

10-12-1990

Docket

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3421
KJM
8010

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

Form No. 106 Rev.

TITLE OF CASE	ATTORNEYS
COLVILLE CONFEDERATED TRIBES, <div style="text-align: right;">Plaintiff,</div>	For plaintiff: Michael E. Taylor Colville Confederated Tribes P. O. Box 150 Nespelem, WA 99155 8-509-634-4711, Ext. 279 or 320 3101 Seattle, Washington 98104
vs. <i>(KENNA JEAN)</i> ROY WALTON, JR., and JANE DOE WALTON s wife, <div style="text-align: right;">Defendants.</div>	3101 600 First Avenue ³⁹⁹ 8-206-442-0111 22311 William H. Veeder Home--4808 W. Braddock Rd., Alexandria, VA- 818-18th St., NW, Suite 920, WA D.C. 20006 Office; 8-202-466-3890 (dial direct) Home: 8-900-379-1398 <i>(Carol) ref</i> ₂₀₂
STATE OF WASHINGTON, <div style="text-align: right;">Intervening Defendant.</div>	
ROBERTSON WALTON and MARGARET WALTON, s wife, <div style="text-align: right;">Additional Defendants.</div>	For defendant: Walton: Richard B. Price East W. Nansen & Price: 826-0420 P. O. Box 1687 826-5110 (WATS) Omak, Washington 98841
Declaration of plaintiff's water rights seeks Injunction	For Deft State of Washington: Hon. Slade Gorton -Kenneth O. Eikenberry Attorney General Temple of Justice M.S. PV-11 Olympia, Washington 98504 759-2354 (Charles B. Roe, Jr. 8-206-459-6162 Sr. Asst. Atty Gen)

TSC 6-9-88 JRM

STATISTICAL RECORD	COSTS	DATE 1970	NAME OR RECEIPT NO.	REC.	DISB.
S. 5 mailed 9/15/70 /	Clerk	9/15	57769	15 00	
-Op: 8/3/81		9/18	CD 1-11		15 00
-Op: 05/02/85		1979			
S. 6 mailed 2/9/79	Marshal	4/12	#82547	5 00	5 00
-Closed: 08/31/83		5/11	#82837	5 00	5 00
asis of Action:	Docket fee	6/27	#83277	5 00	5 00
-Closed: 06/25/87		1983			
	Witness fees	11-17	#7597	70 00	
ction arose at:	Depositions				

3421
KJM
8010

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

Form No. 106 Rev.

TITLE OF CASE

LIVILLE CONFEDERATED TRIBES,

Plaintiff,

~~Stern, Gayton, Neubauer & Brucker
710 Hoge Building
Seattle, Washington 98104 MA 2-7050~~

~~Ziontz, Pirtle, Morisset & Ernstoff Chestnut
MA 3-1255~~

* ~~3101 Seattle First National Bank Building
Seattle, Washington 98104 399
8-206-442-0111
*600 First Avenue 623-1255~~

vs.

YD WALTON, JR., and JANE DOE WALTON
s wife,

Defendants.

~~William H. Veeder 22311
Home-4808 W. Braddock Rd., Alexandria, VA-
818-18th St., NW, Suite 920, WA D.C. 20006~~

STATE OF WASHINGTON,

Intervening Defendant.

~~Office: 8-202-466-3890 (dial direct)
Home: 8-900-379-1398 (Carol) neg~~

ELSON WALTON and MARGARET WALTON,
s wife,

Additional Defendants.

~~For defendant: Walton: Richard B. Price
East W. Nansen & Price: 826-0420
P. O. Box 1687 826-5110 (WATS)
Omak, Washington 98841~~

For Deft State of Washington:

~~Hon. Slade Gorton-Kenneth O. Eikenberry
Attorney General
--Temple of Justice M.S. PV-11
Olympia, Washington 98504 759-2354-
(Charles B. Roe, Jr. 8-206-459-6162
Sr. Asst. Atty Gen)~~

Declaration of plaintiff's water rights
seeks Injunction

TSC 6-9-88 3121M

STATISTICAL RECORD	COSTS	DATE 1970	NAME OR RECEIPT NO.	REC.	DISB.
S. 5 mailed 9/15/70 /	Clerk	9/15	57769	15 00	
-Op: 8/3/81		9/18	CD 1-11		15 00
-Op: 05/02/85		1979			
S. 6 mailed 2/9/79	Marshal	4/12	#82547	5 00	5 00
-Closed: 08/31/83		5/11	#82837	5 00	5 00
asis of Action:	Docket fee	6/27	#83277	5 00	5 00
-Closed: 06/25/87		1983			
	Witness fees	11-17	#7597	70 00	
ction arose at:	Depositions				

e Confederated Tribes vs. Boyd Walton, Jr., et ux

PROCEEDINGS	Date Order or Judgment Noted
1 Filed Complaint for Permanent Injunction Issued Summons	
2 Filed Summons - served all defts 9/22/70 Filed Answer and Affirmative Defense	
3 Filed Interrogatories by Defendants Propounded to Plaintiff PRETRIAL CONFERENCE	
4 Filed (Pltf) Motion (re add'l parties) Entrd Order Authorizing Additional Parties (authorizing holders of heirship interest in allotment S-892, S-901 & S-903 to appear as parties valid until 6/15/71)	
5 Mailed Notices to Attorneys Filed Notice of Withdrawal and Substitution of Attorneys (Ziontz, Pirtle & Morisset for Stern, Gayton, Neubauer & Brucker, Pltf Attys)	
6 Filed (Pltf) Motion for Temporary Injunction Ordered Granted in Part 9-14-72 Filed (Pltf) Note for Special Hearing of Motion for Temporary Injunction Filed Affidavit of Samuel Sampson	
7 Entrd Order Granting Temporary Injunction (to May 1, 1973 regarding use of surface waters of creek) Mailed Notices to Attorneys	
8 Filed (St. of Wa.) Motion to Intervene as a Defendant Ordered Granted 11-6-72	
9 Filed (St. of Wa.) Notice of Motion to Intervene	
10 Filed Applicant (St. of Wa.) in Intervention's Answer	
11 Filed (St. of Wa.) Certificate of Service by Mailing (of above 3 pleadings)	
12 Entrd Order Granting Leave to Intervene (of the State of Washington as a deft) Mailed Copies to Attorneys	
13 Filed Answer of Intervenor State of Washington	
14 Filed Special Interrogatories Propounded by Defendants' Walton to Plaintiff	
15 Filed (Deft Walton) Motion for Consolidation of Actions and for Stay of Proceedings Pending Decision in Connection Therewith (w/Civil 3831)	
16 Filed (Deft Walton) Notice of Motion to Consolidate Actions (w/Civil 3831) Ordered Granted 10-23-73(S/N)	
17 Filed (Deft Walton) Affidavit of Mailing	
18 Entrd Agreed Order Consolidating Actions (w/Civil 3831) Mailed Notices to Attorneys	
19 Filed (Pltf) Request for Entry Upon Land	
20 Filed Plaintiff Colville Confederated Tribes' First Interrogatories to Defendants Walton	
21 Filed (Pltf) Notice of Deposition Upon Oral Examination (William Boyd Walton & Kenna Jeanne Walton)	
22 Filed Deposition Subpoena - Boyd Walton, Jr. & Kenna Jeanne Walton	
23 Filed (Pltf) Affidavit of Mailing (re notice of deposition)	
24 Filed (Deft Walton) Notice-Taking of Deposition of Colville Confederated Tribes on Oral Examination	
25 Filed Deposition - Boyd Walton Jr.	
26 Filed (Deft Walton) Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted (@PTC) - Ordered Denied 5-17-74(S/P)	
27 Filed (Deft Walton) Note for Motion	
28 Filed (Pltf) Notice of Deposition Upon Oral Examination	
29 Filed (Pltf) Subpoena Duces Tecum for Deposition	
30 Filed (Pltf) Motion to Amend Complaint (@PTC) - Ordered Granted 5-17-74(S/P)	
31 Filed (Pltf) Notice of Motion to Amend Complaint PRETRIAL CONFERENCE	
32 Filed (Pltf) Request for Entry Upon Land for Testing of Wells and Streamflows	
33 Entrd Order (Granting Pltf's motion to amend complaint)	

D. C. 110 Rev. Civil Docket Continuation Colville Confederated Tribes vs. Boyd Walton, Jr., et ux

DATE	PROCEEDINGS	Date Order or Judgment Noted
1974		
May 17	Mailed Notices to Attorneys	
17	37- Filed Amended Complaint	
21	Issued Summons (for service on add'l defts Wilson & Margaret Walton of amended complaint)	
30	38- Filed Answer of State of Washington to Amended Complaint	
31	39- Filed (Deft Walton) Request for Extension of Time to Reply to Request for Entry Upon Land for Testing of Wells and Streamflows	
Jun. 3	40- Filed (Deft Walton) Answer, Affirmative Defense and Counterclaim to Complaint of United States of America (in 3831) and Cross Claim (against deft State of Washington in 3421 & 3831)	
3	41- Filed (Deft Walton) Amended Answer and Affirmative Defense to Amended Complaint of Colville Confederated Tribes (in 3421) and Cross-Claim (against deft State of Washington in 3421 & 3831)	
3	42- Filed (Deft Walton) Affidavit of Mailing (re above 2 pleadings)	
3	43- Filed Summons (served deft Margaret Walton)	
3	44- Filed Summons (served deft Wilson Walton)	
6	45 Filed Deposition - Wilson W. Walton	
10	46- Filed (Deft Walton) Answer to Request for Entry Upon Land	
Aug. 5	47- Filed Reply by United States to Counterclaims	
5	48- Filed (Pltf) Motion to Dismiss Counterclaims	
5	49- Filed Affidavits of Service (re above 2 pleadings)	
13	50- Filed Amended Reply by United States to Defendants' Second Counterclaim	
Sep. 26	51- Filed Stipulation and Order Extending Time to Answer Supplemental Interrogatories	
Oct. 16	52- Filed Stipulation for Entry Upon Land for Purposes of Insepction and Photographing and for Making Available all Discoverable Data Information, Pictures, etc., to Defendant Walton	
25	53- Filed Answers and Objections by the United States to Supplemental Interrogatories Propounded by Defendants Walton	
Nov. 8	54 - Filed (Pltf) Motion for Order Allowing Entry on Land ^{Ordered Granted w/10-day notice of entry on land}	11-25-74(S/N)
8	55 - Filed (Pltf) Notice of Motion for Order Allowing Entry on Land	
8	56 - Filed (Pltf) Statement of Reasons	
20	57 - Filed (Deft Walton) Motion for Order Compelling Answer to Supplemental Interrogatories Propounded by Defendants Walton to the United States	
20	58 - Filed (Deft Walton) Notice of Motion for Order Compelling Answer to Supplemental Interrogatories Propounded by Defendants Walton to the United States	
25	59 - Filed Supplemental Interrogatories Propounded to Plaintiffs Colville Confederated Tribes and United States of America by Defendants (and answers)	
25	60 - Filed (Pltf) Response to Motion to Compel Further Answers to Supplemental Interrogatories	
1975		
Jan. 6	61- Entrd Order Continuing Defendants Waltons' Motion for Order Compelling Answer to Interrogatories	
6	Mailed Notices to Attorneys	
23	62- Entrd Order Allowing Entry on Land (w/notice of entry on land to be/prior) ^{10 days}	
23	Mailed Notices to Attorneys	
Mar. 26	63- Filed Further Responses by United States to Supplemental Interrogatories of Defendants Walton	
Apr. 16	64- Filed Affidavit of Service by Mail (of 1st Interrogatories by Plaintiff USA to Defendant William Boyd Walton)	
18	65- Filed Defendants' (Walton) Supplemental Interrogatories to and Requests for Production of Documents to Plaintiffs Colville Confederated Tribes and United States of America	
18	66- Filed (Deft B. Walton) Motion to Compel Answers to Supplemental Interrogatories and Sanctions	

Consolidated in 3831

Colville Confederated Tribes vs. Boyd Walton, et al.

