his recommendations on the matter, to the Area Director.

Except in unusual cases, patents in fee, certificates of competency, and orders removing restrictions will not be issued for undivided interests in lands held in multiple ownership where other interests in the tract remain in trust or restricted status, since such action would increase the work and expense involved in administering the interests remaining under Bureau jurisdiction. This policy, of course, does not apply to the issuance of fee patents to non-Indians or alien Indians pursuant to 25 CFR 151.6.

.2 Factors to be considered. General authority for the issuance of patents in fee simple is found in the Act of May 8, 1906 (34 Stat. 182; 25 U.S.C. sec. 349), from which the following is quoted:

> "PROVIDED, That the Secretary of the Interior may, in his discretion, and he is authorized, whenever he shall be satisfied that any Indian allottee is competent and capable of managing his or her affairs at any time to cause to be issued to such allottee a patent in fee simple, . . ."

The Act of June 25, 1910, Sec. 1 (36 Stat. 855; 25 U.S.C. 372), contains the following:

> "If the Secretary of the Interior decides the heir or heirs of such decedent competent to manage their own affairs, he shall issue to such heir or heirs a patent in fee for the allotment of such decedent; if he shall decide one or more of the heirs to be incompetent, he may, in his discretion, cause such lands to be sold."

Over the years a great deal of study has been given to this subject, and various approaches have been made to determinations of competency. The most recent effort on the part of Congress to establish a yardstick for measuring competency of individual Indians is found in the Act of August 11, 1955 (69 Stat. 666), relating to the removal of restrictions from property of members of the Five Civilized Tribes. Sec. 2(a) of this act provides that an order removing restrictions "shall be issued if in the

judgment of the Secretary the applicant has sufficient ability, knowledge, experience, and judgment to enable him, or her, to manage his, or her, business affairs, including the administration, use, investment, and disposition of any property turned over to such person and the income or proceeds therefrom, with such reasonable degree of prudence and wisdom as will be apt to prevent him, or her, from losing such property or the benefits thereof." The regulations issued pursuant to this act are contained in 25 CFR 152.

Precise rules cannot be prescribed for determining the competency and ability of an applicant to manage his or her own affairs. Such rules would tend to have the effect of restricting the exercise of judgment to an undesirable extent. Care must be exercised in evaluating the application for a fee patent or other action to lift the trust or remove restrictions, to the end that reasonable standards are applied in determining the applicant's competency. An applicant should not be required or expected to show in excess of the minimum acceptable normal standards in a similar non-Indian community relative to such criteria as education, experience, training, ability to support himself and his dependents, ability to protect and manage his property and make reasonable use of the income or proceeds thereof.

The Superintendent's findings as to competency, based on analysis in line with the above principles, are to be reduced to writing, indicating the specific competency factors considered and reasons for his decision.

.3 Patents in Fee.

A. Authority.

(1) Statutory. General statutory authority for the issuance of patents in fee is found in the Act of May 8, 1906, as amended (34 Stat. 182, 183; 25 U.S.C. 349); the Act of June 25, 1910, as amended (36 Stat. 855; 25 U.S.C. 372); and the Act of May 14, 1948 (62 Stat. 236; 25 U.S.C. 483). Special authorities, applicable to certain reservations, also are in existence.

* NOTE: Using Therese L. Lozeau as device on Journal Voucher, dated Sept. 20, 1950 puts Edward Lozeau, Deceased top of Payment list.
Edward Lozeau is not Entitled to any share after April 24, 1946 per "Order Determining HEIRS".

Rights Protection * June 27, 1983

Mr. Thomas Alfred Lozeau
Box 372
Ronan, MT 59864

Dear Mr. Lozeau:

* I have the following information to relay to your concerning your inheritance of lands on the Flathead Reservation.

* You inherited undivided interests in Flathead allotments as follows:

* Allotment No. 1610, Gabriel Bighorn, Deceased
SE1/4NW1/4 Sec. 7, T.16N., R.19W., P.M.M., 40 acres
* 1/9 interest inherited from mother,
Therese L. Lozeau, deceased, 203-A00747. * 4/45 interest inherited from father,
** Edward Lozeau, deceased, 203-A00746.
* Total inherited interest = 1/5.

Allotment No. 2889, Margaret Lozeau, Deceased
NW1/4SE1/4, S1/2SE1/4, NE1/4SE1/4, Sec. 32, T.18N., R.22W., P.M.M., 160 acres.
1/18 interest inherited from sister,
Margaret Lozeau, deceased, 203-A02889
13/90 interest inherited from father,
Edward Lozeau, deceased, 203-A00746
Total inherited interest = 1/5

Allotment No. 2891, Agnes Lozeau, Deceased
Lots 3,4,6, SW1/4NW1/4 and NW1/4SW1/4 Sec.4, T.17N., R.22W., P.M.M., 139.62 acres.
1/5 interest inherited from father,
Edward Lozeau, deceased, 203-A00746

Allotment No. 409, Frank Lillacelle, Deceased
SE1/4SE1/4 Sec.23, T.19N., R.21W., P.M.M., 40 acres.
1/2 interest inherited from grandmother,
Isabel Carron Charley, deceased, 203-A00408

Our records show those lands being disposed of in the following manner:

* Allotment No. 1610 - This allotment was conveyed to Clara Keenan Dumontier on September 1, 1950 by a Secretarial Transfer of Inherited Interests. *You did not consent to this transfer as evidenced by the attached letter dated February 7, 1950 from Superintendent C.C. Wright to the Billings Area Director, Paul L. Fickinger. At the time this transfer was made it was believed the Area Director had the authority to approve such transactions. It has since been determined he did not and this particular case will be forwarded to our Portland Area Office as a Secretarial Transfer case under authority of the Statute of Limitations 28 U.S.C. 2415. We will keep you advised of the outcome of the case. Additionally, our records show you were compensated for transfer of your interests. Journal Voucher No. 265-49 dated September 29, 1959 transferred $55.54 to your Individual Indian Monies account in payment of your interests.

Allotment No. 2889 - Your undivided 1/5 interest in this allotment was sold to the Confederated Salish and Kootenai Tribes in 1964. Our records contain a Consent to Sale bearing your signature and a witness' signature. The witness is Charles M. Austin. The Deed to Restricted Indian Land was signed by you on June 22, 1964. The same Charles M. Austin, Parole Officer, witnessed your signature. The deed shows your residence to be Stellacoom, Washington. Our files contain a letter from you dated September 18, 1964 requesting funds from sale of your interests in Allotments No. 2889 and 2891 be sent to you. Our records show that Check No. 392,998 was issued to you on October 1, 1964, in the amount of $2,150.00 representing payment for sale of your undivided 1/5 interests in Allotment No. 2891, $930.00, and for sale of your undivided interests in Allotment No. 2889, $1,220.00. Photocopies of U.S. Treasury Checks are retained only seven years so we cannot compare the check endorsement to other documents bearing your signature.

Allotment No. 2891 - Your undivided 1/5 interest in this allotment was conveyed to the Confederated Salish and Kootenai Tribes in 1964. A Consent to Sale bears your signature and the signature of a witness, Charles M. Austin. The Deed to Restricted Indian Land was signed by you on June 22, 1964 and your signature witnessed by Charles M. Austin, Parole Officer. Your address appears on the deed as Stellacoom, Washington. All signatures appear to be written by the same person.

Allotment No. 409 - You indicated your desire to sell your undivided interest in this allotment in the late 1950's. The property was advertised for sale and a bid accepted. When the deed was forwarded to you, you declined to sign it stating your reasons in a letter dated October 26, 1959. In 1972 you were informed that the Tribes had offered to purchase your interest. You signed the Deed to Restricted Indian Land on February 1972 and your signature was witnessed by R.G. Houser, Parole Officer. Your address is listed on the deed as being Steilacoom, Washington. Our records show Check No. 2,290,379 was issued to you on March 2, 1972. The endorsement cannot be checked because of the length of time that has passed since its issuance.

As you know, Allotment No. 2891 was reduced in size from 160 acres to 139.62 acres in the 1950's when mineral claims were removed. The Superintendent will make an administrative decision on proper title reversion for the 20.38 acres removed in the near future. We will keep you advised on that matter.

In every case, except the transfer of Allotment No. 1610, it is felt that our records show that you consented to the sale of your interests, and that in all cases you received just compensation for sale of your interests. If you still feel that you did not consent to these sales, nor sign the deeds of conveyance, you have the option of pursuing the matter through your own attorney. All of our records will be made available to you for that purpose.

If we can be of further assistance to you, please let us know.

Sincerely,

Superintendent

RIGHTSPROTECTION:RRCAMEL:gkm:06/29/83

bcc: Supt's Chrono
Rights Reading File
Subject file

Flathead Agency,
Dixon, Montana,
February 7, 1950.

610

Mr. Paul L. Fickinger, Area Director,
Billings Area, U. S. Indian Service,
804 North 29th Street,
Billings, Montana.

For the attention of:
Mr. Kenneth W. Green, Area Land Officer.

Dear Sir:

Clara Keenan Dumontier, Flathead allottee No. 2835, has an approved Revolving Credit Fund Loan, No. CF 457 for which to purchase additional lands. Accordingly, conveyance papers are enclosed covering the sale of the Isabel Tsoose, deceased allotment No. 1608, and the Gabrielle Bighorn, deceased allotment No. 1610.

Allotment 1608 is being conveyed entirely by deed. The consideration is the appraised evaluation as found by the Appraisal Board of the Tribes, $1030.

Allotment 1610 is being conveyed by deed and by Secretarial Order. The SE¼NW¼, Section 7, T. 16 N., R.19 W., was willed to Therese L. Lozeau, deceased Flathead allottee No. 747, the remaining 40 acres of the allotment was willed to Lucy Whitfield, deceased Nez Perce allottee and, Melinda and Effie Whitfield. Four minor heirs are involved in the conveyance of the Lozeau tract. We have been successful in obtaining the signatures of all the adult heirs, excepting Thomas A. Lozeau, who refuses to execute any instrument unless the money is paid directly to him and not thru this Agency's accounts. Edward Lozeau, deceased heir of Therese L. Lozeau, deceased, has a large claim against his share of the estate, however, his heirs are the same as the heirs to the Therese L. Lozeau estate. We are therefor safe in stating that a majority of the adult heirs of signed the consents to sale. George Mitchell, one of the minor heirs has failed to return his Consent to the Sale. The adoptive parents of the remaining heirs who are minors have all signed the Consents.

This transaction place another tract of heirship lands in one ownership, and into Indian operation. Approval is hereby recommended.

610

Very truly yours,

C. C. Wright,
Superintendent.

JO
encl.

P. S. Thomas A. Lozeau does not object to the sale but does object to his money coming thru the office, where it more than likely will be used for the support of a minor child now living with her mother, and former wife of Thomas A. Lozeau. We have been unable to obtain an answer from him in writing. We see no reason for delaying completion of this case awaiting further word from him.

[redacted]	[redacted]			1 A	05/01/80	02/01/82	04/28/84
[redacted]	[redacted]			1 A	05/01/80	02/01/82	04/28/84
[redacted]	[redacted]			1 A	05/01/80	02/01/82	04/28/84
[redacted]	[redacted]			1 A	05/01/80	02/01/82	04/28/84
[redacted]	[redacted]			1 A	05/01/80	02/01/82	04/28/84
132030895 [redacted]	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030896 [redacted]	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030897 [redacted]	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030898 [redacted]	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030899 [redacted]	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030900 [redacted]	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030901 [redacted]	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030902 [redacted]	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030903 TIFFP	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030904 TIFFP	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030905 TIFFP	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030906 TIFFP	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030907 TIFFP	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030908 TIFFP	[redacted]			1 A	05/01/80	11/01/82	04/28/84
P132030909 TIFFP	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030910 TIFFP	[redacted]			1 A	05/01/80	11/01/82	04/28/84
P132030911 TIFFP	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030912 TIFFP	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030913 TIFFP	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030914 TIFFP	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030915 TIFFP	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030916 TIFFP	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030917 TIFFP	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030918 TIFFP	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030919 TIFFP	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030920 TIFFP	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030921 TIFFP	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030922 TIFFP	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030923 TIFFP	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030924 TIFFP	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030925 TIFFP	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030926 TIFFP	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030927 TIFFP	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030928 [redacted]	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030929 [redacted]	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030930 TIFFP	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030931 TIFFP	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030932 TIFFP	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P1320309 [redacted]	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030 [redacted]	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030935 TIFFP	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030936 [redacted]	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030937 [redacted]	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030938 [redacted]	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P1320309 [redacted]	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P1320309 [redacted]	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P1320309 [redacted]	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030942 [redacted]	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030943 [redacted]	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030944 [redacted]	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030945 TIFFP	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030946 TIFFP	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030947 TIFFP	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030948 TIFFP	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030949 TIFFP	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030950 [redacted]	[redacted]			1 A	05/01/80	11/01/82	04/28/84
P132030951 [redacted]	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030952 [redacted]	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030953 [redacted]	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P13203095 [redacted]	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030955 [redacted]	[redacted]			1 A	05/01/80	11/01/82	04/28/84
P132030956 TIFFP	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030957 TIFFP	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030958 TIFFP	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030959 TIFFP	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030960 TIFFP	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030961 TIFFP	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030962 TIFFP	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030963 [redacted]	[redacted]			1 A	05/01/80	11/01/82	04/28/84
P132030964 [redacted]	[redacted]			1 A	05/01/80	02/01/82	04/28/84
[redacted] TIFFP	[redacted]			1 A	05/01/80	02/01/82	04/28/84
[redacted]	[redacted]			1 A	05/01/80	02/01/82	04/28/84
P132030967 TISTS	[redacted]	116	SECRETARIAL TRANSFERS	1 A	07/01/80	11/01/82	04/28/84
P132030968 TISTS	ARAC [redacted]	133	SECRETARIAL TRANSFERS	1 A	07/01/80	11/01/82	04/28/84
P132030969 TISTS	ARAC [redacted]	218	SECRETARIAL TRANSFERS	1 A	07/01/80	11/01/82	04/28/84
P132030970 TISTS	ARAC [redacted]	219	SECRETARIAL TRANSFERS	1 A	07/01/80	11/01/82	04/28/84
P132030971 TISTS	ARAC [redacted]	357	SECRETARIAL TRANSFERS	1 A	07/01/80	11/01/82	04/28/84
P132030972 TISTS	ARAC [redacted]	359	SECRETARIAL TRANSFERS	1 A	07/01/80	11/01/82	04/28/84
P132030973 TISTS	ARAC [redacted]	363	SECRETARIAL TRANSFERS	1 A	07/01/80	11/01/82	04/28/84
P132030974 TISTS	ARAC [redacted]	376	SECRETARIAL TRANSFERS	1 A	07/01/80	11/01/82	04/28/84
P132030975 TISTS	ARAC [redacted]	587	SECRETARIAL TRANSFERS	1 A	07/01/80	11/01/82	04/28/84
P132030976 TISTS	ARAC [redacted]	588	SECRETARIAL TRANSFERS	1 A	07/01/80	11/01/82	04/28/84
P132030977 TISTS	ARAC [redacted]	589	SECRETARIAL TRANSFERS	1 A	07/01/80	11/01/82	04/28/84
P132030978 TISTS	ARAC [redacted]	625	SECRETARIAL TRANSFERS	1 A	07/01/80	11/01/82	04/28/84

?? FFP

allot #

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Secretarial Transfers of C.S.K.T. Members Allotments,

C.S.K.T. has not fulfilled their Fiduciary Trust responsability to protect their Alloted Lands held in Trust for them, instead they exploited them of their Lands and Resources. In 1997-1999 C.S.K.T. allowed Stimson Lumber Company to harvest the timber and did not pay the Rightful owner for the Timber removed.

(t)(c) #

[redacted]030979 TISTS	ARAC	[redacted]	626	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
[redacted]980 TISTS	ARAC	[redacted]	649	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
[redacted]981 TISTS	ARAC	[redacted]	651	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132030982 TISTS	ARAC	[redacted]	693	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132030983 TISTS	ARAC	[redacted]	696	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132030984 TISTS	ARAC	[redacted]	697	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132030985 TISTS	ARAC	[redacted]	698	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132030986 TISTS	ARAC	[redacted]	699	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132030987 TISTS	ARAC	[redacted]	809	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132030988 TISTS	ARAC	[redacted]	724	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132030989 TISTS	ARAC	[redacted]	903	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132030990 TISTS	ARAC	[redacted]	916	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132030991 TISTS	ARAC	[redacted]	917	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132030992 TISTS	ARAC	[redacted]	1341	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132030993 TISTS	ARAC	[redacted]	1343	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132030994 TISTS	ARAC	[redacted]	1396	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132030995 TISTS	ARAC	[redacted]	1508	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132030996 TISTS	ARAC	[redacted]	1509	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132030997 TISTS	ARAC	[redacted]	1536	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132030998 TISTS	ARAC	[redacted]EM LAH	1537	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132030999 TISTS	ARAC	[redacted]	1548	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031000 TISTS	ARAC	[redacted]	1549	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	10/12/94
P132031001 TISTS	ARAC	[redacted]	1628	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031002 TISTS	ARAC	[redacted]	1629	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031003 TISTS	ARAC	[redacted]	1684	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031004 TISTS	ARAC	[redacted]	1688	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031005 TISTS	ARAC	[redacted]	1709	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031006 TISTS	ARAC	[redacted]	1718	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031007 TISTS	ARAC	[redacted]	1719	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031008 TISTS	ARAC	[redacted]	1726	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031009 TISTS	ARAC	[redacted]	1727	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031010 TISTS	ARAC	[redacted]	2145	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031011 TISTS	ARAC	[redacted]	2146	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031012 TISTS	ARAC	[redacted]	2147	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031013 TISTS	ARAC	[redacted]	2150	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031014 TISTS	ARAC	[redacted]	2151	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031015 TISTS	ARAC	[redacted]	2152	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031016 TISTS	ARAC	[redacted]	2153	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031017 TISTS	ARAC	[redacted]	2191	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031018 TISTS	ARAC	[redacted]	2202	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031019 TISTS	ARAC	[redacted]	2203	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031020 TISTS	ARAC	[redacted]	2204	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031021 TISTS	ARAC	[redacted]	2205	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031022 TISTS	ARAC	[redacted]	2477	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031023 TISTS	ARAC	[redacted]	2478	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031024 TISTS	ARAC	[redacted]	2479	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031025 TISTS	ARAC	[redacted]	2480	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031026 TISTS	ARAC	[redacted]	2591	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031027 TISTS	ARAC	[redacted]	2592	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031028 TISTS	ARAC	[redacted]	2652	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031029 TISTS	ARAC	[redacted]	2715	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031030 TISTS	ARAC	[redacted]	2716	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031031 TISTS	ARAC	[redacted]	2729	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031032 TISTS	ARAC	[redacted]	2730	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031033 TISTS	ARAC	[redacted]	2749	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031034 TISTS	ARAC	[redacted]	2817	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031035 TISTS	ARAC	[redacted]	2826	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031036 TISTS	ARAC	[redacted]	2843	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031037 TISTS	ARAC	[redacted]	2966	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031038 TISTS	ARAC	[redacted]	3010	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031039 TISTS	ARAC	[redacted]	3021	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031040 TISTS	ARAC	[redacted]	3075	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031041 TISTS	ARAC	[redacted]	3108	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031042 TISTS	ARAC	[redacted]	3109	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031043 TISTS	ARAC	[redacted]	3135	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031044 TISTS	ARAC	[redacted]	3143	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031045 TISTS	ARAC	[redacted]	3158	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031046 TISTS	ARAC	[redacted]	3184	SECRETARIAL TRANSFERS	1	A			07/01/80	11/01/82	04/28/84
P132031047 TISTS	[redacted]				1	A			07/01/80	11/01/82	04/28/84
P132031048 TIRSU	[redacted]			[redacted]ND	1	R	04/12/91	12/20/91	04/01/80	12/20/91	03/19/92
P132031049 CTUDP	[redacted]			[redacted]D PLAINTI	1	R	04/12/91	12/20/91	09/01/80	12/20/91	03/19/92
P132031050 TIFFP	[redacted]				1	A			05/01/80	10/29/80	04/28/84
P132031051 TIFFP	[redacted]				1	A			12/01/81	11/01/82	04/28/84
P132031052 TIFFP	[redacted]				1	A			12/01/81	11/01/82	04/28/84
P132031053 TIFFP	[redacted]				1	A			12/01/81	11/01/82	04/28/84
P132031054 TIFFP	[redacted]				1	A			12/01/81	11/01/82	04/28/84
P132031055 TIFFP	[redacted]				1	A			12/01/81	11/01/82	04/28/84
P132031056 TISTS	[redacted]				1	A			10/29/81	11/01/82	04/28/84
P132031057 TISTS	[redacted]				1	A			10/29/81	11/01/82	04/28/84
P132031058 TIFFP	[redacted]				1	A			05/01/80	10/29/80	04/28/84
P132031059 TPNU	[redacted]				1	A			02/01/81	05/22/85	05/22/91
P132031060 NRWT	[redacted]				1	A			02/01/81	10/23/89	05/22/91
P132031061 NRWT	[redacted]				1	A			02/01/81	10/23/89	05/22/91
P132031062 NRWT	[redacted]				1	A			02/01/81	10/23/89	05/22/91
P132031063 NRWT	[redacted]				1	A			02/01/81	10/23/89	05/22/91
P132031064 NR	[redacted]				1	A			02/01/81	10/23/89	05/22/91
P132031065 NR	[redacted]				1	A			02/01/81	10/23/89	05/22/91
P132031066 NR	[redacted]				1	A			02/01/81	10/23/89	05/22/91
P132031067 NRWT	[redacted]				1	A			02/01/81	10/23/89	05/22/91

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ment contract or contract for disposal of government property and, thus, manufacturer was not entitled to interest on indemnification pursuant to Contract Disputes Act. Cedar Chemical Corp. v. U.S., Cl.Ct.1989, 18 Cl.Ct. 25. United States ⟹ 110

6. Costs

Successful social security disability benefits claimant was entitled to district court filing fee of $60 as reimbursement for costs, but was not entitled to reimbursement for ordinary litigation expenses under cost provision. Coup v. Heckler, W.D.Pa.1989, 706 F.Supp. 405. Social Security And Public Welfare ⟹ 142.30

7. Interest

Interest on judgment against government in action based on alleged medical malpractice at federally operated hospital could only be awarded when judgment became final after review on appeal, rather than when judgment was entered. Starns v. U.S., C.A.4 (Va.) 1991, 923 F.2d 34, certiorari denied 112 S.Ct. 54, 502 U.S. 809, 116 L.Ed.2d 31. United States ⟹ 110

8. Attorney fees

Judgment fund statute, providing for government's payment of judgment only when judgment is final, did not preclude, under sovereign immunity theory, award of interim attorney fees in Title VII employment discrimination action against government. Trout v. Garrett, C.A.D.C. 1989, 891 F.2d 332, 282 U.S.App.D.C. 33. Civil Rights ⟹ 1588; Civil Rights ⟹ 1598

Once Congress waived sovereign immunity from award of attorney fees in FOIA actions, through FOIA attorney fee provision, no additional waiver of sovereign immunity was required to permit interim award of attorney fees, and statute providing for payment of judgments against United States out of judgment fund that permits payment only when judgment is final was not superseding limitation on Government's waiver of sovereign immunity with respect to award of attorney fees under FOIA. Rosenfeld v. U.S., C.A.9 (Cal.) 1988, 859 F.2d 717. Records ⟹ 68

Interim fee award made in Freedom of Information Act (FOIA) suit can be ordered to be paid before the judgment becomes final. Washington Post v. U.S. Dept. of Defense, D.D.C.1992, 789 F.Supp. 423. Records ⟹ 68

General provisions authorizing appropriation of federal funds to pay judgments against United States did not prohibit award of interim attorney fees against federal government in Title VII action. McKenzie v. Kennickell, D.D.C.1987, 669 F.Supp. 529. Civil Rights ⟹ 1588; Civil Rights ⟹ 1598

Interim award of attorney fees against government was immediately payable in employment discrimination class action under Title VII of the Civil Rights Act even though final judgment had not yet been entered. Jurgens v. E.E.O.C., N.D.Tex.1987, 660 F.Supp. 1097. Civil Rights ⟹ 1598

§ 2415. Time for commencing actions brought by the United States

(a) Subject to the provisions of section 2416 of this title, and except as otherwise provided by Congress, every action for money damages brought by the United States or an officer or agency thereof which is founded upon any contract express or implied in law or fact, shall be barred unless the complaint is filed within six years after the right of action accrues or within one year after final decisions have been rendered in applicable administrative proceedings required by contract or by law, whichever is later: *Provided*, That in the event of later partial payment or written acknowledgment of debt, the right of action shall be deemed to accrue again at the time of each such payment or acknowledgment: *Provided further*, That an action for

money damages brought by the United States for or on behalf of a recognized tribe, band or group of American Indians shall not be barred unless the complaint is filed more than six years and ninety days after the right of action accrued: *Provided further*, That an action for money damages which accrued on the date of enactment of this Act in accordance with subsection (g) brought by the United States for or on behalf of a recognized tribe, band, or group of American Indians, or on behalf of an individual Indian whose land is held in trust or restricted status, shall not be barred unless the complaint is filed sixty days after the date of publication of the list required by section 4(c) of the Indian Claims Limitation Act of 1982: *Provided*, That, for those claims that are on either of the two lists published pursuant to the Indian Claims Limitation Act of 1982, any right of action shall be barred unless the complaint is filed within (1) one year after the Secretary of the Interior has published in the Federal Register a notice rejecting such claim or (2) three years after the date the Secretary of the Interior has submitted legislation or legislative report to Congress to resolve such claim or more than two years after a final decision has been rendered in applicable administrative proceedings required by contract or by law, whichever is later.

(b) Subject to the provisions of section 2416 of this title, and except as otherwise provided by Congress, every action for money damages brought by the United States or an officer or agency thereof which is founded upon a tort shall be barred unless the complaint is filed within three years after the right of action first accrues: *Provided*, That an action to recover damages resulting from a trespass on lands of the United States; an action to recover damages resulting from fire to such lands; an action to recover for diversion of money paid under a grant program; and an action for conversion of property of the United States may be brought within six years after the right of action accrues, except that such actions for or on behalf of a recognized tribe, band or group of American Indians, including actions relating to allotted trust or restricted Indian lands, may be brought within six years and ninety days after the right of action accrues, except that such actions for or on behalf of a recognized tribe, band, or group of American Indians, including actions relating to allotted trust or restricted Indian lands, or on behalf of an individual Indian whose land is held in trust or restricted status which accrued on the date of enactment of this Act in accordance with subsection (g) may be brought on or before sixty days after the date of the publication of the list required by section 4(c) of the Indian Claims Limitation Act of 1982: *Provided*, That, for those claims that are on either of the two lists published pursuant to the Indian Claims Limitation Act of 1982, any right of action shall be

barred unless the complaint is filed within (1) one year after the Secretary of the Interior has published in the Federal Register a notice rejecting such claim or (2) three years after the Secretary of the Interior has submitted legislation or legislative report to Congress to resolve such claim.

(c) Nothing herein shall be deemed to limit the time for bringing an action to establish the title to, or right of possession of, real or personal property.

(d) Subject to the provisions of section 2416 of this title and except as otherwise provided by Congress, every action for the recovery of money erroneously paid to or on behalf of any civilian employee of any agency of the United States or to or on behalf of any member or dependent of any member of the uniformed services of the United States, incident to the employment or services of such employee or member, shall be barred unless the complaint is filed within six years after the right of action accrues: *Provided*, That in the event of later partial payment or written acknowledgment of debt, the right of action shall be deemed to accrue again at the time of each such payment or acknowledgment.

(e) In the event that any action to which this section applies is timely brought and is thereafter dismissed without prejudice, the action may be recommenced within one year after such dismissal, regardless of whether the action would otherwise then be barred by this section. In any action so recommenced the defendant shall not be barred from interposing any claim which would not have been barred in the original action.

(f) The provisions of this section shall not prevent the assertion, in an action against the United States or an officer or agency thereof, of any claim of the United States or an officer or agency thereof against an opposing party, a co-party, or a third party that arises out of the transaction or occurrence that is the subject matter of the opposing party's claim. A claim of the United States or an officer or agency thereof that does not arise out of the transaction or occurrence that is the subject matter of the opposing party's claim may, if time-barred, be asserted only by way of offset and may be allowed in an amount not to exceed the amount of the opposing party's recovery.

(g) Any right of action subject to the provisions of this section which accrued prior to the date of enactment of this Act shall, for purposes of this section, be deemed to have accrued on the date of enactment of this Act.

(h) Nothing in this Act shall apply to actions brought under the Internal Revenue Code or incidental to the collection of taxes imposed by the United States.

(i) The provisions of this section shall not prevent the United States or an officer or agency thereof from collecting any claim of the United States by means of administrative offset, in accordance with section 3716 of title 31.

(Added Pub.L. 89–505, § 1, July 18, 1966, 80 Stat. 304, and amended Pub.L. 92–353, July 18, 1972, 86 Stat. 499; Pub.L. 92–485, Oct. 13, 1972, 86 Stat. 803; Pub.L. 95–64, July 11, 1977, 91 Stat. 268; Pub.L. 95–103, Aug. 15, 1977, 91 Stat. 842; Pub.L. 96–217, § 1, Mar. 27, 1980, 94 Stat. 126; Pub.L. 97–365, § 9, Oct. 25, 1982, 96 Stat. 1754; Pub.L. 97–394, Title I, § 2, Dec. 30, 1982, 96 Stat. 1976; Pub.L. 97–452, § 2(d)(2), Jan. 12, 1983, 96 Stat. 2478; Pub.L. 98–250, § 4(a), Apr. 3, 1984, 98 Stat. 118.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1966 Acts. Senate Report No. 1328, see 1966 U.S. Code Cong. and Adm. News, p. 2502.

1972 Acts. Senate Report No. 92–1253, see 1972 U.S. Code Cong. and Adm. News, p. 3592.

1977 Acts. House Report No. 95–375 and House Conference Report No. 95–505, see 1977 U.S. Code Cong. and Adm. News, p. 1616.

1980 Acts. House Report No. 96–807 and House Conference Report No. 96–843, see 1980 U.S. Code Cong. and Adm. News, p. 206.

1982 Acts. Senate Report Nos. 97–378 and 97–287, see 1982 U.S. Code Cong. and Adm. News, p. 3377.

1983 Acts. Detailed Explanation prepared by the Office of the Law Revision Counsel, see 1982 U.S. Code Cong. and Adm. News, p. 4301.

1984 Acts. House Report No. 98–611, see 1984 U.S. Code Cong. and Adm. News, p. 319.

References in Text

The date of enactment of this Act, referred to in subsecs. (a), (b), and (g), means the date of enactment of Pub.L. 89–505, which was approved on July 18, 1966.

The Indian Claims Limitation Act of 1982, referred to in subsecs. (a) and (b), is Pub.L. 97–394, Title I, §§ 2–6, Dec. 30, 1982, 96 Stat. 1976–1978, which amended this section and enacted provisions set out as notes under this section. For complete classification of this Act to the Code, see Short Title of 1982 Amendments note set out under this section and Tables.

This Act, referred to in subsec. (h), means Pub.L. 89–505, July 18, 1966, 80 Stat. 304, which enacted this section and section 2416 of this title. For complete classification of this Act to the Code see Tables.

Amendments

1984 Amendments. Subsecs. (a), (b). Pub.L. 98–250 substituted "Indian Claims Limitation Act of 1982" for "Indian Claims Act of 1982" wherever appearing.

1983 Amendments. Subsec. (i). Pub.L. 97–452 substituted "section 3716 of title 31" for "section 5 of the Federal Claims Collection Act of 1966".

1982 Amendments. Subsec. (a). Pub.L. 97–394, § 2(a), substituted "sixty days after the date of publication of the list required by section 4(c) of the Indian Claims Act of 1982: *Provided*, That, for those claims that are on either of the two lists published pursuant to the Indian Claims Act of 1982, any right of action shall be barred unless the complaint is filed within (1) one year after the Secretary of the Interior has published in the Federal Register a notice rejecting such claim or (2) three years after the date the Secretary of the Interior has submitted legislation or legislative report to Congress to resolve such claim" for "after December 31, 1982".

Subsec. (b). Pub.L. 97–394, § 2(b), substituted "sixty days after the date of the publication of the list required by section 4(c) of the Indian Claims Act of 1982: *Provided*, That, for those claims that are on either of the two lists published pursuant to the Indian Claims Act of 1982, any right of action shall be barred unless the complaint is filed within (1) one year after the Secretary of the Interi-

DATE: 11/16/2011
TIME: 10:41:00 CST

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
TRACT HISTORY REPORT

REQUESTOR: GDUCHARM

589-A

LAND AREA: 203 PFX: T NUMBER: 589 SUFFIX: -A
LTRO: PORTLAND, OR RESERVATION: FLATHEAD

TRACT REMARKS:
NO TRACT REMARKS FOUND

*Where is Tract NAME?
*Original Allotee HARD Copy Tract History

DOCUMENT DATE	CLS	TYP	ID	IMAGE/REEL NO.	DOCUMENT NOTES REMARK OR EXPLANATION
10/08/1908	01		13147		

TITLE IS SUBJECT TO THE FOLLOWING ENCUMBRANCES:

NO ENCUMBRANCES FOUND.

LAND DESCRIPTION SEC	TWNSHP	RANGE	COUNTY	STATE	MERIDIAN	LEGAL DESCRIPTION	COUNTY ACRES
800	018.00N	021.00W	SANDERS	MT	Principal		0.000

DESCRIPTION
NO LRIS LEGAL FOR THIS DOCUMENT

TOTAL SECTION ACRES: 0.000
TOTAL TRACT ACRES: 0.000

NO OWNERSHIP INFORMATION FOUND

DOCUMENT DATE	CLS	TYP	ID	IMAGE/REEL NO.	DOCUMENT NOTES REMARK OR EXPLANATION
07/08/1954	08		1128		*ORDER OF TRANSFER OF INHERITED INTEREST

TITLE IS SUBJECT TO THE FOLLOWING ENCUMBRANCES:

NATURE OF ENCUMBRANCE	ENCUMBRANCE HOLDER	BEGINNING DATE	EXPIRATION DATE
MISCELLANEOUS	-----		PERPETUAL

DESCRIPTION:
ORDER TRANS INHERITED INTMAY NOT BE IN ACCORDANCE WITH ACTS 5-14-48 (62 STAT 236) AS INTERPRETED BY SOLICITORS OPINION OF 6-24-55, ACT 6-25-10 (36 STAT 855) INAPPLICABLE BY1948 ACT REQUIRING CON- SENT OF ALL INDIAN OWNERSON IRA RESERVATION.

Report Cont...

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
TRACT HISTORY REPORT

LAND AREA: 203 PFX: T NUMBER: 589 SUFFIX: -A
LTRO: PORTLAND, OR RESERVATION: FLATHEAD

LAND DESCRIPTION

SEC	TWNSHP	RANGE	COUNTY	STATE	MERIDIAN	LEGAL DESCRIPTION	COUNTY ACRES
32	018.00N	021.00W	SANDERS	MT	Principal	W SE	80.000

TOTAL SECTION ACRES: 80.000
TOTAL TRACT ACRES: 80.000

GRANTOR ID	TYP	OT	INT	NAME IN WHICH TRANSACTED (SURNAME/FIRST NAME)	FRACTION CONVEYED	OWNERSHIP
203A000589	I	T	A	FINLEY	1	1
				HEIRS OF LUCY	1	1

GRANTEE ID	TYP	OT	INT	REL	NAME IN WHICH TRANSACTED (SURNAME/FIRST NAME)	FRACTION CONVEYED	OWNERSHIP
203T203-30	T	T	A	O	FLATHEAD TRIBES	1	1
						1	1

DOCUMENT DATE	CLS	TYP	ID	IMAGE/REEL NO.	DOCUMENT NOTES REMARK OR EXPLANATION
07/18/1997	26	TI	30808		

TITLE IS SUBJECT TO THE FOLLOWING ENCUMBRANCES:

NATURE OF ENCUMBRANCE	ENCUMBRANCE HOLDER	BEGINNING DATE	EXPIRATION DATE
TIMBER LEASE	STIMSON LUMBER COMPANY		09/30/1999

DESCRIPTION:
TERMS AND CONDITIONS OF ATIMBER CONTRACT APROVED ,7/18/1997, FOR THE SELOW CREEK LOGGING UNIT.

LAND DESCRIPTION

SEC	TWNSHP	RANGE	COUNTY	STATE	MERIDIAN	LEGAL DESCRIPTION	COUNTY ACRES
32	018.00N	021.00W	SANDERS	MT	Principal	W SE	80.000

TOTAL SECTION ACRES: 80.000
TOTAL TRACT ACRES: 80.000

NO OWNERSHIP INFORMATION FOUND

Report Cont...

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
TRACT HISTORY REPORT

LAND AREA: 203 PFX: T NUMBER: 589 SUFFIX: -A
LTRO: PORTLAND, OR RESERVATION: FLATHEAD

DOCUMENT DATE	CLS	TYP	ID	IMAGE/REEL NO.	DOCUMENT NOTES REMARK OR EXPLANATION
05/20/2003		RU	0000170310	34605	

TITLE IS SUBJECT TO THE FOLLOWING ENCUMBRANCES:

CONTRACTOR	CONTRACTOR NAME	BEGINNING DATE	EXPIRATION DATE	LEASED ACRES
203C000468	DIXON INDIAN STOCK ASSOCIATION	3/1/2008	12/31/2010	80.000

LAND DESCRIPTION

SEC	TWNSHP	RANGE	COUNTY	STATE	MERIDIAN	LEGAL DESCRIPTION	COUNTY ACRES
32	018.00N	021.00W	SANDERS	MT	Principal	LOT 99	80.000
						TOTAL SECTION ACRES:	80.000
						TOTAL TRACT ACRES:	80.000

NO OWNERSHIP INFORMATION FOUND

DOCUMENT DATE	CLS	TYP	ID	IMAGE/REEL NO.	DOCUMENT NOTES REMARK OR EXPLANATION
05/20/2003	23	RU	34605		

TITLE IS SUBJECT TO THE FOLLOWING ENCUMBRANCES:

NATURE OF ENCUMBRANCE	ENCUMBRANCE HOLDER	BEGINNING DATE	EXPIRATION DATE
RANGE UNIT	DIXON INDIAN STOCK ASSOCIATION		12/31/2010

DESCRIPTION:

RANGE UNIT PERMIT #0017 FOR A TERM OF 8 YEARS COMMENCING 1-1-2003 APPROVED 5-20-2003.

LAND DESCRIPTION

SEC	TWNSHP	RANGE	COUNTY	STATE	MERIDIAN	LEGAL DESCRIPTION	COUNTY ACRES
32	018.00N	021.00W	SANDERS	MT	Principal	W SE	80.000
						TOTAL SECTION ACRES:	80.000

Report Cont...

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
TRACT HISTORY REPORT

LAND AREA: 203 PFX: T NUMBER: 589 SUFFIX: -A
LTRO: PORTLAND, OR RESERVATION: FLATHEAD

TOTAL TRACT ACRES: 80.000

NO OWNERSHIP INFORMATION FOUND

DOCUMENT DATE	CLS	TYP	ID	IMAGE/REEL NO.	DOCUMENT NOTES REMARK OR EXPLANATION
05/11/2011		RU	0000171120	42596-42650	

TITLE IS SUBJECT TO THE FOLLOWING ENCUMBRANCES:

CONTRACTOR	CONTRACTOR NAME	BEGINNING DATE	EXPIRATION DATE	LEASED ACRES
203C000468	DIXON INDIAN STOCK ASSOCIATION	1/1/2011	12/31/2020	80.000

LAND DESCRIPTION

SEC	TWNSHP	RANGE	COUNTY	STATE	MERIDIAN	LEGAL DESCRIPTION	COUNTY ACRES
32	018.00N	021.00W	SANDERS	MT	Principal	LOT 99	80.000

TOTAL SECTION ACRES: 80.000

TOTAL TRACT ACRES: 80.000

NO OWNERSHIP INFORMATION FOUND

* * * * End of Report * * * *

* My father, T.A.L.J.

June 6, 1985

Rights Protection, Flathead Agency

* Thomas A. Lozeau - Allegations Presented in Justice Department Letter

Portland Area Director, Mailing Code P100

FROM: Superintendent, Flathead Agency

* Research of files located in the Agency Realty and Rights Protection offices concerning Mr. Thomas A. Lozeau show a series of contact and research dating back at least to June of 1983. At that time, Mr. Lozeau had made an offer to the Tribal Council to sell any interest he had in the Arlee Pow-wow grounds. Agency records did not show that he had any interest in Allotment No. 1354-A, the present location of the Arlee Pow-wow ground. A letter to Mr. Lozeau provided him with research conducted by Mrs. Rhonda Camel, Rights Protection Specialist. This letter was dated June 28, 1983, and a copy will be found attached to this cover.

