

BEFORE THE INDIAN CLAIMS COMMISSION

PUEBLO DE ZIA, PUEBLO DE JEMEZ,)	
AND PUEBLO DE SANTA ANA,)	
)	
Plaintiffs,)	
)	Docket No. 137
v.)	
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

Decided: September 15, 1971

ADDITIONAL FINDINGS OF FACT

The Commission finds the following facts, which are supplemental to findings of fact numbered 1 through 49 previously entered herein:

50. Pleadings. On December 3, 1969, defendant filed its amended answer to conform with the evidence. A copy of the General Accounting Office report, defendant's exhibit O-1, was attached. This answer prayed for offsets in the amount of \$85,219.66 for gratuitous expenditures between 1905 and 1951 for the benefit of the plaintiffs. Defendant also submitted in evidence vouchers representative of its asserted offsets, as well as a list of expenditures computed on an annual basis.

This amended answer also alleged that several described tracts of land owned by the defendant had been declared to be held in trust for the benefit of the plaintiffs. Offsets were requested for the fair market value of these lands at the time of the respective grants, although no monetary amount was stated.

On December 3, 1969, defendant also filed its requested findings of fact and brief on offsets. In this document it claimed offsets for gratuitous expenditures in the amount of \$57,451.80, and offsets for the real property transactions in the amount of \$1,004,718.00. This substantial reduction in the claim for offsets for gratuitous expenditures resulted from the elimination of claims in several categories of expenditures, such as clothing, fuel and light, funeral expenses, hardware, household and household equipment, expenses of Indian delegations, provisions, and transportation of goods. Also, various payments for indigent Indians have been eliminated, such as cash payments and subsistence. Defendant also eliminated many of the smallest items in other categories.

We find that the expenditures thus eliminated by defendant in its proposed findings of fact were properly excluded and would not be allowable as offsets.

51. 1905 Expenditures. The defendant has requested offsets for Fiscal Year 1905. The Act of April 21, 1904 (33 Stat. 189), was the authority for these expenditures. This act provided for the fiscal year which ended June 30, 1905. The award which was entered in this case (24 Ind. Cl. Comm. 300), was based on the taking by the government of three tracts of land which had been held by the plaintiffs under aboriginal title. The first of these tracts was taken on October 12, 1905 (Finding of Fact No. 28, 19 Ind. Cl. Comm. 59). Fiscal Year 1905 ended prior to this first date of taking. Accordingly, all claimed offsets for 1905 are disallowed.

52. School Related Expenditures. The defendant has claimed offsets in paragraph 19 of its requested findings of fact for expenditures for the benefit of Indians under the jurisdiction of the Albuquerque Indian School. Paragraph 20 pertains to Indians under the jurisdiction of the Santa Fe Indian School. Paragraph 23 pertains in part to Indians under the jurisdiction of the Santa Fe Indian School and of the Pueblo Day School at Albuquerque.

We find that these expenditures for the benefit of Indians under the jurisdiction of these schools were at least in part for an educational purpose, and they are disallowed.

53. Agricultural Aid. The defendant expended gratuitously for the benefit of the plaintiffs the following amounts, which constituted tribal benefits and were not within any of the prohibited purposes set forth in section 2 of the Indian Claims Commission Act. These items are allowed as offsets.

a. Clearing, Breaking, and Fencing Land	1928	\$ 221.77
b. Digging Wells and Well Equipment	1915	<u>1,265.90</u>
Total Allowed		\$1,487.67

The defendant has claimed offsets of \$17.08 in 1915 and \$19.41 in 1916 for clearing, breaking, and fencing land. We find these expenditures to be too small to support an inference that they constituted tribal benefits, and they are disallowed.

The defendant has also claimed an offset for the expenditure of \$90.21 in 1913 for seeds, fruit trees, and fertilizer. A voucher submitted in evidence (Def. Ex. 0-19) indicates an expenditure in 1913 of \$164.55 for the purchase of trees and seeds for the benefit of Jemez and

Santa Clara Indians. The voucher states that a portion of these trees and seeds were planted for demonstration purposes. We find that this expenditure was, in part at least, for educational purposes, and this item is disallowed.

