

BEFORE THE INDIAN CLAIMS COMMISSION

THE CONFEDERATED TRIBES OF	)	
THE COLVILLE RESERVATION, ET AL.,	)	
	)	
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