* The June 28th letter states that Mr. Lozeau had inherited an undivided interest in four allotments. It also states that compensation was made in the purchase of Mr. Lozeau's interests by the Tribes. Only two matters were left undecided. * The first is being handled as a Statute of Limitations Case on Allotment No. 1610 (Case P13-203-1461) to see if a Secretarial Transfer was legally handled. The second matter refers to Allotment No. 2891 for an erroneous mineral entry made in the 1950's that reduced the size of the parcel from 160 acres to 139.62. An Administrative decision is to be made by the Superintendent on this matter. Mr. Lozeau may have an interest based on a decision by the Superintendent.

Mr. Lozeau was informed that the Agency records showed that Mr. Lozeau "consented to sale of his interests and, that in all cases, received just compensation for these sales." Please review our letter of June 28, 1983, included with this memorandum.

Mr. Lozeau's question of a peculiarity in the Probate of Alice Lozeau's Will is not understood by this office. Probate records show that he did receive the house and personal property according to Alice's Will. A copy of Alice's Will and Probate is included for your information.

The allegation concerning Mr. Lozeau being kept from his inheritance is perplexing. To our knowledge, two houses on Allotment No. 2891 have been lost to fire. It is assumed that one of these two dwellings was the house Willed to him. As this house no longer exists, it would appear that Mr. Lozeau no longer has a legal claim to residing on said property.

The remaining allegation concerns the fact that Mr. Lozeau's recent mining claims on file with the County Clerk and Recorder's office are not recognized by the BIA or Tribes. Mining claims on forested land held in trust by the United States Government are considered to be invalid. A copy of the decision of the appeal on mining claims located in part on Allotment No. 2891 is included for your information.

After reviewing this memorandum and attachments please forward to Mr. Robert J. Brooks, Assistant U.S. Attorney, located at 167 Federal Building, Butte, Montana 59701.

Attachments

cc: Billings Area Director

RIGHTSPROTECTION:ESCHALLOCK:gkm:06:06:85
bcc: Supt's chrono
Rights chrono
Subject file

THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD NATION
P.O. Box 278
Pablo, Montana 59855
(406) 675-2700
FAX (406) 675-2806

Joseph E. Dupuis - Executive Secretary
Vern L. Clairmont - Executive Treasurer
Bernice Hewankorn - Sergeant-at-Arms

TRIBAL COUNCIL MEMBERS:
Rhonda R. Swaney - Chairwoman
Michael T. Pablo - Vice Chairman
Carole J. Lankford - Secretary
Henry "Hank" Baylor - Treasurer
Donald "Donny" Dupuis
Michael Durglo, Jr.
Mary Lefthand
Wm. Joseph Moran
Elmer "Sonny" Morigeau
Gary Stevens

December 4, 1997

Mr. Thomas Lozeau, Jr.
P.O. Box 294
Ronan, Montana 59864

RE: Your claim to 1/5 interest in Allotment 1610A

Dear Mr. Lozeau:

I have reviewed the materials you have provided me, as well as those provided at your request by the Division of Lands pertaining to your claim of interest in Allotment 1610A. That record demonstrates that to prosecute your claim would involve an extensive expenditure of resources with a very slim possibility of success, even at the threshold. I discussed this matter with the Tribal Council on December 3, 1997 at which time the Council decided not to provide you with legal representation. This decision in no way lessens your right to personally pursue any claim you believe you may have.

Sincerely,

John B. Carter
Tribal Attorney

cc: Tribal Council
Sam Morigeau, DNRC
Kay Neiss, DOL
chrono:rrc:wp6:loze1610

EXECUTIVE DIRECTOR
John E. Echohawk

LITIGATION MANAGEMENT COMMITTEE
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ATTORNEYS
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Tracy A. Labin
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Steven C. Moore
Donald R. Wharton

LAW OFFICE ADMINISTRATOR
Clela A. Rorex

DIRECTOR OF DEVELOPMENT
Mary Lu Prosser

GRANT WRITER/EDITOR
Ray Ramirez

Native American Rights Fund

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Lorna K. Babby

ANCHORAGE OFFICE
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Anchorage, AK 99501
(907) 276-0680
FAX (907) 276-2466

ATTORNEYS
Lawrence A. Aschenbrenner
Heather R. Kendall-Miller

Website: www.narf.org

July 19, 2001

Mr. Thomas A. Lozeau
P.O. Box 294
Ronan, Montana 59864

Re: Request for Assistance

Dear Mr. Lozeau:

The LMC appreciates your taking the time and effort on July 17, 2001 to visit with us in Boulder, Colorado, on an issue of obvious importance to you

As we discussed, because the Salish and Kootenai Tribes now claim ownership of the land you seek to recover, any effort to regain the disputed land would likely involve challenging the Tribes' ownership. NARF has a long standing general policy of declining requests for assistance that would involve Indian versus Indian disputes. Among other things, such cases might require us to challenge Indian law principles which we have fought to secure for Indian people and Nations over the last 30 years. We, therefore, decline to accept your request for assistance.

We also discussed several places you might call to try and obtain representation. These include contacting the attorneys whom the Tribes recommended to you, the Indian Law Clinic at the University of Montana, Robert Peregoy who is a former NARF attorney and is now in private practice in Ronan (406-675-2530), Jeanne Whiteing (303-444-2549), Thomas Fredericks (303-1673-9600), and the Indian Dispute Resolution Service Center (916-447-4899) if mediation or arbitration is an option.

With kindest regards,

Mark C. Tilden
Litigation Management Committee

FLATHEAD

THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD NATION
P.O. Box 278
Pablo, Montana 59855
(406) 675-2700
FAX (406) 275-2806
E-mail: csktcouncil@ronan.net

SALISH KOOTENAI

NATION

Joseph E. Dupuis - Executive Secretary
Vern L. Clairmont - Executive Treasurer
Leon Bourdon - Sergeant-at-Arms

TRIBAL COUNCIL MEMBERS:
D. Fred Matt - Chairman
Jami Hamel - Vice Chair
Carole J. Lankford - Secretary
Lloyd D. Irvine - Treasurer
Darryl A. Dupuis
Margaret Goode
S. Kevin Howlett
Mary Lefthand
Elmer "Sonny" Morigeau
Ron Trahan

August 29, 2001

Mr Thomas Lozeau, Jr.
P. O. Box 294
Ronan, MT 59865

Re; your claimed partial interest in Allotment 1610A, near Arlee,

Dear Tom,

You have done an exhaustive job of compiling information in an effort to support your claim of a partial interest in Allotment 1610A, located near Arlee, MT. The Tribes have provided you assistance in obtaining records and advice and the Council has listened to your claim several times over the years. We have concluded that if you have any claim, it may in fact be against the United States and not the Tribes. To that end, we have made contact with Native American Rights Fund on your behalf and supported your travel and discussions with NARF attorneys. It is my understanding that NARF has informed you that they would not undertake representation of the claim you believe that you have. The Tribes will provide you no further assistance on this matter either. However, if you believe that you do have a claim you are free to obtain legal assistance from the private sector.

Sincerely,

D. Fred Matt

D. Fred Matt, Tribal Chairman

cc Tribal Council members
Rhonda Swaney, Director, Natural Resources Dept.
Dan Decker, Managing Attorney, Legal Dept.

TRIBAL LEGAL DEPARTMENT
RECEIVED
SEP 18 2001
Time in: 10:40 am
By: SC
CONFEDERATED SALISH & KOOTENAI

December 12, 2001

Stanley Speaks, Northwest Regional Director
Bureau of Indian Affairs
911 NE 11th Avenue
Portland, Oregon 97232

Dear Mr. Speaks:

I have an issue that requires your attention immediately. In 1950, the Bureau of Indian Affairs transferred my father's interest in tract 203 1610-A to Clara Kenean Dumontier by a Secretarial Transfer of Inherited Interests. My father did not consent to this transfer as shown by the attached copy of a letter dated February 7, 1950 from Superintendent C.C. Wright to Paul Flickinger, Billings Area Director. Since then, such Secretarial Transfers that occurred without the owners consent have been deemed to be invalid. I have repeatedly contacted our Tribe and the Bureau of Indian Affairs in order to get this matter resolved. Each time I have approached someone to look at this, the matter has been brushed aside. I am afraid that time will run out for resolving this matter if I keep getting put off.

In a letter signed by you in 1997, the matter was looked at and you assured me that you would transfer the matter to the Washington D.C. office so that they could make a decision as to how they will handle the Secretarial Transfer Claims. I have not heard from you or anyone else since. I need to know what the next step is for me to take to resolve this matter. Please correspond with me as soon as possible as time is continuing to toll. I have sufficient paperwork to assist you in providing help for me. I have left a copy of some of my records with your Realty staff at the Northwest Regional Office. I need you to outline exact steps for me to take so that I can see some action on your part and have my father's interest in 1610-A returned to his heirs.

Sincerely,

Thomas A. Lozeau Jr.

Thomas A. Lozeau, Jr.

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Northwest Regional Office
911 N.E. 11th Avenue
Portland, Oregon 97232-4169

IN REPLY REFER TO:

TAKE PRIDE IN AMERICA

DEC 20 2001

Mr. Thomas A. Lozeau, Jr.
P.O. Box 294
Ronan, MT 59864

Dear Mr. Lozeau:

Thank you for your letter of December 12, 2001, pertaining to Statute of Limitations Claim P13-203-1461. You reference our December 16, 1997, letter wherein we indicated that we were referring a Secretarial Transfer Claim to our Washington, D.C., office so that they could make a decision as to how to handle this type of claim. A copy of our letter is enclosed for your reference. As indicated on the second page, a copy of the letter was sent to the Office of Trust Responsibilities. To date we still have not received a response.

The Secretarial Transfer, Forced Fee Patent, Rights-of-Way, and certain other categories of claims that were filed under the Statute of Limitations Program are nationwide in scope and so the Secretary's office must be the one to issue guidance on how to handle them. By copy of this letter we are once again forwarding our earlier letter to our D.C., office and asking them to establish and disseminate a policy on Secretarial Transfer Claims.

We regret that we are unable to resolve the ownership problem for Flathead Allotment 1610-A, but as soon as we hear from our Central Office we will let you know their determination. If you have any questions, please feel free to contact Ron Appelbaum at (503) 231-2237.

