

BEFORE THE INDIAN CLAIMS COMMISSION

GILA RIVER INDIAN COMMUNITY,)	
)	
Plaintiff,)	
)	
v.)	Docket No. 236-B
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

FIRST INTERLOCUTORY ORDER

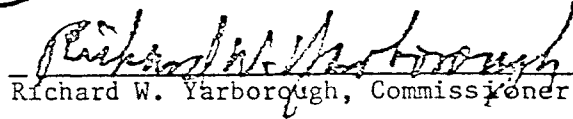
Upon the Findings of Fact numbered 1 through 14 and 16 this date entered in the matter of Docket Nos. 236-A and 236-B (which cases were consolidated by this Commission on its own motion for determination of mutual factual issues), and for the reasons more fully set forth in the Opinion this date delivered in these consolidated cases, this Commission concludes as a matter of law that:


1. The plaintiff suffered no damage as a consequence of the terms upon which the defendant leased those portions of the plaintiff's reservation known as Parcels A, B-1, and C;
2. The plaintiff shall recover no additional compensation for the defendant's leasing of the said three parcels;
3. The defendant's failure to obligate itself to restore Parcels B-1 and C to their pre-lease condition and failure to so restore those parcels were violations of the concept of fair and honorable dealings under Clause 5 of Section 2 of the Indian Claims Commission Act of 1946 (60 Stat. 1049, 1050); and
4. The plaintiff shall recover of and from the defendant a sum equal to the diminution to the fair market value of those two parcels resulting from the failure to restore, as of April 30, 1947.


Dated at Washington, D. C. this 28th day of April, 1971.


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner