

Excerpt from April-June 1961 hearings, San Juan-Chama - Navajo Indian Irrigation Project. Before the Subcommittee on Irrigation and Reclamation, Committee on Interior and Insular Affairs, House of Representatives, on HR.2552, HR6541 and S.107 - Page 46

THE NAVAJO TRIBE
Window Rock, Ariz., April 24, 1961.

Hon. Wayne N. Aspinall,
Chairman, Interior and Insular Affairs Committee,
House of Representatives,
Washington, D.C.

Dear Mr. Aspinall: Please permit me to supplement my testimony of this date before the committee as follows:

In reaching an agreement with the State of New Mexico and other members of the Upper Colorado River compact, the Navajo Tribe qualified its position in respect to legal rights which the tribe enjoys under the doctrine of Winters v. United States (207 U.S. 564), assuring to it certain paramount rights in respect to waters of the San Juan River, among others, in order to accomplish a practical and equitable division of water among all parties concerned. This concession was only agreed to by the tribe in consideration of getting the Navajo irrigation project established in New Mexico as provided in the above bills.

It should be known to the committee and other interested parties that the Navajo Tribe will not consider itself bound by this agreement unless the irrigation project is in fact established. It is clearly understood by all interested parties, I believe, that the tribe's concession in respect to the Winters doctrine applies to no other situation than this one.

In answer to Congressman Haley's question after I had left the witness stand today, the resolutions adopted by the Advisory Committee of the Navajo Tribal Council and by the tribal council in support of this project are already a part of the hearings, and can be found in House Document No. 424, 86th Congress, 2d session, June 20, 1960, at pages 282 and 394, respectively.

Permit me to thank you for the courtesies extended to me while appearing as a witness before the committee today.

Sincerely yours,

J. Maurice McCabe,
Executive Secretary.

April 24-26 June 1 - 1961
 House Hearings HR 2552
 6541
 5107

Mr. ASPINALL. The Chair is going to rule that Mr. Littel's request comes too late; he does not have a prepared statement conforming with our rules. We would be glad to hear from you at a later period. We would want a statement filed with the committee.

Mr. LITTEL. I meant for Mr. McCabe to do it. I think perhaps he misunderstood a bit. I think he can quite adequately make the supplemental statement which I think should be made with respect to the tribe's position.

Mr. ASPINALL. Off the record.

(Discussion off the record.)

Mr. HALEY. Mr. McCabe was on the witness stand when the committee recessed for lunch, so I did not have an opportunity to question him other than for a preliminary question or two. I would like to ask Mr. McCabe if he has from the Navajo Tribal Council any resolutions pertaining to this project and, if so, if he will make them available for the record.

Mr. ASPINALL. Without objection, you can answer the question, Mr. McCabe.

Mr. McCABE. Mr. Chairman, there are resolutions of record passed by a duly called session of the Navajo Tribal Council which I will be glad to make a part of the record.

Mr. HALEY. That is a favorable resolution for this project; is that correct?

Mr. McCABE. Yes, sir.

Mr. HALEY. I ask unanimous consent that it be included at the point in the record where Mr. McCabe's testimony appears.

Mr. ASPINALL. Together with the statement just asked, and the answers pertaining thereto, and without objection it is so ordered.

(The resolution referred to follows:)

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Mr. ASPINALL. Thank you.
 Mr. McCABE. Thank you.
 Mr. ASPINALL. You can today.

The next witness is Mr. V. County Farm & Livestock I understand you have son Mr. UTTON. Mr. Brown to remain behind due to bu company me, and last night day he is sick in bed.

Mr. ASPINALL. Do you he Mr. UTTON. Yes, sir; I h to read them both into the r

Mr. ASPINALL. Unless tl Utton and Mr. Calvert as made a part of the record.

Hearing no objection, it ceed with any oral testimo statement.

STATEMENT OF WILLIAM COUNTY FA

Mr. UTTON. Mr. Chair name is William A. Utton the San Juan County Fa N. Mex., in San Juan Cou you the views of a great dian and San Juan-Chama

I am representing the S of New Mexico, opposing diversion project and supp gation project. These ar tied together by paperworl water for both projects, t U.S. Government fulfill it them first priority on any Colorado River system. V should be divorced and e sincerely believe that if th there is sufficient water fo to their separation.

The present plans for short 71,000 consumptive is only allocated 2³/₁₀ acre projects in New Mexico's 3 acre feet.

Past experience in the l an absolute necessity for tl

It is also our contentio conservative allowances s project. To allow too sr the failure of the entire N:

Numerous meetings were held with the Navajos and their representatives in the Bureau of Indian Affairs to work out a satisfactory operating agreement for the projects.

Following a 2-day meeting at Window Rock in December 1957, the Navajo Tribal Council unanimously approved a resolution advocating equality of use of the waters of the San Juan and its tributaries above Navajo Reservoir for all future projects including the proposed Navajo irrigation project.

This action of the Navajo Tribal Council is an historic one. It recognizes that the best possible use of the available water supply involves the sharing of shortages by all water users under future projects at times of extreme drought when the runoff is inadequate for those uses.

The language of section 7 of the pending bill provides for equality of use while fully protecting the water supplies of the two projects authorized therein. This provision is important to developments in the basin which require Federal expenditure and private risk capital, and these developments will greatly benefit the Navajos. I strongly recommend this important provision to the Congress.

The State engineer in 1955 and 1956 initiated filings covering all of the unappropriated waters of the San Juan River and its tributaries above Navajo Dam. These filings were assigned to the Secretary of the Interior some months ago. The Secretary has submitted plans pursuant to these filings in compliance with New Mexico law and is, therefore, enabled not only to protect fully the water uses sought in the current legislation, but also to plan future developments so that ultimate usages will have an adequate water supply without threatening that of the earlier developments.

Under the provision of S. 3648 all uses to be made of water covered by the Secretary's filings, including the authorized Hammond project, will be served in parity. This provision does not, of course, apply to any uses existing or authorized under State or Federal law earlier than the priority date of the Secretary's filings.

I have gone into the above matters in some detail because I feel that it is important to show that the State, in cooperation with the Bureau of Reclamation, the Bureau of Indian Affairs, and the Navajo Tribe has spent a great deal of time and effort to develop a plan which will provide for the optimum use of available water supply and permit orderly planning and development of future water uses in accordance with New Mexico's compact allocation.

The plan embodied in the present bill represents the culmination of years of careful detailed planning. Because of the wisdom and statesmanship displayed by New Mexico people in both basins we have avoided the pitfalls inherent in this coordinated plan of development which involves both in-basin and out-of-basin uses.

I will not attempt to describe or comment on the technical aspects of the two projects. Firstly, I don't understand them and don't wish to confuse you thereby, but they will be detailed fully to you by engineers of the Department of Interior and will be touched upon by New Mexico's engineers.

At this time I want to discuss some of the critical comments and objections made by interested States concerning the proposed legislation.

1(b)

Senator ANDERSON. May I go on and say, has the Navaho Indian Tribal Council or its representatives had a chance to examine the background of these tables that you have presented here?

Mr. BENNETT. Not to my knowledge. We have taken it up with the officials of the Bureau of Indian Affairs; perhaps through them they have seen it. I do not know.

Mr. PAUL JONES. It was not given to the tribe, not the way it is diagramed here.

Senator ANDERSON. Mr. Jones, I recognize that they may not have taken it table by table or one bracket by another bracket up with you. But have your people had a chance to pass on the principles that are involved in these figures?

Mr. PAUL JONES. Yes.

Senator ANDERSON. Through your proper legal representatives and engineering counsel, will you make a study of this particular table and supply for the record a comment as to whether the Navahos agree that this is a basis upon which the Secretary could administer the provisions of the bill in case it were to be enacted?

Mr. PAUL JONES. Yes, sir.

(Mr. Jones subsequently advised that he had no further comments.)

Senator ANDERSON. I would say, Mr. Dominy, that would pretty well establish how this is to be handled if the State has agreed to it and the Navaho Tribal Council officially expressed itself on it.

Mr. DOMINY. I think that is an excellent way to handle it, Mr. Chairman.

Senator ANDERSON. In the absence of complicating statements on the floor, certainly this will be legislative history.

Mr. BENNETT. It might be helpful, Mr. Chairman, if I took a minute and roughed it out for you.

Senator ANDERSON. Yes, indeed.

Mr. BENNETT. The statement itself is keyed directly to the language of the bill.

Senator ANDERSON. You mean the language of the amendment and not the language of the bill, but the language of the amendment as suggested by the Department?

Mr. BENNETT. That is right.

Senator ANDERSON. And therefore, I will put in the record at this point a redraft of section 7 (a) sent me and dated July 8 by the Department of the Interior.

DEPARTMENT OF THE INTERIOR REDRAFT OF SECTION 7 (a)

SEC. 7. (a) No person shall have or be entitled to have the use for any purpose, including uses under the Navajo Indian irrigation project and the initial stage of the San Juan-Chama project authorized by sections 2 and 6 of this Act, of water stored in Navajo Reservoir or of any other waters of the San Juan River and its tributaries originating above Navajo Reservoir to the use of which the United States is entitled, except under contract satisfactory to the Secretary of the Interior and conforming to the provisions of this Act. Such contracts, which, in the case of water for Indian uses, shall be executed with the Navajo Tribe, shall make provision, in any year in which the Secretary anticipates a shortage taking into account both the prospective runoff originating above Navajo Reservoir and the available water in storage in Navajo Reservoir, for a sharing of the available water in the following manner: The prospective runoff shall be apportioned between the contractors diverting above and those diverting at or below Navajo Reservoir in the proportion that the total normal diversion requirement of each group bears to the total of all normal diversion requirements. In the case of contractors diverting above Navajo Reservoir,

Maurice McCabe

SAN JUAN-CHAMA RECLAMATION PROJECT

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the consequent detriment of all users, lies in the determination of the total amount of water that will be placed under contract including the irrigation requirements provided for in the legislation. Section 7 contains, in that respect, an admonition to the Secretary not to enter into contracts beyond such total amount as will in his judgment, in the event of shortage, leave a reasonable amount of water available to meet the diversion requirements of the Navajo Indian irrigation project and the initial stage of the San Juan-Chama project as provided in sections 2 and 6 of the bill.

Application of the principle, in terms of procedures to be followed, is somewhat complicated. For this reason, the procedures to be followed and the steps to be taken, are hereinafter set forth in mathematical terms or formulas.

The evaporation factor E is here handled as a reduction to inflow. By this process water users above, below, and from Navajo Reservoir stand a share of the Navajo Reservoir evaporation loss. The principle could also apply if evaporation was considered as an addition to, or part of, total demand. In this latter event, it would be necessary to assign a share of the evaporation loss to the group of contractors above Navajo and to the group below such that $D_a + D_b$ would continue to equal D , even though D contained the evaporation factor E .

The results of the two methods could be the same by appropriate assignment of the evaporation factor E . For simplicity, however, the first described method has been adopted herein. Evaporation cannot here be considered a reduction in available water stored in Navajo Reservoir as to do this would require only those users from or below Navajo to stand the evaporation loss.

In those years in which a shortage is anticipated, or has been determined to exist under the terms of section 7, it will be necessary to make at least monthly estimates of inflow and storage content, with corresponding adjustments if needed in apportioned supply.

Definitions of the symbols used in the formulas are as follows:

R = Available water stored in Navajo Reservoir.

E = Estimated evaporation for year concerned.

I = Anticipated or forecasted inflow (minus uses not subject to sharing) into Navajo Reservoir for year concerned. ($I = I_a + I_b$)

I_a = Available runoff (inflow) apportioned to the group of contractors above Navajo Reservoir.

I_b = Available runoff (inflow) apportioned to the group of contractors below Navajo Reservoir.

I_p = Available runoff physically available at point of contractor's diversion.

D = Total normal diversion requirements of all contractors. ($D = D_a + D_b$)

D_a = Total normal diversion requirements of the group of contractors above Navajo Reservoir.

$D_{b_1, 2, 3}$, etc. = Normal diversion requirement of respective contractors diverting above Navajo Reservoir.

D_b = Total normal diversion requirements of group of contractors diverting from or below Navajo Reservoir.

$D_{b_1, 2, 3}$, etc. = Normal diversion requirements of respective contractors diverting from or below Navajo Reservoir.

Step 1. Determination of water shortage

"Such contracts shall make provision, in any year in which the Secretary anticipates a shortage taking into account both the prospective runoff originating above Navajo Reservoir and the available water in storage in Navajo Reservoir, for sharing available water. * * *"

A water shortage is determined to exist when the available water stored in Navajo Reservoir (R) and the anticipated or forecasted inflow into the reservoir (I) is less than the total normal diversion demand of all contractors, or

$$R + (I - E) < D$$

Step 2. Apportionment of available water supply between contractors above and those at or below Navajo Reservoir

In the event it is determined by step 1 that a water shortage exists, the prospective runoff, the right to which the United States is entitled as defined in the proposed amendment to section 7, would be "apportioned between the contractors diverting above and those diverting at or below Navajo Reservoir in the proportion that the total normal diversion requirement of each group bears to the total of all normal diversion requirements," or

The share of available inflow for the group of contractors above Navajo Reservoir (I_a), is

$$\frac{D_a}{D} \times (I - E)$$

The share of available inflow for the group of contractors below Navajo Reservoir, (I_b), is

$$\frac{D_b}{D} \times (I - E)$$

Step 3. Sharing of available runoff apportioned to contractors above Navajo Reservoir

"In the case of contractors diverting above Navajo Reservoir, each such contract shall provide for a sharing of the runoff apportioned to the said group in the same proportion as the normal diversion requirement under said contract bears to the total normal diversion requirements of all such contracts," or

$$\frac{D_{a1}}{D_a} \times I_a,$$

$$\frac{D_{a2}}{D_a} \times I_a,$$

and so forth, for each of those contractors.

Step 4. Reapportionment when water apportioned is in excess of runoff available to contractor above Navajo Reservoir

"Provided, That for any year in which the foregoing sharing procedure either would apportion to any contractor diverting above Navajo Reservoir an amount in excess of the runoff anticipated to be physically available at the point of his diversion, or would result in no water being available to one or more such contractors, the runoff apportioned to that group shall be reapportioned as near as may be among the contractors diverting above Navajo Reservoir in the same proportion that the normal diversion requirement of each bears to the total normal diversion requirements of the group."

Actually, the manner of handling this provision will depend upon physical factors of amount of diversion and respective locations of points of diversion of contractors to each other. In general, the provision would be accomplished in the following manner when the procedure of step 3 results in apportioning more water to contractor (D_{a1}) than is physically available at his point of diversion:

$$D_{a1} = I_p$$

$$\frac{D_{a2}}{D_a - D_{a1}} \times (I_a - I_p)$$

$$\frac{D_{a3}}{D_a - D_{a1}} \times (I_a - I_p), \text{ and so forth,}$$

Step 5. Sharing of remaining available runoff and available stored waters among contractors at or below Navajo Reservoir

"In the case of contractors diverting from or below Navajo Reservoir each such contract shall provide for a sharing of the remaining runoff together with the available storage in the same proportion as the normal diversion requirement under said contract bears to the total normal diversion requirements under all such contracts," or

$$\frac{D_{b1}}{D_b} \times (I_b + R)$$

$$\frac{D_{b2}}{D_b} \times (I_b + R)$$

$$\frac{D_{b3}}{D_b} \times (I_b + R),$$

and so forth for each of those contractors

CONCLUSION

Application of the principle of sharing available water has been studied by State officials. The State's study covered the period 1928-54 and included a

diversion demand of some 224,000 acre-feet of water for potential municipal and industrial purposes as well as the presently authorized and contemplated developments. The study showed shortages in only 4 years which averaged about 3 percent for the total period. An extension of the State's study through 1957 resulted in an average shortage of about 6 percent for the total extended period.

(Interior—Duplicating Section, Washington, D.C.)

Mr. ASPINALL. Any other questions?

(No response.)

Mr. ASPINALL. Thank you very much, gentlemen.

STATEMENT OF GLENN L. EMMONS, COMMISSIONER OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY G. P. KEESEE, LAND OPERATIONS BRANCH, BUREAU OF INDIAN AFFAIRS

Mr. ASPINALL. At this time the Chair will ask the Honorable Glenn Emmons, Commissioner of Indian Affairs, to come to the witness table. As I understand it, Mr. Emmons will be accompanied by Mr. G. P. Keese, Land Operations Branch, Bureau of Indian Affairs. Is that correct?

Mr. EMMONS. Yes, sir.

Mr. ASPINALL. We welcome you here once again.

Mr. HALEY. Mr. Chairman, I should like just to say at this particular time that I have enjoyed the work and the cooperation of the gentleman who is now about to testify, Mr. Glenn L. Emmons. I am probably a little hard to get along with sometimes, but I have found, Mr. Chairman and members of this committee, that insofar as Mr. Emmons and his department are concerned, I have had 100 percent cooperation. I want to thank him publicly for that cooperation. I think he has performed outstandingly in a job which, as he knows, is very time consuming and has many very difficult problems.

I want to commend you, sir, for the outstanding record you have made here in behalf of the Indians of this country, and for the splendid service you have rendered not only to them but to the people of this Nation of ours.

Mr. EMMONS. I appreciate that more than I can tell you, Mr. Congressman.

Mr. Chairman, I wish also deeply to endorse the fine comments you have made about Congressman Haley. I have found that Congressman Haley in his position as chairman of the Subcommittee on Indian Affairs, with his tremendous interest in Indian affairs and his devotion to his duties in that position, has given me strength and courage to proceed on this job. I just want to make that a matter of public record, too.

Mr. Chairman and members of the committee, my purpose in coming before you here today is to give you my views both as Commissioner of Indian Affairs and as a longtime friend of the Navajo people, concerning the proposed Navajo Indian irrigation project which you have under consideration.

Although I have known the Navajo people and their problems rather intimately since 1919, the proposal to develop a large irrigable area south of the San Juan River predates me quite a bit. In fact, it goes back to the early years of the present century. During this whole period the people of northwestern New Mexico, both Indian and non-

Senate 5107 March 15, 1961
Maurice McCabe

The CHAIRMAN. May I stop you there?

How many acres was that, again?

Mr. McCABE. 8,915.

The CHAIRMAN. So that it is proper to say that of the 110,000 acres, more than 100,000 are already in the Navajo Reservation?

Mr. McCABE. Yes, sir.

The CHAIRMAN. And you propose to put the remaining acres in, so that you have a compact unit. The Navajos will make the arrangements for this additional acreage, themselves?

Mr. McCABE. Yes, sir. And the appraisal and the inventory of those lands is presently underway, and we are hopeful that in the near future this acreage will be acquired.

The CHAIRMAN. I am glad you covered that in your statement, because I was asked that question a few days ago, as to this acreage, and I was not in a position to be able to give the information at that time. This figure corresponds with the information given me by the engineers' office at Santa Fe, and would indicate that the great bulk of this land is already reservation land.

Mr. McCABE. That is correct.

The CHAIRMAN. Thank you.

Mr. McCABE. The plan also calls for providing additional canal capacity for delivering water for industrial and municipal use from Navajo Dam, over and above the diversion requirement of the irrigation project. Such additional capacity would be paid for by the industrial and municipal water users with interests. All water users from Navajo Dam would have equal priority.

The Navajo Tribe has consented to this, and relinquished its rights under the Winters doctrine for the water necessary to irrigate the Navajo Indian irrigation project, in order to provide a practicable plan for comprehensive development of the resources and industrial potential of the San Juan Basin. We have taken this important step because such development is necessary for our very survival.

In 1868 the United States, by treaty, promised 160 acres to any Navajo Indian head of a family and 80 acres to any other Navajo Indian over 18 years old who should desire to commence farming on the Navajo Reservation. Already at that time there were about 10,000 Navajo Indians. Obviously, if the treaty obligation is to have significance, irrigation is the most practicable solution.

In the 1868 treaty we were forced to cede all but 3,500,000 acres of our original country of more than 30 million acres. At the same time we agreed to perpetual peace with the white man, and the Government agreed to make farmland available to our members, as I have stated above, and to provide a schoolroom and teacher for every 30 of our children.

Since 1868 our population has grown to over 85,000 and is currently increasing at the rate of about $2\frac{1}{4}$ percent per year. Our reservation has been increased in area to 25,000 square miles, or about 16 million acres, but the added areas, consisting largely of desert land, have not kept pace with the minimum needs of our increased population.

Federal assistance to the Navajo Indians has been invariably too little and too late. Our country is a seriously depressed area, and in its present state cannot be reasonably expected to improve. What-

Case HR 2552, HR 6541, and S 107 April 24, 25, 26 and June 1, 1961.
April 5 letter to Appinall from Sec. Vols 21

San Juan division and Navajo Indian Reservation lands in the Shiprock division. Section 3 of the bills would provide authority for the acquisition and addition of the off-reservation lands to the proposed project. The project's productive area, which would exclude farmsteads and other nonproductive areas within the farm units, would comprise (a) 8,918 acres served by gravity below the main canal in the South San Juan division and 70,359 acres in the Shiprock division, and (b) 25,882 acres served from the pump canals in the Shiprock division, or a total of about 105,100 acres. An average annual diversion of about 508,000 acre-feet of water from the San Juan River would be required for that purpose. This would result in an average annual stream depletion of about 252,000 acre-feet, exclusive of reservoir losses.

