BEFORE THE INDIAN CLAIMS COMMISSION

PUEBLO OF SANTO DOMINGO, Plaintiff,	)	
v.	)	Docket No. 355
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 plaintiff has the right and capacity to assert its claim herein.

2. At the time American sovereignty attached to New Mexico, pursuant to the Treaty of Guadalupe Hidalgo, 9 Stat. 922, the plaintiff had aboriginal title to the tracts of land described under its name in the Commission's finding of fact "2."

3. The United States, without payment of any compensation, on various dates, extinguished the aboriginal title to various parcels within each of the aforesaid tracts by patenting said parcels to third parties. For such parcels the date of taking is the date of entry in the case of nonmineral entries, and the date of patent in the case of mineral claims and entries.

4. On October 12, 1905, the United States without payment of any compensation extinguished the aboriginal title of the plaintiff to the parcels described in the Commission's finding of fact "4".

5. On June 21, 1941, the United States without payment of any compensation extinguished the aboriginal title of the plaintiff to the parcel described under its name in the Commission's finding of fact "5."

6. One June 13, 1902, and for a long time prior thereto, plaintiff Pueblo of Santo Domingo held an undivided one-half Indian title interest in the tract of land described in the Commission's finding of fact "12." On that date the United States extinguished said interest without payment of any compensation.

IT IS ORDERED that this case shall now proceed to a determination of the fair market value of the various parcels to which plaintiff's aboriginal title was extinguished as of the appropriate date for each parcel, as above specified. To avoid the burden of valuing each separate parcel disposed of to a third party as of a different date, the parties may agree on an average valuation date or dates.

Dated at Washington, D. C., this 9th day of May, 1973.

John T. Vance, Commissioner

Richard W. Yarborough, Commissioner

Margaret H. Pierce, Commissioner

Brantley Blue, Commissioner