

BEFORE THE INDIAN CLAIMS COMMISSION

GILA RIVER INDIAN COMMUNITY,)	
)	
Plaintiff,)	
)	
v.)	Docket Nos. 236-A and 236-B
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

INTERLOCUTORY ORDER


Based upon the additional findings of fact and opinion this day entered herein in the above-captioned matter, the Commission finds and concludes that

1. The unsubjected value of the 8,259.98 irrigable acres in Parcel B as of March 17, 1944, was \$82,599.80, and the estimated subjugated value thereof as of March 17, 1944, was \$1,651,996.00.
2. The plaintiff is entitled to recover the difference in value of Parcel B as unimproved and as if subjugated, as of March 17, 1944, or the sum of \$1,569,396.20.
3. As of April 30, 1947:
 - (a) The 380.77 acres in Parcel B-1 adversely affected by the defendant's failure to restore had a prelease value of \$10.00 per acre and post campsite value of zero dollars per acre, or a diminution in value of \$3,807.70.
 - (b) The 226.20 acres in Parcel C had a prelease value of \$10.00 per acre and a post campsite value of zero dollars per acre, or a diminution in value of \$2,262.00.
4. The plaintiff is entitled to recover from the defendant, for its failure to restore Parcels B-1 and Parcel C to their prelease conditions, the sum of \$6,069.70.
5. The defendant is not entitled to offset as a payment on the claim for Parcel B, the cost of constructing a 7.25 mile section of road from Parcel C to Arizona State Highway 187.

IT IS THEREFORE ORDERED that in Docket 236-A, the plaintiff shall have and recover from the defendant the sum of \$1,569,396.20, and in Docket 236-B, the plaintiff shall have and recover from the defendant the sum of \$6,069.70.

IT IS FURTHER ORDERED that the above dockets shall proceed to a determination of any allowable offsets and all other matters bearing upon the defendant's liability to the plaintiff.


Dated at Washington, D. C., this 30th day of June, 1976


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner