

BEFORE THE INDIAN CLAIMS COMMISSION

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

INTERLOCUTORY ORDER

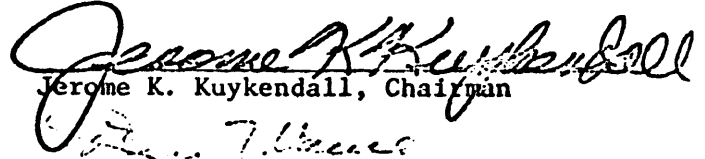
Upon the findings of fact and opinion this day entered herein, which are hereby made a part of this order, the Commission concludes as a matter of law that:

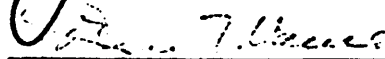
1. Claimants, each of whom is a tribe, band, or identifiable group of American Indians residing in the United States, had a "special relationship" with the defendant by virtue of the course of dealings between the defendant and the claimants regarding their subsistence fishing in the waters on or adjacent to the Colville Indian Reservation in the State of Washington;
2. As a result of this special relationship the defendant was morally obligated to protect claimants in their fishing from the time the defendant placed claimants on the Colville Reservation;
3. The defendant breached its moral obligation, and therefore is liable under Clause 5 of Section 2 of the Indian Claims Commission Act for ascertainable damages caused claimants by defendant for failure to protect such fishing rights in the sum of \$3,257,083;
4. The defendant is not liable for interest on the foregoing ascertainable damages.

IT IS THEREFORE ORDERED that plaintiffs, The Confederated Tribes of the Colville Reservation, et al., on behalf of the Colville, Lake, Sanpoil-Nespelem, Okanogan and Methow Tribes of Indians, are entitled to recover from defendant the sum of \$3,257,083 less such gratuitous offsets, if any, to which defendant may be entitled under the Indian Claims Commission Act, and,

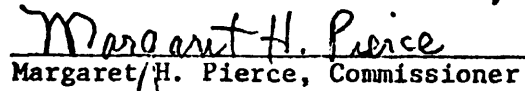
IT IS FURTHER ORDERED that this case proceed to a determination of the gratuitous offsets, if any, to which defendant may be entitled.

Dated at Washington, D. C., this 29th day of September 1978.


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarbrough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner