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BRUCE M. BOTELHO ATTORNEY GENERAL

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Bonnie E. Harris

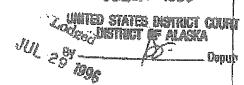
Assistant Attorney General State of Alaska

1031 W. 4th Avenue, Suite 200 Anchorage, AK 99501

Anchorage, AK 99501 tel: (907) 269-5240

fax: (907) 279-2834

Counsel for Plaintiff



IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

STATE OF ALASKA,

CORPORATION:

UNITED STATES OF AMERICA,

Director, Bureau of Land

Service: DAVE ALLEN, Alaska

BRUCE BABBITT, Secretary of the Interior, TOM ALLEN, Alaska State

Management; ROBERT BARBEE, Alaska Regional Director, National Park

Regional Director, United States Fish & Wildlife Service; DOYON, LTD.; and CHALKYITSIK NATIVE

Plaintiff,

Case No. A93-0437-CV (JKS)

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Defendants.

FINAL JUDGMENT

This matter came before the court on plaintiff State of Alaska's motion for judgment on the pleadings that the Kandik River, Nation River, and Black River including its interconnecting

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DEFARTMENT OF LAW
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ANCHORAGE BRANGH
1001 W. FOURTH AVENUE, SUITE 200
ANCHORAGE, ALASKN, 80501
PHONE: 907, 269-5109

sloughs, are navigable and that title to the lands beneath the rivers passed to the State of Alaska on the date of Alaska's statehood. Upon the court's decision that the State of Alaska is entitled to judgment in its favor on the undisputed facts set forth in the pleadings, and the court having made its factual findings and legal conclusions,

IT IS ORDERED, ADJUDGED AND DECREED that judgment be entered in favor of the State of Alaska on all claims and as to all parties, and more particularly declared that:

- 1. The Kandik River and the Nation River are navigable in their entireties. Title to the lands beneath the Kandik River and the Nation River is quieted in the State of Alaska and is more particularly described as:
- A. the lands beneath the Kandik River between the lines of the ordinary high water marks on its banks on January 3, 1959, from its confluence with the Yukon River, within T. 6 N., R. 25 E., Fairbanks Meridian, Alaska, upstream for approximately 80 miles to the boundary between the United States and Canada, within T. 12 N., R. 32 E., Fairbanks Meridian, Alaska; and
- B. the lands beneath the Nation River between the lines of the ordinary high water marks on its banks on January 3, 1959, from its confluence with the Yukon River, within T. 4 N., R.

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30 E., Fairbanks Meridian, Alaska, upstream for approximately 42 miles to the boundary between the United States and Canada, within T. 8 N., R. 33 E., Fairbanks Meridian, Alaska;

- 2. The Black River, including its interconnecting sloughs, is navigable. Title to the lands beneath the Black River and its interconnecting sloughs between the lines of the ordinary high water marks on the banks on January 3, 1959, from its confluence with the Black River Slough of the Porcupine River, within T. 21 N., R. 14 E., Fairbanks Meridian, Alaska, upstream for approximately 250 miles to its confluence with the Wood River, within T. 13 N., R. 27 E., Fairbanks Meridian, Alaska, is quieted in the State of Alaska.
- 3. Pursuant to the equal footing doctrine, U.S. Const. art. IV, § 3, cl. 1, and the Submerged Lands Act of May 22, 1953, 43 U.S.C. §§ 1301 1315, the State of Alaska has title to the lands beneath the Kandik River, Nation River, and that portion of the Black River including its interconnecting sloughs described in paragraph 2 above, as of January 3, 1959, the date Alaska was admitted into the Union;
- 4. Any purported conveyance by the United States to Doyon, Ltd. of any portion or portions of the lands beneath the Kandik River, Nation River, or Black River and its interconnecting

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sloughs, is null and void and without legal effect;

5. Any purported conveyance by the United States to Chalkyitsik Native Corporation of any portion of the lands beneath the Black River including its interconnecting sloughs is null and void and without legal effect;

6. The plaintiff State of Alaska shall recover from defendant United States the costs of this action pursuant to Local Rule 54.1 taxed at \$\_\_\_\_\_\_.

Dated at Anchorage, Alaska, this 30 day of August, 1996.

JAMES K. SINGLETON, JR.

United States District Court Judge

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Office of the Attorney General Anchorage Branch Anchorage, Alaska

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B. BARRIS (AG-STE-200)

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D. PURSHORE (AUSA)

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## IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

JUL 3.7:1933

UNITED STATES BISINGS COURT DISTRICT OF ALASKA

STATE OF ALASKA,

Plaintiff

NO. A93-0437 CV [JKS]

vė.

UNITED STATES OF AMERICA,
BRUCE BABBITT, SECRETARY OF THE
INTERIOR; TOM ALLEN, ALASKA STATE
DIRECTOR, BUREAU OF LAND MANAGEMENT;
ROBERT BARBEE, ALASKA REGIONAL DIRECTOR,
NATIONAL PARK SERVICE; DAVE ALLEN, ALASKA
REGIONAL DIRECTOR, UNITED STATES FISH &
WILDLIFE SERVICE; DOYON LTD.; AND
CHALKYITSIK NATIVE CORPORATION;

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Application Delta-DeFAULT

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Defendants

It appearing from the records in the above-entitled action summons issued on the complaint has been served pursuant to Federal Rules of Civil Procedure upon the defendant hereinafter named; and it appearing from the affidavit of counsel for plaintiff and the records herein that said defendant has failed to plead or otherwise defend in said action as required by said summons and provided for by the Federal Rules of Civil Procedure,

Now, therefore, on request of counsel for Plaintiff, the DEFAULT as aforesaid, of the following Defendant:

CHALKYITSIK NATIVE CORPORATION in the above-entitled action is hereby entered.

DATED: July 31, 1996

[dflt 11/95]

193-0437--CY (JES)

Chalkyitsik Notive Corposation .\_\_\_

B. HARRIS (AG-STE-200)

N. BERGERBEST

TOTAL P.06