

Page	
from	88
Edward Munoz,	89
	90
x., statement	163
Carl Cooper,	243
ation Associa-	209
ation District	212
Mex., tele-	212
of	46
N. Mex., reso-	.51
N. Mex., letter	244
submitted by	72
ed by Ival V.	330

SAN JUAN-CHAMA RECLAMATION AND NAVAJO INDIAN IRRIGATION PROJECTS

MONDAY, APRIL 24, 1961

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON IRRIGATION AND RECLAMATION,
OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:50 a.m., in the committee room, New House Office Building, Hon. Walter Rogers (chairman of the subcommittee) presiding.

Mr. ROGERS. The Subcommittee on Irrigation and Reclamation will come to order for the consideration of H.R. 2552, H.R. 6541, and S. 107. These bills are 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.

The bills mentioned will be inserted in the record first. The subcommittee has received a favorable report on this legislation from the Interior Department, under date of April 5, 1961, which will also be placed in the record.

I might add that S. 107 passed the Senate on March 28, 1961.

(COMMITTEE NOTE: S. 107 is identical to H.R. 6541.)

(The bills and report referred to follow:)

[H.R. 2552, 87th Cong., 1st sess.]

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, for the purposes of furnishing water for irrigation of 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 irrigation project, New Mexico, and the initial stage of the San Juan-Chama project, Colorado-New Mexico as conditioned, modified, and limited herein. 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 initial stage of 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 initial stage of 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, as conditioned, modified, and limited herein.

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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 furnishing 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 provisions of said Act of April 11, 1956 (70 Stat. 105), including, but not limited to, section 4(d) thereof.

SEC. 3. (a) In order to provide for the most economical development of the Navajo 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 leasable 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. 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 initial stage of the San Juan-Chama project, Colorado-New Mexico, for the principal purposes of furnishing water supplies to approximately thirty-nine

thousand three hundred and thirty acres and municipal and wildlife benefits of the initial Navajo, Little Colorado, and supplemental project initial stage dams and conservation Reservoir site and water use systems, a recreation facility making facilities for the operation recreation facilities and shall be in accordance with a plan of those

(a) The project authorized to exceed one year period starting when commenced operation

(b) There shall be no injury of water within the portionment Colorado River River Basin

(c) all necessary physical works shall be compact

(d) the project by the San amount of storage in

(e) details San Juan the joint of agencies of and Texas,

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thousand three hundred acres of land in Cerro, Taos, Llano, and Pojoaque tribu-
tary 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 construction and operation of the diversion facilities
of the initial stage authorized herein shall include only natural flow of the
Navajo, Little Navajo, and Blanco Rivers in Colorado as set forth in the sup-
plemental project report dated May 1957. Principal engineering works of the
initial stage development involving 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 consisting of reservoirs, dams, canals, lateral and drain-
age systems, and associated works and appurtenances. The construction of re-
creation facilities at the Nambe Reservoir shall be contingent upon the Secretary's
making appropriate arrangements with the governing body of the Nambe Pueblo
for the operation and maintenance of such facilities, and the construction of
recreation facilities at the Heron Numbered 4, Valdez, and Indian Camp Reser-
voirs and shall be contingent upon the Secretary's making appropriate arrange-
ments with a State or local agency or organization for the operation and mainte-
nance of those facilities: *Provided, That—*

(a) the Secretary of Interior shall so operate the initial stage of the proj-
ect authorized herein that diversions to the Rio Grande Valley shall not
exceed one million three hundred and fifty thousand acre-feet of water in
any period of ten consecutive years, reckoned in continuing progressive series
starting with the first day of October after the project shall have com-
menced operation;

(b) The Secretary of Interior shall operate the project so that there shall
be no injury, impairment, or depletion of existing or future beneficial uses
of water within the State of Colorado, the use of which is within the ap-
portionment made to the State of Colorado by article III of the Upper Colo-
rado River Basin compact, as provided by article IX of the Upper Colorado
River Basin compact and article IX of the Rio Grande compact;

(c) all works of the project shall be constructed so as to permit compli-
ance 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;

(d) 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;

(e) details of project operation essential to the accounting of diverted
San Juan and Rio Grande flows shall be cooperatively developed through
the joint efforts of the Rio Grande Compact Commission, the appropriate
agencies of the United States and of the States of Colorado, New Mexico,
and Texas, and the various project 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 trans-
mitted to the States of Colorado, Texas, and New Mexico for comment in
the manner provided in the Flood Control Act of 1944, before any appropri-
ation shall be made for project construction;

(f) the Secretary of the Interior shall operate the project so that for the
preservation of fish and aquatic life the flow of the Navajo River and the
flow of the Blanco River shall not be depleted at the project diversion points
below the values set forth at page D2-7 of appendix D of the United States
Bureau of Reclamation report entitled "San Juan-Chama Project, Colorado-
New Mexico", dated November 1955;

(g) 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 obligation to be paid at such time as the additional capacity may be required: *Provided, however*, That nothing contained in this Act shall be construed as committing the Congress of the United States to future authorization of any additional stage of the San Juan-Chama project.

