

BEFORE THE INDIAN CLAIMS COMMISSION

PUEBLO OF TAOS,)	
)	
Plaintiff,)	
)	
v.)	Docket 357-A
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

FINAL AWARD

WHEREAS:

1. A decision consisting of opinion, findings of fact, and interlocutory order was entered herein on February 4, 1974 (33 Ind. Cl. Comm. 82) holding the United States liable for a Fifth Amendment taking of the town of Taos and awarding the plaintiff Pueblo of Taos \$297,684.67 as damages for such taking, plus simple interest at 5 per cent per annum on that sum from March 17, 1927, to run until paid.

2. In that same decision the Commission found no Fifth Amendment taking with respect to lands taken from the plaintiff outside the town of Taos and adhered to its order of February 10, 1971 (24 Ind. Cl. Comm. 413) denying plaintiff's claim for interest on the amounts theretofore awarded to plaintiff for such lands by the Pueblo Lands Board and the Congress of the United States.

3. Both the plaintiff Pueblo of Taos and the defendant the United States appealed the Commission's decision of February 4, 1974, and the Court of Claims in its opinion of May 14, 1975 (207 Ct. Cl. 53, 515 F. 2d 1404) affirmed the Commission's decision and remanded the case to the Commission "for further proceedings to complete its disposition of the case". A motion for rehearing was denied on October 10, 1975.

4. Neither the plaintiff nor the defendant filed a petition for writ of certiorari to the Supreme Court, and the time for so doing has now elapsed.

5. The plaintiff has now filed a motion with the Commission to enter final judgment in accordance with the Commission's 1974 decision.

6. The defendant has now filed a motion to reserve all its claims for offsets in Docket 357-A and transfer them to Docket 357, a case which remains pending between the parties, for application against any award by the Commission to the plaintiff which may arise from claims adjudicated therein.

7. Offsets being the only issue remaining before final judgment can be entered herein, the Commission concludes that the aforesaid motion of defendant to reserve and transfer the offsets should be granted, and thereupon the plaintiff's motion for entry of final judgment should be granted and judgment entered as prayed therein.

IT IS THEREFORE ORDERED:

1. That the defendant's motion to reserve offsets for application in Pueblo of Taos v. United States, Docket 357, be, and the same hereby is, granted; and said offsets are hereby reserved to defendant and may be asserted in said Docket 357.

2. That plaintiff have and recover from the defendant the sum of \$297,684.67 plus simple interest thereon at the rate of 5 percent per year from March 17, 1927, until said principal sum is paid.

Dated at Washington, D. C., this 17th day of March 1976.

Jerome K. Kuykendall
Jerome K. Kuykendall, Chairman

John T. Vance
John T. Vance, Commissioner

Richard W. Yarborough
Richard W. Yarborough, Commissioner

Margaret H. Pierce
Margaret H. Pierce, Commissioner

Brantley Blue
Brantley Blue, Commissioner