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Answer of Defendant State of Washington Department of Natural Resources

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4 Temple of Justice
5 Olympia, Washington 98504

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

9 MAR 11 1974

10 J. R. FALLQUIST, Clerk
..... Deputy

11 UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF WASHINGTON
13 NORTHERN DIVISION

14 UNITED STATES OF AMERICA,)
15)
16 Plaintiff,)
17 v.)
18)
19 Barbara J. Anderson, et al.,)
20)
21 Defendants.)

CIVIL NO. 3643

ANSWER OF DEFENDANT
STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES

22 Comes now the Defendant, State of Washington, on behalf of the
23 Department of Natural Resources and answers Plaintiff's amended
24 complaint as follows:

25 I

26 Defendant realleges paragraphs I,II, III, V through XVII and
27 its prayer for relief of its original Answer as Answer to Plaintiff's
28 amended complaint and adopts such Answer by reference as part hereof.

29 II

30 In answer to Plaintiff's paragraph IV Defendant admits that
31 President Hayes signed the executive order on January 18,1881 as
32 described therein but is without sufficient knowledge or information
33 sufficient to form a belief as to the truth of the information
contained in the remaining allegations contained in said paragraph
and therefor denies the same.

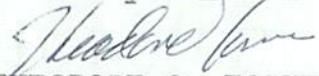
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4 By way of FURTHER ANSWER and AFFIRMATIVE DEFENSE, defendant
5 alleges as follows:
6

7 III

8 The State of Washington alleges on information and belief
9 it may own one or more sections of land lying within the Spokane
10 Indian Reservation, as herein described by presidential order,
11 namely sections 16 and 36 of each township heretofore classified
12 as agricultural lands by the Secretary of the Interior pursuant to
13 an Act of Congress of May 29, 1908 (35 Stat. 458) and that the
14 granting of such lands carried with it full rights to the use of
15 waters on or riparian thereto sufficient to the full utilization
16 and enjoyment of such lands undiminished by the reservation of
17 waters incident to the creation of the Spokane Indian Reservation.

18 DATED this 9th day of March, 1974
19

20 SLADE GORTON
21 Attorney General


22 THEODORE O. TORVE
23 Assistant Attorney General
24 Department of Natural Resources
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