DATE 1975	PROCEEDINGS	Date Order or Judgment Noted
Apr. 18	67 - Filed (Deft B. Walton) Notice of Motion for Order to Compel Answers to Supplemental Interrogatories Propounded to Plaintiff Colville Confederated Tribes	
18	68 - Filed (Deft B. Walton) Motion for Order to Compel Answers to Supplemental Interrogatories Propounded by Defendants Walton to the United States and for Sanctions	
18	69 - Filed (Deft B. Walton) Notice of Motion for Order to Compel Answers to Supplemental Interrogatories Propounded by Defendants Walton to the United States and for Sanctions	
18	70 - Filed (Deft Walton) Affidavit of Mailing (re #65 thru 69)	
28	71 - Filed (Pltf Colville Conf Tribes) Supplemental Answers to Defendants' Supplemental Interrogatories	
28	PRETRIAL CONFERENCE (S/P)	
May 5	72 - Filed (Pltf USA) Objection to Defendants' Supplemental Interrogatory to Plaintiff	
5	73 - Filed (Pltf USA) Notice of Hearing	
5	74 - Filed (Pltf USA) Affidavit of Service by Mail	
12	75 - Entrd Stipulation and Order Denying Defendants' Motion to Compel Answers to Supplemental Interrogatories (ordered denied as moot)	
12	Mailed Notices to Attorneys	
28	76 - Filed Defendants' Supplemental Interrogatories to and Requests for Production of Documents to Plaintiffs Colville Confederated Tribes and United States of America in Lieu of Supplemental Interrogatories of April 3, 1975	
Jul. 16	(56) Filed (in Civil 3831) Answers to Supplemental Interrogatories of Defendant Walton	
Jul. 21	77 - Filed (Pltf) Motion for Order Allowing Entry for Measurement (of Pltf Colville Conf Tribes)	<i>Not heard</i>
21	78 - Filed (Pltf) Affidavit of Steven H. Chestnut (of Pltf Colville Conf Tribes)	
21	79 - Filed (Pltf) Notice of Motion for Order Allowing Entry for Measurement (of " " ")	
21	80 - Filed (Pltf Colville Conf Tribes) Affidavit of Mailing	
Aug. 6	81 - Filed Notice of Deposition Upon Oral Examination - Harry Hubbard	
6	82 - Filed Notice of Deposition Upon Oral Examination - Deft Boyd Walton, Jr.	
20	83 - Filed Deposition Subpoenas - Walton and Hubbard	
Sep. 15	84 - Filed (Pltf U.S.) Motion for Authority to Conduct Hydrological Testing	Granted 11/24/75
23	85 - Filed Notice of Hearing	
25	86 - Filed Notice of Hearing (Resetting #84)	
26	87 - Filed Affidavit of Service by Mail	
Nov. 19	88 - Filed (Pltf) Motion to Set the Consolidated Cases for an Early Trial and for a Pretrial Conference and Response to Consolidated Plaintiffs' Motion for Authority to Conduct Hydrological Testing	
Dec. 22	89 - Filed Oral Examination - Harry Hubbard	
22	90 - Filed Oral Examination - Boyd Walton	
1976		
Jan. 9	PRETRIAL CONFERENCE S/N	
16	91 - Filed (Pltf) Objections to Proposed "Order Granting Motion for Authority to Conduct Hydrological Testing"	
22	92 - Filed (Deft) Notice of Deposition Upon Oral Examination - Mrs. Harry L. Johnson	
27	93 - Entrd Order Granting Motion for Authority to Conduct Hydrological Testing	
27	Mailed copies to Attorneys	
Mar. 4	94 - Filed (Pltf) Colville Confederated Tribes' Objections to Interrogatories and Motion to Strike	
4	95 - Filed (Pltf) Statement of Reasons in Support of Colville Confederated Tribes' Objections to Interrogatories and Motion to Strike	
4	96 - Filed (Pltf) Affidavit of Compliance with Local Rule 8(g)	
4	97 - Filed (Pltf) Note for Motion Docket	
4	98 - Filed (Pltf U.S.) Motion to Compel Answers to Interrogatories (Y/N)	Granted 3/15/76
4	99 - Filed (Pltf U.S.) Notice	

DATE 1976	PROCEEDINGS
Mar. 10	100 - Filed (Pltf) Memorandum in Support of Motion to Require Answers to Interrogatories
10	101 - Filed Notice of Deposition Upon Oral Examination and Subpoena Duces Tecum - Gary Passmore
10	102 - Filed Notice of Deposition Upon Oral Examination and Subpoena Duces Tecum - John B. Noble
10	103 - Filed (Pltf) Motion for Order Authorizing Entry on Land <i>set 5/15/76</i>
10	104 - Filed (Pltf) Notice of Hearing
10	105 - Filed (Pltf) Affidavit of Service by Mail
10	106 - Filed Notice of Deposition Upon Oral Examination and Subpoena Duces Tecum - Charles P. Corke
15	107 - Entrd Order Granting Plaintiff, United States of America's Motion to Compel Answers to Interrogatories
15	Mailed Copies to Attorneys
15	108 - Filed (Pltf) Motion to Strike Notices of Depositions and Quash Subpoenas and for Other Relief
15	109 - Filed Affidavit of Russell W. Busch in Support of Motion to Strike Notices of Depositions and Quash Subpoenas
15	110 - Filed (Pltf) Statement of Reasons in Support of Motion to Strike Notices of Deposition and To Quash Subpoenas
15	(85) Filed (in Civil 3831) Deposition Subpoena - Gary Passmore
19	111 - Filed Deposition Subpoena - served John B. Noble
Apr. 1	112 - Filed (letter extending time for submission of PTO to 4/16/76) (Approved by the Court)
16	113 - Filed (Pltf USA) Motion to Compel Answers to Interrogatories <i>set 5/1/76</i>
16	114 - Filed (Pltf USA) Notice of Hearing
27	115 - Filed (Pltf USA) Motion for Order Authorizing Depositions and Requiring Deponents to Respond to Notices of Deposition and Subpoenas Duces Tecum at Spokane and at Tacoma <i>set 5/17 (X)</i>
27	116 - Filed (Pltf USA) Notice of Hearing
28	117 - Filed (Pltf USA) Notice of Deposition Upon Oral Examination and Subpoena Duces Tecum - John B. Noble
28	118 - Filed Notice of Deposition Upon Oral Examination and Subpoena Duces Tecum - Al Aubertin
29	119 - Filed Affidavit of Service by Mail (above pleadings)
30	120 - Filed Deposition Subpoena - served Al Aubertin
30	121 - Filed Deposition Subpoena - unserved Al Aubertin as requested by AUS Atty Sweeney
May 4	122 - Filed (Pltf) Motion For Continuance of Hearing
6	123 - Filed (Pltf) Notice of Hearing (#113 & 115)
6	124 - Filed Marshal's Return - served Alvin J. Ziontz
10	125 - Filed Notice of Appearance as Counsel of Record (Pltf) (William H. Veeder)
19	126 - Filed Deposition Subpoena - served John B. Noble
28	HEARING RE FINALIZATION OF PRETRIAL ORDER <i>q memo</i>
28	127 - Filed (Pltf) Motion for Partial Summary Judgment <i>Advisement</i> 7/12/76 S/N
Jun 4	128 - Filed (Pltf) Notice of Hearing on Motion For Partial Summary Judgment
8	129 - Filed (Pltf) Motion Requesting Revisions in This Court's Order Dated January 27, 1976, Including a Proviso For the Delivery of "Developed" Water Down the Natural Channel of No Name Creek <i>advisement</i> 7/12/76 S/N
8	130 - Filed (Pltf) Memorandum of Authorities in Support of (#129)
8	131 - Filed (Pltf) Notice of Hearing (#129)
9	132 - Filed (Pltf) Affidavit of Service by Mail (proposed changes to Pre-Trial Order)
14	133 - Entrd Pre-Trial Order
14	134 - Filed (Pltf) Notice of Hearing (resetting #129 & 127)
28	135 - Filed (Deft) Notice of Deposition Upon Oral Examination -Mrs. Harry J. Johnson

(over)

