

BEFORE THE INDIAN CLAIMS COMMISSION

THE CONFEDERATED TRIBES OF THE)	
COLVILLE RESERVATION,)	
)	
Plaintiffs,)	
)	
v.)	Docket No. 181-C
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER GRANTING PARTIAL SUMMARY JUDGMENT AND CONCLUSIONS OF LAW

UPON CONSIDERATION of defendant's motion for summary judgment or for determination of points of law, filed on November 17, 1972; plaintiffs' motion for determination of issues of law and opposition to defendant's motion for summary judgment, filed on February 14, 1973; defendant's reply brief and opposition to plaintiffs' motion for determination of issues of law filed on August 3, 1973; and for the reasons set forth in the opinion of the Commission filed herein and which is hereby made a part of this order;

The Commission concludes as a matter of law, that:

1. The plaintiffs' title to the North half of the Colville Reservation was extinguished by the Act of June 20, 1892, 27 Stat. 62.
2. The plaintiffs' title to the South half of the Colville Reservation was never generally extinguished, but was extinguished only as title was conveyed to entrymen and allottees, pursuant to law, as to approximately 580,000 acres, and never extinguished as to the remaining approximately 818,000 acres, which were "restored to" plaintiffs' possession by the Act of July 24, 1956, 70 Stat. 626.
3. Defendant is liable to plaintiffs for resources, if any, removed from the North half of the 1872 reservation prior to June 20, 1892, to the extent that defendant aided and abetted third parties in the exploitation and removal thereof.

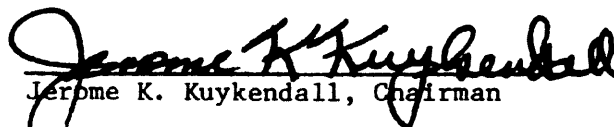
4. Defendant is liable to plaintiffs for resources, if any, removed from the South half of the 1872 reservation, except as such lands were entered under the Act of July 1, 1898, 29 Stat. 9, or the proclamation of May 3, 1916, 39 Stat. 1778, to the extent that defendant aided and abetted third parties in the exploitation and removal thereof.

5. The defendant is liable to the plaintiffs to such extent as it failed to pay or obtain for plaintiffs adequate compensation or damages for rights-of-way, if any, it granted to railroads over the 1872 reservation prior to the extinguishment of plaintiffs title thereto.

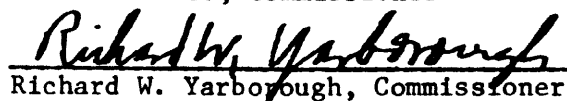
IT IS HEREBY ORDERED that defendant's motion for summary judgment be, and the same is hereby, granted as to the claim for failure to safeguard rights in common hunting grounds alleged in paragraphs 43, 44, and 54(d) of the Amended Petition filed herein, and denied as to all other claims alleged, and

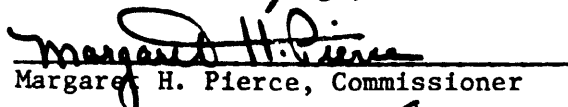
IT IS FURTHER ORDERED that this case be set for trial on Monday, October 13, 1975, at 10:00 a.m. in the hearing room of the Commission.

Dated at Washington, D. C., this 13th day of June 1975


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner