

## BEFORE THE INDIAN CLAIMS COMMISSION

THE CONFEDERATED TRIBES OF	)	
THE COLVILLE RESERVATION, ET AL.,	)	
	)	
Petitioners,	)	
	)	
v.	)	Docket No. 177
	)	Docket No. 181-A
THE UNITED STATES OF AMERICA,	)	Docket No. 181-B
	)	
Defendant.	)	

FINDINGS OF FACT ON COMPROMISE SETTLEMENT

The Commission makes the following findings of fact:

1. On July 31, 1951, the Confederated Tribes of the Colville Reservation (hereinafter sometimes called "Confederated Tribes") filed a petition in Docket No. 177 alleging various claims. On the same day the Confederated Tribes as well as individual representative petitioners, on behalf of certain constituent tribal groups of the Confederated Tribes, filed a petition in Docket No. 181 alleging various other claims. Subsequently, pursuant to order of the Commission dated January 3, 1956, the petitioners in Docket No. 181 filed an amended petition in said Docket No. 181, and also filed separate amended petitions in Docket Nos. 181-A, 181-B and 181-C alleging certain claims which were severed from the original petition in Docket No. 181.

2. The Confederated Tribes of the Colville Reservation is an organization recognized by the Secretary of the Interior as having the authority to represent the Indians enrolled on the Colville Reservation in the State of Washington.

Among the Indians enrolled on the Colville Reservation are descendants of members of the aboriginal Lake, Colville, San Poil, Nespelem, Okanogan, and Methow tribes as well as certain other tribes.

3. In the aforesaid amended petition in Docket No. 181, claims were presented for compensation for the taking by defendant of those portions of the Indian title lands of the Lake, Colville, San Poil, Nespelem, Okanogan and Methow tribes which lay outside of the boundaries of the Colville Reservation as established by Executive Order of July 2, 1872. The prosecution of these claims resulted in a final judgment entered by the Commission on March 1, 1960, making awards to said tribes in the aggregate amount of \$1,000,000 after deduction of offsets. (8 Ind. Cl. Comm. 420). No claims were made in said amended petition in Docket No. 181 with respect to tribal lands lying within the Colville Reservation.

4. In Docket Nos. 181-A, 181-B and 177 as well as in several other proceedings pending before the Commission, claims are presented on behalf of the Confederated Tribes alleging various wrongs on the part of the defendant which pertain generally to the lands which were encompassed within the Colville Reservation as established on July 2, 1872. As alleged in the petition in Docket No. 177 and in the amended petitions in Docket Nos. 181-A and 181-B, a number of events gave rise to the so-called "reservation land claims" asserted therein.

5. In Docket No. 181-A, petitioners claim as follows: There was a group of tribes under the leadership of Chief Moses that resided during the early 1880's on the Columbia Reservation in the State of Washington. This group of tribes included (1) the Columbia, (2) Chelan, (3) Entiat and

(4) Wenatchee. The Columbia Reservation was established by Executive Order of April 19, 1879, as amended by Executive Orders of March 6, 1880, and February 23, 1883, for the permanent use and occupancy of Chief Moses and his people, and such other friendly Indians as may elect to settle thereon with his consent and that of the Secretary of the Interior. On July 7, 1883, an Agreement was made in Washington, D. C., signed by the Secretary of the Interior and the Commissioner of Indian Affairs, which contained a provision that, if the Chief Moses group of tribes and other Indians who were then residing on the Columbia Reservation moved to the Colville Reservation, the United States would secure to Chief Moses and his people equal rights alike with all other Indians now on the Colville Reservation. This agreement was ratified by the Act of Congress of July 4, 1884 (23 Stat. 76, 79-80). Subsequently, starting in or about 1886, members of the Chief Moses tribal groups were moved to the Colville Reservation. Also, during the same period of years, the Government moved to the Colville Reservation, members of the Joseph Band of Nez Perce Indians and members of the Palus Tribe. Except for certain allotted tracts, the Columbia Reservation was restored to the public domain by Executive Order of May 1, 1886.

The petitioners' claims in Docket No. 181-A are based on the contention that the defendant moved the Moses tribal group and other groups to the Colville Reservation to serve its own purposes and interests, and that since no compensation was paid by the defendant to the petitioner tribes that held Indian title to the lands, the transaction constituted an uncompensated taking of an undivided interest in the lands of the tribes that held Indian title to the lands.

6. There are two claims in Docket No. 181-B which are the subjects of the proposed settlement. The first of these claims pertains to a cession of the so-called "North Half" of the Colville Reservation, and the second pertains to the sale of certain surplus lands of the so-called "South Half" of the Reservation.

a. With respect to the first of said claims in Docket No. 181-B, the petitioners present the following: The Colville Reservation, as established in July 1872, comprised about 2,900,000 acres. Except for certain 80 acre allotments to individual Indians, the so-called "North Half" of the Reservation was ceded to the United States by an Agreement which was made with the Indians of the Reservation on May 9, 1891. The United States agreed to pay \$1,500,000 for the lands of the North Half. The Agreement provided that it was to go into effect after its ratification by Congress. However, by the Act of July 1, 1892 (27 Stat. 62), Congress opened the North Half to settlement without ratifying the Agreement and without providing for the payment of the \$1,500,000. Subsequently, by the Act of June 21, 1906 (34 Stat. 525, 377-378), for the purpose of carrying into effect the 1891 Agreement, Congress directed that \$1,500,000 be set aside in the Treasury for the use and benefit of the Indians of the Colville Reservation in full payment for the ceded North Half. Thereafter, pursuant to the Act of June 21, 1906, and by way of ratifying the 1891 Agreement, Congress appropriated \$1,500,000 in five successive installments of \$300,000 each under each of five Acts of Congress, namely Act of March 1, 1907 (34 Stat. 1015, 1050), Act of April 30, 1908 (35 Stat. 70, 96), Act of March 3, 1909 (39 Stat. 781, 813), Act of April 4, 1910 (36 Stat. 269, 286), Act of March 3, 1911 (36 Stat. 1058, 1075).

The petitioners present a claim in Docket No. 181-B that, considering the value of the lands in the North Half as of the time the lands were ceded to the United States, the \$1,500,000 constituted an unconscionable payment, and the Tribes seek fair payment for the ceded lands.

b. The second claim in Docket No. 181-B, which is proposed for settlement, arises out of the Act of March 22, 1906 (34 Stat. 80), which provided for the sale of the surplus lands of the South Half of the Reservation, and for the net proceeds of such sales to be deposited in the Treasury for the benefit of the Indians. The Colville Confederated Tribes rely on Section 9 of said Act of March 22, 1906, which provided that the United States "act as trustee for said Indians in the disposition and sales of said lands." The petitioners claim that in the disposition and sales of the surplus lands, the Government failed to obtain adequate and fair prices commensurate with the value of the lands.

7. The claims in Docket No. 177, which are proposed for settlement, also arise out of the Act of March 22, 1906 (34 Stat. 80), authorizing the sale of surplus lands of the South Half of the Reservation. Petitioners allege acts whereby the defendant reduced the prices to be paid for the surplus lands below the appraised prices and postponed the time for payment for the surplus lands, and permitted entrymen to use and have the benefit of surplus lands without making payment therefor. The Colville Confederated Tribes rely on the provision of Section 9 of the Act of March 22, 1906, which stated that the defendant was "to act as trustee for said Indians in the disposition and sales of said lands," and on the contention that the United States violated its fiduciary duties as trustee to the injury of the petitioners.

8. For more than a year last past, the attorneys for the parties engaged from time to time in discussions and negotiations concerning possible settlement of claims in one or more of the pending petitions of the Colville Confederated Tribes in some eight dockets before the Commission. Eventually the attorneys negotiated a proposed settlement of the above described claims in Docket Nos. 177, 181-A and 181-B.