3421 Colville Confederated Tribes vs. Boyd Walton, Jr., et ux

DATE 1976	PROCEEDINGS		
Jun 28	136- Filed (Pltf) Motion to Appoint Special Master	Advisement	7/12/76 S/N
28	137- Filed (Pltf) Notice of Hearing		
Jul 1	138- Filed (Pltf U.S.A.) Motion For Continuance Of Hearing On Motion For Partial Summary Judgment		
1	139- Filed (Pltf U.S.A.) Notice of Hearing		
2	140- Filed (Deft State of WA) Motion to Modify Pretrial Order	Advisement	7/12/76 S/N
2	141- Filed Memorandum of Points and Authorities in Support of Motion to Modify Pretrial Order		
2	142- Filed (Deft State of WA) Notice of Motion to Modify Pretrial Order		
2	143- Filed Affidavit of Richard B. Price, Attorney For the Defendants Walton Regarding Modified Order Granting Motion for Hydrological Testing		
6	144- Filed (Deft Waltons) Motion For Summary Judgment	Advisement	7/12/76 S/N
6	145- Filed Memorandum of Authorities in Support of Defendant Waltons' Motion for Summary Judgment		
6	146- Filed Memorandum of Arguments in Opposition to Plaintiff Colville Confederated Tribes Motion For Partial Summary Judgment		
6	147- Filed Affidavit of Mailing (#144,145,146)		
7	148- Filed (Deft) Notice of Hearing		
9	149- Filed (Pltf U.S.A.) Supplemental Memorandum		
12	150- Filed Response of State of Washington in Opposition to Colville Indian Tribe's Motion For Partial Summary Judgment		
14	151- Entrd Order For Monitoring, Managing, Measuring, and For Hydrological Testing		
14	152- Entrd Addendum to Order For Monitoring, Managing, Measuring, and For Hydrological Testing		
14	Distributed copies to Attorneys		
20	153- Filed Reply of Defendants Walton in Opposition to Plaintiff Tribe's Motion to Appoint Special Master		
20	154- Filed Supplemental Memorandum of Authorities in Support of Defendant Waltons' Motion For Summary Judgment		
21	155- Filed (Deft) Affidavit of Mailing (#153,154)		
22	156- Filed Replies and Responses of Colville Confederated Tribes to Responses and Motions Filed Out of Time		
Aug 2	157- Filed (Pltf) Reply to Defendants Waltons "Supplemental Memorandum" in Support of Motion for Summary Judgment		
2	158- Filed (Pltf) Response to Defendants Walton Opposition to Plaintiff Tribe's Motion to Appoint Special Master		
2	159- Filed Affidavit of Mailing (#157,158)		
25	160- Filed (Pltf USA) Notice (utilization by Tribes of certain waters of No-Name Creek Basin w/development of Paschal Sherman Project)		
Sep 24	161- Filed (Pltf USA) Motion to Amend Testing Order	Granted S/N	10/4/76
24	162- Filed Notice of Hearing		
Oct 1	163- Filed (Deft Walton) Motion to Amend Testing Order <i>set 11/10</i>		
1	164- Filed (Deft Walton) Motion to Compel Compliance With Testing Order and Affidavit in Support Thereof <i>set 11/10</i>		
1	165- Filed Certificate of Service (#163 & 164)		
4	166- Entrd Order Amending the Order For Monitoring, Managing, Measuring and For Hydrological Testing		
4	Distr. copies to Attorneys		
12	167- Filed (Pltf Conf. Tribes) Response to Motion to Compel Compliance with July 14, 1976 Order and Request to Deny It		
12	168- Filed (Pltf Conf. Tribes) Request That Motion to Amend July 14, 1976 Order be Denied		
12	169- Filed Certificate of Service (#167 & 168)		
29	170- Filed (Deft Walton) Notice of Hearing (#163 & 164)		

see p. 10

3421 Colville Confederated Tribes vs. Boyd Walton, Jr., et ux

DATE	PROCEEDINGS
1976	
Dec 3	171 - Filed (Pltf USA) Motion For One Year Extension of Order For Hydrological Testing of No Name Creek Basin Granted S/N 12/21/76
3	172 - Filed Affidavit
3	173 - Filed Notice (setting #171)
3	174 - Filed Affidavit of Service by Mail
16	175 - Filed (Pltf Conf Tribes) Response to Justice Department Motion and Motions of the Colville Confederated Tribes
22	176 - Entrd Order Extending Period of Testing and Monitoring of No Name Creek Basin (through 10/1/77; report compiled by U.S. Geological Survey be submitted on or before 1/1/78)
22	Distr. copies to Attorneys
1977	
Feb 2	177 - Filed Notice of Deposition Upon Oral Examination - Mrs. Harry J. Johnson
9	178 - Filed Motion and Affidavit For Order Allowing Withdrawal of Attorneys
9	179 - Entrd Order Authorizing Withdrawal and Substitution of Attorneys (Ziontz, Pirtle withdraws and W. Veeder now counsel of record)
9	Mailed copies to Attorneys
May 2	180 - Filed Reporter's Transcript - 12/20/76 - (Motion for One Year Extension of Order for Hydrological Testing of No Name Creek Basin)
Jun 23	181 - Filed (Pltf) Withdrawal and Substitution of Counsel (Palmberg instead of Johnsen)
Aug 11	182 - Filed (Deft Walton) Motion For Specific Enforcement of Testing Order to Protect Defendants Waltons' Right of Water Use Pending Adjudication on the Merits and Affidavits in Support Thereof 8/30/77 S/N
11	183 - Filed (Deft Walton) Notice of Hearing
11	184 - Filed Certificate of Service (#182&183)
22	185 - Filed (Pltf Conf. Tribes) Resistance to Motion For specific Enforcement of Testing Order to Protect Defendants Waltons' Rights of Water Use Pending Adjudication on the Merits and Affidavits in Support Thereof and Petition For the Denial of That Motion
25	186 - Filed Statement to Court of Colville Confederated Tribes to do Equity all as Proposed to Counsel For Defendant Boyd Walton - Submittal of Affidavits in Support of "Resistance" Filed by the Colville Confederated Tribes August 22, 1977, to Defendant Boyd Walton's Motion
Sep 6	187 - Filed Statement of Defendants in Response to Plaintiff Colville Confederated Tribes' "Statement to Court of Colville Confederated Tribes to do Equity All as Proposed to Counsel for Defendant Boyd Walton"
16	188 - Entrd Order (staying all pending motions til completion of discovery and testing)
16	Mailed Copies to Attorneys
Nov 8	189 - Filed (Pltf Conf. Tribes) Motion Relative to This Court's Order Entered September 16, 1977
8	190 - Filed (Pltf Conf. Tribes) Certificate of Service (#189)
14	191 - Filed (U.S.) Affidavit of Service by Mail (Interrogatories)
Nov 21	192 - Filed Defendant Waltons' Response to Plaintiff Colville Confederated Tribes "Motion Relative to this Court's Order Entered September 16, 1977" (& Certificate of Service)
Dec 12	193 - Entrd Order (at least 5 days before trial counsel shall submit Findings of Fact to Court & serve same on other counsel)
12	Mailed Copies to all Attorneys
28	194 - Filed Answers of Colville Confederated Tribes, Plaintiff, to the Interrogatories of the Department of Justice
29	195 - Filed Deposition - Eri B. Parker
1978	
Jan 9	196 - Filed Proposed Findings of Fact, Conclusions of Law and Briefs (Pltf Conf Tribes)

3421 Colville Confederated Tribes vs. Boyd Walton, Jr., et ux

DATE 1978	PROCEEDINGS	<i>Consolidated w/ 3831</i>
Jan 11	197- Filed (Deft-Interv ST of WA) Proposed Findings of Fact and Conclusions of Law (Pretrial Submission of State of Washington)	
11	198- Filed Answers to Interrogatories by the United States to State of Washington + <i>sch</i>	
11	199- Filed Affidavit of Mailing (#197,198)	
12	200- Filed Deposition - Mike Kaczmarek (partial transcript)	
12	201- Filed Deposition - Charles Corke	
13	202- Filed (Pltf USA) Motion For Order of Continuance	Granted 1/13/78 S/N
13	203- Filed Colville Response to Motion For Order of Continuance	
16	204- Entrd Order of Continuance (trial continued from 1/17/78 to 2/7/78; and Court will reserve question of assessment of terms subject to presentation of proof & submission of arguments)	
16	Mailed Copies to Attorneys (#204)	
18	205- Filed Proposed Findings of Fact and Conclusions of Law (Pretrial Submission of Defendants' Waltons)	
20	206- Filed Affidavit of Mailing (196)	
23	207- Filed Submission of United States Geological Survey Report - <i>exhibit in red folder</i>	
Feb 1	208- Filed (Pltf USA) Findings of Fact and Conclusions of Law	
2	209- Filed Affidavit of Service by Mail (#208)	
3	210- Filed (Pltf USA) Trial Memorandum	
6	211- Filed (Pltf USA) Motion as to Order of Proof	
6	212- Filed Defendant Waltons Trial Brief	
7	NON-JURY TRIAL S/N	
7	213- Filed (Pltf Conf. Tribes) Objections to the Offer in Evidence of the Report Entitled "Water Resources of No Name Valley" by the Colville Confederated Tribes	
8	SECOND DAY TRIAL	
9	THIRD DAY TRIAL	
10	FOURTH DAY TRIAL	
21	214- Filed Reporter's Transcript of Proceedings 2/7/78 thru 2/10/78 (Volumes I thru IV)	
24	215- Filed Deposition - Mike Kaczmarek	
24	216- Filed Deposition - David Koch	
24	217- Filed Deposition - Charles Robinson	
24	218- Filed Deposition - Mike Watson	
Mar 1	219- Filed (Deft Walton) Memorandum of Authorities in Support of Defendants' Oral and Previous Written Motion to Dismiss For Lack of Indispensable Parties and by Virtue of the Fact That Until the Secretary of the Interior Acts to Allocate Water Equally Pursuant to 25 U.S.C. 381 No Basis For Injunctive Relief Can be Shown	
2	220- Filed Memorandum of Points and Authorities in Support of Plaintiff, United States' Motion For Partial Summary Judgment	
2	221- Filed Affidavit as to Service of Copy of Memorandum (to Veeder, #220)	
16	222- Filed Reiteration of Plaintiff Colville Tribes' Motion For Partial Summary Judgment and Response to Memorandum of Points and Authorities in Support of Plaintiff, United States' Motion For Partial Summary Judgment	
17	223- Filed Resistance of the Colville Confederated Tribes, Plaintiff, to Waltons Motions to Dismiss	
20	224- Filed (Deft Walton) Supplemental Memorandum of Authorities	
20	225- Filed Memorandum of Points and Authorities of State of Washington in Opposition to United States' Motion For Partial Summary Judgment	
20	226- Filed (Pltf USA) Memorandum of Points and Authorities in Opposition to Defendant Waltons' Motion to Dismiss For Lack of Indispensable Parties and by Virtue of the Fact That Until the Secretary of the Interior Acts to Allocate Water Equally Pursuant to 25 U.S.C. 381 No Basis For Injunctive Relief Can be Shown	
21	227- Filed Affidavit of Cecil D. Andrus Secretary of the Department of the Interior	

