

Mr. Hicks: Replied that Federal regulations prohibit the present plant from shipping meat across State lines and from selling meats to Federal institutions. He stated if the plant enlarged its operation, it could be competitive with other local packers. The operation of the present plan was explained and it was mentioned that 15,000 ewes are slaughtered annually. By increasing the capacity of the existing facilities, the operation will be greatly enlarged.

Proposed Resolution: "Approving participating by the Navajo Tribe in ARA loan to the Proposed Many Farms Packing Plant Corporation." This provides for the Navajo Tribe ^{to} participate in the venture in an amount of 10%, not to exceed \$25,000.

Guy Gorman: Made a motion to approve as presented.

Teddy McCurtain: Seconded the motion to approve.

Jones Van Winkle: Stated that the resolution did not state the acreage required for the plant or specify the exact location.

Mr. Carver: Replied that the land would not be requested until after the ARA loan is obtained. After approval of the loan, a formal request will be presented to the Advisory Committee for its consideration. He stated that the Legal Section had performed a great amount of research in attempting to find a restriction placed on the Advisory Committee, under which it could not approve land leases in excess of eight acres. He stated that there are no restrictions on the acreage which the Advisory Committee may approve. The statement was made to clarify Mr. Sam Day's remark, which was made last week, referring to the authority of the Advisory Committee.

Carl Todacheene: Believed the Many Farms Packing Plant should present a financial statement for review of the Tribal Council. He stated that the people of Shiprock, New Mexico, should be given the opportunity to participate in a venture of this type and desired to have the proposed resolution amended to reflect this item.

Ned Plummer: Asked about loans to private corporations and wished to know if the Bureau would approve such a loan. He also asked Mr. Johnson to explain the operation of the present packing plant.

The Chairman requested the vote at this time.

Vote: For: 33 - Opposed: 10 - Approved.

Mr. Wolf: Presented a brief resume of the Act of June 13, 1962 relating to Navajo Indian Irrigation Project. He outlined how the Bureau of Reclamation had established an office in Farmington to perform the necessary preliminary work on the project. It was explained that in conjunction with the project, an Irrigation Water Supply Contract will be presented to the Tribal Council for its consideration. He stated also, that there is a need to present an item regarding land which will be required for the project. These items are to be fully explained on February 25.

JOURNAL OF THE NAVAJO TRIBAL COUNCIL - FEBRUARY 25, 1964 - 9:00 A.M.
Presiding: Nelson Damon Roll Call: 63 Invocation: Raymond Smith
Review continued on the proposed resolution - Navajo Irrigation Project.

Mr. Landbloom: Introduced the following:

Bert Levine, Project Engineer,

Ed Lundberg, Office Engineer, Bureau of Reclamation,

G. B. Keesee, General Engineer, Irrigation Construction, BIA

Rulon C. Bergeson, Land Operations Officer, BIA

Walter Wolf: Continued brief explanation of background on Navajo Indian Irrigation Project. It was stated that the Bureau of Reclamation had established office at Farmington and was in the process of making studies. It had been found that a portion of the land on the project is not suitable for irrigation purposes. It had been recommended that additional land be secured by the Navajo Tribe to replace the undesirable acreage in the project. The total acreage authorized in the Act of June 13, 1962 was 110,630 acres. However, in order to include new lands in the project, it was necessary to amend the authorization act. He explained it was necessary for the Tribal Council to take formal action on this matter.

Mr. Keesee: Outlined the contents of the original feasibility report which contained 138,000 acres (28,000 in the South San Juan, non-Indian; and 110,000 for Indians' use). In the original proposal, the States of Colorado and New Mexico wished to include non-Indian lands; however, New Mexico changed its attitude and requested the project be for Indian use and include the South San Juan lands. The 1957 feasibility report was prepared in this manner and the authorization Act provided for 110,630 acres for Indian use. A map was used to point out the various lands involved in the project. He stated that the Bureau of Reclamation had made appraisal reports of the lands involved and had determined that the land west of the Chaco Wash was not suitable for irrigation. In order to maintain the acreage to 110,000, as authorized in the Act, the Bureau of Reclamation had recommended the development of the land in the South San Juan Division. To acquire this additional land would require the amendment to the authorization Act to include Township 26N, R11, 12 and 13 W., and Township 27N, R11W., NMPM.

A breakdown of the ownership of the land was given: Private 15,965 acres, Federal 73,223 acres, State 5,111 acres and Individual Allotments 9,100 acres.

Approximately 58,000 acres of irrigable land (Class 1 to 4) are located west of the Chaco Wash and the balance lies east of it. He recommended that the Tribal Council take immediate steps which would permit the acquiring of the required land as rapidly as possible. He also recommended action on the proposed resolution to amend the Authorization Act.

Mr. Levine, Bureau of Reclamation, Project Engineer, outlined his Bureau responsibilities in cooperating with the Bureau of Indian Affairs. The Bureau of Reclamation was responsible for the appraisal report and the construction of the project. The Bureau of Indian Affairs has the responsibilities for the overall coordination of the project. It was brought out that in the appraisal report that 30,000 acres west of the Chaco Wash was undesirable for irrigation purposes and was discarded as unsuitable for use. It was recommended that the lands in the South San Juan Division be used to replace the discarded areas.

After recess, Mr. Levine continued to explain:

The status of the lands in the project and brought out that the acreage in the South San Juan Division would require pumping equipment to deliver water to it. He explained that water for the project would be delivered from Navajo Dam and many tunnels, pipes and canals would be required to deliver the necessary water. It was estimated that five years will be required to

construct necessary headwork, structures, tunnel and canal to deliver water to the first portion of land, south of Bloomfield. The target date for this first phase was March 1969. After the first five-year period, it is proposed to complete 10,000 acres each year for ten years. The rate of development was based upon the Bureau's ability to develop and train Navajo farmers. He stated the farms would consist of 100 acres each.

To secure electricity for pumping water to the higher elevation, it is proposed, if feasible, to install a power plant at the Navajo Dam. If this is not practicable, it will be necessary to secure power from other commercial sources. The estimated operation and maintenance charges will be \$7.00 per acre per year.

He stated actual construction of the project was to start in the near future. The opening for the bid for the first section of tunnel (2 miles; 17.5' diameter) will be on April 9. Bids for the second section of tunnel (4½ miles) will be contracted for within the next six months.

He advised the Tribal Council that the Bureau of Reclamation wishes to have the Navajo Tribe sign the water contract prior to the awarding of any construction contracts. It was brought out that the completed project would provide a livelihood for 1,100 families and would create employment opportunities for many other individuals in related work.

Henry Taliman: Reported that the Resources Committee had reviewed the Navajo Irrigation Project on several occasions and he believed a member of that Committee should present a general statement on the overall project. He stated the project had been in the planning stages for many years and it would be very beneficial to the Navajo Reservation and the people when the project was completed. He asked what plans are made to acquire the land which is presently held by Indian allottees?

Mr. Keesee: Replied that the acquisition of land in the Act was divided into three parts:

Section 3 A: Provides that Public Lands, administered by BLM will be withdrawn from public interest. The Tribe will pay for this land at an appraised value, and it will be held in trust as part of the Reservation.

Section 3 B: In the event the Tribe acquires other than Federal lands, these lands would be conveyed to the United States and the title would be held in trust. It also will become a part of the Reservation.

Section 3 C: Provided for the Secretary to acquire private State and Indian allotments by purchase and consideration and it will be held in trust as a part of the Reservation. He stated the Tribal Council will need to make the decision on whether or not the Secretary should proceed in securing the additional land. He believed the method used in securing the Indian Allotments should be the responsibility of the Tribal Council. He suggested that the purchase of the surface rights and permitting the original allottee to retain the mineral rights. It may be possible to re-assign the land back to an individual, if he wished to farm it.

Frank Luther: Asked the following questions:

"Who would prepare the land, after water is available? Would Tribal funds be used to prepare the land? Who will be responsible for the operation and maintenance expenses?"

Mr. Keesee: Replied that the decision on how the land would be leveled had not been made at this time; he stated this item was presently being reviewed 35

at the Area and Washington offices. He stated the basic law requires the land owners to pay the operation and maintenance charges, the Levett Act exempts only the construction cost from Indian farmers.

Mr. Levine: Answered Frank Luther's question by stating the first phase of the tunnel and headworks would cost approximately \$6 to \$8 million. He stated the operation and maintenance charges would be approximately \$7 per acre each year. This will be the only cost charged against the farmer. The construction cost will not be charged against the Indian farmers.

Mr. Keesee: Stated that when phases of the project are completed the Bureau will assume responsibility for the operation and maintenance. However, the authorizing act provides that these responsibilities may be transferred to the Navajo Tribe, if it wishes to assume the responsibilities.

Allen Harvey: Believed the proposed irrigation project would be beneficial to the Navajo Tribe and favored the approval of the proposed resolution. He asked what would be done with the livestock grazing permits, on land which is taken into the project and no longer available for grazing. He wished to know if the people in these particular lands would be informed of the proposed action to take their lands.

Mr. Keesee: Replied that there had been no policy adopted by the Navajo Tribe to handle the movement of land owners from the land to be taken. He stated the Council or Resources Committee would have to make a policy on this matter. He stated that if 110,000 acres of irrigated pasture was devoted to grazing of sheep, it would take care of more sheep than presently are on the Reservation.

Frank Bradley: Asked if the Navajo Tribe assumed the total O&M cost, how much would it cost? He asked if the cost of the Navajo Tribe would justify the return to the Navajo people. He believed the Navajo people would not make successful farmers and was not in favor of the project. He asked if it would be possible to have the contract for only a five year period, if successful it could then be extended at that time.

Rulon Bergeson: Stated that the studies for the project had been made by specialists in this field and the project is feasible. He outlined his experience at the Yakima Valley and explained how that project was responsible for the development of the farming area and the surrounding communities. He stated the original estimated cost of the project was approximately \$135 million; however, now it may be nearly \$180 million due to increased costs.

Mr. Damon: Requested Mr. Wolf to read the proposed resolution and the Water Contract.

Mr. Wolf: Read the proposed resolution and commenced reading the Water Contract.

Mr. Nakai: At this point interrupted the reading of the documents. He gave a brief resume of his trip to Phoenix to appear in court due to a charge against him made by the Tribal Attorney. He stated the judge ruled the court did not have jurisdiction in this matter, as it was an internal Tribal matter. The judge had dismissed the case. He stated the decision was not only a victory for the Navajo Tribe but for all Indian Tribes, as it prevents outsiders from interfering in Tribal affairs. He announced that the Council members should consider making a trip to Farmington and inspect the Navajo Irrigation project. He believed this would provide the Councilmen with a better knowledge and understanding of the project.

Roger Davis, Sr.: Stated that if this court action means the end of the attorney difficulties then he was very grateful; however, if it has not resolved the differences between the Chairman and the attorney, then there may still be differences between the Councilmen. He believed the sovereignty of the Navajo Tribe was very beneficial and he requested the Chairman to carry out his responsibilities of his office. He stated he hoped the Chairman would benefit from this decision and not do anything to interfere with the sovereignty of the Tribe.

Harold Drake: Made a motion for the entire Council to visit the Navajo Irrigation project and inspect the area and lands involved. ✓

Carl Todacheene: Seconded the motion.

Mr. Levine: Advised the Tribal Council it would require about 1½ days to cover the entire project. He suggested starting at Farmington, on Thursday morning at 8:00 and plan on returning Friday in the afternoon. This would necessitate the Council leaving Window Rock sometime Wednesday in the afternoon.

Peter Yazzie: Made several remarks about relocating Navajo families from the land which will be taken into the project. He also commented on the easement for the irrigation canals.

The Chairman requested a vote on the motion: ✓

Vote: For: 36 - Opposed: 0.

Those wishing to take the trip were 70.

Walter Wolf: Completed reading the Water Contract. He made comments on the following specific items of the contract.

Repayment Obligation: Construction costs are deferred as long as the title of the land remains with the Navajo Tribe.

Operation and Maintenance Charges: The Tribal Council must determine if water charges are to be made and how they will be collected.

Priority Claims: The Navajo Tribe had waived any claim on project waters, including prior rights. He stated this had been vital to the entire project, as without this waiver, there would be no project.

Contingent Upon Appropriation or Allotment of Funds. It was explained that expenditure of funds by the Federal Government would be contingent upon appropriation of funds. However, the failure of Congress to appropriate funds, shall not relieve the Navajo Tribe from any obligations accrued under this contract. He believed the Council should be given a more detailed explanation of the public domain land involved in the addition to the project. He stated the Navajo Tribe had supported the Navajo Irrigation project, 1957 to 1962, and during that time, the additional land to be acquired was 13,000 to 15,000 acres. However, in October, an amount of 43,000 acres was needed. He stated that in the presentation today, an amount of 73,223 acres had been mentioned. He believed that if the Navajo Tribe was to purchase the land at an appraised value, it may represent an investment of \$600,000. He believed the project had great merit and would be beneficent to the Navajo Tribe. However, he believed the Council should have further information on anticipated cost for securing land, preparing land and training farmers.