Sincerely,

Northwest Regional Director

Enclosure
cc: Assistant Secretary - Indian Affairs, Attn: Office of Trust Responsibilities/Larry Scrivner
Superintendent, Flathead Agency

THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD NATION
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Pablo, Montana 59855
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Joel A. Clairmont
Margaret Goode
S. Kevin Howlett
Mary Lefthand
Elmer "Sonny" Morigeau
Ron Trahan

09/30/2002

Mr. Thomas A. Lozeau Jr,

The Rights Protection Office has exhausted all its resources and cannot provide any more direct assistants to you in your efforts to address your Alottment 1610A Land issues.

And cannot provide anymore individual Indians services to you.

If you have any question please feel free cal me at (406) 675-2700 ext.1076

Thank you

Francis Auld
Tribal Preservation Assist/Rights Protection

George - Titles & Records
Flathead

MAR 17 2004

Real Estate Services
BCCO 04327

OPTIONAL FORM 99 (7-90)
FAX TRANSMITTAL # of pages ▶ 1

To Michele Hensel	From Jonathan for Ed Demery
Dept./Agency GLA Northwest LTRO	Phone # 202-208-7737 / 5026
Fax # 503-231-6715	Fax # 202-219-1065

NSN 7540-01-317-7368 5099-101 GENERAL SERVICES ADMINISTRATION

The Honorable Denny Rehberg
Member, United States House
of Representatives
950 North Montana Avenue
Helena, Montana 59601

Dear Congressman Rehberg:

Thank you for your letter of December 1, 2003, on behalf of Mr. Thomas A. Lozeau, Jr., who provided you with a copy of his letter to Mr. Ernest "Bud" Moran, Superintendent, Flathead Agency, and copies of other documents relating to his claim of interest in Allotment 1610A. We apologize for the delay in our reply.

Mr. Lozeau's claim is a statute of limitation case (No. P13-203-1461) under 28 U.S.C. 2415. He has contacted our Northwest Regional office (Region) on two occasions regarding this matter. Please find enclosed correspondence from the Region to Mr. Lozeau.

Congress and the Department of the Interior (Interior) attempted to resolve the problems associated with claims arising from Secretarial Transfers through the enactment of 28 U.S.C. 2415 and programs established by the Interior. However, as evidenced by Mr. Lozeau's and our Region's letters, not all claims have been or can be addressed or resolved under 28 U.S.C. 2415 to the satisfaction of the claimant.

Please do not hesitate to contact us if you have further questions.

Sincerely,

/S/ Brian J. Pogue

Acting Director, Bureau of Indian Affairs

Enclosures

Copy to your Washington office

cc: Regional Director, Northwest Region w/ incoming
Superintendent, Flathead Agency
bcc: BIA 220 Surname:220 Chron:200 RF:101A (BCCO 04327):120
BIA 220:EDemery:X5026:03/09/04 K:\Realty\Bcco\2004\BCCO 04327 Rehberg Lozeau.wpd

This letter, unsigned nor created by me is what Tribal Council and Tribal Legal Dept. used to issue me letter dated May 17, 2007 which was hand delivered to me between 6-7 PM on that date.

CS & KT
Tribal Council Chairman
P.O. Box 278
Pablo, MT 59855

Thomas Alfred Lozeau Jr.
P.O. Box 294
Ronan, MT 59864
May 15, 2007

I never formally presented this or any other document for them to take any action on.

Mr. James Steele, Jr.

Following is a letter that I wrote in order to sum up matters concerning the Gabriel Bighorn-Allotment 1610-A. This Allotment is located in Lake Co at Township 16N, Range 19W, Section 07, in the SE1/4 of the NE1/4, containing 40 acres.

Secretarial Transfer Settlement Agreement
Terms of Agreement

1. House and acreage of equal value and amount of Gabriel Allotment.

2. Lot located at 401 Apache Home sites. West ½ Lot #26 located in the Township 20N, Range 20W, E ½ of the NE 1/4 of Section 1, P.M.M., Lake Co., MT. containing 0.43 acres more or less. Surface and Subsurface, lot is to be fenced. Pache is where I reside.

3.Total compensation broke down as follows, for the amount of $51,600.00
   a. $30,000.00 September 01, 1950 to present date.
   b. $21,600.00 My personal time at $100.00 per month beginning May of 1989 to the present date.

4. If and when the terms stated in 1-3 above are met, I will then sign and date a Quit Claim Deed for the Gabriel Bighorn Allotment 1610-A containing 40 acres S.O.L.C. P13-203-1461.

Sincerely,

I don't know who created this document, was it Chairman Steele or Ranald?

Thomas Alfred Lozeau, Jr.
UO-5953

Tribal Council meeting Held May, 15, 2007 does not show this being Presented to Tribal Council for Motion and Approval.

THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD NATION
P.O. BOX 278
Pablo, Montana 59855
(406) 275-2700
FAX (406) 275-2806
www.cskt.org

Joseph E. Dupuis - Executive Secretary
Vern L. Clairmont - Executive Treasurer
Leon Bourdon - Sergeant-at-arms

TRIBAL COUNCIL MEMBERS:
James Steele, Jr. - Chairman
Carole Lankford - Vice Chair
Lloyd D. Irvine - Secretary
Ron Trahan - Treasurer
Joe Durglo
Mike Kenmille
Steve Lozar
Jim Malatare
Reuben A. Mathias
Sonny Morigeau

May 17, 2007

Mr. Thomas Lozeau, Jr.
P.O. Box 294
Ronan, Mt. 59864

Re: Alleged claim of partial interest in Allotment 1610-A.

Dear Mr. Lozeau,

Please consider this letter to be the final response from the Confederated Salish and Kootenai Tribes concerning your alleged claim to a partial interest in Allotment 1610-A. As you are well aware, through the years the Council has directed a significant amount of time and resources toward researching your claims and suggesting possible avenues of recourse for you.

Our research has left us with the firm opinion that the Confederated Salish and Kootenai Tribes bear no liability to you concerning your claims related to Allotment1610-A.

We are aware that you have sought assistance from the State of Montana and the United States concerning your claims against the tribes, all to no avail. Despite your efforts, we have continued to listen to your concerns.

However, at this time we wish to notify you that the Council now considers this matter closed and will no longer entertain your claims concerning allotment 1610-A. We cannot prevent you from seeking recourse in some other forum but at this time, we consider this matter closed.

Sincerely,

James H. Steele, Jr., Chairman
Tribal Council

CC to Council

Resolution 85-28 Authorizes purchase of Allotment 1610-A which is Secretarial Transfer case under authority of Statute of Limitations 28 USC 2415 published in the Federal Registry 03-30-83 *
claim P13-203-1461

TRIBAL COUNCIL MEETING MINUTES
OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD INDIAN NATION, MONTANA

Volume 07 Number 55
Council Chambers, Pablo, MT

Held: May 24, 2007 *
Approved: June 5, 2007

MEMBERS PRESENT: James Steele, Jr., Chairman; Lloyd Irvine, Secretary; Ron Trahan, Treasurer; Sonny Morigeau; Michel "Mike" Kenmille; Joe Durglo; and Steve Lozar.

MEMBERS ABSENT: Carole Lankford, Vice-Chairman (Native American Fish and Wildlife Service Meeting); Jim Malatare (ITMA); and Reuben Mathias (Sick Leave).

OTHERS PRESENT: Jane Clairmont, Office of Administration and Budget; Leon "Blue" Bourdon, Jr., Sergeant at Arms; Renee Pierre, Recording Secretary; and Abby Dupuis, Recording Secretary.

The meeting was called to **order** at 9:06 a.m. Quorum established.

The meeting was opened with a **prayer** by Steve Lozar.

The **Tribal Council Meeting Minutes** for May 10, 2007 were presented for approval.

MOTION by Lloyd Irvine to approve the Tribal Council Meeting Minutes for May 10, 2007, with corrections. Seconded by Sonny Morigeau. Carried, unanimous (7 present).

James gave an update on Shane Morigeau's donation request.

James asked who was going to Lapwai for bison hunting meeting.

Lloyd asked about Phillip McDonald's land issue. Council asked Jane to have Lands come in and give an update.

MOTION by Lloyd Irvine to approve the Tribal Council Meeting Minutes for May 10, 2007, with corrections. Seconded by Sonny Morigeau. Carried, unanimous (7 present).

The **agenda** was presented for approval.

MOTION by Lloyd Irvine to approve the agenda, with additions. Seconded by Ron Trahan. Carried, unanimous (7 present).

* • **Thomas "Sonny" Lozeau**, Tribal Member, discussed a land issue. Sonny requested verification and clarification about the letter dated May 17, 2007, he received from Council. Sonny read the letter for the record. Tom asked who was involved in writing the letter. Sonny wanted a letter sent verifying involvement in the letter writing. **Chairman Steele** stated Sonny's * issue (secretarial transfer) is with the Federal Government and not with the Tribe. **Steve Lozar** * commented on Secretarial transfer issues.

Resolutions 85-28 dated 11-09-84, 94-15 dated 10-19-93
203 23325 Warranty Deed 11-27-84 Voids Sale
Allotment 1610-A contains Encumbrance 803 dated 09-01-50

THE CONFEDERATED SALISH AND KOOTENAI TRIBES
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Mike Kenmille
Steve Lozar
Jim Malatare
Reuben A. Mathias
Sonny Morigeau

May 24, 2007

Mr. Thomas Lozeau, Jr.
P.O. Box 294
Ronan, MT 59864

5-15-07 Proposal

Dear Mr. Lozeau,

Please accept this letter as confirmation that the Tribal Legal Department was involved with the preparation and review of that certain letter dated May 17, 2007 concerning your ongoing claim of a partial interest in Allotment 1610-A. I do confirm that I met with the Chairman of the Tribal Council concerning your most recent demand for compensation and your claim in general. We discussed the issues and he requested a letter be drafted to finally address the matter, (including your most recent demand). I prepared the letter for the Council's review and it is my understanding that Council did in fact review and approve the letter prior to your receipt. This approval, among other things indicated a denial of your most recent demand. I believe that it was Council's intent to consider the matter completely closed and as such, I too will consider the matter closed.