9. By letter dated June 28, 1967 (Settlement Exh. J), the firm of Weissbrodt and Weissbrodt, attorneys for the petitioners, submitted an offer of proposed settlement of claims in Docket Nos. 177, 181-A and 181-B, based on (1) the consolidation of the claims in Docket Nos. 181-A and 181-B for all purposes, and the entry of a final judgment for petitioners in the net amount of \$3,500,000.00; and (2) the entry in Docket No. 177 of a final consent order dismissing with prejudice the petition in Docket No. 177.

10. By letter dated August 3, 1967 (Settlement Exh. K), the defendant accepted the offer of settlement, subject to the approval of the governing body of the Colville Confederated Tribes, the Secretary of the Interior or his authorized representative, and this Commission.

11. Narcisse Nicholson, Jr., the Chairman of the Colville Business Council, the governing body of the Confederated Tribes, issued a notice of a meeting of all members of the Confederated Tribes to be held on August 19, 1967, for the purpose of considering and voting upon the proposed settlement. On August 7, 1967, a copy of the notice was mailed to all enrolled adult members of the Confederated Tribes to their last known addresses. Also, a copy of the notice was published in the issue of the Tribal Tribune dated August 7, 1967, which was mailed to most tribal families. Further, the

Chairman of the Business Council sent a press statement concerning the meeting to thirteen newspapers of the area and to the United Press and Associated Press and also to six local radio and T. V. Stations.

12. The proposed offer of settlement was presented to the members of the Confederated Tribes at the scheduled meeting held on August 19, 1967, in the Nespelem School at Nespelem, Washington. At the meeting a copy of a detailed written report of the attorneys concerning the proposed settlement was distributed to each person. Claims attorneys Abe W. Weissbrodt and Lyle Keith were present at the meeting and gave a detailed oral report on the proposed settlement, explaining its terms and recommending that it be accepted by the Confederated Tribes. The tribal members were given full opportunity to ask questions and there was a full and free discussion of the proposed settlement. A vote was taken and the result of the vote was 242 in favor of acceptance of the settlement and 10 opposed.

13. Also, on August 19, 1967, pursuant to notices duly given, a meeting of the Colville Business Council, the governing body of the Colville Confederated Tribes, was held. All fourteen members of the Business Council attended the meeting. By appropriate resolution, the Business Council voted in open meeting to accept the proposed settlement, thirteen in favor, and none opposed. The Resolution of the Business Council (Settlement Exhibit E) reads as follows:

RESOLUTION

BE IT RESOLVED by the Business Council of the Confederated Tribes of the Colville Reservation:

(1) that the terms of the offer of settlement in Docket Nos. 177, 181-A and 181-B before the Indian Claims Commission as set forth in a letter dated June 28, 1967, from Claims Attorney Abe W. Weissbrodt

to Assistant Attorney General Edwin L. Weisl, Jr., Department of Justice, Washington, D. C., and as accepted by the letter of Assistant Attorney General Edwin L. Weisl, Jr., dated August 3, 1967, are hereby approved, confirmed and ratified; and

(2) that approval and consent are hereby given to a Stipulation for Entry of Final Judgment embodying said terms; and

(3) Mr. Narcisse Nicholson, Jr.; Mr. Barney Rickard; and Mr. Oliver Pooler are hereby authorized to sign and execute an approval of the said Stipulation on behalf of the Confederated Tribes of the Colville Reservation and to sign and execute any other writing which may be appropriate or required to carry said Stipulation into effect, and

BE IT FURTHER RESOLVED, that the individuals named below are hereby authorized to sign and execute an approval of said Stipulation on behalf of the respective constituent tribal groups of the Confederated Tribes of the Colville Reservation as specified below:

On behalf of the Colville Tribe:

Ellen M. Wood

Barney Rickard

Peter Hall

On behalf of the Lake Tribe:

Charles Quintasket

Elizabeth Emerson

James H. Howarth

On behalf of the San Poells Tribe:

Edna Bacon Redmon

Juanita Runnels Fruit

Earl Crofoot

On behalf of the Nespelem Tribe:

Olive Mae Moses

Laura Lee Scoble

Mary Gua



On behalf of the Okanogan Tribe:

Narcisse Nicholson, Jr.

