

RESOLUTION OF THE
NAVAJO TRIBAL COUNCIL

Recommending Legislation by the Congress of the United States
to Fully Implement the Navajo Irrigation Project

WHEREAS:

1. The Navajo Tribal Council, by resolution dated December 12, 1957 (CD-86-57), supported the passage of the Act of June 13, 1962 (76 Stat. 96) which provided that the Navajo Irrigation Project would divert an annual average of 508,000 acre-feet of water to irrigate approximately 110,630 acres of land on the Navajo Reservation and lying outside the Reservation to be acquired by the Secretary of the Interior and to be held in trust for the benefit of the Navajo Tribe, and

2. The Navajo Tribe consented to compromise its rights under the Winters Doctrine by agreeing to share shortages of the water from the San Juan River instead of insisting on the Tribe's right of priority to such shortages as consideration for the development of the Project, the acquisition of additional land to make up the 110,630 irrigable acres and the allocation of 508,000 acre-feet per year to the Tribe for irrigation use, and

3. The Navajo Irrigation Project is the most important project on the entire Navajo Reservation. It will create employment for a large portion of the Navajo Tribe and will give them permanent employment in farming and related industries. In comparison to all other programs now in progress on the Navajo Reservation, or being contemplated, the Navajo Irrigation Project holds more promise for the social and economic uplifting of the Navajo people than all of the other projects put together, and

4. Recognizing the importance of the Navajo Irrigation Project, the Navajo Tribal Council on October 5, 1966, passed Resolution CO-106-66 commenting on the Task Force Report in regard to the re-evaluation of the Navajo Irrigation Project, and

5. Recent reports have indicated that, due to the lack of appropriations to implement the Navajo Irrigation Project according to the original scheduled plan, the construction of said project is in such a stage that the delivery of water to the land will be three years later than originally anticipated, and

6. The Commissioner of Indian Affairs has requested all Indian tribes to give statements regarding what legislation they feel is important to be presented to the next session of Congress.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo Tribal Council hereby declares that it considers the Navajo Irrigation Project as the most important one program being developed on the Navajo Reservation and that it considers the appropriating of sufficient money and letting of appropriate contracts to be the most important one item which the Congress can do and authorize for the benefit of the Navajo Tribe.

2. The Navajo Tribal Council again states the condition agreed upon with the United States established in the Council's resolutions of December 12, 1957 (CD-86-57) and April 28, 1966 (CAP-56-66) as restated in resolution of October 5, 1966 (CO-106-66) as follows:

- a. The land area to be irrigated by the Project must not be reduced below the authorized 110,630 acres and the annual diversion from the Navajo Dam for irrigation must not be less than the authorized 508,000 acre-feet, whether the capacity to supply this quantity is provided by an increase in the size of the tunnels and canals or by the Gallegos Reservoir.
- b. The Irrigation Project must be exclusively for Navajo Indian use and there must be transferred into trust status sufficient off-reservation areas necessary to make up 110,630 irrigable acres which will be included as part of the irrigation project.
- c. No use in New Mexico of water of the San Juan River not heretofore authorized will be given priority ahead of the Navajo Irrigation Project.
- d. All of the Irrigation Project facilities must be constructed with sufficient capacity to supply reasonably anticipated industrial and municipal needs (as evidenced by the applications for water allocations already submitted to and approval being withheld by the Secretary of the Interior) without reducing the 508,000 acre-feet authorized for irrigation and without requiring such industries and municipalities to construct supplemental storage terminals.

3. The Navajo Tribal Council, on behalf of the Navajo Tribe, hereby requests the Commissioner of Indian Affairs to draft a bill consistent with the terms of this resolution and, after consultation with the Advisory Committee of the Navajo Tribal Council, present such a bill to the 90th Congress, which bill will accomplish the following purposes:

- a. Appropriate sufficient money to complete the Navajo Irrigation Project under its original plan.
- b. Authorize the inclusion in said Project of additional land to make up the total of 110,630 irrigable acres authorized.
- c. Provide for accelerated construction and appropriation of money in order to make up the loss of three years which have been lost to date in the construction schedule.

4. The Navajo Tribal Council hereby authorizes and directs the Legislative Secretary of the Navajo Tribal Council to forward copies of this resolution to the Commissioner of Indian Affairs, the Secretary of the Interior, and to the chairmen and members of the appropriate committees of the United States Congress, and to request of the chairmen of such committees, on behalf of the Navajo Tribe, that the Navajo Tribe be given an opportunity to be heard at any hearings in which such bill is being considered, and to request that a specific invitation to attend such hearing be addressed to the Chairman of the Navajo Tribal Council, the Advisory Committee of the Navajo Tribal Council, the Director of the Resources Division of the Navajo Tribe, the Head of the Land Investigation Department, and the General Counsel of the Navajo Tribe.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Tribal Council at a duly called meeting at Window Rock, Arizona, at which a quorum was present and that same was passed by a vote of 43 in favor and 0 opposed, this 23rd day of January, 1967.

Nelson Ramon
Vice Chairman
Navajo Tribal Council

September 30, 1974

Check these references!

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Memorandum

To: Office of the Solicitor
Attention: Mr. Ernest London

From: Project Construction Engineer

Subject: History of Water Rights

In addition to the data submitted by my letter of September 27, 1974, we have found that testimony given on July 9 and 10, 1958, before the Subcommittee on Irrigation and Drainage, U.S. Senate, S.3648, is pertinent to this matter.

On July 9, 1958, the statement of Mr. N. B. Bennett, Jr., furnishes data relative to stream deletions and the formula for sharing of shortages on the river. Also on that date, Mr. S. E. Reynolds, State Engineer, testified on the same subjects. Mr. Paul Jones, Chairman of the Navajo Tribal Council, too testified on July 9, 1958, and his testimony in part refers to Mr. Bennett's testimony.

Enclosed is a copy of Resolution of the Navajo Tribal Council CO-106-66, approved October 5, 1966.

Bob Lanning

Enclosures

cc: Regional Director, Attn: SW-101
(w/o copy of enclosure)