

BEFORE THE INDIAN CLAIMS COMMISSION

THE YAKIMA TRIBE OF INDIANS,)	
)	
Petitioner,)	
)	
v.)	Docket No. 47-A
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

The following explanation is made by the Commission regarding the removal of the Tract "C" claim from Docket No. 47 and redocketing said claim as Docket No. 47-A and entry of a final award thereon in Docket No. 47-A:

1. The petition filed in Docket No. 47 by the Yakima Tribe of Indians asserted rights to recover on claims for certain areas of land in the State of Washington designated as Tracts A, B, C and D as the Cedar Valley tract.

A trial was held on the issue of liability on the aforesaid claims and the Commission found that defendant was liable for the value of 17,669.10 acres within Tract C (2 Ind. Cl. Comm. at pp. 447 to 452; 491 to 498; 5 Ind. Cl. Comm. at page 638). On trial of the issue of value (5 Ind. Cl. Comm. pp. 636, 678 to 679 (1957)), the Commission determined the value of the 17,669.10 acres in Tract C to be \$22,086.38 when taken by the United States on January 24, 1923 and entered an interlocutory order on November 29, 1957 awarding the Yakima Tribe of Indians the sum of \$22,086.38 with interest thereon at the rate of 5% per annum from

January 24, 1923 to January 24, 1934 and at the rate of 4% thereafter until the entry of a final award.

2. The petitioner took an interlocutory appeal to the Court of Claims on the Commission's determinations of both liability and value of the claims asserted, including Tract C. On October 3, 1962, the Court of Claims (158 C. Cls. 672) sustained the Commission's determination respecting Tract C. That Court reversed the determination of the Commission on the other claims contained in Docket 47 and remanded those claims to the Commission for further proceedings, which claims are therefore not in condition to be closed at this time.

3. The award to the Yakima Tribe for Tract C is not subject to offsets since offsets for the period from January 1, 1905 to June 30, 1955 were taken by defendant in the compromise settlement and judgment entered on April 5, 1965 in Yakima Tribe v. United States, in Docket 161, 15 Ind. Cl. Comm. 196, which would include those applicable to Tract C from and subsequent to January 24, 1923.

4. On June 3, 1965, the defendant filed a motion for an order docketing separately the claim for Tract C as Docket number 47-A, and requested that a final award be entered in Docket No. 47-A on the claim for Tract C.

5. A hearing on the aforesaid motion of defendant was held before the Commission on June 15, 1965, at which counsel for the parties were present, and during which counsel for plaintiff consented to said motion, and counsel for the defendant waived defendant's right of appeal and claim to offsets.

6. On June 18, 1965, this Commission entered an order granting the defendant's motion and ordered that the Yakima Tribe's claim for Tract C be separately docketed on the appearance docket of the Commission as Docket No. 47-A, and that a final judgment in favor of the Yakima Tribe and against the defendant on the Tract C claim be entered in Docket No. 47-A in accordance with this Commission's Interlocutory Order entered November 29, 1957, in said Docket No. 47.

7. Accordingly, the Commission has this day entered a final award herein in favor of the petitioner, the Yakima Tribe of Indians and against the defendant in the total amount of \$61,991.40.

Dated at Washington, D. C., this 25th day of June, 1965.

Arthur V. Watkins
Chief Commissioner

Wm. M. Holt
Associate Commissioner

T. Harold Scott
Associate Commissioner