

BEFORE THE INDIAN CLAIMS COMMISSION

PUEBLO DE ACOMA)	Docket No. 266
)	
PUEBLO OF LAGUNA, ET AL.,)	Docket No. 227
)	
THE NAVAJO TRIBE OF INDIANS,)	Docket No. 229
)	
Petitioners,)	
)	
v.)	
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER AMENDING FINDINGS OF FACT
AND OPINION

Petitioner in Docket No. 266, The Pueblo de Acoma, filed with the Commission a "Motion to Strike" April 25, 1967, to which defendant replied May 10, 1967, opposing said motion. In this motion petitioner requested the Commission to strike certain portions of its findings and opinion "... so as to permit Petitioners to present expert testimony as to the value of the lands at the time of the taking and the losses occasioned to them by reason of the loss of irrigation waters."

In said motion petitioner requested the following passages to be stricken:

Finding of Fact No. 14, 18 Ind. Cl. Comm. 154, 176:

"After considering the testimony of the witnesses and the documentary evidence presented on this issue, the Commission fails to find substantial evidence of any causal connection between the building of the Bluewater Dam in 1927 and petitioner's loss of the use of irrigated lands subsequent to 1927."


Opinion of the Commission, 18 Ind. Cl. Comm. 154, 238-239:

"Petitioner has claimed that the Pueblo de Acoma was damaged by loss of irrigation waters as a result of the enlargement by the defendant of the dam at Bluewater on the upper San Jose River in 1927. Assuming that there has been a loss of irrigation waters, it is not clear whether this was because of the enlargement of the dam, the same amount of water divided up between more people and thus making it seem like less, or merely less water for other reasons. We have, therefore, denied recovery on this part of the claim."

THEREFORE, upon consideration of petitioner's Motion to Strike and defendant's response thereto, and oral argument before the Commission on the premises, April 15, 1968,

IT IS HEREBY ORDERED that the above statements in the Findings of Fact and Opinion of the Commission entered in Docket No. 266, be and the same hereby are, stricken, and the Clerk of the Commission is directed to make the above changes on the original copy of said findings and opinion.

Dated at Washington, D. C., this 2nd day of May, 1968.

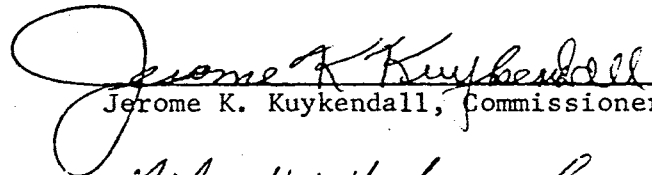


John T. Vance, Chairman

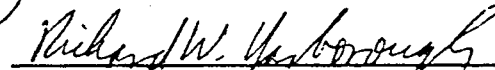
Wm. M. Holt, Commissioner



F. Harold Scott, Commissioner



Jerome K. Kuykendall, Commissioner



Richard W. Yarborough, Commissioner