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Navajo Irrig Project

Charles M. Tansey
Chairman

July 8, 1971

Mr. Peter McDonald, Chairman
Navajo Tribe
Window Rock, Arizona

Dear Mr. Chairman:

I have been furnished a copy of the editorial "Wish We Had Been Wrong!" (copy attached for your convenient reference) which appeared in the June 17, 1971 issue of The Navajo Times. I am concerned that the editorial might mislead you and the Navajo people and I hope by this letter to put the issues discussed in proper perspective.

The seventh paragraph of the editorial states: "...we discovered that the San Juan-Chama Diversion tunnels, slated to take water from Navajo Dam to Albuquerque had been greatly increased in size - from the 235,000 acre-feet of water originally scheduled annually to a whopping 686,000 acre-feet of water annually." As you are aware, Public Law 87-483 (Section 8(g)) authorized the Secretary to construct the tunnel and conduit works of the initial stage of the San Juan-Chama Project with sufficient capacity for a future diversion of an average of 235,000 acre-feet per annum. However, the Act also limited the diversion of the initial stage to not more than 1,350,000 acre-feet in any period of ten consecutive years. The Bureau of Reclamation hydrologic studies show that the long term (1928-51) average water supply available and divertible by the project, as constructed, is 109,200 acre-feet.

The diversion of an average amount greater than about 110,000 acre-feet would require that the project works be extended to intercept additional San Juan River tributaries or that storage capacity be provided on the west slope of the Continental Divide. Either of these measures would require additional Congressional authorization.

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You may recall that when the Navajo Indian Irrigation Project and San Juan-Chama Project were authorized, it was contemplated that authorization of the construction of a second stage of the San Juan-Chama Project might be sought sometime in the future; it was for this reason that the Secretary was authorized to construct the first stage of the tunnel system with the capacity of 235,000 acre-feet. Authorization of a second stage of the San Juan-Chama Project now appears remote unless, as a result of current regional planning efforts, a way is found to augment the supply of the Colorado River in an amount sufficient that the entitlement for use in New Mexico could be increased by exchange.

The tunnel system has been constructed as authorized. The 686,000 acre-feet annually mentioned in the editorial is the amount that the terminal tunnel (Azotea) would pass if operated at its full capacity of 950 cubic feet per second, 24 hours a day for 365 days. As indicated above, such operation is impossible because of the limitations set out in the authorizing legislation and because there simply is not that much water available to the works as constructed.

In the third paragraph of the editorial, it is stated that: "An exchange of letters between former Secretary of Interior Stewart Udall and Senator Clinton Anderson called for 'reevaluation' of the Navajo Irrigation Project.... The 'reevaluation' would have resulted in a cutback of the size of the project from 110,630 acres of land to either 77,000 or 62,000 acres of land, according to sets of figures given by Udall." A March 29, 1966 memorandum from Commissioner Dominy to Regional Director Leon Hill reads in part as follows:

Until further advice, the evaluation study will be made in the water-use framework of the authorizing report; that is, 508,000 acre-feet diversion requirement and stream depletion of 254,000 acre-feet.

We suggest you evaluate irrigation projects at at least the following sizes: 110,000 acres; 77,000 acres; 62,000 acres. Residual water in the latter two cases would then be evaluated in terms of its use for thermal power generation; petro-chemical industrial development; municipal and industrial

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uses, especially those associated with an irrigation economy; and recreation. You may wish to contract with a consulting firm for an analysis of the opportunities for petro-chemical industrial development in the area.

Your attention is called to the following quote from the Secretary's (February 16, 1966) letter to Senator Anderson:

I believe that this course of action will permit us to make good use of funds currently available to the Navajo Project as well as the Bureau of Reclamation and the Bureau of Indian Affairs personnel in the area, and give both you and me assurance that we are making the best use of resources and obtaining the best possible results for the Tribe. I would like to emphasize that studies we will make are intended solely to assist the Tribe in making the best use of its water. Our studies are not intended in any way to affect the Tribe's entitlement to the water or the construction of those facilities that would be necessary for delivery.

