



United States Department of the Interior

BUREAU OF RECLAMATION

NAVAJO INDIAN IRRIGATION PROJECT

P.O. BOX 28

FARMINGTON, NEW MEXICO 87401

1974 DEC -2 PM 2:06
STATE ENGINEER OFFICE
SANTA FE, N. M.

IN REPLY
REFER TO:

September 27, 1974

Blue Envelope

Memorandum

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

From: Project Construction Engineer

Subject: History of Water Rights

*We need to
read the record
more slowly*

As discussed in our telephone conversation of this date, enclosed is a copy of Appendix A of the Navajo Project, New Mexico, Feasibility Report, prepared by the Bureau of Indian Affairs and dated January 1955. This report contained water studies and annual diversion requirements (see page 25).

In the hearings held before the Subcommittee of Irrigation and Drainage of the House of Representatives on April 24, 1961, the following data is available:

1. Copy of proposed Bill HR-2552, 87th Congress, 1st Session.
2. Letter from the Secretary of the Interior Udall to Honorable Wayne N. Aspinall, April 5, 1961, stating that the average annual diversion for the Navajo Indian Irrigation Project is about 508,000 acre-feet of water and the average annual stream depletion is 252,000 acre-feet, exclusive of reservoir losses. In this letter, the Secretary included recommendations against the retention of Section 8(a) of the bill in its present form.
3. Letter from Secretary Udall to Honorable Wayne N. Aspinall, of April 24, 1964, removing his objection to Section 8(a) of the bill.



4. Mr. J. Morris McCabe, Executive Secretary of the Navajo Tribe, states that "All water uses from Navajo Dam would have equal priority. The Navajo Tribe has consented to this and relinquishes its rights under the Winters Doctrine..."

5. Mr. Aspinall asked Mr. McCabe a question concerning the Winters Doctrine and Mr. McCabe stated he would furnish the data at a later time.

6. Mr. McCabe submitted a letter to the Honorable Wayne N. Aspinall, dated April 24, 1961, concerning the Tribe's waiver of the Winters Doctrine.

7. Mr. Gerald B. Keese presented data concerning the irrigation water supply for the project, and indicated an average annual stream depletion of 281,000 acre-feet.

In the hearings, there were other references to studies by the Bureau and by the State Engineer concerning water supplies for the project. Although these studies basically refer to diversion, they are always in conjunction with the need to irrigate 110,630 acres. Any references to other uses of the water are not included in the 508,000 acre-foot diversion. If the waters are used only for irrigation, the depletion will be as estimated in Appendix A of the Feasibility Report (page 25).

At hearings before the Subcommittee on Interior and Reclamation of the United States Senate on March 16, 1961, Mr. Morris McCabe stated that the Navajo Tribe relinquished its rights under the Winters Doctrine for the water necessary to irrigate the Navajo Indian Irrigation Project.

The Authorizing Act, Public Law 87-483, dated June 13, 1962, contains Section 12 (previously referred to as Section 8(a), concerning water uses on the project related to other preferential rights. The legislative histories for this is contained in House Report 685 of the 87th Congress, 1st Session, dated July 10, 1961. Reference is also made to this item in the Senate Report No. 83 of March 22, 1961, in which they refer to Section 8(a). Also in the Senate Report is a letter from the Secretary of the Interior to the Honorable Clinton P. Anderson, dated March 14, 1961, referring to the stream depletion and the Secretary's objection to Section 8(a).

Enclosed is a copy of Resolution of Navajo Tribal Council, DC-86-57, approved December 12, 1957; CAP-56-66, approved April 28, 1966; CJA-5-67, approved January 23, 1967; and a copy of a letter of transmittal from the Regional Director to the Commissioner, dated April 3, 1964, containing a contract between the United States and the Navajo Tribe of Indians, which was executed by Chairman Raymond Nakai. Attached to this contract are Proposed Resolution of Navajo Tribal Council CMA-14-64 and Resolution of the Advisory Committee of the

Navajo Tribal Council, CAU-129-64.

Also enclosed are pages 336 and 273 through 287, excluding maps and charts, of House Document 424, 86th Congress, 2nd Session, containing the Bureau of Indian Affairs Supplemental Report dated March 1957

A handwritten signature in cursive script that reads "Bert Levine". The signature is written in dark ink and is positioned to the right of the typed name.

Bert Levine

Enclosures

cc: Regional Director, Attn: SW-101
(w/o enclosures)

(Water Supply, Feasibility Report included)