

PUBLIC LAW 91-416
91st Congress, S. 203
September 25, 1970
(84 Stat. 867)

AN Act to amend the Act of June 13, 1962 (76 Stat. 96), with respect to the Navajo Indian irrigation project.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 13, 1962 (76 Stat. 96), is amended as follows:

(a) By deleting "and" in the first sentence of section 3 (a) immediately preceding "townships 27" and by inserting immediately preceding "New Mexico principal meridian", the following: "townships 26 and 27 north, range 11 west, and townships 24, 25, and 26 north, ranges 12 and 13 west,"; 1/

(b) By deleting "\$135,000,000 (June 1961 prices)" in the first sentence of section 7 and substituting in lieu thereof "\$206,000,000 (April 1970 prices)"; and

(c) By adding the following subsection to section 3: 1/

"(d) Each permit that is in effect on lands declared to be held in trust for the Navajo Tribe pursuant to section 3 (a) of this Act shall continue in effect for the term thereof unless the land is needed for irrigation purposes, subject to regulations applicable to permits of Indian lands, and upon its expiration it shall only be renewed on an annual basis until the land is required for irrigation purposes. When, in the judgment of the Secretary of the Interior, such land is required for irrigation purposes, the Secretary shall notify the permittee and the permit shall be deemed to be canceled, with no right of appeal. The permittee shall be compensated by the Navajo Tribe for the reasonable value of any range improvements of a permanent nature placed on the lands under authority of a permit or agreement with the United States, as determined by the Secretary of the Interior. Amounts paid to the United States by the Navajo Tribe out of tribal funds for the full appraised value of lands declared to be held in trust for the Navajo Tribe pursuant to section 3 (a) of this Act shall be reduced by the amount of compensation paid by the Navajo Tribe to permittees pursuant to this subsection."

NOTICES

1. The amendments made by section 1 (a) and (c) change the language of Section 3, P. L. 87-485. Section 3 now reads:

SEC. 3. (a) In order to provide for the most economical development of the Navajo Indian irrigation project, the Secretary shall 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, townships 27 and 28 north, range 12 and 13 west, townships 26 and 27 north, range 11 west, and townships 24, 25, and 26 north, ranges 12 and 13 west, New Mexico principal meridian, susceptible to irrigation as part of the 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 thereon; And provided further, That in making appraisals of such lands the Secretary 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 (39 U.S.C. 181-286), and such leasable minerals shall not be held in trust for the Navajo Tribe but 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 authorized to convey to the United States, and the Secretary shall 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 project.

(c) The Secretary is authorized 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.

(d) Each permit that is in effect on lands declared to be held in trust for the Navajo Tribe pursuant to section 3 (a) of this Act shall continue in effect for the term thereof unless the land is needed for irrigation purposes, subject to regulations applicable to permits of Indian lands, and upon its expiration it shall only be renewed on an annual basis until the land is required for irrigation purposes. When, in the judgment of the Secretary of the Interior, such land is required for irrigation purposes, the Secretary shall notify the permittee and the permit shall be deemed to be canceled, with no right of appeal. The permittee shall be compensated by the Navajo Tribe for the reasonable value of any range improvements of a permanent nature placed on the lands under authority of a permit or agreement with the United States, as determined by the Secretary of the Interior. Amounts paid to the United States by the Navajo Tribe out of tribal funds for the full appraised value of lands declared to be held in trust for the Navajo Tribe pursuant to section 3 (a) of this Act shall be reduced by the amount of compensation paid by the Navajo Tribe to permittees pursuant to this subsection.

Section 3 is codified as 43 U.S.C.A. 615 kk. For the full text of P.L. 87-485 see p. 359, et seq. of SELECTED LEGAL REFERENCES.

SEC. 2. The Navajo Indian irrigation project shall be operated in such manner that identifiable flows of water will not cause the project to be in violation of water quality standards promulgated pursuant to the Water Quality Act of 1965 (79 Stat. 903). 1

NOTES

This section is codified as 43 U.S.C.A. 615 zz.

1. See p. 391 of this volume for text of Water Quality Act of 1965.

LEGISLATIVE HISTORY

HOUSE REPORT No. 91-1333 accompanying H.R. 13001 (Comm. on Interior and Insular Affairs).

SENATE REPORT No. 91-363 (Comm. on Interior and Insular Affairs).

CONGRESSIONAL RECORD:

Vol. 115 (1969): Aug. 12, considered and passed Senate.

Vol. 116 (1970): Sept. 10, considered and passed House, amended, in lieu of H.R. 13001.

Sept. 14, Senate concurred in House amendment.

Approved September 25, 1970.