Rose W. Simon

Mary Pierre

On behalf of the Methow Tribe:

Mary Miller Wippel

William M. Charley

Edward Timentwa

CERTIFICATION

The foregoing Resolutions were duly adopted by the Business Council of the Confederated Tribes of the Colville Reservation on August 19, 1967, at Nespelem, Washington, by a vote of 13 FOR and 0 AGAINST, constituting a quorum.

Narcisse Nicholson, Jr.  
Chairman, Business Council,  
Confederated Tribes of the  
Colville Reservation

ATTEST:

Oliver Pooler  
Secretary, Business Council,  
Confederated Tribes of the Colville  
Reservation

14. The record discloses that the Superintendent of the Colville Indian Agency, Mr. Elmo Miller, also attended the August 19, 1967, meeting. The Superintendent submitted to the Commissioner of Indian Affairs a report concerning the meeting and the proposed settlement. On August 28, 1967, the Commissioner of Indian Affairs, Robert L. Bennett, approved the settlement by a letter (Settlement Exh. L) to Weissbrodt and Weissbrodt, attorneys for the plaintiffs, which in pertinent part reads as follows:

We are satisfied that the members who attended the general meeting and the business meeting on August 19, 1967, were representative of the Confederated Tribes of the Colville Reservation, that they understood the proposed settlement, and that views expressed in the resolution as adopted and ratified reasonably expressed the views of the membership of the tribes.

Resolution No. 1967-279, adopted by the Colville Business Council and ratified by the members in general council on August 19, 1967, is hereby approved.

Based upon the information which you have furnished us, that submitted by our field office, and that obtained from other sources, the proposed settlement of claims of the petitioner Confederated Tribes of the Colville Reservation in Indian Claims Commission Consolidated Docket Nos. 181-A and 181-B, with Docket No. 177 to be dismissed, for a net judgment of \$3,500,000.00 is hereby approved.

15. The parties have entered into a Stipulation (Settlement Exh. A) made a part of the record herein, which reads as follows:

BEFORE THE INDIAN CLAIMS COMMISSION

THE CONFEDERATED TRIBES OF THE	)	
COLVILLE RESERVATION, ET AL.,	)	
	)	
Petitioners,	)	
	)	Docket Nos. 177,
v.	)	181-A and 181-B
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

STIPULATION FOR ENTRY OF FINAL JUDGMENT

It is hereby stipulated between counsel for the parties that the above-entitled cases shall be settled, compromised and finally disposed of by entry of final judgment as follows:

1. Docket Nos. 181-A and 181-B shall be consolidated for all purposes and there shall be entered in said consolidated dockets, after all allowable deductions, credits and offsets, a final judgment for petitioners in the net amount of \$3,500,000.

2. Entry of final judgment on said basis in consolidated Docket Nos. 181-A and 181-B shall finally dispose of all rights, claims or

demands which the petitioners have asserted or could have asserted with respect to the subject matter of these dockets, and petitioners shall be barred thereby from asserting any such rights, claims or demands against defendant in any future action.