* * *

3421 Colville Confederated Tribes vs. Boyd Walton, Jr., et ux

DATE	PROCEEDINGS
1978	
Mar 21	FIFTH DAY TRIAL
22	SIXTH DAY TRIAL
23	SEVENTH DAY TRIAL
Apr 10	228 - Filed Reporter's Transcript of Proceedings 3/21/78 thru 3/23/78 (Vol.V thru VII)
11	EIGHTH DAY TRIAL
12	NINTH DAY TRIAL
12	229 - Filed Supplemental Exhibit List United States of America
13	TENTH DAY TRIAL
14	ELEVENTH DAY TRIAL
21	230 - Filed (Deft Walton) Motion For Reconsideration of Court's Evidentiary Ruling Disallowing Testimony as to the Availability of Certain Surface Waters Flowing Across and Through No Name Creek Basin
21	231 - Filed Affidavit of Richard B. Price in Support of the Motion For Reconsideration of Court's Evidentiary Ruling Disallowing Testimony as to the Availability of the Surface Flow of Omak Creek For Beneficial Application and Use in the No Name Creek Valley
24	232 - Filed (Pltf Conf. Tribes) Petition For Preliminary Injunction Denied 7/7/78S/N
25	TWELFTH DAY TRIAL
26	233 - Filed Reporter's Transcript of Proceedings 4/11/78 thru 4/14/78 (Vol.VIII -XI)
26	THIRTEENTH DAY TRIAL
27	FOURTEENTH DAY TRIAL
May 8	234 - Filed Reporter's Transcript of Proceedings 4/25/78 thru 4/27/78 (Vol.XII-XIV)
15	235 - Filed Motion For Extension of Time For Filing Memorandum by the Colville Confederated Tribes in Support of Preliminary Injunction
22	236 - Filed Memorandum of Points and Authorities of the Colville Confederated Tribes in Support of Petition for Preliminary Injunction Filed April 24, 1978
Jun 8	237 - Filed Motion of the Colville Confederated Tribes Presenting to This Court a Summation of Documentation Supporting Proposed Findings of Fact and Petitioning This Court to Enter Judgments in Favor of the Colville Confederated Tribes in These Consolidated Cases
9	238 - Filed Motion For Extension of Time (to file written closing argument from 6/9/78 to 6/12/78) (approved by the Court)
9	Mailed Copies to Attorneys
12	239 - Filed Written Closing Argument - State of Washington
12	240 - Filed (Pltf USA) Findings of Fact and Conclusions of Law (proposed)
13	241 - Filed (Deft Walton) Motion For Leave to File Summation of Evidentiary Matters Supporting Proposed Findings of Facts and Conclusions of Law Following Closing Argument
13	242 - Filed Affidavit of Richard B. Price in Support of Motion to File Summation of Evidentiary Materials Supporting Defendants' Walton Proposed Findings of Facts and Conclusions of Law Following Closing Arguments
15	243 - Filed Defendants Walton Memorandum in Opposition to Plaintiff Tribes Motion For a Preliminary Injunction
15	244 - Filed Affidavit of Boyd Walton
15	245 - Filed Certificate of Service (#243,244)
16	246 - Filed Errata Sheet Written Closing Argument - State of Washington
16	247 - Filed Corrections to Government's Proposed Findings and Conclusions (USA)
16	FIFTEENTH DAY TRIAL (Final Arguments)
21	248 - Filed Reporter's Transcript of Proceedings 6/16/78 (Vol. XV)
26	249 - Filed Notice of Hearing on Renewed Petition For Preliminary Injunction by the Colville Confederated Tribes Against the Defendants Waltons
Jul 7	250 - Filed Supplemental Written Closing Argument - State of Washington
7	SIXTEENTH DAY TRIAL (Final Arguments) - Court's determination: Taken Under Advisement.

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3421 Colville Confederated Tribes vs. Boyd Walton, Jr., et ux

DATE 1978	PROCEEDINGS
Jul 14	251- Entrd Order Denying Plaintiff Colville Confederated Tribes' Motion For Preliminary Injunction
14	Mailed Copies to Attorneys
20	252- Filed (Pltf Colville) Opposition to "Order Denying Plaintiff Colville Confederated Tribes' Motion for Preliminary Injunction"
24	253- Filed Affidavit of Defendant Boyd Walton Regarding Plaintiff Tribes' Attempts to Circumvent the Ruling of This Court Denying the Plaintiff Tribes' Motion for Preliminary Injunction
Aug 7	254- Filed Affidavit of Mailing (letter to Judge Neill from Charles B. Roe, Jr. & enclosure to letter)
7	255- Filed Reporter's Transcript of Proceedings July 7, 1978 (Volume XVI)
Oct 25	256- Entrd Memorandum Opinion (the State of Washington has jurisdiction over non-reserved waters within Colville Reservation & the Colville Tribal Water Code must be limited to regulation of reserved waters; each party to submit a proposed order for Court's consideration w/i 20 days) COB-28-243
25	Mailed Copies to Attorneys
Nov 7	257- Filed (Pltf Colville) Motion to Amend Findings and for Additional Time to File Order 12/4/78 S/N Advisement
8	258- Filed (Pltf Colville) Memorandum of Points and Authorities in Support of Motion to Amend Findings
8	259- Filed Notice of Hearing
13	260- Filed (Pltf USA) Motion For Extension of Time to Submit Proposed Order
14	261- Filed (St of WA) Memorandum in Opposition to the Colville Confederated Tribes' Motion to Amend Findings and For Addition Time to File Order
14	262- Filed Affidavit of Mailing (#261 & proposed order by St of WA)
15	263- Filed Affidavit of Mailing (Deft Waltons' proposed order)
30	264- Filed (Pltf Colville) Memorandum of Points and Authorities in Response to the State of Washington's Memorandum in Opposition to Tribes' Motion to Amend Findings
Dec 4	265- Filed (Deft St of WA) Memorandum in Opposition to Tribes' Motion to Amend Findings
15	266- Filed Certificate of Personal Service (#265)
1979	
Jan 2	267- Filed Defendant-Intervenors Supplemental Response to Plaintiff's Motion to Amend Findings
15	268- Filed (Pltf Colville) Motion to Strike Defendant-Intervenors Supplemental Response to Plaintiff's Motion to Amend Findings
15	269- Filed Notice of Hearing
15	270- Filed Memorandum in Support of Motion to Strike Memorandum of Defendant-Intervenors Supplemental Response to Plaintiff's Motion to Amend Findings
15	271- Filed Certificate of Service (#268,269,270)
31	272- Filed (Deft Walton) Motion to Strike Plaintiff Colville Confederated Tribe's Proposed Final Decree (in the Form of a Brief) and in Alternative, to Allow Defendant Waltons to Re-Argue and Re-Brief Their Position in the Case
31	273- Filed The Affidavit of Richard B. Price in Support of Motion to Strike Untimely Filing of Plaintiffs Colville Confederated Tribe's Final Decree and Brief and in the Alternative to Allow a Re-Argument by Defendant Waltons in Support of the Courts Memorandum Decision and to File a Brief in Support Thereof
31	274- Filed Affidavit of Mignon Edwards
31	275- Filed Affidavit of Mailing (#272,273,274)
Feb 9	276- Entrd Memorandum Opinion (pltf's motion to amend denied; all remaining pending motions denied) COB-29-62
9	277- Entrd Judgment (in accordance with memorandum opinion entrd this date, damage claims of defts Walton are dismissed; and each party shall bear its own costs) COB-29-63
9	Mailed Copies to Attorneys (#276,277)

3421 Colville Confederated Tribes vs. Boyd Walton, Jr., et ux

DATE	PROCEEDINGS			
1979				
Feb 12	278	Filed	Amended Notice of Hearing (#268)	
12	279	Filed	Response of Colville Confederated Tribes to Defendants Waltons' "Motion to Strike Plaintiff Colville Confederated Tribe's Proposed Final Decree (in the form of a brief) and in Alternative, to Allow Defendant Waltons to Re-Argue and Re-Brief Their Position in the Case"	
20	280	Filed	Motion by United States to Amend Judgment(S/N)	Granted 3-26-79
21	281	Filed	Notice of Hearing and Request For Oral Argument	
27	282	Filed	Motion by Defendant Waltons for Clarification of Judgment and Reconsideration (S/N)	Denied 3-26-79
27	283	Filed	(Deft Walton) Notice of Hearing and Request for Oral Argument	
27	284	Filed	(Deft Walton) Affidavit of Mailing (#282 & 283)	
Mar 12	285	Filed	(Pltf Colville) Motion to Strike and Request for Oral Argument(S/N)	Denied 3-26-79
12	286	Filed	(Pltf Colville) Memorandum in Support of Motion to Strike Memorandum of "Defendant-Intervenors Supplemental Response to Plaintiff's Motion to Amend Findings"	
12	287	Filed	(Pltf Colville) Motion to Dismiss for Want of Jurisdiction (S/N)	Denied 3-26-79
12	288	Filed	(Pltf Colville) Memorandum in Support of Motion to Dismiss	
12	289	Filed	(Pltf Colville) Notice of Hearing	
19	290	Filed	(Pltf Colville) Petition for a Final Adjudication for Allotment No. 526 and for Fishery (S/N)	Denied 3-26-79
19	291	Filed	(Pltf Colville) Memorandum of Points and Authorities in Support of Petition for a Final Adjudication for Allotment No. 526 and for Fishery	
19	292	Filed	(Pltf Colville) Certificate of Service	
19	293	Filed	(Pltf Colville) Notice of Hearing (#290 on 3/26)	
20	294	Filed	(Pltf USA) Submission of Letter Response by U.S.G.S.	
20	295	Filed	Memorandum by the United States	
21	296	Filed	Affidavit of Service (re #294 & 295)	
26	297	Filed	(Pltf Colville) Motion to File the Affidavit of Thomas Michael Watson (w/affidavit attached)	
26	298	Filed	State of Washington's Response to Motion of Colville Confederated Tribes to STRIKE Memorandum and Exhibit	
26	299	Filed	Affidavit of Robert E. Mack	
26	300	Filed	Affidavit of Laura E. Eckert	
26	301	Filed	(State of Wash.) Affidavit of Personal Service and Mailing	
26	302	Filed	Submission of Proposed Amendment of Paragraph XIII by the United States	
28	303	Filed	Reporter's Transcript - Transcript of Proceedings 3/26/79	
Apr. 2	304	Entrd	Order Amending Paragraph XIII of the Judgment (#276)	
2		Distr.	Copies to Attorneys	
9	305	Filed	(Pltf Colville) Notice of Appeal	
9		Distr.	Copies to Attorneys	
10	306	Filed	(Deft Walton) Notice of Appeal	
10		Distr.	Copies to Attorneys	
20	307	Filed	Appellant Waltons' Designation of Transcript to be Included in the Record and Statement of the Issue Intended to be Presented on Appeal	
23	308	Filed	(Pltf Colville) Designation of Record on Appeal	
26		Mailed:	9CCA Info sheet, copy of #305 and 306 and certified copy docket entries	
May 3		Mailed:	9CCA copy of #308	
9	309	Filed	Notice of Appeal by the United States	
11	310	Filed	(State of Wash) Notice of Appeal	
21	311	Filed	(State of Wash) Designation of Record on Appeal	
21	312	Filed	Reporter's Transcript - Transcript of Proceedings 12/4/78	
22	313	Filed	Designation of Record on Appeal by United States of America	