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 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 Reservoir to the use of which the United States is entitled under these projects 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 provisions, in any year in which the Secretary anticipates a shortage taking into account both 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 diverting 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 contract 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 section 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 subject to the same provision for sharing of available water supply in the event of shortage as in the case of contracts required to be made pursuant to subparagraph (a) of this section.

(c) This section shall not be applicable to the water requirements of the existing Fruitland, Hogback, Cudai, and Cambridge Indian irrigation projects, nor to the water required in connection with the extension of the irrigated acreages of the Fruitland and Hogback Indian irrigation projects in a total amount of approximately eleven thousand acres.

SEC. 8. (a) None of the project works, or structures authorized by this Act shall be operated by the Secretary of the Interior so as to create, implement or satisfy any preferential right in the United States or any Indian tribe to the waters impounded, diverted or used by means of such project works or structures, other than contained in those rights to the uses of water granted to the States of New Mexico or Arizona pursuant to the provisions of the Upper Colorado River Basin Compact.

(b) The Secretary of the Interior shall operate the projects authorized by this Act so that no waters shall be diverted or used by means of the project works, which, together with all other waters used in or diverted from the San

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RECLAMATION PROJECT

hereby authorized to construct the initial stage of the San Juan-Chama project consisting of an average of two hundred thousand acre-feet of water, and to recognize the cost of such construction to be paid at a deferred obligation to be paid at a later date. *Provided, however,* that any such obligation shall be construed as committing the Secretary to the authorization of any additional

authorized to have the use for any purpose in the Navajo Indian irrigation project and the San Juan-Chama project of water stored in the San Juan River and its tributaries for the use of which the United States is under contract satisfactory to the Secretary. Such contracts shall be executed with the Secretary in the year in which the Secretary anticipates the runoff originating from the prospective runoff originating from the Navajo Reservoir in the following manner: The projects for the contractors diverting above and below Navajo Reservoir in the proportion that the total amount of water diverted bears to the total of all normal diversions diverting above Navajo Reservoir, shall be apportioned in the proportion that the normal diversion requirements of all such contracts for any year in which they are executed bear to the total apportionment to any contractor in excess of the runoff anticipated from such diversion, or would result in no diversion, the runoff apportioned to such contractors may be among the contractors diverting above Navajo Reservoir in the proportion that the normal diversion requirements of the project are from or below Navajo Reservoir, or of the remaining runoff together with the normal diversion requirements of the project are hereunder.

any amount of water beyond a total amount of water which will result in a reasonable amount of water for the Navajo Indian irrigation project and the San Juan-Chama project as specified in the provisions of section 4(d) of this Act.

to the water requirements of the project in the Navajo Indian irrigation projects, or in the extension of the irrigated area in the Navajo Indian irrigation projects in a total

structures authorized by this Act for so far as to create, implement or carry out such project works or structures for the uses of water granted to the project in the provisions of the Upper Colo-

operate the projects authorized by this Act or used by means of the project works in or diverted from the San

Juan River Basin in New Mexico, will exceed the water available to the States of New Mexico and Arizona under the allocation contained in article III of the Upper Colorado River Basin compact for any water year.

SEC. 9. 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 \$221,000,000 (January 1958 prices) plus such amounts, if any, as may be required by reason of changes in construction costs as indicated by engineering cost indexes applicable to the types of construction involved therein and, in addition thereto, such sums as may be required to operate and maintain the projects.

SEC. 10 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, subsection (e) in the phrase "herein or hereinafter authorized" delete the word "hereinafter" and insert in lieu thereof the word "hereafter"; (iii) in section 7 in the phrase "and any contract lawfully entered into under said compacts and Acts" delete the word "unto" and insert in lieu thereof the word "into."

[H.R. 6541, 87th Cong., 1st sess.]

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 for the purposes of furnishing water for irrigation of 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 irrigation project, New Mexico, and the initial stage of the San Juan-Chama project, Colorado-New Mexico as conditioned, modified, and limited herein. 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 initial stage of 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 initial stage of 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, as conditioned, modified, and limited herein.

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 furnishing 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 provisions of said Act of April 11, 1956 (70 Stat. 105), including, but not limited to, section 4(d) thereof.

