



United States Department of the Interior

OFFICE OF THE SOLICITOR
Washington, D.C. 20240



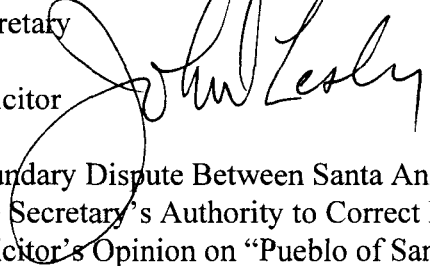
IN REPLY REFER TO:

DEC 5 2000

M-37000

MEMORANDUM

TO: Secretary

FROM: Solicitor 

SUBJECT: Boundary Dispute Between Santa Ana Pueblo and San Felipe Pueblo:
The Secretary's Authority to Correct Erroneous Surveys, Revisiting Part IV of
Solicitor's Opinion on "Pueblo of Sandia Boundary," 96 I.D. 331 (1988).

On December 22, 1989, the Pueblo of Santa Ana filed a petition with the Department to correct the survey of the boundary between it and the Pueblo of San Felipe in Sandoval County, New Mexico. Disagreement over the location of this boundary has plagued use of the disputed territory for many years. In 1980, the Bureau of Indian Affairs (BIA) granted the New Mexico State Highway Department an easement through the area for the construction of Interstate Highway I-25 between Albuquerque and Santa Fe. BIA put the right-of-way compensation in escrow until the ownership could be resolved, and won a court challenge to the escrow arrangement brought by the Pueblo of San Felipe. Pueblo of San Felipe v. Hodel, 770 F.2d 915 (10th Cir. 1985). The underlying boundary dispute remains unresolved, and the escrow continues to grow. The balance as of August 3, 2000, is \$890,410.33.

The petition filed by the Pueblo of Santa Ana in 1989 was precipitated by a decision from the federal court of appeals, Pueblo of Santa Ana v. Baca, 844 F.2d 708 (10th Cir. 1988). This decision affirmed a federal district court ruling that an 1813 Spanish adjudication of the boundary of the El Ranchito Grant governed the Santa Ana claim of title to lands held by certain individuals pursuant to a patent issued by the General Land Office (GLO). The El Ranchito Grant had been purchased by the Pueblo of Santa Ana in the 18th century. The conflicting federal patent that overlapped with the El Ranchito Grant had been issued as a result of the 1928 Report of the Pueblo Lands Board on the San Felipe Pueblo Grant. That Report had relied, in turn, on 1859 and 1907 government surveys of the San Felipe Pueblo Grant. Thus, the 1859 and 1907 surveys had put the effect of the 1813 Spanish adjudication in doubt. The Pueblo of San Felipe was not a party to the lawsuit decided in 1988, however, and is thus not bound by the judgment in that case.

