

John Whipple

From: johnleeper
Sent: Monday, August 30, 2004 4:52 PM
To: John Whipple
Cc: johnleeper
Subject: FW: Navajo Nation Settlement Legislation

From: John Leeper
Sent: Mon 8/30/2004 4:46 PM
To: jwhipple@ose.state.nm.us
Cc: utton@newmexico.com
Subject: FW: Navajo Nation Settlement Legislation

John and John,
Susan sent this languague a few days ago. I have not had a chacne to discuss it with the Jicarilla representatives.
John Leeper

From: Susan G. Jordan [mailto:SJordan@NordhausLaw.com]
Sent: Thu 8/26/2004 11:09 AM
To: 'spollack@cia-g.com'
Cc: John Leeper; Les K. Taylor; 'mikehamman@espanola.com'
Subject: RE: Navajo Nation Settlement Legislation

All-

Here's the language we suggest in the facilities transfer section:
Insert "excluding facilities constructed by the Jicarilla Apache Nation" in the first sentence of Section 103(f), so that the sentence reads: "The Secretary is authorized to complete the transfer of ownership of the Navajo-Gallup Water Supply Project facilities, excluding facilities constructed by the Jicarilla Apache Nation, to the Navajo Nation within three years after completion of the construction of the Project and after execution of a Project operations agreement approved by the Secretary and the Project beneficiaries that shall set forth . . ."

Also, Mike Hamman and John Leeper have discussed Jicarilla's concern that the O&M charges to Jicarilla could be excessive when NIIP personnel take on winter operations for NGWSP purposes. We understand John has some ideas for addressing this by addressing how the costs will be prorated in a sentence or phrase to be inserted in Section 106(b). John, could you email us your ideas, or do you want have a call to brainstorm that language?

Susan

Susan G. Jordan
Nordhaus, Haltom, Taylor,

9/1/2004

Taradash & Bladh, LLP
1239 Paseo de Peralta
Santa Fe, NM 87501
(505) 982-3622 Main
(505) 982-1827 Fax
sjordan@nordhauslaw.com

If this e-mail message concerns legal matters, this communication and any attachments are attorney-client privileged and confidential, and intended for use only by the individual or entity named above as the intended recipient. If you are not the intended recipient, reading, distributing or copying this communication is strictly prohibited. If you have received this communication in error, please immediately notify the sender at sjordan@nordhauslaw.com and delete this e-mail and any attachments. Thank you.

-----Original Message-----

From: Susan G. Jordan
Sent: Tuesday, August 17, 2004 1:42 PM
To: 'spollack@cia-g.com'
Cc: 'johnleeper@navajo.org'; Les K. Taylor; 'mikehamman@espanola.com'
Subject: RE: Navajo Nation Settlement Legislation

Stanley,

We sent our NGWSP BA comments to Rege Leach last week. I'll have them scanned and emailed to you and John Leeper this afternoon. Let us know if you have any questions, or if there is anything more we can do to help expedite that process.

With regard to the NGWSP transfer provision in the settlement legislation, we believe the legislation should exclude the Jicarilla facilities from the transfer section; otherwise, those facilities could be transferred to the Navajo Nation, too. Perhaps the legislation could require the Project Operations agreement to provide that Jicarilla facilities not be transferred, but it seems like that might be beyond the scope of the P.O. agreement if I understand the purpose of that agreement. We can send you and John Leeper draft language for the legislation. I'm envisioning one sentence. I won't be able to provide a draft until early next week, as Mike Hamman is unavailable this week and I'll need his understanding of the project components to make sure I don't frame the exclusion too broadly.

Susan

Susan G. Jordan
Nordhaus, Haltom, Taylor,
Taradash & Bladh, LLP
1239 Paseo de Peralta
Santa Fe, NM 87501
(505) 982-3622 Main
(505) 982-1827 Fax
sjordan@nordhauslaw.com

If this e-mail message concerns legal matters, this communication and any attachments are attorney-client privileged and confidential, and intended for use only by the individual or entity named above as the intended recipient. If you are not the intended recipient, reading, distributing or copying this communication is strictly prohibited. If you have received this communication in error, please immediately notify the sender at sjordan@nordhauslaw.com and delete this e-mail and any attachments. Thank

you.

-----Original Message-----

From: spollack@cia-g.com [mailto:spollack@cia-g.com]
Sent: Tuesday, August 17, 2004 10:00 AM
To: Susan G. Jordan
Cc: 'johnleeper@mail.navajo.org'; 'spollack@cia-g.com';
'mikehamman@espanola.com'; Les K. Taylor
Subject: Re: Navajo Nation Settlement Legislation

That's right, but it would be easier to simply address this in the Project operations agreement.

On another front, we are waiting for JAN to O.K. the NGWSP BO. Can we get that expedited?

Stanley

> John and Stanley-
>
> Mike Hamman asked me to follow up with you (he's out of town this week) on
> one item in the draft settlement legislation. Section 103(f) provides for
> transfer of ownership of the Project facilities to the Navajo Nation
> within
> three years after completion of construction. We noticed and appreciate
> that the section requires that the Project beneficiaries (presumably
> including the Jicarilla Apache Nation) as well as the Secretary must first
> approve a Project operations agreement. We assume that the Navajo Nation
> and the State did not intend to include any Jicarilla facilities. We
> would
> like to have a clarifying statement in the legislation on this point.
> Please let us know your thoughts.
>
> Susan
>
> Susan G. Jordan
> Nordhaus, Haltom, Taylor,
> Taradash & Bladh, LLP
> 1239 Paseo de Peralta
> Santa Fe, NM 87501
> (505) 982-3622 Main
> (505) 982-1827 Fax
> sjordan@nordhauslaw.com
> If this e-mail message concerns legal matters, this communication and any
> attachments are attorney-client privileged and confidential, and intended
> for use only by the individual or entity named above as the intended
> recipient. If you are not the intended recipient, reading, distributing or
> copying this communication is strictly prohibited. If you have received
> this
> communication in error, please immediately notify the sender at
> sjordan@nordhauslaw.com and delete this e-mail and any attachments. Thank
> you.
>
>
>
>

This email has been scanned by the MessageLabs Email Security System.
For more information please visit <http://www.messagelabs.com/email>