In order to assure the best use of construction funds and personnel available, you should present promptly your views and recommendations for sizing the main canal supply works.

Representatives of the Navajo Tribe and the New Mexico Interstate Stream Commission were invited to participate in the reevaluation study outlined in Commissioner Dominy's memorandum. Representatives of the Interstate Stream Commission participated fully in the study; representatives of the Tribe were present at several of the meetings of the study group but did not officially participate in the reevaluation effort. The study, completed in August of 1966, concluded that the main canal of the Navajo Irrigation Project should be constructed to the full 1800 cubic feet per second capacity and that an irrigation project of 110,630 acres should be contemplated. The reevaluation resulted in the selection of better lands and an

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improved layout for the project. The report pointed out that amendment of the authorizing legislation would be required to permit acquisition of additional lands needed for the best project design and to raise the authorized cost ceiling of \$135 million.

The fourth paragraph of the editorial states in part: "To irrigate the Navajo Irrigation Project, the Tribe had an allocation of 508,000 acre-feet of water per year. They also had rights to another 200,000 acre-feet of M & I water annually in the Navajo Dam pool." Water available from Navajo Dam in excess of the amount required for the Navajo Irrigation Project and the Hammond Project was not committed to any particular place or purpose of use. The uses to be served might be located on or off the Navajo Reservation. The Secretary of the Interior determined in 1963 that diversions amounting to 200,000 acre-feet or depletions amounting to 100,000 acre-feet could be served from Navajo Dam under contracts approved by the Congress in accordance with PL 87-483. Congress in 1968 with the support of the State, including our entire Congressional delegation, enacted PL 90-272 to authorize a contract for 44,000 acre-feet to be used by the Utah Construction Company on the reservation and a contract for 20,200 acre-feet to be used by the Public Service Company of New Mexico just across the river from the reservation.

With respect to the State's position on water that may be used in New Mexico under the terms of the Colorado River Compacts, it is pertinent to note that in 1958 the State Engineer issued to Utah Construction Company a permit to use 51,600 acre-feet of water from the San Juan River for mining and power generation on the Navajo Reservation. The contract mentioned above, of course, furnishes water for use on the reservation in addition to this amount.

The seventh paragraph of the editorial contains the statement: "We also discovered in the process that the Navajo Irrigation Project was being consistently underfunded and delayed in construction;..." There can be no question that the Navajo Project was underfunded for several years. When authorization of the Navajo Indian Irrigation Project and the San Juan-Chama Project was being sought, the State took the position that both

Wish We Had Been Wrong!

In a recent report on water problems to the Navajo Tribal Council, a top BIA official remarked that one could stand at the San Juan-Chama Diversion from Navajo Dam and watch Navajo water pouring down to Albuquerque.

The water problems facing the Navajo Nation, as presented by Chairman Peter Mac Donald and other Tribal leaders, as well as water experts, was predicted by the Editor of this paper in 1966 in an extensive series of articles entitled "The Big Water Grab".

An exchange of letters between former Secretary of Interior Stewart Udall and Senator Clinton Anderson (D., N.M.) called for "re-evaluation" of the Navajo Irrigation Project and alerted this writer to a possible threat to Navajo water rights. The "re-evaluation" would have resulted in a cutback of the size of the project from 110,630 acres of land to either 77,000 or 62,000 acres of land, according to sets of figures given by Udall.

To irrigate the Navajo Irrigation Project, the Tribe had an allocation of 508,000 acre feet of water per year. They also had rights to another 200,000 acre feet of M & I water annually in the Navajo Dam pool. The key question was "What happens to these two allocations of water if the "re-evaluation" resulted in smaller acreage?" In addition, the Navajos had other unknown rights to water based on the Winters Doctrine which they were not pursuing in return for the construction of the Navajo Irrigation Project.

While many assurances were given that the re-evaluation move was for the best interests of the Navajos, the intensive investigations of this writer kept turning up information which pointed to danger to Navajo water rights.

For example, at a meeting of top officials in Farmington on the subject, New Mexico State Engineer Steve Reynolds said that if the water was not used as authorized or in a certain period of time, that "this water should be returned to the pool of the Navajo reservoir, available on contract, and allocated where the need should arise, whether on or off the Reservation."

Shortly thereafter, we discovered that the San Juan Chama Diversion tunnels, slated to take water from the Navajo Dam to Albuquerque had been greatly increased in size—from the 235,000 acre feet of water originally scheduled annually to a whopping 686,000 acre feet of water annually. Figure it out, that's nearly three times as big. We also discovered in the process that the Navajo Irrigation Project was being consistently underfunded and delayed in construction; at the same time, the San Juan Chama Diversion was overfunded and ahead of schedule.

The revelations in The Navajo Times five years ago brought about action by Councilwoman Annie Wauneka, Councilman Carl Todecheenie, and other

Councilman Donald Noble reports that in a recent auction of rugs made by the Steamboat community the high bidder was Steamboat Trading Post with a bid of \$1,000 for nine rugs. Other bids were received from Reservation Crafts, Ganado T.P. and Hubbells.

Two drunks were walking down a railroad track and one said, "This is the longest staircase I have ever walked down." The other replied, "The walking doesn't bother me, it's just these low hand rails."

Glenn Shay of Nazlini would like to thank his communities on voting him chapter vice-president. Formerly he was chapter secretary for Nazlini.

Paul W. Claw is president and Wilson Van Winkle will be the new chapter secretary.

President Nixon stated March 31 that he plans to transfer federal surplus lands valued at \$6.8 billion to state and county governments and commercial and industrial firms.

A national "Return Surplus Lands to the Indians Project" is being formed at Davis, California. They will have state committees researching federal and state surplus properties and this information will be made available to local Indian tribes and organizations. The project will also have a lobby committee in Washington, D.C. working to have Indian tribes and organizations put in the top category for these surplus properties.

Volunteer research associates, Indian or non-Indian are needed in all states. Contact RSLIP at Deganawidah-Quetzacoatl University, P. O. Box 409, Davis, Calif. 95616. (PH. 916-758-0470)

delegates to the Council, resulting in a resolution protesting the re-evaluation proposals.

This, in turn, led to attacks on this writer. In a letter from Senator Anderson, there was a complete denial of any danger to Navajo water rights, and a parallel accusation of misinforming and misleading the Navajos.

There were many who shared the opinion that this was a wild tangent based on incorrect and false information about supposed danger to Navajo water rights. This was not surprising in view of the value of water in the arid southwest, and the powerful forces seeking that water.

The recent revelations of the water experts indicate that there is a very real threat to Navajo water. Present developments have provided this Editor with personal vindication, at a tremendous cost in precious water for the Dineh.

We could only wish that the information for the "Big Water Grab" series had indeed been based upon fantasy instead of fact five years ago.

of bright yellow pigments will now turn out to be uranium source of much future income the Navajo Nation.

The film has been three year preparation.

HORSE FEATHERS

AIPA LIGHT FEATURE: TIME MAGAZINE in a news on electrical powerplants pollution at Four Corners in Southwest unwittingly reflects appalling public ignorance who stated that "the area's electrical utilities decided to build new plants as far away from people possible—in the desert shared Arizona, Utah, Nevada and Mexico." In an otherwise intelligent story, TIME posed on the absurd and unnecessary questions of this century: "Should minorities like the Indians allowed to live without interference?" Our question TIME: "Can this really be written in 1971?"

AIPA'S "INDIAN TICKET" the 1972 presidential race would in either order to be determined by the candidates themselves Navajo Chairman Peter Mac Donald and Scholar Vine De Jr. A suggested Indian Cabinet State Dept., Educator Medicine; Interior, Rights Act Hank Adams; Treasury, NC Leo Vocu; Justice, Attorney Franklin Docheneaux; HUD, B Ernie Stevens; HEW, B WILLIAM Pensoneau; La AIM's Clyde Belcourt; Commerce NCAI's James Bluestone; Transportation, Richard Oal Agriculture, Seminole Medicine Man Ingram Billy; Defense, .