SEC. 3. (a) In order to provide for the most economical development of the Navajo 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 leasable 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. Pursuant to the provisions of the Act of April 11, 1956 (70 Stat. 105), as amended by section 9 of the Act of June 27, 1960 (74 Stat. 277), the Secretary of the Interior is authorized to construct, operate, and maintain the initial stage of the San Juan-Chama project, Colorado-New Mexico, for the principal purposes of furnishing water supplies to approximately thirty-nine thousand three hundred acres of land in Cerro, Taos, Llamo, 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 construction and operation of the diversion facilities of the initial stage authorized herein shall include only natural flow of the Navajo, Little Navajo, and Blanco Rivers in Colorado as set forth in the supplemental project report dated May 1957. Principal engineering works of the initial stage development involving 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 consisting of reservoirs, dams, canals, lateral and drainage systems, and associated works and appurtenances. The construction of recreation facilities at the Nambe Reservoir shall be contingent upon the Secretary's making appropriate arrangements with the governing body of the Nambe Pueblo for the operation and maintenance of such facilities, and the construction of recreation facilities at the Heron Numbered 4, Valdez, and Indian Camp Reservoirs and 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—

(a) the Secretary of Interior shall so operate the initial stage of the project authorized herein that diversions to the Rio Grande Valley shall not

exceed one million any period of ten series starting with menced operation;

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(c) all works of pliance physically such works shall be compact;

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(f) the Secretary preservation of fish flow of the Blanco below the values s Bureau of Reclama New Mexico", date

(g) the Secretar tunnel and condui with sufficient cap and thirty-five the providing such ad such time as the a That nothing con Congress of the U stage of the San Ju

Sec. 7. (a) No perso pose, including uses u Juan-Chama project au in Navajo Reservoir or taries originating above is entitled under these tary of the Interior a tracts, which, in the c Navajo Tribe, shall ma pates a shortage taki Navajo Reservoir and a sharing of the availa off shall be apportion diverting at or below

from the value of minerals in 1920, as amended (30 U.S.C. 178) held in trust for the Navajo Indian under the Act of February 25, 1906, which have been declared to be public lands.

to convey to the United States, and to accept on behalf of the United States within the above-described reservation the Navajo Indian irrigation works or canals of such project, and after such conveyance said lands shall be the property of the United States for the purposes of the San Juan-Chama project.

authorized and directed to acquire any other land or interest in land which is necessary for irrigation as part of the San Juan-Chama project, and the location of any of the works of such project, and any other lands, said lands or interest in land, shall be the property of the Navajo Indian Tribe of Arizona, and the lands given in fee to the Navajo Indian Tribe of Arizona by the United States.

In carrying out the San Juan-Chama project, the Secretary is authorized to use any industrial water supplies or other water supplies, and to make such requirements for irrigation as may be necessary, and the capacity shall not be increased, and no new construction shall be made, and no alteration, which, in the judgment of the Secretary, is necessary for the payment of all costs properly incurred, as provided by law.

The Secretary is authorized to carry out the features of the irrigation project in accordance with the provisions of the Act of August 11, 1956 (70 Stat. 105), and the Act of August 11, 1956, and the Secretary is authorized to have the care, operation, and maintenance of the Navajo Indian irrigation project works, and to prescribe, and, in such event, to make, such rules and regulations as may be necessary for the operation of the project, and to make such rules and regulations as may be necessary for the operation of the project.

On April 11, 1956 (70 Stat. 105), and the Act of August 11, 1956 (74 Stat. 277), the Secretary is authorized to carry out the features of the irrigation project in accordance with the provisions of the Act of August 11, 1956, and the Secretary is authorized to have the care, operation, and maintenance of the Navajo Indian irrigation project works, and to prescribe, and, in such event, to make, such rules and regulations as may be necessary for the operation of the project, and to make such rules and regulations as may be necessary for the operation of the project.

