

BEFORE THE INDIAN CLAIMS COMMISSION

THE HOPI TRIBE, an Indian Reorganization Act	)	
Corporation, suing on its own behalf and as	)	
a representative of the Hopi Indians and the	)	
Villages of FIRST MESA (Consolidated Villages)	)	
of Walpi, Shitchumovi and Tewa), MISHONGNOVI,	)	
SIPAULAVI, SHUNGOPAVI, ORAIBI, KYAKOTSMOVI,	)	
BAKABI, HOTEVILLA and MOENKOPI,	)	
	)	
Plaintiff,	)	Docket No. 196
	)	
v.	)	
	)	
THE NAVAJO TRIBE OF INDIANS,	)	
	)	
Plaintiff,	)	Docket No. 229
	)	
v.	)	
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

INTERLOCUTORY ORDER

Based upon the Findings of Fact and Opinion this day entered herein, which Findings of Fact and Opinion are hereby made a part of this order, the Commission concludes as a matter of law that,

1. The Hopi Tribe and the Navajo Tribe of Indians have the right and capacity to bring and maintain the respective claims herein.

2. As of December 16, 1882, the Hopi Tribe had Indian title to that tract of land described in the Commission's Finding of Fact 20.

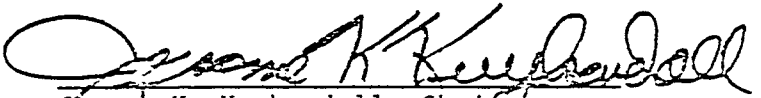
3. On December 16, 1882, the United States without the payment of any compensation, extinguished the Hopi Indian title to all lands within the aforesaid tract lying outside the boundaries of the 1882 Executive Order Reservation.

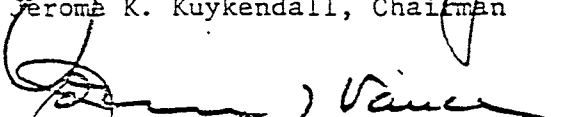
4. On June 2, 1937, the United States extinguished the Hopi Indian title to some 1,868,364 acres of land within the 1882 Executive Order Reservation, said acreage being the balance of the land in the 1882 Reservation lying outside of that part of the reservation known as "land management district 6".

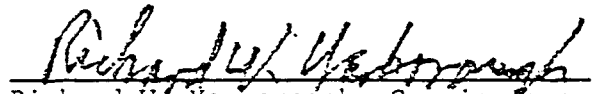
4. The evidence of record does not support Hopi aboriginal title claims to the balance of the land in suit.

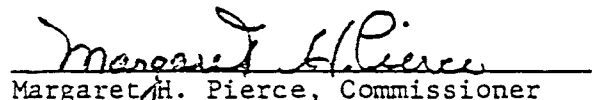
IT IS ORDERED, that this case shall proceed to a determination of the acreage and December 16, 1882 fair market value of the lands described in the Commission's Finding of Fact 20 lying outside of the boundaries of the 1882 Executive Order Reservation, the June 2, 1937 fair market value of the 1,868,364 acres within the 1882 Executive Order Reservation lying outside the boundaries of "land management district 6", and all other issues bearing upon the question of the defendant's liability to the Hopi Tribe.

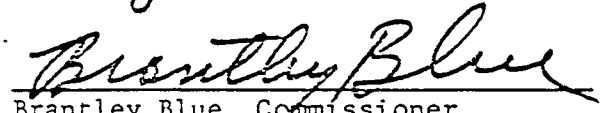
Dated at Washington, D. C., this 29<sup>th</sup> day of June, 1970.

  
Jerome K. Kuykendall, Chairman

  
John Z. Vance, Commissioner

  
Richard W. Yarborough, Commissioner

  
Margaret H. Pierce, Commissioner

  
Brantley Blue, Commissioner