IN THE SENATE OF THE UNITED STATES

JANUARY 9 (legislative day, January 8), 1959

Mr. Anderson (for himself and Mr. Chavez) introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

A BILL

To authorize the Secretary of the Interior to construct, operate, and maintain the Navajo Indian irrigation project and the initial stage of the San Juan-Chama project as participating projects of the Colorado River storage project, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 That, for the purposes of furnishing water for irrigation or irrigable and arable lands, municipal, domestic and industrial uses (and for other beneficial purposes), providing recreation and fish and wildlife benefits, controlling silt, the Congress hereby approves as participating projects of the Colorado River storage project the Navajo Indian irri-
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gation project, New Mexico, and the San Juan-Chama
project, Colorado-New Mexico. Principal engineering works
of the Navajo Indian irrigation project shall be a main
gravity canal, tunnels, siphons, pumps, and powerplants
for project purposes, laterals, drains, distribution systems
and related works. The San Juan-Chama project facilities
shall be comprised principally of regulating and storage
reservoirs, collection, diversion and conveyance systems, and
associated works.

The Navajo Indian irrigation project and the San
Juan-Chama project herein approved are substantially
those described in the proposed coordinated report of the
Acting Commissioner of Reclamation and the Commissioner
of Indian Affairs, approved and adopted by the Secretary
of the Interior on October 16, 1957.

SEC. 2. Pursuant to the provisions of the Act of April
11, 1956 (70 Stat. 105), the Secretary of the Interior is
authorized to construct, operate, and maintain the Navajo
Indian irrigation project for the principal purpose of furnish-
ing irrigation water to approximately one hundred and ten
thousand six hundred and thirty acres of land, said project
to have an average annual diversion of five hundred and
eight thousand acre-feet of water, the repayment of the costs
of construction thereof to be in accordance with the provi-
3. (a) In order to provide for the most economical development of the Navajo Indian irrigation project, the Secretary of the Interior is hereby authorized and directed to declare by publication in the Federal Register that the United States of America holds in trust for the Navajo Tribe of Indians any legal subdivisions or unsurveyed tracts of federally owned land outside the present boundary of the Navajo Indian Reservation in New Mexico in townships 28 and 29 north, ranges 10 and 11 west, and townships 27 and 28 north, ranges 12 and 13 west, New Mexico principal meridian, susceptible to irrigation as part of the Navajo Indian irrigation project or necessary for location of any of the works or canals of such project: Provided, however, That no such legal subdivision or unsurveyed tract shall be so declared to be held in trust by the United States for the Navajo Tribe until the Navajo Tribe shall have paid the United States the full appraised value thereof: And provided further, That in making appraisals of such lands the Secretary of the Interior shall consider their values as of the date of approval of this Act, excluding therefrom the value of minerals subject to leasing under the Act of February 25, 1920, as amended (30 U. S. C. 181–286), and such leas-
able minerals shall not be held in trust for the Navajo Tribe and shall continue to be subject to leasing under the Act of February 25, 1920, as amended, after the lands containing them have been declared to be held in trust by the United States for the Navajo Tribe.

(b) The Navajo Tribe is hereby authorized to convey to the United States, and the Secretary of the Interior is hereby directed to accept on behalf of the United States, title to any land or interest in land within the above-described townships, susceptible to irrigation as part of the Navajo Indian irrigation project or necessary for location of any of the works or canals of such project, acquired in fee simple by the Navajo Tribe, and after such conveyance said land or interest in land shall be held in trust by the United States for the Navajo Tribe as a part of the Navajo Indian irrigation project.

(c) The Secretary of the Interior is hereby authorized and directed to acquire by purchase, exchange, or condemnation any other land or interest in land within the townships above described susceptible to irrigation as part of the Navajo Indian irrigation project or necessary for location of any of the works or canals of such project. After such acquisition, said lands or interest in lands shall be held by the United States in trust for the Navajo Tribe of Indians and the price
of such lands or interest in lands or of the land given in exchange therefor by the United States shall be charged to funds of the Navajo Tribe of Indians on deposit in the Treasury of the United States.

SEC. 4. In developing the Navajo Indian irrigation project, the Secretary is authorized to provide capacity for municipal and industrial water supplies or miscellaneous purposes over and above the diversion requirements for irrigation stated in section 2 of this Act. But such additional capacity shall not be constructed and no appropriation of funds for such construction shall be made unless, prior thereto, contracts have been executed which, in the judgment of the Secretary, provide satisfactory assurance of repayment of all costs properly allocated to the purposes aforesaid with interest as provided by law.

SEC. 5. Payment of operation and maintenance charges of the irrigation features of the Navajo Indian irrigation project shall be in accordance with the provisions of the Act of August 1, 1914 (38 Stat. 582, 583), as amended by the Act of August 7, 1946 (60 Stat. 867) : Provided, That the Secretary of the Interior in his discretion may transfer to the Navajo Tribe of Indians the care, operation, and maintenance of all or any part of the Navajo Indian irrigation project works, subject to such rules and regulations as he may
prescribe, and, in such event, the Secretary may transfer to
the Navajo Tribe title to movable property necessary to the
operation and maintenance of project works.

SEC. 6. (a) Pursuant to the provisions of the Act of
April 11, 1956 (70 Stat. 105), the Secretary of the In-
terior is authorized to construct, operate, and maintain an
initial stage of the San Juan-Chama project, Colorado-New
Mexico, for the principal purposes of furnishing water sup-
plies to approximately thirty-nine thousand three hundred
acres of land in Cerro, Taos, Llano, and Pojoaque tributary
irrigation units in the Rio Grande Basin, about eighty-one
thousand six hundred acres of land in the existing Middle Rio
Grande Conservancy District, and municipal, domestic, and
industrial uses, and providing recreation and fish and wildlife
benefits, said initial stage to have an average annual diversion
of one hundred and ten thousand acre-feet of water. Princi-
pal engineering works of the initial stage development in-
volving three major elements, shall include diversion dams
and conduits, storage and regulation facilities at the Heron
Numbered 4 Reservoir site and enlargement of outlet works
of the existing El Vado Dam, and water use facilities con-
sisting of reservoirs, dams, canals, lateral and drainage sys-
tems, and associated works and appurtenances. The con-
struction of recreation facilities at the Nambe Reservoir shall
be contingent upon the Secretary’s making appropriate ar-
arrangements with the governing body of the Nambe Pueblo for
the operation and maintenance of such facilities, and the con-
struction of recreation facilities at the Heron Numbered 4, Valdez, and Indian Camp Reservoirs shall be contingent
upon the Secretary's making appropriate arrangements with
a State or local agency or organization for the operation and
maintenance of those facilities: Provided, That—
(i) all works of the project, both in its initial stage
and in its final development, shall be constructed so as to
permit compliance physically with all provisions of
the Rio Grande compact, and all such works shall be
operated at all times in conformity with the Rio Grande
compact;
(ii) the amount of water diverted in the Rio
Grande Basin for uses served by the San Juan-Chama
project shall be limited in any calendar year to the
amount of imported water available to such uses from
importation to and storage in the Rio Grande Basin in
that year;
(iii) details of project operation essential to the ac-
counting of diverted San Juan and Rio Grande flows
shall be cooperatively developed through the joint efforts
of the Rio Grande Compact Commission, the appropri-
ate agencies of the United States and of the States of
Colorado, New Mexico, and Texas, and the various proj-
elect entities. In this connection the States of Texas and New Mexico shall agree, within a reasonable time, on a system of gaging devices and measurements to secure data necessary to determine the present effects of tributary irrigation, as well as present river channel losses: Provided, That if the State of Texas shall require, as a precedent to such agreement, gaging devices and measurements in addition to or different from those considered by the Department of the Interior and the State of New Mexico to be necessary to this determination, the State of Texas shall pay one-half of all costs of constructing and operating such additional or different devices and making such additional or different measurements which are not borne by the United States. The results of the action required by this subsection shall be incorporated in a written report transmitted to the States of Colorado, Texas, and New Mexico for comment in the manner provided in the Flood Control Act of 1944, before any appropriation shall be made for project construction.

(b) The Secretary of the Interior is hereby authorized to construct the tunnel and conduit works of the initial stage of the San Juan-Chama project with sufficient capacity for future diversion of an average of two hundred and thirty-five thousand acre-feet per annum, and to recognize the cost
of providing such additional capacity as a deferred obliga-
tion to be paid at such time as the additional capacity may
be required.

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 (a) 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 di-
verting 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, each such con-
tract shall provide for a sharing of the runoff apportioned to
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 that have been made hereunder: 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 said group shall be reapportioned as near as may be among the contractors diverting above Navajo Reservoir in the proportion that the normal diversion requirements of each bears to the total normal diversion requirements of the group. 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 that have been made hereunder.

The Secretary shall not enter into contracts beyond a total amount of water that, in his judgment, in the event of shortage will result in a reasonable amount being available for the diversion requirements for the Navajo Indian irrigation project and the initial stage of the San Juan-Chama project as specified in sections 2 and 6 (a) of this Act.
1 (b) In the event contracts are entered into for delivery
2 from storage in Navajo Reservoir of water not covered by
3 subsection (a) of this section, such contracts shall be sub-
4 ject to the same provision for sharing of available water
5 supply in the event of shortage as in the case of contracts
6 required to be made pursuant to subparagraph (a) of this
7 section.
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9 (c) This section shall not be applicable to the water re-
10 quirements of the existing Fruitland, Hogback, Cudai, and
11 Cambridge Indian irrigation projects, nor to the water re-
12 quired in connection with the extension of the irrigated acre-
13 ages of the Fruitland and Hogback Indian irrigation projects
14 in a total amount of approximately eleven thousand acres.
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16 Sec. 8. Section 12 of the Act of April 11, 1956, 70
17 Stat. 105, shall not apply to the works authorized by this
18 Act. There are hereby authorized to be appropriated out
19 of any moneys in the Treasury not otherwise appropriated,
20 such funds as may be required to carry out the purposes of
21 this Act, but not to exceed $221,000,000 (January 1958
22 prices) plus such amounts, if any, as may be required by
23 reason of changes in construction costs as indicated by en-
24 gineering cost indexes applicable to the types of construc-
25 tion involved therein and, in addition thereto, such sums
26 as may be required to operate and maintain the projects.
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28 Sec. 9. The Act of April 11, 1956 (70 Stat. 105)
is hereby amended as follows: (i) In section 1, subsection
(2), after "Central Utah (initial phase)" delete the colon
and insert in lieu thereof a comma; (ii) in section 5, sub-
section (e) in the phrase "herein or hereinafter author-
ized" delete the word "hereinafter" and insert in lieu there-
of the word "hereafter"; (iii) in section 7 in the phrase
"and any contract lawfully entered unto under said Com-
pacts and Acts" delete the word "unto" and insert in lieu
thereof the word "into".