

BEFORE THE INDIAN CLAIMS COMMISSION

PUEBLO DE ZIA, PUEBLO DE JEMEZ, AND)	
PUEBLO DE SANTA ANA,)	
)	
Petitioners,)	
)	
v.)	Docket No. 137
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

INTERLOCUTORY ORDER

Upon the Findings of Fact, numbered 24 to 33 inclusive, which are this day filed herein and which are hereby made a part of this order, the Commission concludes as a matter of law,

(1) That of petitioners' 298,634 acres of Indian title lands, a tract of unspecified acreage in Township 16 North, Range 1 East, set apart as a reservation for the Indians of Jemez Pueblo by Executive Order dated December 19, 1906, a tract containing 908.48 acres set apart as a reservation for the Indians of Jemez Pueblo by Executive Order dated October 4, 1915, and a tract containing 386.85 acres in Township 15 North, Range 2 East set aside as a reservation for the Indians of Zia Pueblo by Congressional Act of April 12, 1924, were never taken from petitioners by the defendant and petitioners are not entitled to compensation for said tracts from the defendant;

(2) That 36,172.62 acres of petitioners' 298,634 acres of Indian title lands were taken from them by defendant as of October 12, 1905, the date President Theodore Roosevelt included said 36,172.62 acres within the boundaries of the Jemez Forest Reserve by executive proclamation;

(3) That from the late 1800's through the 1920's an unspecified number of acres of the said Indian title lands of petitioners were entered and settled and patents for said lands issued in accordance with the Homestead, Pre-emption and other laws of the Congress of the United States. Said lands were taken as of the individual entry dates and are to be valued as of said dates. However, if any of these tracts had previously been included within the Jemez Forest Reserve the October 12, 1905 date would apply as to both the taking and valuation date. With the Commission's approval the parties may agree to an average of values to avoid the burden of valuing each separate tract as of the entry date;

(4) That in the event that any tracts falling within the boundaries of the Jemez Forest Reserve were entered and settled under the Homestead, Pre-emption or other laws of the United States prior to October 12, 1905, the earlier dates apply as to the taking and evaluation dates;

-2-

(5) That the remainder of petitioners' 298,634 acres of Indian title lands were taken by the United States as of April 4, 1936, when the order creating District No. 2 under the Taylor Grazing Act became effective, and said lands are to be valued as of that date.

IT IS THEREFORE ORDERED that the case proceed to a determination of the fair market value of the lands found herein to be taken from petitioners by the defendant as of the taking dates.

Dated at Washington, D. C., this 7th day of March, 1968

Wm. M. Holt

Wm. M. Holt, Commissioner

T. Harold Scott

T. Harold Scott, Commissioner

Jerome K. Kuykendall

Jerome K. Kuykendall, Commissioner

John T. Vance

John T. Vance, Commissioner

Richard W. Yarborough

Richard W. Yarborough, Commissioner