Sincerely,

Ranald McDonald
Managing Attorney

cc. Tribal Council

THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD NATION

TRIBAL DEFENDERS OFFICE

Managing Attorney
Ann Sherwood

Civil Division
Valerie A. Bashor, Attorney
Sheryl Steele, Advocate

Office Manager
Delorah Liberty
Legal Secretary
Alice Couture

Criminal Division
Matthew Pavelich, Attorney
James G. Gabriels, Attorney
Leonard W. Gray, Advocate

June 12, 2007

Thomas Lozeau, Jr.
P. O. Box 294
Ronan, MT 59864

RE: Defender Office representation

Dear Mr. Lozeau:

You requested that our office assist you in obtaining an injunction against the CSKT Tribal Council due to ongoing issues regarding the transfer of your family's tribal lands. We have staffed the matter with the managing and staff attorneys, and determined that our office is unable to provide representation to you in this matter. The Tribal Council has established guidelines regarding the types of civil cases our office may handle, and your legal issue does not fall within the type of case we are allowed to handle.

Sincerely,

Valerie A. Bashor

Valerie A. Bashor
VAB/

P.O. Box 278, Pablo, MT 59855 406-675-2700, ext. 1125, Fax 406-675-2212

July 20, 1983

Frenchy Burland, Supervisory Realty Specialist

Tom Lozeau

Donovan Boldt, Natural Resources Officer

Tom Lozeau was in; stated that he heard that Cub Dumontier is going to exchange Allot. No. 1610 to the Tribes. Tom said he wants the exchange cancelled because he still owns in this tract and also that this is the Pow Wow Grounds.

I told him that the land (Allot. No. 1610) is not the Pow Wow Grounds and our research (both Rhonda's and my own) show that he has never owner in land where the Pow Wow Grounds is located. I lost my cool to a certain extent, as he has been told this more than once.

He said O.K., I don't want to argue but I lived on the former Pow Wow Grounds and know that I own there.

I just stated to him, "fine" and let things go at present.

See attached letter. Allot. No. 1610 is 1/4 mile east of the Pow Wow Grounds.

RESOLUTION
OF THE GOVERNING BODY OF
THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD RESERVATION

NO. 85-28

AUTHORIZED EXCHANGE OF TRIBAL LAND (T1375) for ALLOTMENT NOs. 1608, 1610-A, and 1610-B

WHEREAS, the Tribal land Acquisition Program for the purchase of timbered and grazing tracts was approved by the Commissioner, Bureau of Indian Affairs on July 28, 1958; and,

WHEREAS, Alfred C. Dumontier, sole owner of the surface rights only in Allotment No. 1608, described as the SW¼NW¼, NW¼SW¼, Sec. 7; Allotment No. 1610-A, described as the SE¼NW¼, Sec. 7; and Allotment No. 1610-B, described as the SW¼NE¼, Sec. 7, ALL in T. 16 N., R. 19 W., containing 160 acres, more or less and appraised at $160,000.00 has offered to exchange this land for Tract T1375, Tribal land (Surface rights only) described as the E½SE¼ Sec. 36, T. 17 N., R. 20 W., containing 80 acres, more or less, and appraised at $82,000.00 and receive the value difference in cash.

WHEREAS, It is to be noted that on those certain deeds executed July 5, 1983 and in a Memorandum Agreement of Settlement dated May 2, 1983 that Clara K. Dumontier agrees to transfer all minerals she previously reserved in the event the land as described above is sold or transferred to the Confederated Salish and Kootenai Tribes.

NOW, THEREFORE, BE IT RESOLVED, That the Confederated Salish and Kootenai Tribes exchange lands with Alfred C. Dumontier at the appraised values and to pay him a cash difference in the amount of $78,000.00, plus $1.00 for land conveyance fees, said funds be authorized for withdrawal from Land Enterprise Account No. 203-T00267 for payment.

NOW, THEREFORE, BE IT FURTHER RESOLVED, That the Bureau of Indian Affairs is directed to prepare the necessary documents to effect the transfer of mineral interest to the Tribes in the above described Allotments when the above land exchange is accomplished.

C E R T I F I C A T E

The foregoing resolution was duly adopted on November 9, 19 84, by the Tribal Council of The Confederated Salish and Kooteani Tribes of the Flathead Reservation at a meeting at which as quorum was present by a vote of 8 for, 0 opposed, and 0 not voting, pursuant to authority vested in it by Article VI, Sec. 1, (a) (d), Article VIII, Sec. 1, of the Tribes Constitution amended by Secretarial Order approved January 20, 1960, adopted by the Tribes on April 1, 1960, approved as amended by the Secretary of the Interior on May 5, 1960, pursuant to Section 17 of the Act of June 18, 1934 (48 Stat. 984), the Act of June 24, 1946 (60 Stat. 302), and the Act of July 18, 1968 (PL 9-402).

Joseph Felsman
Chairman, Tribal Council

ATTEST:

Vera L. Chouinard
Executive Tribal Secretary, Tribal Council

Received Office of
Superintendent
NOV 14 1984

5-183
(Sept. 1956)

BRANCH OF PROPERTY
TITLES & RECORDS
SECTION

Land being conveyed was
allotted to Gabriel Bighorn
Allottee No. 1610-A and 1610-B

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

203 23269

DEED TO RESTRICTED INDIAN LAND

THIS INDENTURE, Made and entered into this 9th day of November one thousand nine hundred and eighty-four, by and between Alfred Charles Dumontier, Flathead Enrollee No. 203-U05141, and Glenda R. Dumontier, his wife;

of Ravalli, Montana

Indians _____, part ies of the first part, and the United States of America in trust for the Confederated Salish and Kootenai Tribes of the Flathead Reservation;

of Pablo, Montana, part y of the second part:

WITNESSETH, That said part ies of the first part, for and in consideration of the sum of Exchange of Lands of Equal Value, Plus a Cash Difference of Thirty-Nine Thousand and No/100----------($39,000.00)---------- ~~dollars~~, dollars, in hand paid, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell, and convey unto said part y of the second part the following-described real estate and premises situated in Lake County, State of Montana on the Flathead Indian Reservation, to wit:

Surface rights only in Allotment No. 1610-A described as: SE¼NW¼ of Section 7, Township 16 N., Range 19 W., Principal Meridian, Montana, containing 40.0 acres, more or less; and Surface rights only in Allotment No. 1610-B described as: SW¼NE¼ of Section 7, Township 16 N., Range 19 W., Principal Meridian, Montana, containing 40.0 acres, more or less; Subject to all valid existing rights of way of record; Subject to all valid irrigation liens for construction, operation and maintenance charges if any pursuant to law relative thereto; Subject to prior reservations of all minerals described in document filed as BAO No. 203-22005;

This conveyance is made in accordance with the provisions of the Act of June 18, 1934 (48 Stat. 984);

together with all the improvements thereon and the appurtenances thereunto belonging. And the said part ies of the first part, for themselves and their heirs, executors, and administrators, do _____ hereby covenant, promise, and agree to and with the said part y of the second part, its ~~heirs~~ successors and assigns, that they will forever warrant and defend the said premises against the claim of all persons, claiming or to claim by, through, or under them only.

To have and to hold said described premises unto the said part y of the second part, its ~~heirs, executors, administrators~~ successors, and assigns, forever.

IN WITNESS WHEREOF, That said part ies of the first part have hereunto set their hand s

Acknowledgments must be in accordance with the forms prescribed by the State in which the land is situated.

STATE OF Montana
COUNTY OF Lake } ss:

203 23269

BE IT REMEMBERED, That on this 9th day of November, A. D. 19 84 before the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared Alfred Charles Dumontier and Glenda R. Dumontier

to me personally known to be the identical persons who executed the within instrument of writing, and such persons duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal on the day and year last hereinabove written.

Francis O. Burland

(Title)
NOTARY PUBLIC for the State of Montana, Residing at Arlee, Montana.

My commission expires My Commission Expires 9-22-86

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Indian Affairs
Flathead Agency, Box A
Pablo, Montana 59855

The within deed is hereby approved:

12-06-84
Date

Authority delegated by Secretarial Order No. 2508, 10 BIAM 3, and 10 BIAM 7.

Alonzo T. Grant, Jr.
Superintendent

The within deed is recorded in the Bureau of Indian Affairs in Volume ....., Page ....., Inherited Indian Land Deed Book.

ED

r record this
, 19
M., and duly
page
r of Deeds.

May 10, 1985

To Whom it may concern;

This is a statement to verify that Thomas A. Lozeau, Born on June 26, 1919 Enrollment number A02894 has resided in Revais Creek, Arlee and Dixon which is located within the exterior boundries of the Flathead Reservation all or most of his life.

DATED this 10th day of May 1985.

Thomas A. Lozeau Sr.

Thomas A. Lozeau , Sr.

Leslie J. Kallowat

By: Leslie J. Kallowat
Tribal Court Advocate

SUBSCRIBED and SWORN to before me this 10TH day of April 1985.

Linda Spotted Eagle
NOTARY PUBLIC FOR THE STATE OF MONTANA
RESIDING AT: Ronan, Montana
MY COMMISSION EXPIRES: 11-29-86

SEP 16 1985

Sen. Mat Baucus onrabal Sir;

To make thing short the Indain agent and the Tribal council do as they wist and take my land with out my consen I hope that he Mr. Baucus would make a theral investigation.

I n hope to get a fast repaly.

Sincerely
Thomas a Lozeau Sr

10-08-97

Supt. B.I.A.

I request to know if the Act of 5-14-48 (62 STAT 236) was in effect 09-01-50.

I request to know if the Act of 06-25-10 (36 STAT 855) was in effect 09-01-50

Thomas A. Lozeau Jr.
P.O. Box 294
Ronan, Mt.
59864

OCT 1997
RECEIVED
FLATHEAD AGENCY
PABLO, MT

OCT 1997
RECEIVED
FLATHEAD AGENCY
PABLO, MT

October 20, 1997

To: Superintendent B.I.A. Bud Moran (Flathead)

From: Thomas A. Lozeau Jr.

Subject: Secretarial Transfer of Allotment # 1610A

1. This tract contains 40 acres.

2. My father inherited 1/5 of this which is 8 acres.

3. My father never consented to this sale.

4. This allotment was conveyed to Clara Keenan Dumontier on 09-01-50 by a Secretarial Transfer of Inherited interests.

5. On 11-09-84 the Confederated Salish and Kootenai Tribes of the Flathead Reservation purchased this tract of land for $2000.00 per acre.

My desire to resolve this issue comes in this formula:

$4000.00 per acre= $32,000.00
compensation of $10.00 per acre per month since 09-01-50 to present which comes to $45,280.00 for a combined total of $77,280.00 + 1/1 ownership in of Surface rights his homesite at Pache, 401 Pache Ln.

Sincerely,

Thomas A. Lozeau Jr.

Thomas A. Lozeau Jr.
P.O. Box 294
Ronan, Montana
59864

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Portland Area Office
911 N.E. 11th Avenue
Portland, Oregon 97232-4169

IN REPLY REFER TO:

TAKE PRIDE IN AMERICA

DEC 16 1997

Mr. Thomas A. Lozeau, Jr.
P.O. Box 294
Ronan, Montana 59864

Dear Mr. Lozeau:

The letter which you sent to Superintendent Bud Moran at the Flathead Agency regarding the Secretarial Transfer of Allotment No. 1610A has been forwarded to this office for a response. Your father inherited an undivided 18/90 interest in this property. The property was subsequently sold without his written consent. Correspondence in the file dated February 7, 1950, indicates that "Thomas A. Lozeau does not object to the sale but does object to his money coming thru the office, where it more than likely will be used for the support of a minor child now living with her mother, and former wife of Thomas A. Lozeau. We have been unable to obtain an answer from him in writing. We see no reason for delaying completion of this case awaiting further word from him." The sale was subsequently approved without his written consent. This type of transfer is referred to as a Secretarial Transfer, or a Sale Without Full Consent. At the time that the conveyance occurred it was believed that the Secretary could approve such transfers. Superintendent Moran informs us that payment was made to your father's account for the value of his interest in the property. 9 years Later

The property was conveyed to Clara Keenan Dumontier on September 1, 1950, and a subsequent transfer resulted in the acquisition by the Confederated Salish and Kootenai Tribes of the Flathead Reservation on November 9, 1984. You indicate that you desire to resolve this issue for $77,280.00. You arrive at this amount by taking the 8 acres your father did not convey (18/90 of 40 acre tract) and multiplying this by $4,000 per acre. Additionally, you want compensation of $10.00 per acre per month since September 1, 1950 to the present time ($45,280).

At the present time we are waiting for direction from our Washington, D.C. office as to how to handle the Secretarial Transfer claims. Nationally, only one such case has gone to court. The U.S. Supreme Court (United States v. Mottaz, No. 85-546) decided the case on June 11, 1986, holding that an action for an allotment sold without the consent of an allottee, where the land is sold to the United States, is an action under the Quiet Title Act and the statute of limitations begins to run when the allottee learns of the sale. The district court held that Mottaz's cause of action was barred by the statute of limitations because she was aware of the sale in 1954 and did not sue within six years as required by law. The Eight Circuit reversed holding that if the sale of

the land was void, the claim could not "accrue" in six years since Mottaz had never really lost her title. The Supreme Court agreed the action was proper under the Quiet Title Act and was therefore barred by the Statute of Limitations. Under the Quiet Title Act, the statute of limitations ran on Mottaz since she arguably knew of her cause of action in 1954, or, the Court said, at the latest, by 1967. The Court did not address the real issue, i.e., that a sale without express consent is void.

If your case was to go to court, we do not know how the court would rule. The statute of limitations (28 U.S.C. § 2415) only permits money damage claims against third parties--not against the United States. (This claim was identified as Claim Number P13-203-1461 under the Statute of Limitations Program). Since the property has been held by the United States in Trust for the Tribes since 1984, money damages probably would not be permitted since the Tribes acquired title. If it was determined that title should never have left your father, his interest could be reconveyed, but since payment had been made, you might have to repay that amount, plus interest. A court could also affirm the sale since payment had been made at the time of the alleged title transfer. Other possibilities could also exist. As you can see, the issue is not straight forward, especially in light of the current title being with the Tribes.

By copy of this letter to our Washington, D.C. office, we are again requesting that they make a decision as to how they will handle the Secretarial Transfer claims. The Bureau does not have funding to pay individual claimants, and even if it did, the Statute of Limitations Program only permits money damage claims against third parties (not against the Government).

Once we receive direction on how to proceed with the Secretarial Transfer claims, we will relay this information to you. Until that time we will not take any action on your claim. If you have any questions, please feel free to contact Ron Appelbaum at (503) 231-2237.

Sincerely,

Portland Area Director

cc: Superintendent, Flathead Agency
Assistant Secretary - Indian Affairs, Attn: Office of Trust Responsibilities/Larry Scrivner

MEMORANDUM OF CALL

Previous editions usable

TO: Bud Moran

☐ YOU WERE CALLED BY— ☑ YOU WERE VISITED BY—

Tom Lozeau Jr.

OF (Organization)

P.O. Box 794 Ronan, Mt. 59864

☐ PLEASE PHONE ▶ ☐ FTS ☐ AUTOVON

☐ WILL CALL AGAIN ☐ IS WAITING TO SEE YOU

☐ RETURNED YOUR CALL ☐ WISHES AN APPOINTMENT

RECEIVED DEC 1997 PUBLIC AFFAIRS PLAZA, MT

MESSAGE: Letter of 12-16-97 From Portland Area Director. I need to locate Statute of Limitation Claim the number is P13-203-1461. I will stop by Mon. or Tue.

RECEIVED BY	DATE	TIME
	12-24-97	10:50 AM

63-110 NSN 7540-00-634-4018

STANDARD FORM 63 (Rev. 8-81)
Prescribed by GSA
FPMR (41 CFR) 101—11.6

☆ U.S. GOVERNMENT PRINTING OFFICE: 1981 281-781/40015

June 10, 1998

JUN 1998
RECEIVED
FLATHEAD AGENCY
PABLO, MT

BIA Superintendent- Flathead

I am requesting a complete copy of my fathers IIM Account jacket.

My father was Thomas Alfred Lozeau. His enrollment number was 203-AO2894. He died 12-04-88. Probate No. IP BI 140A 89.

1. I am most interested in what account Journal Voucher No. 265-49, dated 09-29-59 was transferred out of.

2. When was this account established?

3. a.) Was my father the only one to receive funds out of this account?
   b.) If not, when did the others receive funds from this account?
   c.) When was this account closed?

Thomas A. Lozeau Jr.

Thomas A. Lozeau Jr.
P. O. Box 294
Ronan, Montana
59864

(10)

United States Department of the Interior

OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS
Field Operations - Flathead Agency
P.O. Box 815
20 Complex Blvd.
Pablo, MT 59855
Phone (406) 275-2825 Fax (406) 275-2826
Tribal Complex # (406) 675-2700 Ext. 1303

TAKE PRIDE IN AMERICA

February 22, 2008

Thomas A. Lozeau, Jr.
PO Box 294
Ronan, MT 59864

RE: Allotment 1610A - Statute of Limitations Claim P13-203-1461 * 07-06-83

Dear Mr. Lozeau:

You presented the following question in your correspondence received by our office on February 11, 2008:

Under what Legal Authority can the CSKT purchase Allotted Lands currently Under U.S.C. 2415 statute? * Tribal Resolution 85-28 dated Nov. 9, 1984

Please be advised that 28 U.S.C. 2415 is not a conveyance (purchase/sale) authority for any Indian tribe. The Bureau of Indian Affairs identified the Secretarial Transfer of your father's inherited interest as a Statute of Limitations (28 U.S.C. 2415) claim under case number P13-203-1461. I have asked the BIA, Northwest Regional Office to provide us with a current Department contact name and number. I will forward to you that information as soon as I receive it.

Sincerely,

Debra L. DuMontier
Fiduciary Trust Officer

cc: BIA, Superintendent, Flathead Agency

5953

11

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Northwest Regional Office
911 N.E. 11th Avenue
Portland, Oregon 97232-4169

TAKE PRIDE IN AMERICA

IN REPLY REFER TO:
Northwest Realty Officer

FEB 25 2008

TO: Superintendent, Flathead Agency

FROM: Northwest Regional Realty Officer

SUBJECT: Statute of Limitation Claim, Thomas A. Lozeau, Jr.

We have reviewed the Statute of Limitations Claim (28 U.S.C. §2415) file regarding the sale of tract (203) 1610-A, and MT 1610 -A, to the Confederated Salish Kootenai Tribes (Tribes). A condensed version of that file was forwarded to the Director, Bureau of Indian Affairs by memorandum dated January 26, 2004. The memorandum concluded that since the Department still has not made a determination as to what they are going to do with Secretarial Transfers, and other issues, Mr. Lozeau, Jr. will not be offered a satisfactory solution. At this date, we have not been informed by the Department on how theses issues can be resolved.

This tract became the subject of a Sectio 2415 claim as indicated by memorandum dated 07/06/1983. The original case number was P 13-203-1335. The subject is now referred to as case number P 13-203-1461

You indicated that Mr. Lozeau asked by letter:

"Under what legal authority can the CSKT purchase allotted lands currently under USC 2415 statute? I would like a response within 14 working days?"

We need to have copies of certain records from the Flathead Land Titles and Records Office in order to have a clearer assessment of this matter. Please forward copies of the following documents to us for our review: (203) 803; (203) 23269; and, (203) 22894.

By copy of this memorandum to the Washington D.C. office, we request that they inform us as to the status of Secretarial Transfer claim procedures.

If you have any questions, please phone Alida Gulley at (503) 231-2237.

cc: Director, Bureau of Indian Affairs
Attn: Eufrona Snyder

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MAR 04 2008
BUREAU OF INDIAN AFFAIRS
FLATHEAD AGENCY

United States Department of the Interior
Bureau of Indian Affairs
Flathead Agency
Office of the Superintendent
P.O. Box 40
Pablo, Montana 59855

TAKE PRIDE IN AMERICA

APR 19 2010

Mr. Thomas A. Lozeau Jr.
PO Box 294
Ronan, MT 59864

Dear Mr. Lozeau Jr.,

In response to your March 22, 2010 letter, you asked this office to answer questions pertaining to the position taken by the Confederated Salish and Kootenai tribes on the Cobell case. However, these questions will need to be addressed by the tribes. This office is not in the position to speak for the tribe on this matter.

Your second letter and attachments will be sent to the Northwest Regional Office for the review of Tribal Resolution 85-28, Warranty Deed 203-23325, and encumbrance 803 upon Allotment 1610-A as requested. I will contact you when I received a response.

The notebook you provided has been transmitted to Ms. Teresa Wall-McDonald, Tribal Lands Department Head as requested.

If there are other questions that I may help with, please contact me.

Sincerely,

Julian C. Courville
Superintendent

No response to date.
09-12-13
Thomas A. Lozeau Jr.