

2-17-1982

Statement of issues by the United States of America

Robert M. Sweeny
Assistant United States Attorney

John E. Lamp
United States Attorney

Follow this and additional works at: <https://digitalcommons.law.uidaho.edu/walton>

Recommended Citation

Sweeny, Robert M. and Lamp, John E., "Statement of issues by the United States of America" (1982). *Confederate Colville Tribes v. Walton (Colville Tribes)*. 51.
<https://digitalcommons.law.uidaho.edu/walton/51>

This Brief is brought to you for free and open access by the Hedden-Nicely at Digital Commons @ UIdaho Law. It has been accepted for inclusion in Confederate Colville Tribes v. Walton (Colville Tribes) by an authorized administrator of Digital Commons @ UIdaho Law. For more information, please contact annablaine@uidaho.edu.

FILED IN THE
U. S. DISTRICT COURT
Eastern District of Washington

FEB 17 1982

J. R. FALLOQUIST, Clerk

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

COLVILLE CONFEDERATED TRIBES,)

Plaintiff,)

vs.)

BOYD WALTON, JR., et al.,)

Defendants,)

STATE OF WASHINGTON,)

Defendant/Intervenor,)

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

WILLIAM BOYD WALTON, et al.,)
and THE STATE OF WASHINGTON,)

Defendants.)

CIVIL NO. 3421 ✓

STATEMENT OF ISSUES BY
THE UNITED STATES OF AMERICA

CIVIL NO. 3831

The United States submits that the below-stated issues are unresolved by the Court of Appeals decision in this case. Following the statement of each issue is a statement whether the record ought to be reopened for further evidence on that issue.

1. Should the District Court dismiss the State of Washington as a party to this proceeding?

The record need not be supplemented as to this issue.

2. What is the amount of water reserved to the Tribes from No Name Creek to develop and maintain replacement fishery grounds in Omak Lake?

The Tribes presented evidence to the water required to support the fisheries at trial; therefore, the record need not be reopened to take further evidence.

464
DOJ

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

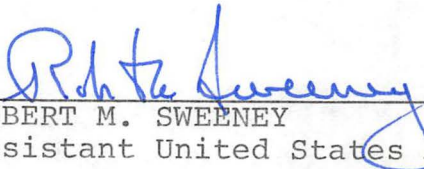
3. Should the Tribes reserved right to water from the No Name Creek aquifer include sufficient water to irrigate the irrigable acreage of Allotment No. 526 lying within the No Name Creek drainage?

The United States submits that the record ought to be reopened to this issue.

4. Does Walton have a reserved right to water from the No Name Creek aquifer?

The United States submits that the record should be reopened on this issue.

JOHN E. LAMP
United States Attorney


ROBERT M. SWEENEY
Assistant United States Attorney

Post Office Box 1494
Spokane, WA 99210-1494

Telephone: (509) 456-3811