The estimated construction cost of the proposed Navajo Indian irrigation project is \$135 million on the basis of January 1958 prices which reflect present prices. Operation, maintenance, and replacement costs are estimated to average about \$181,000 annually at January 1958 prices. The benefit-cost ratio for the project would be 0.64 to 1 on the basis of direct irrigation benefits only, and 1.44 to 1 on the basis of total irrigation benefits. The appraisal of annual economic costs includes the \$2 per acre-foot depletion charge of the storage project assigned to all participating projects for all benefit-cost ratio purposes.

As provided by sections 4(d) and 6 of the Colorado River Storage Project Act of April 11, 1956 (70 Stat. 105), authorizing the Colorado River storage project and participating projects, in the event the Navajo participating project is authorized, payment of costs allocated to irrigation of Indian-owned, tribal or restricted lands within, under, or served by such project within the capability of the land to repay is subject to the act of July 1, 1932 (47 Stat. 564); the costs beyond the capability of such lands to repay are to be determined and, in recognition of the fact that assistance to the Navajo Indians is the responsibility of the entire Nation, shall be nonreimbursable.

The coordinated report on these two proposed projects presents a comprehensive plan of development for the San Juan-Chama project including a plan for development of an initial stage of the project as proposed for authorization in these bills. The plan for ultimate development of the San Juan-Chama project is designed to improve and stabilize the economy of the water-deficient Rio Grande and Canadian River basis of New Mexico by providing supplemental water to meet rapidly increasing needs. This would be accomplished by diverting water from the upper tributaries of the San Juan River. The water would be used for supplemental irrigation, for replacement of watershed depletions in the Rio Grande basis, and for an additional supply for municipal, domestic, and industrial purposes. Recreation and conservation and development of fish and wildlife would also be purposes of the project. On the basis of January 1958 prices, the estimated construction cost for the project facilities studied in the plan of development is about \$149 million. The evaluated total annual benefits for such a development would exceed the estimated annual costs in a ratio of about 1.7 to 1.

The proposed plan for the initial stage development of the San Juan-Chama project, as recommended by the State of New Mexico, contemplates an average annual diversion of about 110,000 acre-feet from the San Juan River for utilization in the Rio Grande in New Mexico. The imported waters would be used for municipal and industrial water supply (57,300 acre-feet) for the city of Albuquerque; new and supplemental irrigation water supply (30,100 acre-feet) to about 39,300 acres of land in the Cerro, Taos, Llano, and Pojoaque tributary irrigation units in the Rio Grande basis, New Mexico; and supplemental water (22,600 acre-feet) for about 81,600 acres of irrigable land in the existing Middle Rio Grande Conservancy District. Recreation and conservation and development of fish and wildlife would also be purposes of the initial stage of development.

The proposed plan of development for the initial stage would involve three major elements, namely, diversion facilities (diversion dams and conduits), regulation facilities (Heron No. 4 Dam and Reservoir, and enlargement of outlet works of the existing El Vado Dam), and water use facilities (principally for the tributary irrigation units). Minimum basic recreation facilities would also be provided at the five project reservoirs.

The estimated construction cost of the project features of the proposed initial stage, on the basis of January 1958 prices that reflect current price levels, is \$86 million, which includes about \$400,000 for minimum basic recreation facilities. Project operation, maintenance, and replacement costs are estimated

**STATEMENT OF J. MAURICE McCABE, EXECUTIVE SECRETARY,
 NAVAJO TRIBE**

Mr. McCABE. Mr. Chairman and members of the committee, my name is J. Maurice McCabe, I reside at Window Rock, Ariz., and am appearing here today on behalf of the Navajo Tribe of Indians of which I am executive secretary.

The Navajo Tribe of Indians urges favorable consideration of legislation which would authorize the Navajo Indian irrigation project. Legislation to accomplish the authorization of the Navajo Indian irrigation project is presently before the House in H.R. 2506 and H.R. 2552, introduced by the New Mexico congressional delegation, Representatives Montoya and Morris.

I would like to state in this hearing that the Navajo Tribe sincerely appreciates the efforts of Congressmen Montoya and Morris to see this irrigation project authorized. Their concern for the Indian peoples of their State and the whole Nation has been inspiring.

The Navajo Indian irrigation project, as described in the supplemental feasibility report, would consist of 110,630 acres of irrigated land for exclusive Navajo Indian use in San Juan County, N. Mex. All of the project except 8,915 acres will be on the present Navajo Indian Reservation. The additional acreage will be placed in reservation status, and the Navajo Tribe will pay the land acquisition costs. The purpose of adding this acreage to the reservation is to make the most compact and economical project feasible for Indian use.

The plan also calls for providing additional canal capacity for delivering water for industrial and municipal use from Navajo Dam, over and above the diversion requirement of the irrigation project. Such additional capacity would be paid for by the industrial and municipal water users with interest. All water uses from Navajo Dam would have equal priority. The Navajo Tribe has consented to this, and relinquished its rights under the Winters doctrine for the water necessary to irrigate the Navajo Indian irrigation project, in order to provide a practicable plan for comprehensive development of the resources and industrial potential of the San Juan Basin of New Mexico. We have taken this important and far-reaching step because such development is necessary for our very survival.

In 1868 the United States, by treaty, promised 160 acres to any Navajo Indian head of a family and 80 acres to any other Navajo Indian over 18 years old who should desire to commence farming on the Navajo Reservation. Already at that time there were about 10,000 Navajo Indians. Obviously, if the treaty obligation is to have significance, irrigation is the most practicable solution.

Since 1868, our population has grown to over 85,000 and is currently increasing at the rate of about 2 1/4 percent per year. Our reservation has been increased in area to 25,000 square miles, or about 16 million acres, but the added areas, consisting largely of desert land, have not kept pace with the minimum needs of our increased population.

Federal assistance to the Navajo Indians has been invariably too little and too late. Navajo country is a seriously depressed area and in its present state cannot be reasonably expected to improve. Whatever improvement is effected must result from increasing the agricultural potential and industrialization.

~~Maurice McCabe~~

question, would it not be possible for the Navajo Tribe to contribute a certain amount of money, say \$2 million, to this program in order to show their own interest in the program, what would be the answer to that question?

Mr. McCABE. Mr. Chairman, I believe that the answer would be along these lines, and I believe that I can commit the Navajo Tribal Council to this extent, and that is that in the initial cost of the project that should not be charged to the Navajo Indian Tribe.

However, this project will be several years in construction if and when it is authorized, and we feel that in those years we can educate Navajo young people through our scholarship program to be engineers so that we can take over the operation and maintenance of this project.

Mr. ASPINALL. Do I understand correctly that some of the development work on these lands to make them ready for irrigation more than likely will have to be done by the tribal council at their own expense?

Mr. McCABE. Yes, sir. We do not feel that we can come to the Federal Government and ask for every aspect of development with respect to these farms that we hope to get. We will use our own funds for loans to the Navajo people who will farm these areas for development, for the purchase of equipment, and for other financing that may be required in order to bring these lands into production.

Mr. ASPINALL. Mr. McCabe, I noted in your statement your reference to the so-called Winters doctrine and your willingness to unite with the State of New Mexico and, as I understand it, with the State of Colorado, in the approval of section 8 of this bill. Does that position that you take go to the whole San Juan Basin as well as just to that part of the San Juan Basin in New Mexico?

Mr. McCABE. Mr. Chairman, I would like to state that I was not personally present at the negotiations of those meetings. We have had satisfactory exchanges since those meetings that have taken place and I would like to defer that question and I can get you specific information on that at a later time, if I may.

Mr. ASPINALL. But you do have Indian lands, do you not, in the Hammond project and in the proposed Animas-La Plata project?

Mr. McCABE. That question of Indian lands in the Hammond project or the La Plata project, if there are Navajo lands at all, it is a very small acreage. I personally doubt that there is any substantial Navajo Indian land in that project.

Mr. ASPINALL. Mr. Chairman, I shall defer asking the question relative to section 8 until it can be directed to someone who represents the State of New Mexico.

Mr. ROGERS. The gentleman from Washington, Mr. Westland.

Mr. WESTLAND. Mr. Chairman. Mr. McCabe, you said that on your experimental farmland, the 1,200 acres you have, you developed that to where you can put in two cows per acre.

Mr. McCABE. Yes.

Mr. WESTLAND. Would you anticipate that this project, if it went through, would develop lands of a similar nature that would be able to handle two cows per acre?

Mr. McCABE. Mr. Chairman, we are very hopeful that will be the case.