DATE 1979	PROCEEDINGS		
May 22		Mailed	9CCA Info sheet, copies of #309,310,311,313 and docket sheet
22	314	Filed	(Pltf Colville) Petition For Temporary Restraining Order and Preliminary Injunction
22	315	Filed	(Pltf Colville) Memorandum of Points and Authorities in Support of Petition For Temporary Restraining Order and Preliminary Injunction
22	316	Filed	Notice of Hearing
22		Mailed	Copies of #309 & 310 to Attorneys
31	317	Filed	(Pltf USA) Response by the United States
31	318	Filed	Affidavit of Edmund G. Nassar, USGS Hydrologist
31	319	Filed	(Deft Walton) Affidavit of Richard B. Price in Opposition to Plaintiff Tribe's Petition For Temporary Restraining Order and Preliminary Injunction
31	320	Filed	Affidavit of Boyd Walton in Opposition to Petition For Temporary Restraining Order and Preliminary Injunction
31	321	Filed	Affidavit of Robert Scott
31			ARGUMENT ON PRELIMINARY INJUNCTION: S/Voorhees
Jun 4			SECOND DAY ARGUMENT ON PRELIMINARY INJUNCTION-Court's determination:Prel.Inj. Denied
4	322	Filed	Memorandum of Defendant-Intervenor State of Washington in Opposition to Motion For Injunction Pending Appeal
4	323	Filed	Affidavit of Steve Mannenbach
4	324	Filed	Reporter's Transcript - Transcript of Proceedings of pltf's Colville's Petition For Temporary Restraining Order and Preliminary Injunction (5/31/79)
8	325	Filed	Reporter's Transcript - Transcript of Proceedings of Pltf Colville's Petition For Temporary Restraining Order and Preliminary Injunction (6/4/79)
21	326	Filed	(Pltf Colville) Motion For Stay of June 4, 1979 Ruling
21	327	Filed	(Pltf Colville) Objection to Order Proposed by the State of Washington
21	328	Filed	(Pltf Colville) Notice of Hearing
21	329	Filed	Certificate of Service (#326,327,328)
22	330	Filed	Response by the United States to Findings and Conclusions and Order Proposed by the State of Washington
25	331	Filed	Affidavit of Service by Mail (#330)
28	332	Filed	(Pltf Colville) Motion to Allow Both Parties to Continue Present Operations
Jul 9	333	Filed	(Pltf Colville) Renewed Petition For Preliminary Injunction Against Defendants/Appellants Waltons
9	334	Filed	(Pltf Colville) Notice of Hearing
9	335	Filed	Certificate of Service (#333,334)
16	336	Filed	(Pltf Colville) Motion to Amend Renewed Petition for Preliminary Injunction and to File Affidavit in Support (w/affid. Thos. Watson attd)
16	337	Filed	(Pltf Colville) Notice of Hearing
16	338	Filed	Certificate of Service (#336 & 337)
19	339	Entrd	Findings and Conclusions and Order Denying Petition of Colville Confederated Tribes for a Temporary Restraining Order and Temporary Injunction (Judge Voorhees)
19	340	Filed	(Pltf Colville) Motion to Stay Order and to Object to Order (w/affid. of T.M. Watson attd.)
19	341	Entrd	Order (denying motion to stay order and to object to order) (Voorhees)
19		Distr	Copies #339 and #341 to Attorneys
19	342	Filed	(Pltf Colville) Amended Notice of Appeal
19		Disrr.	Copies to Attorneys
19	343	Filed	(Pltf Colville) Certificate of Service
23	344	Filed	Reporter's Transcript - Transcript of Proceedings - 7/16/79 (in Seattle - Judge Voorhees)
27		Mailed	9CCA #3 Infor.Sheet, Copy of #342 and certified copy docket entries
27	345	Filed	Report, Conclusions and Order of Watermaster George Neff
27	346	Filed	Acceptance of George Neff of Appointment as Watermaster

DATE 1979	PROCEEDINGS		
Jul 30	347	Filed	Affidavit of Service by Mail (#345,346)
30	348	Filed	(Pltf Colville) Motion to Stay Order of July 27, 1979 of Court Appointed Water Master
Aug 2	349	Entrd	Order (order of 7/27/79 of the Water Master is stayed till Ct of Appeals has had opportunity to consider & rule upon emergency motion filed by Colville Conf Tribes on 7/20/79)
2		Mailed	Copies to all Attorneys
6	350	Entrd	Order (Ct's Order of 8/1/79 staying order of Water Master of 7/27/79 is vacated; order of Water Master dated 7/27/79 approved by the Court & is effective immediately; and no party shall interfere with Water Master Neff while he is carrying out provisions of his order)
6		Mailed	Copies to Attorneys
6	351	Entrd	Order For Issuance of Writ of Assistance (USM to assist Water Master Neff in preventing further pumping of water from well 33/27-16P and 33/27-16P2)
6		Mailed	Copies to Attorneys
6		Issued	Writ of Assistance and delivered to USM with copy of #351
7	352	Filed	(Deft Walton) Motion For Issuance of Writ of Assistance
7	353	Filed	Affidavit of Richard B. Price in Support of Motion For Writ of Assistance
7	354	Filed	(Deft Walton) Motion For Reconsideration of Order of August 1, 1979, Staying the Water Master's Order of July 27, 1979
7	355	Filed	Affidavit of Richard B. Price
7	356	Filed	Affidavit of Boyd and Kenna Walton
7	357	Filed	Affidavit of Mailing (#351,352,353,354,355,356)
9	358	Filed	(9CCA) Order (d.c. orders of 8/3/79 and 7/17/79 are temporarily stayed pending further order of this court)
9		Mailed	Copies to all Attorneys
13	359	Filed	(9CCA) Order (Court's temporary stay issued 8/6/79 vacated; Appellants' emergency motion for stay pending appeal & supplemental motion for stay denied; appeal ordered expedited & calendared & considered in December 79; D.C. to function as Special Master of this Court to consider or reconsider any modification of 1979 water usage or enforcement of 7/17 and 8/3/79 orders)
13		Mailed	Copies to Attorneys
14	360	Filed	Marshal's Return - writ of assistance
21	361	Filed	Report to the Court by United States Geological Survey August 10, 1979
24	362	Filed	Affidavit of Service by Mail (#361)
Sep 10	363	Filed	Amended Notice of Appeal by State of Washington
10		Mailed	9CCA #4 Info sheet, Copy of 363 <i>not mailed till 9-14</i>
12	364	Filed	Reporter's Transcript - Transcript of Proceedings 8/3/79 (Judge Voorhees) (Seattle hearing)
12	365	Filed	Report by Watermaster and Order
13	366	Filed	Affidavit of Service by Mail (#365)
13	367	Filed	Affidavit of Personal Service (#365 to William Veeder)
14	368	Filed	Supplemental Notice of Appeal by the United States
14		Mailed	9CCA #4 Info sheet, Copy of 368
14		Mailed	Copies to Attorneys (#363 & 368)
✓ 19	369	Filed	(Deft Waltons) Designation of Additional Record Made Subsequent to Original Trial
✓ 24	370	Filed	(Deft WA State) Designation of Additional Record (Proceedings Subsequent to Original Trial)
27	371	Filed	(Pltf Colville) Amended Notice of Appeal Amending July 19, 1979 Amended Notice of Appeal
✓ 27	372	Filed	(Pltf Colville) Amended Designation of Record on Appeal
Oct 1		Mailed	Copies of # 371 to all Attorneys and 9CCA

DATE 1979	PROCEEDINGS		
Nov 28 ✓	373	Filed	(Deft Walton) Petition to Special Master and to the Water Master Requesting That Defendants Walton be Authorized to Divert Water From Omak Creek into Observation Well No. 16C2 For the Purpose of Supplementing Recharge in the no Name Creek Aquifer
Dec 10 ✓	374	Filed	(Pltf Colville) Motion to Dismiss For Want of Jurisdiction
10	375	Filed	(Pltf Colville) Memorandum in Support of Motion to Dismiss For Want of Jurisdiction
10	376	Filed	Notice of Hearing
10	377	Filed	Certificate of Service (#374,375,376)
20	378	Filed	Final Report of Watermaster For 1979 Irrigation Season and Request For Order of Discharge
20	379	Filed	Notice of Hearing Without Oral Argument
20	380	Filed	Affidavit of Service by Mail (#378)
1980			
Jan 2	381	Filed	(Pltf Colville) Objections to Undated Watermaster Report -- It is Replete With Gross Errors
3	382	Filed	(Pltf USA) Notice of Vacation of Hearing Date
22	383		CERTIFICATE of record (copy)(orig to 9CCA)
23	384		ORDER (9CCA) (briefing schedule)
Feb 19	385		ORDER (9CCA) (State of New Mex. granted extension of time thru 2/13/80 to file Amicus Curiae brief)
Mar 6	386		ORDER (9CCA) (briefing schedule)
20	387		ORDER (final report of Watermaster for 1979 irrigation season is accepted & Watermaster George E. Neff is discharged of any further duties with respect to ground & surface waters in No Name Creek Valley)(Voorhees) cc: Attorneys
Apr 10	388		ORDER (9CCA) (U.S. cross-appeal 79-4619 dismissed; briefing schedule; appeals calendared for consideration in 6/1980)
May 1	389		JUDGMENT (9CCA) (79-4619 appeal dismissed) cc: Attorneys
13			FORWARDED Record on Appeal to 9CCA
Aug 26	390		MOTION For Order Directing Colivlle Tribes and Defendants Walton to Comply With Paragraph XIII of the Judgment (Pltf USA) cc: 9CCA 11/3/80 S/McN granted
26	391		NOTICE of Hearing With Oral Argument cc: 9CCA
28	392		AFFIDAVIT of Service by Mail (#390, 391)
Sep 8	393		ORDER (9CCA) Denying Emergency Motion
22	394		RESPONSE to Motion For Order Directing the Filing of Hydrological Records With This Court (Colville Tribe)
22	395		MEMORANDUM in Support of Response to Motion For Order Directing the Filing of Hydrological Records With This Court (Colville Tribe)
Nov 3	396		DEFT WALTON'S RESPONSE to Motion For Order Directing the Filing of Hydrological Records With This Court
4	397		REPORTER'S EXCERPT (11/3/80)
1981			
Jan 26	398		REPLY to Response of Defts Waltons' Request For Control of No Name Creek Surface & Groundwaters, 1981 Irrigation Season, & For Other Relief (Conf Tribes)
Feb 2	-		HEARING S/RJM
11	399		REPORTER'S TRANSCRIPT - hearing held 2/2/81 (partial)
18	400		MOTION To Restrain Defts Waltons (Conf Tribes) 3/3/81 S/RJM advisment
18	401		MEMORANDUM in Support of Motion (Conf Tribes)
18	402		CERTIFICATE of Service (#400,401)
23	403		MOTION to Shorten Time (Conf Tribes)
23	404		ORDER to Shorten Time (RJM) (re motion granting access to properties) cc: Attys
23	405		NOTICE of Hearing
23	406		MOTION For Order Granting Access Upon the Properties of Defts Waltons (Conf Tribes)
23	407		NOTICE of Hearing
23	408		CERTIFICATE of Service (#403,404,405,406,407

