

# HISTORY AND BACKGROUND OF FLATHEAD INDIAN RESERVATION

## Pertaining to Non-Indian Ownership of Private Fee Patented Property Within the Reservation Boundaries

**Hellgate Treaty of 1855: Art. VI (in part)** “The President may...cause the whole, or said portion of such reservation, to be surveyed into lots, and assign the same as such individuals of families of the said confederated tribes as are willing to avail themselves of the privilege,...on the same terms and subject to the same regulations as are provided in the sixth article of the treaty with the Omahas...”

**Art. VI of the Omaha Treaty 1854 (in part)** “And the residue of the land hereby reserved, ..., after all of the Indian persons or families shall have had assigned to them permanent homes, may be sold for their benefit, under such laws, rules or regulations, as may hereafter be prescribed by the Congress or President of the United States.

**Dawes Act or “General Allotment Act” 1887** “An act to provide for the allotment of lands in severalty to Indians on the various reservations,”...

**Flathead Indian Reservation Allotment Act of 1904** “An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment.”

**Indian Citizenship Act of 1924** Can the United States have an Art. VI Treaty with a group of its own citizens?

**Indian Reorganization Act of 1934** “BE IT ENACTED..., That hereafter no land of any Indian reservation...shall be allotted in severalty to any Indian.”

Section 3. The Secretary of the Interior...is hereby authorized to restore to tribal ownership the remaining surplus lands of any Indian reservation heretofore opened ...Provided, however, *That valid rights or claims of any persons to any lands so withdrawn...shall not be affected by this Act:...*

**Definition of “Flathead Indian Reservation” embraced in the proposed CSKT Water Compact:** “*ALL land within the exterior boundaries of the Indian Reservation established under the July 16, 1855 Treaty of Hellgate (12 Stat. 975), notwithstanding the issuance of any patent, and including rights-of-way running through the Reservation.*”

**Art. I of Montana Constitution (in part)** “...all lands owned or held by any Indian or Indian tribes shall remain under the absolute jurisdiction and control of the congress...”

**Art. IX Sec. 3 Montana Constitution (in part)** “All surface, underground, flood, and atmospheric waters within the boundaries of the state are the property of the state for the use of its people...”

“The legislature shall provide for the administration, control and regulation of water rights...”