

BEFORE THE INDIAN CLAIMS COMMISSION

THE FORT SILL APACHE TRIBE OF THE)	
STATE OF OKLAHOMA,)	
)	
THE CHIRICAHUA APACHE TRIBE, EX REL.)	
SAM HAOZOUS, BENEDICT JOHZE,)	
JAMES KAYWAYKLA, ROBERT GOODAY,)	
DAVID CHINNEY,)	
)	
THE WARM SPRINGS APACHE BAND, EX REL.)	
SAM HAOZOUS, BENEDICT JOHZE,)	
RAYMOND JOHN LOCO,)	
)	Docket Nos. 30-A and 48-A
THE CHIRICAHUA APACHE BAND, EX REL.)	
ROBERT GOODAY, DAVID CHINNEY,)	
CASPER CALIO,)	
)	
Plaintiffs,)	
)	
v.)	
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

INTERLOCUTORY ORDER

Upon the additional findings of fact numbered 16 through 29 and the opinion this day filed in this claim, which are hereby made a part of this order, this Commission concludes as a matter of law that:

1. Consistent with a highest and best use for mining, 60,000 acres of the Chiricahua Tract had a fair market value as of September 4, 1886, of \$6,375,000.


2. Consistent with a highest and best use as grazing lands, 14,742,387 acres of the Chiricahua Tract, constituting the remaining surface area thereof, had a fair market value as of September 4, 1886, of \$9,600,000 including the enhancement value to the tract's surface of the timber, townsites and farmlands located therein.

3. Since the United States deprived the plaintiffs of their aboriginal lands within the Chiricahua Tract on September 4, 1886, without the payment of any compensation, the plaintiffs are entitled to a judgment against the defendant in the amount of \$15,975,000, less allowable gratuitous offsets, if any.


IT IS THEREFORE ORDERED that the plaintiffs herein recover from the defendant the sum of \$15,975,000, less any gratuitous offsets which may be subsequently allowed.

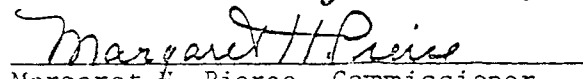
IT IS FURTHER ORDERED that this case now proceed to a determination of the gratuitous offsets, if any, which may be allowable under the Indian Claims Commission Act.

Dated at Washington, D. C., this 9th day of June 1971.


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner