IN THE SENATE OF THE UNITED STATES

April 21, 1958

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.

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

That the Congress hereby approves as participating projects of the Colorado River storage project the Navajo Indian irrigation project as described in the Bureau of Indian Affairs report entitled “Navajo Project, New Mexico Feasibility Report, January 1955”, and as modified by the Bureau of Indian Affairs Supplemental Report entitled "Navajo Proj-
Pursuant to the provisions of the Act of April 11, 1956 (70 Stat. 105), the Secretary of the Interior is authorized to construct the Navajo Indian irrigation project to include a net area of one hundred and ten thousand six hundred and thirty acres of land with an average annual diversion requirement of five hundred and eight thousand acre-feet of water, the repayment of the costs of construction thereof to be in accordance with the provisions of said Act of April 11, 1956 (70 Stat. 105), including, but not limited to, section 4 (d) thereof.

(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 Secre-
tary 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 contain-
ing 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 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 construed 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. The Navajo Indian irrigation project shall be constructed, operated, and maintained subject to the provisions of section 4 of the Act of April 11, 1956 (43 U. S. C. 620c), to the same extent as if such project were authorized by section 1 of said Act (43 U. S. C. 620). 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 7, 1946 (60 Stat. 867): Provided, That the Secretary of the Interior in his direction 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. 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 an initial stage of the San Juan-Chama project, in accordance with the Bureau of Reclamation report entitled "Supplemental Report, San Juan-Chama Project, Colorado-New Mexico, May 1957", said initial stage to have an average annual diversion of one hundred and ten thousand acre-feet of water.

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 Dam 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.
Any such contract shall make provision for a sharing of the
run-off available from the San Juan River and its tribu-
taries above Navajo Dam in any year in which the Secretary
anticipates a shortage taking into account both the prospec-
tive run-off and the water in storage, such sharing to be in
the same proportion as the normal diversion requirement
under said contract bears to the sum of the normal diver-
sion requirements at said time of shortage under all 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 require-
ments for the Navajo Indian irrigation project and the in-
itial stage of the San Juan-Chama project as specified in
sections 2 and 6 of this Act.
(b) In the event contracts are entered into for delivery
from storage in Navajo Reservoir of water not covered by
subsection (a) of this section, such contracts shall be sub-
ject to the same provision for sharing of available water
supply in the event of shortage as in the case of contracts re-
quired to be made pursuant to subparagraph (a) of this
section.

Sec. 8. Section 12 of the Act of April 11, 1956, 70
Stat. 105, shall not apply to the works authorized by this
Act. There are hereby authorized to be appropriated out
of any moneys in the Treasury not otherwise appropriated,
such funds as may be required to carry out the purposes of
this Act, but not to exceed $208,000,000.