Similarly, we find that the following expenditures for seeds, fruit trees, and fertilizer were of such magnitude that we assume they were for educational purposes also:

1912	\$ 40.50
1915	34.39
1916	68.26
1931	90.16
1933	73.52

These items are disallowed. (Menominee Tribe of Indians v. United States, 118 Ct. Cl. 290, 326 (1951).)

The defendant expended gratuitously for the joint benefit of Jemez Pueblo--a plaintiff--and nonplaintiffs the amount of \$70.25 in 1913 for farm buildings. The proportionate share attributed to the plaintiffs and claimed as an offset is \$45.75. We find no basis to consider this a tribal benefit, and the item is disallowed.

Offsets are also claimed for expenditures in several different years in the total amount of \$245.24 for pest control. We find this to be a health purpose, and these items are disallowed.

54. Agricultural Implements and Equipment. In 1915 defendant expended gratuitously \$548.79 in this category for the benefit of the Pueblo Indians of New Mexico. Defendant has requested an offset of \$63.11, which is based on the plaintiffs' proportionate share of the population of all the beneficiaries. The three plaintiffs were among

19 pueblos for whom these expenditures were made. Defendant's exhibit 0-35 is a voucher partially supporting this claim. This voucher reflects payment of \$233.69 to the Studebaker Corporation of America for five wagons and accessories. There is no basis for dividing five wagons among 19 separate pueblos. Since this item is not subject to a ratable apportionment, it is disallowed.

The defendant has requested an offset of \$129.50 for the year 1928. In this year a total amount of \$727.50 was expended for agricultural implements for the Indians of eight pueblos under the Southern Pueblo Agency. The three plaintiff pueblos composed about 17.8% of the total population of this group, and the offset requested reflects this proportion. Most of this claimed expenditure is represented by defendant's exhibit 0-45, a voucher for payment of \$600.00 for a tractor in that year. In the foregoing paragraph we held that five wagons could not be distributed among 19 pueblos. This tractor cannot be assumed to have been distributed among eight pueblos, and this item is also disallowed.

The following offsets are also requested:

1916	\$33.01
1917	19.98
1919	11.24

The largest of the claimed offsets for these three years is less than four cents per capita, and we find that none of these small amounts constituted a tribal benefit. They are disallowed.

55. Flood Control and Relief. The defendant expended gratuitously in 1910 the amount of \$1,375.43 for labor and supplies for flood control and irrigation. This project was for the benefit of Santa Ana Pueblo, and the expenditure is evidenced by 11 separate vouchers furnished to the Commission subsequent to the hearing of this matter. This item is described in defendant's proposed finding of fact No. 12 and in the General Accounting Office report as being for the care and protection of Indian ranges. This item is allowed as an offset.

An offset is also requested for the expenditure of \$31.34 in 1949. This amount is the plaintiffs' proportionate share of an expenditure of \$151.68 for rubber hip boots in that year. We find no evidence of any tribal benefit to the plaintiffs, and the offset is disallowed.

56. Grazing Land Rental. The defendant has claimed offsets for the rental of grazing land for each of the plaintiffs in 1939. The amounts claimed are:

Santa Ana	\$153.20
Zia	84.93
Jemez	14.20

Defendant's exhibit 0-6 is the only voucher in the record supporting these items. This voucher is for a payment of \$45.57 for a license to graze 434 head of cattle. The lands described are adjacent to Zia Pueblo, and the license is for the benefit of Zia Pueblo. This voucher describes

the license payment as "Check to be drawn to 'Treasurer of the United States' for General Land Office, Santa Fe, New Mexico."

We find that this voucher does not represent an expenditure by the defendant, but was merely a bookkeeping transaction involving the transfer of government funds from one account to another. This being the only voucher in support of these three items, they are disallowed.

57. Indigent Indians. The defendant has requested an offset for an expenditure of \$130.85 for subsistence in 1932. The requested finding of fact does not indicate that the item was for indigent Indians. However, both defendant's amended answer and disbursement schedule No. 11 of the General Accounting Office report so describe it. We find that this item did not constitute a tribal benefit, and the offset is disallowed.

58. Irrigation and Water. The defendant has expended gratuitously the following amounts for irrigation and water for the plaintiff pueblos. These expenditures constituted tribal benefits, and they are allowed as offsets.

<u>Defendant's Proposed Finding of Fact</u>	<u>Amount</u>
7	\$ 3,520.02
8	15,704.21
9	2,832.43
10	472.00
12	1,138.07
13	85.81
14	1,805.85
16	4,282.07
17	5,100.33
22	13,392.72
23	890.03
Total	<u>\$49,223.57</u>

59. Livestock. The defendant expended gratuitously the following amounts for the feed and care of livestock of the Zia Pueblo. We find that these expenditures constituted tribal benefits, and offsets are allowed.

1934	\$281.25
1935	<u>100.00</u>
Total	\$381.25

We find that the defendant also expended gratuitously the following amounts for the feed and care of livestock. However, we find that these expenditures are too small to support an inference that any great number of animals was involved, as in a tribal herd. It is more likely, or at least equally likely, that only a few individuals were benefited. These items are, therefore, disallowed.

1914	\$ 38.56
1915	49.39
1942	15.60
1943	9.19
1944	24.27
1945	22.70
1947	32.38

We find that the defendant also expended gratuitously the following amounts for the purposes indicated.

Sheep Dipping:

1931	\$555.37
1915	15.86
1916	19.43
1917	126.72
1919	72.97
1920	93.86
1921	41.73
1922	40.65
1926	39.93
1930	32.24

Dourine Control:

1917	\$167.86
1918	114.29

We find that these expenditures were for a health related purpose, and they are disallowed as offsets.

60. Land Grants Purchased and Placed in Trust Under Act of August 13, 1949. By a deed dated November 27, 1934, the Farm Resettlement Administration of the United States Department of Agriculture purchased the Ojo del Borrego Grant, consisting of 16,602.40 acres, from the Robert Thompson Company for \$48,239.40. By a deed dated April 22, 1936, the San Ysidro Land Grant, consisting of 9,982.17 acres, was purchased from the San Ysidro Land Company for \$12,477.71. The grant was purchased by the Resettlement Administration. On January 18, 1938, by Executive Order 7792, these lands with others were transferred from the jurisdiction of the Secretary of Agriculture to the Secretary of the Interior:

. . . and the Secretary of the Interior is hereby authorized (1) to administer, through the Commissioner of Indian Affairs, such lands for the uses for which they were, or are in the process of being acquired, and, insofar as consistent with such uses, for the benefit of such Indians as he may designate. (3 Fed. Reg. 161 (1938); Pet. Ex. 0-4.)

Among the lands described in the order were the Zia-Santa Ana Project, LI-NM6. This project number was used to designate the programs to assist in the rehabilitation of the Zia and Santa Ana Pueblos by purchasing seriously eroded grazing land for Indian use under controlled grazing practices. The Zia and Santa Ana Project included designated parcels of both the San Ysidro Land Grant and the Ojo del Borrego Land Grant.

Subsequently, by the Act of August 13, 1949 (63 Stat. 604), portions of both the Ojo del Borrego Grant and the San Ysidro Grant were placed in trust for the Pueblos of Zia and Jemez. These lands, consisting of 15,609.80 acres and 4,074.18 acres, respectively, are claimed by defendant as gratuitous offsets. By the same series of transactions, 1,092.05 acres of the San Ysidro Grant were placed in trust for the Pueblo de Jemez. The 1949 act recites in part:

That title to the lands and the improvements thereon, lying and situated within the State of New Mexico, which have been acquired by the United States under authority of title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), section 55 of title I of the Act of August 24, 1935 (49 Stat. 750, 781), the Bankhead-Jones Farm Tenant Act (50 Stat. 522, 525) and subsequent emergency relief appropriation Acts administrative jurisdiction over which has heretofore been transferred by the President from the Secretary of Agriculture to the Secretary of the Interior, to be administered through the Commissioner of Indian Affairs for the benefit of the Indians, by Executive Orders Numbered 7792, 7975, 8255, 8471, 8696, and 8472 and that title to the public domain lands and improvements thereon, lying and situated within the State of New Mexico, which were withdrawn in aid of proposed legislation by the Secretary of the Interior on December 23, 1938, and May 31, 1939, and now in use by Pueblo or Canoncito Navajo Indians, excepting those portions thereof used by the United States for administrative purposes, is hereby declared to be in the United States of America in trust for the respective tribes, bands, or groups of Indians occupying and using same as part of their respective existing reservations, subject to valid existing rights.

The purposes of the legislation were explained in the House of Representatives Report as follows:

The bill related to lands in New Mexico, the title to which was acquired by the United States in the early and middle 1930's for Indian use, and certain public-domain lands which were temporarily withdrawn by the Department of the Interior in aid of proposed legislation to add portions thereof to contiguous Indian reservations and lands.

Passage of this bill would give security to the Indian tribes who for many years have been using the lands involved. These Indians have spent their own money and performed considerable labor to improve the lands. The lands were acquired by the United States for Indian use, and there would appear to be no reason for not officially declaring that title thereto is held in trust for the Indian tribes concerned. (H.R. Rep. No. 1042, 81st Cong., 1st Sess. (1949); Def. Ex. Supp.-1.)

The Commission finds that the lands in question were purchased by the United States under authority of emergency relief appropriation acts, which acts were generally applicable throughout the United States for relief in stricken agricultural areas. The lands were administered by the United States for the benefit of the Pueblo Indians. Section 2 of the Indian Claims Commission Act prohibits the offset of such expenditures. the donation of these lands will not be allowed as gratuitous offsets.

61. Railroad Land Purchased and Placed in Trust Under Act of August 13, 1949. On January 7, 1935, the United States purchased 19,756.86 acres of land from the Santa Fe Railroad. The lands, consisting primarily of alternate sections, were within the area held to be the aboriginal territory of the plaintiffs. The land was acquired under authority of Title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), and subsequent emergency relief acts. Jurisdiction over some of the land was transferred from the Secretary of

Agriculture to the Secretary of the Interior under Executive Order 7792. Other areas were added under Executive Order 8471, dated July 8, 1940. By the Act of August 13, 1949, supra, and its supplementing enumeration in the Federal Register, a portion of this acreage, 11,466.62 acres in all, was placed in trust for the Zia Pueblo.

As we have previously found, the 1949 act involved lands which had been acquired for Indian use and the land had been used for many years by the Indians. Since the lands were acquired under authority of emergency relief appropriation acts generally applicable throughout the United States for relief in stricken agricultural areas, the lands in question cannot be considered as offsets. The donation of the 11,466.62 acres will not be allowed as a gratuitous offset.

62. Land Placed in Trust Under Act of August 2, 1956. By a deed dated December 27, 1934, the Farm Resettlement Administration of the United States Department of Agriculture purchased the Ojo del Espiritu Santo Grant, consisting of 113,141.15 acres, from the Ojo del Espiritu Santo Company for \$282,852.87. This purchase was made under authority of Title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), as a part of the submarginal land acquisition project. This land is outside plaintiffs' aboriginal title area.

Executive Order No. 7792 of January 18, 1938, transferred the administration of this purchase, like those referred to in finding of fact No. 60, to the Secretary of the Interior.

The range management plan in process of being developed and thereafter initiated shows that the grazing land in the grant was intended to benefit some 400 subsistence families injured by the purchase by the Federal Government of range for diversion to Indian use. At the same time, Zia and Jemez Pueblos were permitted to graze cattle on the grant, together with other Indians and non-Indians.

By the Act of August 2, 1956 (70 Stat. 941), some 75,651 acres of the Ojo del Espiritu Santo Grant, together with 1,917 acres of adjacent public domain land were placed in trust for the Pueblos of Zia and Jemez. The latter acreage was land held to have been a part of the plaintiffs' aboriginal territory which was taken by the defendant in 1936.

The purposes of the legislation were explained in the House of Representatives Report as follows:

At the time these lands were purchased by the United States in 1933, it was evident that the Indians living in the region were in desperate need of additional lands. Consequently, since 1935 the Zia and Jemez Pueblos have been granted grazing permits on the 75,651 acres included in this bill without charge by the Federal Government. The enactment of H.R. 5712, as amended, will give, at no expense to the Indians, security to the Zia and Jemez on land they are now and have been using for a number of years, and will protect the improvements constructed with their own funds and through their own efforts. (H.R. Rep. No. 2281, 84th Cong., 2d Sess. (1956); Def. Ex. No. T-32.)

The Commission finds that the 75,651 acres of the Ojo del Espiritu Santo grant were lands purchased by the United States under authority of emergency relief appropriation acts, which acts were generally applicable throughout the United States for relief in stricken

agricultural areas. The lands had been used by the Zia and Jemez Pueblos since their acquisition by the United States. The Indian Claims Commission Act prohibits the offset of such expenditures. The donation of the 75,651 acres will not be allowed as a gratuitous offset.

