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**Docket Entry 211 - Filed Responses of Defendant Intervenor
Washington Reef Net Owners Association to statement of
ultimate issues on behalf of Intervenor Plaintiffs, Lummi Tribe**

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FILED IN THE
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

MAY - 9 1973

EDGAR JOHNSON, CLERK

By: [Signature] Deputy

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7 Net Owners Association

8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON

10 UNITED STATES OF AMERICA, et al,)

11 Plaintiffs,)

12 vs.)

13 STATE OF WASHINGTON, et al,)

14 Defendants.)

CIVIL NO. 9213
2913

RESPONSES OF DEFENDANT
INTERVENOR WASHINGTON REEF
NET OWNERS ASSOCIATION TO
STATEMENT OF ULTIMATE ISSUES
ON BEHALF OF INTERVENOR
PLAINTIFFS, LUMMI TRIBE

15 COMES NOW defendant intervenor Washington Reef Net Owners
16 Association and in response to the Statement of Ultimate Issues
17 heretofore filed herein upon behalf of the Lummi Tribe states as
18 follows:

19 I.

20 They concur in the comments and responses filed heretofore
21 herein by defendant State of Washington, defendant Department of
22 Fisheries and defendant Department of Game. They also concur in
23 the objections stated by said defendants.

24 II

25 In specific response to item 7(b) of the Statement of
26 Ultimate Issues of plaintiffs Makah, Lummi, Quileute and Quinault
27 tribes, they further state that in no respect has there been any
28 action by the defendant State or its Fisheries or Game Departments
29 "allowing non-Indians to monopolize fishing sites and exclude
30 Indians from their usual and accustomed fishery".

31 Responses of Defendant Intervenor
32 Washington Reef Net Owners Assoc. to
to Statement of Ultimate Issues

332A
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III

As to the issues between the plaintiff intervenor Lummi Indian Tribe and defendant intervenor Washington Reef Net Owners Association, only one should validly be before the Court in resolving the differences between said parties and it is set forth in the Statement of Ultimate Issues made upon behalf of plaintiffs Makah, Lummi, Quileute and Quinault Tribes as item 1 therein, to-wit, "What is the scope of the fishing right reserved to the Indians under the Stevens Treaty?"

DATED at Bellingham, Washington, as of May 7, 1973.

ASMUNDSON, RHEA & ATWOOD

By

David E. Rhea
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Intervenor Washington Reef Net
Owners Association