



January 6, 2009

Via U.S. Mail

A.D. Ellis, Principal Chief
Muscogee (Creek) Nation
P.O. Box 580
Hwy. 75, Loop 56
Okmulgee, OK 74447

Re: Authority to conduct gaming at Kellyville

Dear Chief Ellis:

On October 2, 2007, you inquired about the status under IGRA of the Kellyville site in Creek County, Oklahoma, whose legal description appears in the attached Warranty Deed. *See* Warranty Deed from Muscogee (Creek) Nation to United States of America in trust for the Muscogee (Creek) Nation (January 9, 1989).

Because the BIA has determined that the Kellyville site is within the Nation's former reservation boundaries, the site constitutes Indian lands eligible for gaming under IGRA. 25 U.S.C. § 2719(a)(2)(A)(i).

This letter does not constitute final agency action subject to review in federal district court. If you have any questions, please feel free to call Staff Attorney Rebecca Chapman at (202) 632-7003.

Sincerely,

A handwritten signature in cursive script that reads "Penny J. Coleman".

Penny J. Coleman
Acting General Counsel

cc: Tim Harper, Region V Director
Drew Edmondson, Attorney General for the State of Oklahoma

Enclosure: Warranty Deed

89 4778

WARRANTY DEED

STATE OF OKLAHOMA
COUNTY OF CREEKTHIS INSTRUMENT WAS FILED
FOR RECORD ON10¹⁵ APR 21 1989

Book 247 Page 2193-94

By ROMA LEE BRANHAM, County Clerk

By LSW Deputy

KNOW ALL MEN BY THESE PRESENTS:

That the MUSCOGEE (CREEK) NATION, of Okmulgee County, State of Oklahoma, party of the first part, in consideration of the sum of ten dollars (\$10.00) and other good and valuable considerations in hand paid, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, and convey unto the UNITED STATES OF AMERICA IN TRUST FOR THE MUSCOGEE (CREEK) NATION, party of the second part, the following described real property and premises, situated in Creek County, State of Oklahoma, to wit:

A tract of land located in the S/2 of the SW/4 of Section 12, Township 17 North, Range 10 East, Creek County, State of Oklahoma, described as follows: Commencing at the SW Corner of said Section 12, Thence N 89°45'45" E (assumed bearing) along the South line thereof a distance of 1,062.71 feet, Thence N 00°02'45" W a distance of 626 feet to the Point of Beginning of land to be described; Thence continuing N 00°02'45" W a distance of 700.58 feet, Thence S 89°46'15" E a distance of 260 feet; Thence S 00°24'50" W a distance of 495.40 feet; Thence S 80°58'30" E a distance of 697.18 feet, Thence S 40°46'21" W a distance of 200 feet, Thence N 86°00'59" W a distance of 815.77 feet to the Point of Beginning, as to surface only, containing 7.00 acres more or less.

together with all improvements thereon and appurtenances thereunto belonging and warrant title to the same, subject to any valid, existing lease or right-of-way thereon.

It being understood that the hereinabove described lands are purchased pursuant to the provisions of Section 5 of the Act of June 18, 1934 (48 Stat. 984) and said lands are non-taxable to the extent therein provided.

To have and to hold said described premises unto the said party of the second part, its successors and assigns, forever free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages, and other liens and encumbrances of whatsoever nature.

Signed and delivered this 9th day of January, 1989.

Claude A. Cox
CLAUDE A. COX, PRINCIPAL
CHIEF OF THE MUSCOGEE
(CREEK) NATION

ACKNOWLEDGMENT

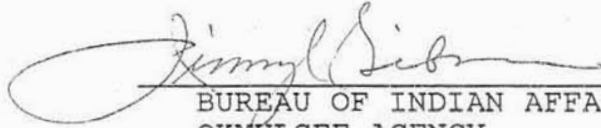
STATE OF OKLAHOMA]

COUNTY OF OKMULGEE]

APPROVED pursuant to the provisions of the Act of June 18, 1934 (48 Stat. 984), the Act of June 26, 1936 (49 Stat. 1967), the Act of August 8, 1946 (60 Stat. 939), 209 D.M. 8; 10BIAM 3, and Addendum to 10 BIAM 3.

01-09-89

DATE



BUREAU OF INDIAN AFFAIRS
OKMULGEE AGENCY
OKMULGEE, OK 74447