

BEFORE THE INDIAN CLAIMS COMMISSION

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

5-7-68

ORDER AMENDING FINDINGS OF FACT AND OPINION

Petitioner in Docket No. 227, the Pueblo of Laguna, filed with the Commission a "Motion to Strike", March 24, 1967, to which defendant replied March 31, 1967, opposing said motion. In this motion petitioner requested the Commission to strike certain portions of its findings and opinion, or in the alternative to vacate "... the afore-said passages of the finding and opinion, so as to allow petitioners to present expert witnesses to testify regarding the value of the lands irrigated area as a part of the value as a whole of the lands taken."

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

Finding of Fact No. 36, 17 Ind. Cl. Comm. 615, 664:

"However, 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 its loss of the use of said irrigated lands subsequent to 1927."

Opinion of the Commission, 17 Ind. Cl. Comm. 615, 698:

"... 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."

In its order of April 20, 1967, the Commission granted the petitioner's motion in part and struck the following statement in the opinion: "We have, therefore, denied recovery on this part of the claim."

On April 15, 1968, during the hearing and oral argument before the Commission on a similar motion to strike filed by petitioner in Docket 266, petitioner in Docket 227 renewed its Motion to Strike and requested clarification of the Commission's Order of April 20, 1967, and defendant also having requested a clarification of said order, and the Commission now being fully informed in the premises,

IT IS THEREFORE ORDERED that the above quoted passages be, and they are hereby, stricken from the findings of fact and opinion, respectively, of the Commission entered in this case at 17 Ind. Cl. Comm. 664 and 17 Ind. Cl. Comm. 698, and the order of April 20, 1967, heretofore entered, be and the same is hereby, vacated, and the Clerk of this Commission is directed to make the above changes on the original copies of said findings of fact and opinion.

Dated at Washington, D. C., this ~~21st~~ 22nd day of May, 1968

John T. Vance
John T. Vance, Chairman

Wm. M. Holt
Wm. M. Holt, Commissioner

T. Harold Scott
T. Harold Scott, Commissioner

Jerome K. Kuykendall
Jerome K. Kuykendall, Commissioner

Richard W. Yarborough
Richard W. Yarborough, Commissioner