

BEFORE THE INDIAN CLAIMS COMMISSION

PUBELO OF TAOS,)	
)	
Plaintiff,)	
)	
v.)	Docket No. 357
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER GRANTING LEAVE TO AMEND PETITION
AND TO FILE ADDITIONAL PETITION

IN CONSIDERATION of the "Motion for Leave to Amend Petition and for Leave to File Additional Petition" filed herein by plaintiff on February 4, 1970, and the defendant not objecting thereto,

IT IS ORDERED that plaintiff be granted leave to amend the petition in Docket No. 357:

(1) by striking paragraph 7 of the petition and substituting the following therefor:

7. Location of Plaintiff's Lands. Plaintiff now exclusively occupies and possesses a tract of approximately 17,390 acres in the Taos Valley 80 miles north of Santa Fe (designated as No. 670 on the Map in Royce's Land Cessions bearing the caption "New Mexico 1"). Directly to the north of this area plaintiff purchased approximately 5,695 acres known as the Tenorio tract by deed executed April 13, 1818. These lands were within the exclusive occupancy and possession of plaintiff at the time when such lands came under the sovereignty of the United States. In addition to these lands plaintiff at that time and for many years prior thereto, exclusively used and occupied certain additional lands adjacent to the said areas, including the area more particularly described in Schedule A attached hereto, from which plaintiff has since been excluded.

(2) by annexing to the petition in Docket No. 357 the following Schedule A:

1. Eastern Area

Beginning at the southeast corner of the Taos Pueblo Grant north along the east boundary of the Taos Pueblo Grant to the point at which the east boundary of the Taos Pueblo Grant intersects the divide between the Rio Pueblo de Taos and the Rio Fernando de Taos; thence easterly along the divide between the Rio Pueblo de Taos and the Rio Fernando de Taos to the southwest corner of section 7, township 25 north, range 15 east; thence northeasterly and northerly through sections 7, 8, 9 and 4 of township 25 north, range 15 east, to the north boundary of fractional township 25 north, range 15 east; thence in a general southerly direction along the county line between Taos County and Colfax County as far south as the southwestern corner of the Maxwell Grant; thence due east along the Maxwell Grant for approximately one and one-half miles to a point due north of San Antonio Church; thence due south to the north boundary of the Mora Grant; thence due west along the county line between Colfax County and Mora County to the eastern boundary of the Rancho del Rio Grant; thence in a northeasterly, a northwesterly and a southwesterly direction along the north boundary of the eastern and northern boundaries of the Rancho del Rio Grande tract to the point where the Rancho del Rio Grande boundary touches the eastern boundary of the Cristoval de la Serna Grant; thence in a northeasterly and northerly direction along the eastern boundary of the Cristoval de la Serna Grant to the point where that boundary touches the San Fernando de Taos Grant; thence southeasterly and thereafter northerly along the boundary of the San Fernando de Taos Grant until the latter touches the southern boundary of the Taos Pueblo Grant; thence due east along the southern boundary of the Taos Pueblo Grant to the point of beginning.

2. Western Area

From the point where the Arroyo Hondo meets the Rio Grande River at approximately 36 degrees 31 minutes north latitude, in a southerly direction along the Rio Grande to the point where another Arroyo Hondo meets the Rio Grande at approximately 36 degrees 19 minutes north latitude; thence from the mouth of this Arroyo Hondo in a northwesterly direction and northerly direction to Tres Orejas; thence northerly to Cerro de los Taoses; thence easterly to the point of beginning.

IT IS FURTHER ORDERED that plaintiff be granted leave to file a new petition to be designated as Docket No. 357-B, said petition to consist of:

(1) a restatement of paragraphs 1 through 6 and 8 through 17, 19 and 20, and 22 through 30 of the petition in Docket No. 357;

(2) paragraph 7 as set forth below:

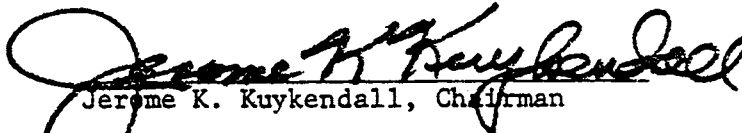
7. Location of Plaintiff's Lands. Plaintiff now exclusively occupies and possesses a tract of approximately 17,390 acres in the Taos Valley 80 miles north of Santa Fe (designated as No. 670 on the Map in Royce's Land Cessions bearing the caption "New Mexico 1"). Directly to the north of this area plaintiff purchased approximately 5,695 acres known as the Tenorio tract by deed executed April 13, 1818. These lands were within the exclusive occupancy and possession of plaintiff at the time when such lands came under the sovereignty of the United States. In addition to these lands plaintiff at that time and for many years prior thereto, exclusively used and occupied certain additional lands adjacent to the said areas, including the area more particularly described in Schedule A attached hereto, from which plaintiff has since been excluded.


(3) Schedule A in the following form:

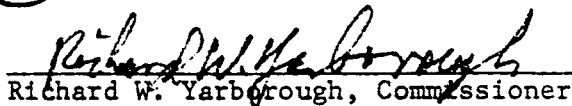
Beginning at the southeast corner of the Tenorio tract on the north boundary of the Taos Pueblo Grant in section 22, township 26 north, range 13 east; thence northwesterly and northeasterly along the east boundary of the Tenorio tract to the point where it intersects the boundary of the Lucero de Godoi Grant; thence following the boundary of the Lucero de Godoi Grant easterly and northerly until it intersects the southeastern boundary of the Antoine Leroux Grant; thence northeasterly and northerly along the eastern boundary of the Antoine Leroux Grant to Simpson Peak in section 26, township 27 north, range 14 east; thence easterly to Taos Cone; thence northeasterly to Red Dome; thence in a general southerly direction along the west boundary of the Maxwell Grant to the northern line of unsurveyed section 33, township 26 north, range 15 east; thence southerly to the north boundary of fractional township 25 north, range 15 east; thence southerly and southwesterly through sections 4, 9, 8 and 7, township 25 north, range 15 east, to the southwest corner of said section 7; thence westerly along the divide between the Rio Pueblo de Taos and the Rio Fernandez de Taos to the east boundary of the Taos Pueblo Grant; thence north to the northeast corner of the Taos Pueblo Grant; thence west to point of beginning; containing 48,000 acres, more or less.

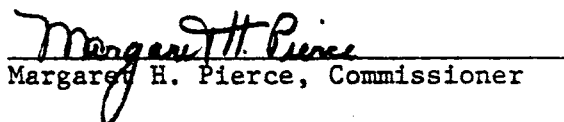
IT IS FURTHER ORDERED that Docket No. 357 be scheduled for trial on the issue of value at the same time as Docket Nos. 354, 355 and 356 are tried on the issue of value.

Dated at Washington, D. C., this 18th day of February, 1970.


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner