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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)
18 v.)
19)
20 Barbara J. Anderson, et al.,)
21)
22 Defendants.)

CIVIL NO. 3643

ANSWER OF DEFENDANT
STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES

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

26 I

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

30 II

31 In answer to Plaintiff's paragraph IV Defendant admits that
32 President Hayes signed the executive order on January 18,1881 as
33 described therein but is without sufficient knowledge or information
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.

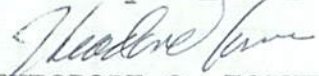
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4 By way of FURTHER ANSWER and AFFIRMATIVE DEFENSE, defendant
5 alleges as follows:
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III

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

DATED this 9th day of March, 1974

SLADE GORTON
Attorney General


THEODORE O. TORVE
Assistant Attorney General
Department of Natural Resources