DATE 1981	PROCEEDINGS	
Feb 26	409	RESPONSE & MOTION to Quash in Response to Pltf Tribe's Latest and 1981 Motion to Restrain Deft Waltons (Deft Waltons) 3/3/81 S/RJM advisement
Mar 2	410	RESPONSE of the State of Washington to Colville Confederated Tribes' Undated Motion to Restrain Defts Walton
2	411	RESPONSE by U.S. to Motion by Colville Tribes Concerning 1981 Water Season on No Name Creek
3	412	ORDER Confirming Paragraph XIII of the Judgment (US Geological Survey personnel has the right at any reasonable time to enter upon Tribal & Walton lands to monitor & record data from recorders, gauging stations, well pumps & observation wells located on lands w/i No Name Creek Basin)(RJM) cc: Attorneys
3	-	EVIDENTIARY HEARING S/RJM
10	413	REPORTER'S TRANSCRIPT - Motions heard 11/3/80, S/RJM
10	414	REPORTER'S TRANSCRIPT - Transcript of Proceedings on 2/2/81 S/RJM
12	415	ORDER (Pltf & Defts have the right to enter upon land of the other with reasonable notice of time & place for purpose of performing inspections, taking measurements, etc.; & there is a need for appointment of a special master for 1981 irrigation season & names & qualifications of proposed individuals to fill position)(RJM) cc: Attorneys
25	416	REQUEST For Access Pursuant to Order of March 12, 1981 (Conf Tribes)
Apr 13	417	STATEMENT and MOTION for Injunction to Remove Dams Across No Name Creek (Pltf)
13	418	MOTION for Order to Administer Surface and Groundwaters of No Name Creek Pursuant to Judgment of February 9, 1979, and to Amend Paragraph XIII
13	419	NOTICE of Hearing (#417 & 418)
17	420	STATEMENT of Position of Defts Waltons With Respect to This Court's Order Dated March 12, 1981
20	421	REPORTER'S TRANSCRIPT - March 3, 1981
21	422	SUPPLEMENTAL MEMORANDUM on the August 17, 1979 Order of this Court and That Order's Pertinence to Regulation of Water Use This Irrigation Season(WA State)
21	423	RESPONSE By United States
21	424	COLVILLE CONFEDERATED TRIBES, CONFRONTED WITH IRREPARABLE DAMAGE, OBJECT to Denial of Right to be Heard, the Proposed Telephone Conversation is no Substitute For the Right to be Heard
24	425	MOTION for Administration, Control, Distribution and Monitoring the Diversion, Pumping, Removal and Utilization of the Surface and Ground Waters of No Name Creek (Pltf CCT)
24	426	MEMORANDUM of Points and Authorities in Support of Motion for Administration, Control, Distribution and Monitoring the Diversion, Pumping, Removal and Utilization of the Surface and Ground Waters of No Name Creek
27	427	CERTIFICATE of Service (#425)
30	428	SUBMISSION OF WATERMASTER REPORT & ORDER Thereon Concerning 1981 Irrigation Season in the No-Name Creek Valley (RJM) cc: Attorneys Eng 12 File
Jul 10	429	MOTION (a) to Enjoin Defts Waltons' Illegal Diversion & Conversion of Colville "Developed Water"; and (b) to Prove That Omak Creek Water is not Available, Sufficient, or Economically Feasible For Use on Colville Allotment 526
10	430	CERTIFICATE of Service (429)
10	431	NOTICE of Hearing
13	432	9CCA JUDGMENT (reversed in part, affirmed in part, and remanded) cc's all attys
Aug 7	433	CERTIFICATE of Service (papers re apportionment of waters of Omache Creek & re Dept of Interior, etc.)
20	434	NOTICE of Hearing (#429)
Sep 3	435	RESPONSE of Defts Walton to Tribes Motion (#429)
14	436	ORDER (material re deft Walton's use of 'developed' water etc. to be filed within 20 days of date of this order; & counsel to confer w/Clerk to reset this matter before next irrigation season)(RJM) cc: Attorneys

DATE	PROCEEDINGS
1981	
Sept 21	437 MOTION for Judgment on the Pleadings (Pltf's)
21	438 MEMORANDUM of Points and Authorities in Support of the Motion of the Colville Confederated Tribes for Judgment on the Pleadings
21	439 CERTIFICATE of Service (#437 & 438)
21	440 NOTICE of Hearing
22	441 REPLY to "Response of Defendants Walton ..." w/Affidavit of Service
Oct 6	442 AFFIDAVIT of Service by Mail (memo to Clerk of Court)
7	443 STATEMENT of the Colville Confederated Tribes as Required by this Court's 9/14/81 Order
23	444 DEFT WALTONS' MOTION For Extension of Time in Which to File Their Reply
23	445 AFFIDAVIT of Mailing (#444)
23	446 ORDER Granting Pltfs' an Extension in Which to File Their Reply to Tribes' Statement (to 11/20/81) (RJM) cc: Attorneys
29	447 MOTION By State For Extension of Time in Which to File Their Reply
29	448 AFFIDAVIT in Support of Motion For Extension of Time
29	449 AFFIDAVIT of Mailing (447,448)
Nov 3	450 ORDER Granting Extension of Time (State of WA has till 11/20/81 to file its response)(RJM) cc: Attorneys
20	451 SUBMISSION on Behalf of United States, Plaintiff in Civil No. 3831
23	452 BRIEF of State of Washington in Response to Statement of Tribe of October 6, 1981
23	453 MOTION for Leave for Extension of Time (for Waltons' to file responsive statement)
24	454 RESPONSIVE STATEMENT of Defts Waltons' Pursuant to this Court's Order of 9/14/81
Dec 28	455 SUPREME COURT ORDER (petition for writ of certiorari is denied)
1982	
Feb 4	- HEARING RE PENDING ISSUES S/RJM
5	456 MINUTE ORDER (counsel directed to submit list of issues & suggestions as to whether or not the record should be opened no later than 2/17/82; Each party to have add'l 10 days to respond; Court will then schedule matter for hearing)(RJM) cc: Attorneys
9	457 REPORTER'S TRANSCRIPT - proceedings of 2/4/82
11	458 SUBSTITUTION of Attorney (Michael Taylor for Palmberg -Colville Conf. Tribes)
17	459 STATEMENT OF ISSUES By Colville Confederated Tribes
17	460 DEFT WALTONS' LIST Of Issues and Suggestions Regarding Record Opening
17	461 AFFIDAVIT of Mailing (#460)
17	462 RESPONSE to This Court's Minute Order of February 4, 1982
17	463 AFFIDAVIT of Mailing (#462)
17	464 STATEMENT of Issues by The U.S.A.
18	465 MOTION & ORDER Extending Time For U.S. to Submit Interim Order (time extended to 3/1/82)(RJM) cc: Attorneys
19	466 AFFIDAVIT of Service by Mail (#464)
23	467 MOTION & ORDER Extending Time For Filing Responses to Statement of Issues (time extended to 3/8/82)(RJM) cc: Attorneys
25	468 AFFIDAVIT of Service by Mail (#467)
Mar 8	469 RESPONSE of State of Washington to Statements of Issues Filed by Other Parties
8	470 RESPONSE by U.S. to Statements of Issues
8	471 MOTION to Align the U.S. as an Adversary - RESPONSE to Statements Presented by (1) State of WA, (2) U.S.A., (3) Walton
9	472 SUBMISSION of Proposed Interim Water Use Order For 1982 Irrigation Season (USA)
10	473 AFFIDAVIT of Service by Mail (#472 & 470)
19	474 OBJECTIONS of Colville Confederated Tribes to "Interim Water Use Order For 1982 Irrigation Season"
23	475 MOTION For Summary Judgment of Dismissal Against the State of Washington and MEMORANDUM of Points & Authorities in Support of Motion For Summary Judgment of Dismissal Against the State of Washington (Colville Conf. Tribes)

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DATE 1982		PROCEEDINGS	
Mar 23	476	NOTICE of Hearing	
23	477	CERTIFICATE of Service (#475,476)	
23	478	ORDER (an evidentiary hearing will be necessary to determine remaining issues as defined in this Order; parties shall confer & advise Clerk of Court which date is desired)(RJM) cc: Attorneys	
25	479	SUBMISSION of First U.S.G.S. Report For 1982 Irrigation Season - No Name Creek Valley	
Apr 6	480	MOTION For Clarification & For Other Relief	Denied
6	481	NOTICE of Hearing	
6	482	CERTIFICATE of Service (#480,481)	
16	483	MEMORANDUM & ORDER (Tribe's motion for clarification of Court's order of 3/23/82 is denied; Tribe's motion for summary judgment is denied)(RJM) cc: Attorneys	
20	484	MOTION & AFFIDAVIT For Continuance (Deft Waltons)	
27	485	OBJECTION of the Colville Confederated Tribes to Further Continuances	
May 5	-	HEARING ON REMAND (S/RJM)	
5	486	MOTION For Judgment & MEMORANDUM in Support	
5	487	HEARING MEMORANDUM by USA	
6	-	SECOND DAY HEARING ON REMAND	
7	-	THIRD DAY HEARING ON REMAND	
19	488	MOTION & ORDER For Removal of Exhibits For Purpose of Copying (Walton exhibits W-PPPP, W-QQQQ, W-RRRR & W-SSSS to be removed for purpose of copying)(RJM) cc: Attorneys	
21	489	REPORTER'S TRANSCRIPT of Proceedings 5/5/82 thru 5/7/82 (Volumes I,II,III)	
Jun 21	490	NOTICE of Return of Withdrawn Exhibits	
24	491	DEFT WALTONS' MOTION For Extension of Time in Which to File Briefs	
24	492	NOTICE of Taking Deposition - Wilson Walton, Sr.	
24	493	AFFIDAVIT of Mailing (#491,492)	
28	494	ORDER Granting Defts Waltons an Extension in Which to File Their Brief (time extended to 8/6/82)(RJM) cc: Attorneys	
Jul 1	495	MOTION To Hold Hearing in this Court Respecting Testimony of Defts' Witness Wilson Walton, Sr., & Tribes' Response to Testimony	
1	496	MEMORANDUM of Points & Authorities in Support of Motion to Hold Hearing in This Court Respecting Testimony of Defts' Witness Wilson Walton, Sr., & Tribes' Response to Testimony	
1	497	CERTIFICATE OF Service (#495,496)	
7	498	MOTION & ORDER Authorizing Removal & Copying of Walton Exhibit WWW (RJM) cc: Attorneys	
8	499	NOTICE of Return of Withdrawn Exhibits	
26	500	MOTION For New Settings & For Clarification (CC Tribes)	
26	501	MEMORANDUM of Points & Authorities in Support of Motion For New Settings & For Clarification	
26	502	MOTION to Strike From the Record Defts Waltons' Exhibit No. WWW (CC Tribes)	
26	503	MEMORANDUM of Points & Authorities in Support of Motion to Strike From the Record Defts Waltons' Exhibit No. WWW	
26	504	CERTIFICATE of Service (#500,501,502,503)	
Aug 2	505	MOTION by U.S. For Resetting of Filing Dates	
9	-	HEARING RE ADDITIONAL TESTIMONY S/RJM	
30	506	REPORTER'S TRANSCRIPT - Proceedings 8/9/82 S/RJM	
Sep 2	507	MOTION & ORDER For Extention of Time (time extended to file memoranda)(RJM) cc: Attorneys	
13	508	PROPOSED FINDINGS OF FACT & CONCLUSIONS OF LAW by U.S. A.	
13	509	MEMORANDUM in Support of Proposed Findings of Fact & Conclusions of Law by U.S.A.	