3. Entry of final judgment in said Docket Nos. 181-A and 181-B shall finally dispose of all rights, claims, demands, payments on the claims, counterclaims or offsets which the defendant has asserted or could have asserted against the petitioners or any of them under the provisions of Section 2 of the Indian Claims Commission Act (c. 949, 60 Stat. 1049) for the period July 2, 1872 to June 30 1957, inclusive, and defendant shall be barred thereby from asserting against petitioners in any other or future action, any such rights, demands, payments on the claims, counterclaims or offsets. It is agreed that defendant shall not be barred by this stipulation or by entry of judgment pursuant thereto from claiming, in any other or future action, offsets arising prior to July 2, 1872 or accruing subsequent to June 30, 1957.

4. There shall be entered in Docket No. 177 a final consent order dismissing with prejudice each and all of the claims made by petitioners in said Docket 177.

5. This stipulation shall not affect the right, if any, which the United States may have to collect from the proceeds of sales of timber, as authorized by statute, expenses of managing, protecting and selling timber.

6. The petitioner, The Confederated Tribes of the Colville Reservation, and one or more constituent tribes, bands and groups thereof have certain claims which are presently pending before the Indian Claims Commission in Docket Nos. 178, 179, 181-C and 186. It is agreed that the instant stipulation and the entry of final judgment pursuant to the instant stipulation shall not bar or prejudice in any way the prosecution of the claims in said Docket Nos. 178, 179, 181-C and 186.

7. The said final judgment in Docket Nos. 181-A and 181-B and the said final consent order in Docket No. 177, entered pursuant to this stipulation, shall be by way of compromise and settlement and shall not be construed as an admission by either party, for the purpose of precedent or argument, in any other case.

8. The final judgment and final consent order of the Indian Claims Commission pursuant to this stipulation shall constitute final determinations by the Commission of the above-captioned cases, and shall become final on the day they are entered, all parties hereby waiving any and all rights to appeal from or otherwise seek review of such final determinations.

9. The parties agree to execute and file with the Commission a joint motion for entry of final judgment and final consent order pursuant to this stipulation, submitting proposed form of judgment and order for the approval of the Commission.

WEISSBRODT & WEISSBRODT

by: I. S. Weissbrodt  
I. S. Weissbrodt

Abe W. Weissbrodt  
Abe W. Weissbrodt

Attorneys for Petitioners in  
Docket Nos. 177, 181-A & 181-B

Edwin L. Weisl, Jr.  
Assistant Attorney General

John D. Sullivan  
John D. Sullivan  
Attorney for Defendant

The foregoing Stipulation for Entry of Final Judgment in Docket Nos. 177, 181-A and 181-B is joined in and approved by the Confederated Tribes of the Colville Reservation and by each of the following tribal groups and individuals named as petitioners in said Dockets as evidenced by the approvals which are annexed to and made a part of the Stipulation.

1. Confederated Tribes of the Colville Reservation
2. Colville Tribe
3. Lake Tribe
4. San Poiels Tribe
5. Nespelem Tribe
6. Okanogan Tribe
7. Methow Tribe
8. Pete Lemery, Individual Representative Petitioner
9. Florence Quill, Individual Representative Petitioner
10. Louis Camille, Individual Representative Petitioner

16. As noted, there are annexed to the Stipulation and made a part thereof, approvals of the Stipulation, signed by authorized members on behalf of the Colville Confederated Tribes and on behalf of each of the six constituent tribal groups of Colville Confederated Tribes, who are named

as petitioners in Docket Nos. 181-A and 181-B. Each of the signatures is authenticated by Mr. Elmo Miller, Superintendent, Colville Indian Agency.

17. Twelve individuals were named in the amended petitions in Docket Nos. 181-A and 181-B as individual representative petitioners. Evidence was adduced to show that nine of these individuals are now deceased (Settlement Exhibits B and N). The remaining three individuals, representative petitioners (Pete Lemery, Florence Quill and Louis Camille) joined in and approved the Stipulation (Settlement Exhibits A-8, A-9, and A-10).

18. A hearing was held before the Commission on August 30, 1967, on the proposed settlement. Testimony was received, from three tribal officers and from Mr. Elmo Miller, Superintendent, Colville Indian Agency. In addition, the statements of counsel and exhibits were received. The three tribal officers who testified were (1) Mr. Narcisse Nicholson, Jr., Chairman of the Colville Business Council and member of the Tribal Claims Committee (2) Mr. Barney Rickard, Vice Chairman of the Colville Business Council and Chairman of the tribal Claims Committee; (3) Mr. Frank George, member of the Colville Business Council and also a member of the tribal Claims Committee. Each of these officers has previously testified before the Commission in connection with proceedings involving the settlement of other claims presented by the Confederated Tribe (see 15 Ind. Cl. Comm. 196 at pp. 218-221 involving settlement of claims in Docket Nos. 161, 222 and 224). The testimony of the witnesses confirms that the terms of the proposed settlement were carefully explained at the meeting of the members of the Confederated Tribes; that there was a full and free discussion at the meeting and that members of the Confederated Tribes understood the terms of the proposed settlement.

19. I. S. Weissbrodt, attorney of record for the petitioners and his associate contract attorneys recommended to the petitioners that they approve the settlement, stating that the settlement was a good compromise and, under all the circumstances, was in their best interest.

20. From the entire record the Commission finds that the compromise agreement as set out in the Stipulation for Entry of Final Judgment has been carefully and fully presented to the Indians who are petitioners in said Docket Nos. 177, 181-A and 181-B, and has been freely and voluntarily approved by them, and that the said compromise agreement under all the circumstances is fair and just to petitioners and defendant.

21. The Commission, therefore, approves and adopts the terms of the Stipulation for Entry of Final Judgment.

/s/ Arthur V. Watkins  
Arthur V. Watkins  
Commissioner

/s/ Wm. M. Holt  
Wm. M. Holt  
Commissioner

/s/ T. Harold Scott  
T. Harold Scott  
Commissioner

BEFORE THE INDIAN CLAIMS COMMISSION

THE CONFEDERATED TRIBES OF	)	
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	)	
Petitioners,	)	
	)	Docket No. 177
v.	)	Docket No. 181-A
	)	Docket No. 181-B
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

Decided: September 7, 1967

Appearances:

Abe W. Weissbrodt and I. S. Weissbrodt, Attorneys for Petitioners

John D. Sullivan, with whom was Mr. Assistant Attorney General, Edwin L. Weisl, Jr., Attorneys for the Defendant.

OPINION OF THE COMMISSION

PER CURIAM:

These three cases, Docket Nos. 177, 181-A and 181-B, are now before the Commission for consideration of a joint motion of the parties seeking approval of a proposed compromise settlement designated, "Stipulation For Entry of Final Judgment" which is set forth in full in Finding No. 15.

The claims in the three cases involve the lands in the Colville Indian Reservation as established by Executive Order of July 2, 1872.

The claim in Docket No. 181-A is for compensation for the taking by the United States of an undivided interest in said reservation lands. The claims in Docket No. 181-B are (a) for additional compensation for the so-called North Half of said reservation which was ceded to the United States

by the Agreement of May 9, 1891, and (b) for damages with respect to the disposition and sales of certain surplus lands of the South Half of said Reservation pursuant to the Act of March 22, 1906. The claim in Docket No. 177 is for damages with respect to various other alleged acts of the United States in connection with the disposition and sales of the surplus lands of the South Half of the Reservation pursuant to the aforesaid Act of March 22, 1906.

The stipulation for entry of final judgment provides that Docket Nos. 181-A and 181-B shall be consolidated for all purposes and there shall be entered in said consolidated dockets, after all allowable deductions, credits and offsets, a final judgment for petitioners in the net amount of \$3,500,000.00, which shall finally dispose of all rights, claims, or demands which the petitioners have asserted or could have asserted with respect to the subject matter of these two dockets. The Stipulation further provides that there shall be entered in Docket No. 177 a final order dismissing with prejudice each and all of the claims made by petitioners in said Docket No. 177. The Stipulation also provides that the final judgment in Docket Nos. 181-A and 181-B and the final order in Docket No. 177 entered pursuant to said stipulation shall constitute final determinations by the Commission of the three cases, with the parties waiving any and all rights to appeal from or otherwise seek review of such final determinations.

