

BEFORE THE INDIAN CLAIMS COMMISSION

THE YAKIMA TRIBE,)	
	Petitioner,)
v.)	Docket No. 47
THE UNITED STATES,)	
	Defendant.)

ORDER

Upon consideration of the motion of defendant for an Order directing further proceedings, filed herein on April 28, 1967, and the answer of plaintiff thereto, and defendant's reply, and the oral argument thereon by counsel for the parties at a hearing on said motion held before the Commission on June 8, 1967,

IT IS HEREBY ORDERED, That the agreement between counsel for the parties that the area designated as Tract D herein contains an area of 121,465.69 acres is hereby approved by the Commission.

IT IS FURTHER ORDERED that as agreed by the parties, the total acreage of the unpatented lands within said Tract D with respect to which there has been no "taking" is eliminated from the claim and will be deducted from the total area of Tract D to be valued.

IT IS FURTHER ORDERED that the patented lands included within said Tract D shall be valued by the parties on the dates of the patents issued to said patented lands; or, in the alternative, a fair approximation or average of values, over the period during which said patents were issued, may be adopted to avoid burdensome detailed computation of value as of the date of disposal of each separate tract.

IT IS FURTHER ORDERED that the issues relative to lands within Tract D included within the National Forest, or otherwise set aside by the United States for other uses, and whether said uses constitute a "taking" are reserved for decision by the Commission upon the presentation of evidence relative to said lands; and in making their respective appraisals the parties may value said lands in accordance with their separate contentions with respect thereto.

Dated at Washington, D. C., this 19th day of June, 1967.

/s/ Arthur V. Watkins
Commissioner

/s/ Wm. M. Holt
Commissioner

/s/ T. Harold Scott
Commissioner