

BEFORE THE INDIAN CLAIMS COMMISSION

THE CONFEDERATED TRIBES OF THE WARM)	
SPRINGS RESERVATION OF OREGON,)	
)	
Petitioner,)	
)	
v.)	Docket No. 198
)	
THE UNITED STATES,)	
)	
Defendant.)	

Decided: June 10, 1960

INTERLOCUTORY ORDER

Upon Findings of Fact this day filed herein and which are hereby made a part of this Order, the Commission concludes as a matter of law that:

1. The Confederated Tribes of the Warm Springs Reservation of Oregon is an organization entitled to prosecute this action before the Indian Claims Commission as representative for and on behalf of the Wasco tribe of Indians, and the Wayampum Indian entities known as the Tenino, Wyam, John Day River and Tygh Indians.

2. That the said Wasco, Tenino, Wyam, John Day River and Tygh Indians each held original Indian title to the separate tracts of land in Oregon hereinafter described opposite their respective names, to-wit:

a. Wasco Indians:

Commencing at the Cascades of the Columbia River and running thence up said river to a point two miles easterly of the townsite of Big Eddy, Oregon; thence due south to Fifteen Mile Creek; thence along Fifteen Mile Creek to a point halfway between its mouth and the mouth of Five Mile Creek; thence southwest by the shortest route to the drainage divide between Five

Mile and Mill Creeks; thence southwest along said divide to the eastern limits of Hood River drainage; thence westward to the Range line between Ranges 9 and 10 East; thence north along said Range line to the Township line between Townships 1 and 2 South; thence west along the Township line between said Townships 1 and 2 south extended, to the summit of the Cascade Range; thence northerly along the summit of said Range to the place of beginning at the Cascades of the Columbia River.

b. Tenino Indians:

Commencing at a point on the Columbia River two miles easterly of the townsite of Big Eddy, Oregon, and running thence up the Columbia River to a point on said river halfway between the present townsites of Dillon, Oregon, and Celilo, Oregon; thence due south to the watershed of Fifteen Mile Creek; thence east and south along the drainage divide between Fifteen Mile Creek and the Columbia and DesChutes Rivers to a point due west of Grass Valley, Oregon; thence by direct line to the western limits of Tygh Creek drainage; thence west to the Range line between Ranges 9 and 10 east; thence north along said Range line to a point opposite the convergence of the drainage divides between Hood River and Five Mile and Mill Creeks; thence east to said last named drainage point; thence northeasterly along the drainage divide between Mill and Five Mile Creeks to a point due west of the townsite of Dufur, Oregon; thence east to the townsite of Dufur, Oregon; thence northerly in a direct line to a point on fifteen Mile Creek which is midway between its mouth and the mouth of Five Mile Creek; thence along Fifteen Mile Creek to a point due south of a point on the Columbia River which is two miles east of the townsite of Big Eddy, Oregon; thence due north to the place of beginning on the Columbia River.

c. Wyam Indians:

Commencing at a point on the Columbia River which is midway between the present townsites of Dillon and Celilo, Oregon, and running thence up said river to the present townsite of Grant, Oregon, or if it be south of the Columbia River, then to a point due north of Grant, Oregon; thence southerly to the present townsite of DeMoss, Oregon; thence southwest to the present townsite of Grass Valley, Oregon

thence west to the drainage divide between the watersheds of the DesChutes River and Fifteen Mile Creek; thence northerly along the watershed between Fifteen Mile Creek and the DesChutes and Columbia Rivers to a point due south of a point on the Columbia River which is midway between the townsites of Dillon and Celilo, Oregon; thence due north to the Columbia River at the place of beginning.

d. John Day River Indians:

Commencing on the Columbia River at the townsite of Grant, Oregon, or if it be south of the Columbia River, then to a point due north of Grant, Oregon, and running thence up said river to the mouth of Blalock Canyon; thence south up said Canyon to its terminus and then by a straight line to the townsite of Rock Creek; thence by a straight line southerly to the mouth of Cove Creek; thence to the mouth of Currant Creek; thence northwest to the headwaters of Long Hollow Creek; thence west and northerly around Long Hollow Creek drainage and thence by a straight line northerly to a point 6 miles due east of Grass Valley, Oregon; thence northerly to DeMoss, Oregon; thence northwest to Grant, Oregon, or if that townsite be south of the Columbia River then to a point on said river due north of Grant, Oregon, which is the place of beginning.

e. Tygh Indians:

Commencing at the point of intersection of Buck Creek and the 1st Standard Parallel south; thence to the headwaters of Bakeoven Creek; thence to the DesChutes River at North Junction, Oregon; thence up said river to the mouth of Warm Springs River; thence up said Warm Springs River and the Mill-Creek branch thereof to Trout Lake; thence by a direct line to Ollalie Butte; thence along the summit of the Cascade Range to Mt. Wilson; thence by direct line to the Western limits of Tygh Creek drainage; thence along a straight line to a point where a line drawn due west from Grass Valley, Oregon, will intersect the drainage divide between Fifteen Mile Creek and the DesChutes River; thence to the present townsite of Oakbrook, Oregon; and thence southerly to the place of beginning.

3. That the Indian title to the five separate tracts above described was acquired by the United States as of March 8, 1859, the date of confirmation of the treaty of June 25, 1855 (12 Stat. 963),

IT IS THEREFORE ORDERED that the case will proceed to a determination of the acreages of the several separate tracts (less the acreages thereof which may be within the present boundaries of the Warm Springs Indian Reservation), and the value thereof as of March 8, 1859; the amount of consideration paid therefor, and whether said consideration was unconscionable, and offsets, if any, to which the defendant may be entitled.

Dated at Washington, D. C., this 10th day of June, 1960.

s/ EDGAR E. WITT
Chief Commissioner

s/ WM. M. HOLT
Associate Commissioner

s/ ARTHUR V. WATKINS
Associate Commissioner