The Commission has found that the members of the Confederated Tribes of the Colville Reservation and its Business Council have been fully advised of the terms of the proposed settlement of all the claims asserted in



Docket Nos. 181-A, 181-B and 177 and the reasons why it should be entered into by the parties; and that at a general meeting of the members of the Confederated Tribes held on August 19, 1967, duly and properly called to consider the settlement, a vote was taken and the result of the vote was 242 in favor of acceptance of the settlement and only 10 opposed. Also, on August 19, 1967, pursuant to notices duly given, a meeting of the Colville Business Council was held, with fourteen members of the Council present and by appropriate resolution the Business Council voted thirteen in favor of accepting the proposed settlement and none opposed. The proposed settlement has also been approved by the Commissioner of Indian Affairs.

We are of the opinion that all the formal requirements of the Commission which were adopted with respect to proof of a valid approval of a compromise settlement by the petitioners and the defendant have been substantially complied with by the parties.

Under all the circumstances we are of the opinion that the compromise settlement is fair and just to both the petitioners and the defendant and should be approved. Therefore, we conclude that the joint motion of the parties for entry of final judgment in accordance with the Stipulation For Entry of Final Judgment should be granted and Final Judgment will be entered in consolidated Docket Nos. 181-A, 181-B, and an order dismissing Docket No. 177 with prejudice.

/s/ Arthur V. Watkins  
Arthur V. Watkins  
Commissioner

/s/ Wm. M. Holt  
Wm. M. Holt  
Commissioner

/s/ T. Harold Scott  
T. Harold Scott  
Commissioner

BEFORE THE INDIAN CLAIMS COMMISSION

THE CONFEDERATED TRIBES OF	)	
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	)	
Petitioners,	)	
	)	
v.	)	Docket No. 177
	)	Docket No. 181-A
	)	Docket No. 181-B
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

FINAL JUDGMENT IN DOCKET NOS. 181-A  
AND 181-B AND ORDER DISMISSING WITH  
PREJUDICE PETITION IN DOCKET NO. 177

Upon joint motion of the parties for an order consolidating Docket Nos. 181-A and 181-B for all purposes and for the entry of a final judgment in Consolidated Docket Nos. 181-A and 181-B, and further for the entry of a final order dismissing with prejudice the petition in Docket No. 177, pursuant to a stipulation for entry of final judgment filed herein on August 30, 1967, which stipulation is hereby incorporated by reference and made a part of this final judgment and order; and evidence both oral and written in support of said motion having been received and considered at a hearing on said matter on the 30th day of August, 1967; and it appearing that said stipulation was found to be fair and just to the parties and that final judgment in consolidated Docket Nos. 181-A and 181-B and the final order of dismissal of the petition in Docket No. 177 should be entered herein in accordance with said stipulation:

NOW THEREFORE IT IS ORDERED AND ADJUDGED that the joint motion of the parties be and hereby is granted:

1. That Docket Nos. 181-A and 181-B are hereby consolidated for all purposes and final judgment is hereby entered in said consolidated Docket Nos. 181-A and 181-B in favor of the Confederated Tribes of the Colville Reservation on behalf of the petitioners in said dockets against defendant for the sum of \$3,500,000.00; and

2. The petition in Docket No. 177 be and the same is hereby dismissed with prejudice.

Dated at Washington, D. C., this 7th day of September, 1967.

/s/ Arthur V. Watkins  
Arthur V. Watkins  
Commissioner

/s/ Wm. M. Holt  
Wm. M. Holt  
Commissioner

/s/ T. Harold Scott  
T. Harold Scott  
Commissioner