The 1,917 acres of public domain lands were part of the plaintiffs' aboriginal territory which was taken by defendant in 1936. Plaintiffs were thus deprived of the use of those lands for 20 years. We find that the loss suffered by the Indians as a result of the deprivation equals the value of the lands placed in trust in 1956. Accordingly, no amount will be allowed as a gratuitous offset on account of the 1,917 acres included in the 1956 act.

63. Former Administrative Site Placed in Trust Under Act of June 29, 1960. When the major part of the Ojo del Espiritu Santo Grant was placed in trust for the Pueblos of Zia and Jemez in 1956, an area of 640 acres was excepted. The area had been used by the United States Forest Service for administrative purposes. In addition, however, there were corrals, scales, holding pastures and other improvements and facilities which had been used by Indians and non-Indians in their respective livestock operations. By the Act of June 29, 1960 (74 Stat. 256), the 640 acre site was placed in trust for the Pueblos of Zia and Jemez, subject to a reservation in the United States of the right to make any part of the land west of State Highway 44 available for the gathering and shipment of non-Indian cattle. In other words, the non-Indian use of portions of the 640 acre tract was to continue as it had since the original acquisition of the grant.

The 640 acres were part of the Ojo del Espiritu Santo Grant which was acquired by the United States under authority of title II of the National Industrial Recovery Act of June 16, 1933, supra, and subsequent relief acts. The lands were used, in part, by the Pueblo Indians, and the donating act permitted certain non-Indian use to continue. The circumstances and factors relating to the donation of this 640 acre tract were substantially the same as in the donation of the major part of the Ojo del Espiritu Santo Grant, which was the subject of our finding of fact No. 62. We find that any offset for such land is prohibited under the Indian Claims Commission Act, and the donation of the 640 acres will not be allowed as a gratuitous offset.

64. Administrative Site Placed in Trust Under Act of March 7, 1966.

When the Ojo del Borrego Grant was placed in trust for the Pueblo of Zia in 1949, a tract of 428 acres was excepted. The site was reserved for administrative use by the Department of the Interior, presumably in connection with the Indian cattle grazing operations and other Indian activities conducted on the lands surrounding the site. By the Act of March 7, 1966 (80 Stat. 30), the 428 acre site was placed in trust for the Pueblo of Zia.

The Ojo del Borrego Grant, which included the 428 acres, was acquired by the United States under authority of title II of the National Industrial Recovery Act of June 16, 1933, supra, and subsequent relief acts. The lands were devoted to a use benefiting the Indians. Accordingly, we find no basis for distinguishing these 428 acres from

the major part of the Ojo del Bcrrago Grant which was placed in trust for the Pueblos of Zia and Jemez in 1949, as set forth in our finding of fact No. 60. We find that any offset for such land is prohibited under the Indian Claims Commission Act, and the donation of the 428 acres will not be allowed as a gratuitous offset.

65. Exchanges of Land with State of New Mexico Under Act of August 13, 1949. Certain lands owned by the State of New Mexico were exchanged for public domain lands pursuant to Section 2 of the Act of August 13, 1949 (63 Stat. 604). No cost expenditure for these lands was shown. About 1,521.54 acres were so exchanged and put in trust for Zia Pueblo in 1962. These lands are located in Townships 14 and 15 North, Range 2 East, N.M.P.M., within the exterior boundaries of the Zia trust area as described on page 1855 of the Federal Register of March 31, 1950. A more specific description of these lands is found in two quitclaim deeds dated July 20, 1962, executed by the Commissioner of Public Lands of the State of New Mexico and bearing Bureau of Land Management serial numbers NM 048660 and NM 048661.

These were a part of the aboriginal lands of the plaintiffs, and plaintiffs were deprived of their use for 26 years. No offset is allowed.

66. Public Domain Lands Placed in Trust for Plaintiffs Under Act of September 14, 1961. The Act of September 14, 1961 (75 Stat. 500), declares that certain lands therein described by township, range, section, and lot are held by the government in trust for the Pueblos of Zia, Jemez, and Santa Ana, as well as for certain other named pueblos. Zia received 20,163.41 acres; Jemez received 7,819.28 acres; and Santa Ana received 22,975.87 acres. These were public domain lands.

The land placed in trust for Santa Ana Pueblo contained 3,520 acres which was not previously owned by plaintiffs. The remainder of the land here involved was a part of Taylor Grazing District No. 2. It is a part of the aboriginal lands of plaintiffs, and we have previously held that it was taken by defendant on April 4, 1936 (finding of fact No. 34 of December 17, 1970, 24 Ind. Cl. Comm. at 284).

In supporting this proposed legislation, the All-Pueblo Council, by a resolution dated December 12, 1959, stated:

. . . adjacent to tribal lands of the Pueblos of Santa Ana, Zia, [and] Jemez . . . there are certain isolated tracts of public domain which are used totally and exclusively by the members of the respective Pueblos. These Indians have used this land continuously for more than 20 years.

We find that the use and enjoyment by plaintiffs of this portion of their aboriginal lands were not interrupted for more than three years. We previously held that this land in Taylor Grazing District No. 2 (Tract C) was worth about \$3.25 per acre when it was taken by defendant on April 4, 1936. However, an undetermined part of this value is attributable to large gypsum deposits in Tract C which are outside the area here considered.

We find that defendant is entitled to an offset of \$2.50 per acre for this land, as follows:

Pueblo de Zia	20,163.41 acres	\$ 50,408
Pueblo de Jemez	7,819.28 acres	19,548
Pueblo de Santa Ana	19,455.87 acres	48,640
	Total	<u>\$118,596</u>

Of the lands placed in trust by this statute for Santa Ana Pueblo, 3,520 acres were public domain land never previously held by plaintiffs. We find no evidence of any expenditure by the defendant for this land, and the claimed offset is disallowed.

67. Santa Ana School Site Under Act of March 7, 1966. Pursuant to the Act of March 7, 1966 (80 Stat. 30), Pueblo de Santa Ana received title in trust from the United States to 2.81 acres within the El Ranchito Grant. Title to this tract, but excluding all mineral interests therein, passed to said pueblo upon publication to that effect by the Secretary of the Interior in the Federal Register of August 27, 1968. Said lands are described in subparagraph (3) of the 1966 act, a copy of which is a part of defendant's exhibit T-36 and has been received in evidence in this case.

The Federal Register declaration (33 Fed. Reg. 12108), provided that the site was subject to use by the Public Health Service for health purposes so long as required. Since transfer of the site to the Pueblo de Santa Ana, a headstart program for preschool children has been operated on the premises by the pueblo, and a portion of the area continues to be used by the Public Health Service. We find that this tract is dedicated to health and educational purposes, and has been used for those purposes. For this reason, the requested offset is disallowed.

68. State Land Exchanges Under the Act of September 14, 1961, Made on August 23, 1966. Section 10 of the Act of September 14, 1961 (75 Stat. 500), permits the Secretary of the Interior:

. . . to acquire by exchange any lands or interests therein, . . . and to convey in exchange therefor not to exceed an equal value of unappropriated public lands within the State of New Mexico

.

Title to all lands acquired . . . shall be taken in the name of the United States in trust for . . . Pueblo Indian Tribes.

In 1965 the State of New Mexico offered to exchange for selected public domain lands of like value, the following school lands, all measured from the New Mexico Principal Meridian:

T. 15 N., R. 3 E., section 16, 640 acres
 T. 15 N., R. 3 E., section 32, 640 acres
 T. 15 N., R. 3 E., section 36, 640 acres
 T. 14 N., R. 3 E., section 2, lots 4, 5, 6, 7, and 8,
 141.07 acres

On August 23, 1966, these lands were conveyed by quitclaim deed from the State of New Mexico to the United States in trust for the Santa Ana Pueblo. We find that these several parcels are part of the land aboriginally held by plaintiffs and taken by defendant on April 4, 1936. No cost expenditure for these lands was shown. Plaintiffs were deprived of the use of these lands from 1936 until 1966, and the claimed offset is disallowed.

69. State Land Exchanges Under the Act of September 14, 1961, On November 12, 1968. Under the same authority and procedure described in finding of fact No. 68, above, the State of New Mexico offered by application No. 0557096 to exchange the following state lands for public domain of equal value under the Act of September 14, 1961 (75 Stat. 500):