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DATE 1982	PROCEEDINGS	
Sep 14	510	COLVILLE CONFEDERATED TRIBES' FACTUAL & LEGAL ANALYSIS & PROPOSED FINDINGS OF FACT & CONCLUSIONS OF LAW
14	511	SUPPLEMENTAL MEMORANDUM Supporting Motion For Injunction Against Illegal Seizure By Defts Waltons of Water Pumped Into No Name Creek by the Tribes & For Other Relief (CCT)
14	512	CERTIFICATE of Service (#510,511)
15	513	AFFIDAVIT of Service by Mail (#508,509)
15	514	DEFT WALTONS' POST-HEARING MEMORANDUM OF AUTHORITIES & Citation to Transcript Regarding Due Diligence of Non-Indian Successor to Former Indian Allotments
20	515	MOTION to Amend
23	516	MOTION to Amend and to Add Deleted Appendices to Clerk of Court Only (Defts Walton)
24	517	RESPONSE to "Deft Waltons' Post-Hearing Memorandum" & Presentation of the Issue of Whether This Court Should Take Action Respecting Perjury & Subornation of Perjury (CCT)
24	518	RESPONSE to Findings of Fact, Conclusions of Law & Memorandum in Support Submitted by Dept of Justice Substitute Findings Proposed, if Fishery Issue is to be Resolved Alignment of Dept of Justice as Adversary - Tribes Must Not be Bound by Conduct of Dept of Justice
24	519	CERTIFICATE of Service (#517,518)
27	520	RESPONSE of U.S. to Deft Waltons' Post Hearing Memorandum of Authorities
Oct 1	521	OBJECTION to Untimely Filing of "Deft Waltons' Proposed Findings of Fact and Conclusions of Law Respecting the Issue of 'Due Diligence'"
1	-	FINAL ARGUMENT S/RJM Court's determination: Under Advisement
12	522	REPORTER'S TRANSCRIPT - Excerpt of Final Argument 10/1/82
26	523	RESPONSE of the U.S. to the Defts' & States' Final Arguments
28	524	AFFIDAVIT of Service by Mail (#523)
Nov 16	525	MOTION For Order Denying the Filing of Response of the U.S. to the Defts' and States' Final Arguments
Dec 1	526	RESPONSE of the State of Washington
1983		
Apr 12	527	USGS REPORT 1983 Irrigation Season
May 18	528	USGS REPORT 1983 Irrigation Season
July 18	529	USGS REPORT 1983 Irrigation Season
Aug 4	530	USGS REPORT 1983 Irrigation Season
31	531	MEMORANDUM DECISION (Walton entitled to 384 acre feet per year; other allottees entitled to 428.8 acre feet per year; Tribe entitled to 187.2 acre feet per year & all enjoined from diverting more than that quantity from either the Creek or the underground aquifer)(RJM) cc: Attorneys COB-48-27
31	532	JUDGMENT on Decision by the Court (Walton entitled to 384 acre feet per year; other allottees entitled to 428.8 acre feet per year; Tribe entitled to 187.2 acre feet per year & all enjoined from diverting more than that quantity from either the Creek or the underground aquifer) COB-48-28 cc: Attorneys
Sep 13	533	MOTION For New Trial and MEMORANDUM in Support and REQUEST For Oral Argument (Deft Tribes) 10-17-83 w/o oral. Denied
13	534	CERTIFICATE of Service (#533)
15	535	NOTICE of Hearing
Oct 4	536	DEFT WALTON'S RESPONSE/AFFIDAVIT to and Opposing Pltf Tribes' Motion For New Trial
11	537	ORDER (#533 set 10/17/83 without oral argument)(RJM) cc: Attorneys
18	538	ORDER (motion for new trial is denied)(RJM) cc: Attorneys
27	539	MOTION For Attorney Fees Pursuant to 23 USC, Section 2412(d)(1)(A) (Deft Waltons)
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CIVIL DOCKET CONTINUATION SHEET

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PLAINTIFF		DEFENDANT		DOCKET NO. <u>3421</u>
COLVILLE CONFEDERATED TRIBES		BOYD WALTON, Jr., et ux		PAGE <u>18</u> OF <u> </u> PAGES
DATE	NR.	PROCEEDINGS		
	1983			
Nov	17	540	NOTICE OF APPEAL (pltf atty Veeder) cc's 9CCA, attys Taylor, Veeder, Price, A.G. Roe	
	21	541	COPY 9CCA Docket Fee Payment Notification Form - (\$65 9CCA fee & \$5 d.c. fee paid) - original forwarded to 9CCA	
	21	--	FORWARDED original Case Information Sheet and copy of docket entries to 9CCA	
Dec	2	542	COPY 9CCA CERTIFICATE of Record - original forwarded to 9CCA (all transcripts have been previously filed)	
	2	543	DESIGNATION of Reporter's Transcript (applt atty Veeder) cc's 9CCA, attys Taylor, Veeder, Price & Atty Gen Roe	
	13	544	NOTICE of Substitution of Local Counsel (Michael P. O'Connell substituting for Michael E. Taylor)	
	16	545	NOTICE OF APPEAL (pltf USAtty Sweeney) cc's 9CCA, attys O'Connell, Veeder, Price, A.G. Roe and USAtty Sweeney [w/affidavit of mailing]	
	19	546	COPY 9CCA Docket Fee Payment Notification Form - (fee not paid - applnt is U.S. Govt) - original forwarded to 9CCA	
	19	--	Forwarded original Case Information Sheet and copy of docket entries to 9CCA	
	28	547	AFFIDAVIT of Service by Mail (transcript designation & ordering form)	
	27	548	DESIGNATION of Reporter's Transcript (applt USAtty Sweeney) cc's 9CCA, attys O'Connell, Veeder, Price, A.G. Roe and USAtty Sweeney, and C.R. Lenhart	
	27	549	COPY 9CCA CERTIFICATE of Record - original forwarded to 9CCA	
	1984			
Mar	19	550	COPY 9CCA ORDER (appellees' motions to dismiss denied; opening brief shall be filed w/in 40 days of this order)	
Apr	25	551	CORRECTION of the Transcript of Proceedings [C.R. Mia Bohn]	
May	21	552	DESIGNATION of Clerk's Record (pltf atty Veeder) cc's 9CCA, attys Taylor, Veeder, Price, & A.G. Roe and USAtty Sweeney [w/ cert. of service]	
Jun	25	553	COPY 9CCA ORDER (Motion of appellees Walton et al for extention to 8-10-84 is granted in part; appellees brief due 7-18-84; no further extensions etc.) [re 83-4285]	
Sep	14	---	FORWARDED Record on Appeal to 9CCA	
	19	554	MOTION (Tribes)	
	21	555	ORDER (Michael P. O'Connell appearing in place of Michael E. Taylor)(RJM) cc: Attorneys & 9CCA	
	26	---	FORWARDED Supplemental Record on Appeal to 9CCA (ten transcripts)	
Oct	5	---	FORWARDED Supplemental Record on Appeal to 9CCA (three exhibits)	
	12	556	COPY 9CCA ORDER (St of WA dismissed as a party to the appeal but granted leave to late filing of brief as amicus curiae w/in 21 days of this order; appellants may file separate reply brief w/in 14 days of service of State's brief) [83-4285]	
Dec	19	557	REPORTER'S TRANSCRIPT - proceedings 7/16 and 17, 1979 before Judge Voorhees	
	1985			
May	2	558	COPY 9CCA JUDGMENT - (judgment of District Court is reversed & remanded with instructions) - cc's attys Taylor, Veeder, Price, A.G. Roe & USAtty Sweeney [83-4285] [w/copy of Order Denying Rehearing and the En Banc Suggestion filed 4-22-85, and copy of Opinion filed 1-21-85] (copy Judge RJM)	
Sep	18	559	NOTICE of Substitution of Local Counsel (Michael P. O'Connell withdraws and substitutes Michael E. Taylor as local counsel for CCT)	
Oct	18	560	ORDER to Release Exhibit (exhibit to be returned by 10/30/85 by Atty Price)(RJM) (exhibit KKK-W)	
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33-4285

34-3504

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. <u>3421</u>
Colville Confederated Tribes	Boyd Walton, Jr., et ux.	PAGE <u>19</u> OF <u> </u> PAGES RJM

DATE	NR.	PROCEEDINGS
1986		
Nov 10	561	MOTION by Pltf, USA, For Entry of Final Judgment; and MOTION By Pltf, USA, For Order Relieving United States Geological Service from Responsivility of Monitoring Water Usage in No-Name Creek Basin <i>1-26-87</i>
10	562	MEMORANDUM by Pltf, USA, in Support of Motion For Entry of Judgment; and Motion For Order Relieving U.S.G.S. of RESponsibility of Monitoring Water Usage in No-Name Creek Basin
10	563	NOTICE of Hearing -Oral Argument Requested
17	564	AMENDED NOTICE of Hearing Resetting Hearing Upon Motions of pltf, USA For January 12, 1987 - Oral Argument Requested
25	565	SECOND AMENDED NOTICE of Hearing Upon Motions by USA - Oral Argument Requested
Dec 18	566	THIRD AMENDED NOTICE Resetting Hearing Upon Motions by USA to 2/23/87 - Oral Argument Requested
19	567	AFFIDAVIT of Service by Mail (#566)
1987		
Feb 17	568	AMENDED NOTICE Resetting Hearing Upon Motions by USA to 2/24/87 @ 9:30 a.m.
18	569	MOTION For Final Judgment & MEMORANDUM of Points & Authorities in Support (pltf)
Mar 4	570	MOTION For Pretrial Conference on April 6, 1987 (CCT)
13	571	RESPONSE by Pltf, United States to the Colville Tribes' Motions For Entry of Judgment and For Pretrial Conference
Apr 2	572	REQUEST For Clarification & REply to Response of the United States (CCT)
2	573	SUBMITTAL By United States of Initial U.S.G.S. Report for 1987 Irrigation Season
13	574	REPORTER'S TRANSCRIPT - Motion heard 4/6/87
Jun 25	575	ORDER (allocation of water from No Name Creek shall be as follwos: 120 acre feet to Walton; 666.4 to the Indian allottees; 350 to Tribe's fishery; since such allocation is subject to ratable reduction, jurisdiction will be retained for purposes of adjusting allocations in event of water shortages; the Government's motion to relieve the U.S. Geological Service from responsibility for monitoring usage is granted)(RJM) cc: Attorneys COB-76-204
25	576	JUDGMENT on Decision by the Court (see above #575) cc: Attorneys COB-76-205
1988		
Feb. 4	577	MOTION to Re-Open Judgment and to Adjudicate Rights to The Use of Water in No Name Creek for Colville Allotment No. 526 with Memorandum in Support(Pltf)
4	578	MEMORANDUM in Support of Motion to Re-Open Judgment and to Adjudicate Rights to The Use of Water in No Name creek for Colville Allotment No. 526
5	579	ORDER (RJM)(further proceedings in the <u>Boy Scout</u> case are STAYED except that the Court may call for progress reports from time to time; motion to reopen Walton (#577 above) set for telephone conference 3-7-88 @ 9:30 a.m. w/Tribe to initiate call; USA to contact Mr. Veeder if intend to participate) cc: attys
Mar. 7	---	TELEPHONE MOTION(S/RJM(re #577)
May 6	580	MOTION to Expedite Amendment to Final Judgment to Include Colville Allotment No. 526 And COMPLIANCE with March 7, 1988 Order (Pltf)
9	581	DEFT WALTON'S OBJECTION to and RESPONSE to Pltf Tribe's Request For Adjudication of Water Rights From No Name Creek Acquifer For Beneficial Application Upon Allotment No. 526 End File #17
10	582	UNITED STATES' MEMORANDUM in Response to the Colville Tribes' Motion to Reopen End File #18
25	583	MOTION of Plaintiff Colville Confederated Tribes for an Order Enforcing This Court's June 25, 1987 Order with Memorandum in Support and Request for Oral Argument
25	584	NOTICE of Hearing Oral ARGument Requested (re #583; 6/6/88 S/RJM)
26	585	ORDER (RJM)(Clerk to vacate hearing set 6-6-88; pltf mayrenote in accordance w/ rules; oral argument if required shall be cleared with Clerk's office; if expedited hearing is needed a motion to shorten time will be entertained)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>3421</u>
Colville Confederated Tribes		Boyd Walton, Jr., et ux	PAGE <u>20</u> OF <u> </u> PAGES
DATE	NR.	PROCEEDINGS	
1988			
June 6	586	MOTION to Consolidate Plaintiff Colville Confederated Tribes' Motion to Enforce June 25, 1987 Order and PLAINTIFF TRIBES MOTION for Final Judgment with Memorandum in Support and REquest for Oral ARGument	
6	587	NOTICE of Hearing - Oral ARGument Requested (re #586; 6-23-88 S/RJM)	
9	---	TELEPHONE CONFERENCE (S/RJM)	
10	588	STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY'S Responding Memorandum - Colville Tribe's Motion to Reopen	
13	589	CAVENHAM, INC., - OMAK WOOD PRODUCTS Responding Memorandum to Colville Tribe's Motion to Reopen	
15	590	ORDER (RJM)(hearing on 6-23-88 will be limited to issues between Tribe and Walton concerning compliance or non-compliance with Decree of this Court) cc: attys	
23	591	DEFENDANT WALTON'S MOTION for Court View of the Property by Way of Video Tape and Statement of Intention to Rely Upon the REcord as Established as Well as Defendant Walton's Oral Presentation at the Time of Hearing in Support of His Compliance with the Court's June 25, 1987 Order	
23	592	MEMORANDUM in Opposition Tribe's Motion for Enforcement of Order	
23	593	MOTION for Civil Rule 11 Sanctions (Deft Walton)	
23	594	AFFIDAVIT of Boyd Walton	
24	---	HEARING RE INJUNCTION & MOTIONS (S/RJM) - Court's determination: Advisement	
27	595	NOTICE of Substitution of Attorney(Robert H. Leeds of Schimanski-Leeds in place of Philip Brooke III of Paine-Hamblen, for Deft Whitworth Foundation in C-80-275-RJM)	
29	596	REPORTER'S TRANSCRIPT - Hearing Re: Injunction 6-23-88 S/RJM (9:30 a.m.)	
29	597	REPORTER'S TRANSCRIPT - Verbatim Report of Proceedings - 6-23-88 S/RJM(1:30 p.m.)	
Aug 2	598	ORDER (Court to enter separate order appointing a water master; motion to remove Walton's dam is denied; motion re Walton's application of water to the subirrigated lands to be nonbeneficial is denied; motion seeking a modification of the judgment is denied)(RJM) cc: Attorneys	
16	599	MOTION for Reconsideration of this Court's August 2, 1988 Order With Points and Authorities in Support (Pltf)	
16	600	NOTICE of Hearing, Oral Argument Requested (9-15-88 @ 9:30 a.m. S/RJM)	
19	601	AFFIDAVIT of Richard B. Price	
Oct 27	602	MOTION for Hearing and Oral Argument Respecting Issues Set Forth in Plaintiff Tribes' August 16, 1988 Motion and for Other Relief	
27	603	NOTICE of Hearing Oral Argument Requested (11-18-88 @9:00 a.m.)	
Nov 10	604	MOTION and Affidavit for Extension of Time for Hearing of Oral Argument	
14	605	ORDER (RJM)(hrg set for 11-18-88 is vacated; Clerk shall set TSC as early as calendar will allow)(11-30-88) cc: Attorneys	
30	---	STATUS CONFERENCE (telephone) S/RJM	
Dec 2	606	ORDER (RJM)(pltf's motion for reconsideration is denied; a water master will be appointed - parties to advise court of their views as to appropriate time for appointment) cc: Attorneys	
20	607	NOTICE OF APPEAL (Atty Veeder) cc: 9CCA: Atty Veeder & Taylor; ATG: C.R. Lenhart	
20	608	COPY 9CCA Docket Fee Payment Notification Form - original forwarded 9CCA	
20	---	FORWARDED Original Case Information Sheet and Copy of Docket Entries to 9CCA	
23	609	UNITED STATES Motion for Extension of Time	
Jan 23	610	ORDER (RJM)(USA shall have until and including 1-20-89 to file court's re-quested brief on complexity issue) cc: Attys	
3	611	MEMORANDUM (RJM)(re appt of water master pending appeal) cc: Attys	
10	612	MOTION for Reconsideration by Plaintiff Colville Confederated Tribes of the Court's January 3, 1989 Memorandum	

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CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>3421</u>
Colville Confederated Tribes		Boyd Walton, Jr., et ux	PAGE <u>21</u> OF <u> </u> PAGES
DATE	NR.	PROCEEDINGS	
1989			
Jan 13	613	AFFIDAVIT of Boyd Walton Refuting Unfounded Assertions Contained in Tribe's August 16, 1988 Motion and Subsequent Motion for Hearing and Oral Argument Filed in Connection Therewith Dated October 16, 1988	
	20 614	DESIGNATION Of Reporter's Transcript - cc: 9CCA	
	24 615	UNTIED STATES' Response to Court's Requests for Views	
	24 616	COPY 9CCA CERTIFICATE OF RECORD - original forwarded 9CCA	
	30 617	COPY 9CCA TIME SCHEDULE ORDER	
Mar 22	618	COPY 9CCA ORDER (Appellant agreed to withdraw requests state be sanctioned for entering appearance in appeal. State of WA & U.S. do not intend to file briefs in appeal as parties, based on appellant's counsel's statement of issues raised. Appellant shall file brief not more than 50 pages 3/31/89 Appellees file brief 5/08/89. Appellant may file reply brief 5/22/89. Clerk shall calendar appeal for hearing in Seattle in 6/89, or as soon thereafter as is practicable.	
Apr 03	619	COPY 9CCA ORDER (Appellees filed motion to dismiss appeal. Balance of briefing schedule suspended until motion disposed of. Appellant shall contact conf. atty after disposition of motion to schedule further prebriefing conference if necessary w/ status report.)	
Jul 31	---	FORWARDED 3 files (17,18,19) 3 RT(#557, 596, 597) to Hon. Eugene Wright <i>Returned 12/10/89</i>	
Sep 11 1990	620	COPY 9CCA JUDGMENT (Judgment of D.C. AFFIRMED) cc: Attys; ATG	
Aug 16	621	MOTION for Final Judgment Decreeing to Plaintiff Colville Confederated Tribes Rights to the Use fo Water of No Name Creed for Colville Allotment 526	
	16 622	PLAINTIFF Colville Confederated Tribes' Motion to Enjoin Defendnat Boyd Walton, Jr. From Violating Plaintiff Tribess' Decreed Natural Flow and Pumped Water Rights in the No Name Creek Drainage with Memorandum in Support	
	16 623	NOTICE of Hearing (Sept. 17, 1990 & 9:00 with oral)(re # 620,621)	
	20 624	ORDER (RJM)(hrg presently set for 9/17/90 is vacated; subject motions may be re-set) cc: Attorneys	
Sep 24	625	NOTICE of Hearing (#621,622 set to 10/29/90 @3:30)	
Oct 12	626	PLTFS Colville Confederated Tribes' Motion Petitioning Judge Robert J. McNichols Voluntarily to Reassign This case or Alternatively to Recuse Himself on Background of Conflicts Between Controlling Mandates of the Court of Appeals Colville I and Colville II with That Court's Memorandum of August 16, 1989	
	15 627	MOTION and Affidavit for Continuance (deft)	
	22 628	ORDER (RJM)(matter is referred to JLQ for such action as he may deem proper; the hearing set for 10/29/90 at 3:30 is vacated) cc: all counsel	
	24 629	ORDER Denying Motion for Reassignment or for Recusal and ORDER to Show Cause Re: Imposition of Sanctions (JLQ)(motion #626 is DENIED; within 20 days Mr. Veeder shall show cause in writing why sanctions should not be imposed against him in the amount of \$2500.00 by reason of the filing of this frivolous motion; w/i 20 days, Mr. Veeder shall file a receipt of copy of this order which he shall send to Chairman, Colville Confederated Tribes Tribal Counsel; w/i 20 days, Mr. Veeder shall show cause in writing why L.R. 1.2(c) should not be applied to his appearance in this matter & court) cc: all counsel	

CIVIL DOCKET
UNITED STATES DISTRICT COURT

Jury demand date: 12/15/70

D. C. Form No. 106 Rev.

TITLE OF CASE	ATTORNEYS
ROGER LYNN GRIESEMER, <div style="text-align: right;">Plaintiff,</div>	For plaintiff: Charles H. Kimball and Richard E. Dullanty 217 Paulsen Building Spokane, Washington 99201 MA 4-528
vs. THE FIRESTONE TIRE & RUBBER COMPANY, an Ohio corporation, <div style="text-align: right;">Defendant.</div>	
Personal Injury - Struck by tire dropped from overhead rack Seeks \$75,000.00 and costs	For defendant: Randall & Danskin G. Lundin 440 Lincoln Building Spokane, Washington 99201 RI 7-2052

STATISTICAL RECORD	COSTS	DATE 1970	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 month 9/22/70 /	Clerk	9/22	#57791	15 00	
		9/25	CD 1-12		15 00
J.S. 6 month 5/4/71 /	Marshal				
Basis of Action:	Docket fee				
	Witness fees				
Action arose at:	Depositions				