In carrying out the initial stage of the San Juan-Chama project, the Secretary is authorized to use any industrial water supplies or other water supplies, and to make such requirements for irrigation as may be necessary, and the capacity shall not be increased, and no new construction shall be made, and no alteration, which, in the judgment of the Secretary, is necessary for the payment of all costs properly incurred, as provided by law.

exceed one million three hundred and fifty thousand acre-feet of water in any period of ten consecutive years, reckoned in continuing progressive series starting with the first day of October after the project shall have commenced operation;

(b) the Secretary of Interior shall operate the project so that there shall be no injury, impairment, or depletion of existing or future beneficial uses of water within the State of Colorado, the use of which is within the apportionment made to the State of Colorado by article III of the Upper Colorado River Basin compact, as provided by article IX of the Upper Colorado River Basin compact and article IX of the Rio Grande compact;

(c) all works of the project 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;

(d) 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;

(e) details of project operation essential to the accounting of diverted San Juan and Rio Grande flows shall be cooperatively developed through the joint efforts of the Rio Grande Compact Commission, the appropriate agencies of the United States and of the States of Colorado, New Mexico, and Texas, and the various project 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 cost 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;

(f) the Secretary of the Interior shall operate the project so that for the preservation of fish and aquatic life the flow of the Navajo River and the flow of the Blanco River shall not be depleted at the project diversion points below the values set forth at page D2-7 of appendix D of the United States Bureau of Reclamation report entitled "San Juan-Chama Project, Colorado-New Mexico", dated November 1955;

(g) 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 obligation to be paid at such time as the additional capacity may be required: *Provided, however*, That nothing contained in this Act shall be construed as committing the Congress of the United States to future authorization of any additional stage of the San Juan-Chama project.

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 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 Reservoir to the use of which the United States is entitled under these projects 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 provisions, in any year in which the Secretary anticipates a shortage taking into account both 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 diverting 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 contract 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 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 subject to the same provision for sharing of available water supply in the event of shortage as in the case of contracts required to be made pursuant to subparagraph (a) of this section.

(c) This section shall not be applicable to the water requirements of the existing Fruitland, Hogback, Cudai, and Cambridge Indian irrigation projects, nor to the water required in connection with the extension of the irrigated acreages of the Fruitland and Hogback Indian irrigation projects in a total amount of approximately eleven thousand acres.

Sec. 8. (a) None of the project works or structures authorized by this Act shall be operated by the Secretary of the Interior so as to create, implement, or satisfy any preferential right in the United States or any Indian tribe to the waters impounded, diverted, or used by means of such project works or structures, other than contained in those rights to the uses of water granted to the States of New Mexico or Arizona pursuant to the provisions of the Upper Colorado River Basin compact.

(b) The Secretary of the Interior shall operate the projects authorized by this Act so that no waters shall be diverted or used by means of the project works, which, together with all other waters used in or diverted from the San Juan River Basin in New Mexico, will exceed the water available to the States of New Mexico and Arizona under the allocation contained in article III of the Upper Colorado River Basin compact for any water year.

Sec. 9. In the operation and maintenance of all facilities, authorized by Federal law and under the jurisdiction and supervision of the Secretary of the Interior, in the basin of the Colorado River, the Secretary of the Interior is directed to comply with the applicable provisions of the Colorado River compact, the Upper Colorado River Basin compact, the Boulder Canyon Project Act, the Boulder Canyon Project Adjustment Act, and the treaty with the United Mexican States, in the storage and release of water from reservoirs in the Colorado River Basin. In the event of the failure of the Secretary of the Interior to so comply, any State of the Colorado River Basin may maintain an action in the Supreme Court of the United States to enforce the provisions of this section, and consent is given to the joinder of the United States as a party in such suit or suits, as a defendant or otherwise.

Sec. 10. 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 \$221,000,000 (January 1958 prices) plus such amounts, if any, as may be required by reason of changes in construction costs as indicated by engineering cost indexes applicable to the types of construction involved therein and, in

addition thereto, such projects.

Sec. 11. The Act follows: (i) In section delete the colon and (c), in the phrase "after" and insert in phrase "and any con delete the word "uni

Hon. WAYNE N. ASPINALL
Chairman, Committee
House of Representatives

DEAR MR. ASPINALL:
I am in agreement on H.R. 2506, a bill for the San Juan-Chama as part of an identical bill except for the initial stage of the Colorado River project and the initial stage of the Colorado River project.

This Department has with minor suggested changes. These bills would affect the initial stage of the San Juan-Chama Colorado River storage project and the initial stage of the Colorado River Basin compact.

These bills are consistent with the provisions of the Upper Colorado River Basin compact. I am glad to have you committed to the Congress. These bills are consistent with the provisions of the Upper Colorado River Basin compact.

The proposed plan contemplates the construction of lands to be developed of fish and wildlife. The proposed plan does not provide specific water.

Prior to construction of the project, water would be made to determine water supplies for potential users. Officials of the State of New Mexico and Arizona will be accompanied by associated officials for miscellaneous purposes. The proposed Navajo-Chama project is consistent with Section 4 of the bills with respect to such purposes over and over again.

Water for irrigation of the project would be constructed as a storage gravity canal would extend from the powerplant. There the pumping water to lands. The main canal would serve project lands.

A net area of 110,630 acres would be irrigated. The area would be

to the total of all normal diversion diverting above Navajo Reservoir, each of the runoff apportioned to said group requirement under said contract requirements of all such contracts that have any year in which the foregoing sharing contractor diverting above Navajo off anticipated to be physically available result in no water being available apportioned to said group shall be the contractors diverting above Navajo diversion requirements of each bears of the group. In the case of contract-voir, each such contract shall provide her with the available storage in the requirement under said contract bears s under all such contracts that have

and a total amount of water ge will result in a reasonable amount nts for the Navajo Indian irrigation an-Chama project as specified in sec-

into for delivery from storage in subsection (a) of this section, such sion for sharing of available water se of contracts required to be made

the water requirements of the exist-idge Indian irrigation projects, nor extension of the irrigated acreages tion projects in a total amount of

structures authorized by this Act erior so as to create, implement, or States or any Indian tribe to the ns of such project works or struc- the uses of water granted to the the provisions of the Upper Colo-

ate the projects authorized by this d by means of the project works, n or diverted from the San Juan water available to the States of n contained in article III of the ater year.

all facilities, authorized by Fed- vision of the Secretary of the In- the Secretary of the Interior is ons of the Colorado River com- the Boulder Canyon Project Act, and the treaty with the United of water from reservoirs in the ure of the Secretary of the In- o River Basin may maintain an tes to enforce the provisions of of United States as a party

(70 Stat. 105), shall not apply hereby authorized to be appro- otherwise appropriated, such es of this Act, but not to exceed amounts, if any, as may be re- sts as indicated by engineering action involved therein and, in

addition thereto, such sums as may be required to operate and maintain the projects.

SEC. 11. 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, subsection (e), in the phrase "herein or hereinafter authorized" delete the word "herein-after" and insert in lieu thereof the word "hereafter"; (iii) in section 7 in the phrase "and any contract lawfully entered into under said compacts and Acts" delete the word "unto" and insert in lieu thereof the word "into".

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., April 5, 1961.

HON. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.

DEAR MR. ASPINALL: This responds to your request for the views of this Department on H.R. 2506, a bill granting approval of Navajo Indian irrigation and San Juan-Chama as participating projects of Colorado River storage project, and an identical bill except for the title, H.R. 2552, 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.

This Department recommends the enactment of either of these bills together with minor suggested amendments.

These bills would approve the Navajo Indian irrigation project and the initial stage of the San Juan-Chama project as participating projects of the authorized Colorado River storage project and authorize their construction by the Secretary of the Interior. The coordinated planning report on the Navajo Indian irrigation project and the San Juan-Chama project, prepared jointly by the Commissioner of Indian Affairs and the Commissioner of Reclamation, has been submitted to the Congress and printed as House Document No. 424, 86th Congress.

These bills are consistent with our understanding of agreements reached between representatives of the States of Colorado and New Mexico for such legislation at the time of the hearings held on May 20, 1960, before the House Subcommittee on Irrigation and Reclamation, 86th Congress, 2d session, on H.R. 2352, H.R. 2494, and S. 72.

The proposed plan of development for the Navajo Indian irrigation project contemplates the construction of facilities to provide a water supply for the irrigation of lands to be developed solely for Indian use. The conservation and development of fish and wildlife would be a purpose of the project. The plan would not provide specific works for recreation or flood control.

Prior to construction of the project, studies of incremental canal capacity would be made to determine the feasibility of conveying domestic and industrial water supplies for potential requirements as recommended in the planning report. Officials of the State of New Mexico anticipate that a relatively large industrial water demand will develop in the San Juan River Basin. This would be accompanied by associated water requirements for municipal, domestic, and miscellaneous purposes in the adjacent areas. Prospective municipal and industrial water users have already expressed interest in receiving water from the proposed Navajo Canal and have approached the Department in that regard. Section 4 of the bills would authorize the provision of additional capacity for such purposes over and above the diversion requirements for irrigation on the Navajo Indian irrigation project.

Water for irrigation of the lands proposed to be included in the Navajo Indian irrigation project would be diverted from Navajo Reservoir which is now under construction as a storage unit of the Colorado River storage project. A main gravity canal would extend from Navajo Dam a distance of 75.6 miles to Gallegos powerplant. There the water would be dropped to develop electrical energy for pumping water to lands in the Newcomb and Bennett Peak areas of the project. The main canal would extend an additional 77 miles beyond the powerplant to serve project lands.

A net area of 110,630 acres of irrigable land has been proposed for development. The area would include off-reservation lands to be acquired in the South

San Juan division and Navajo Indian Reservation lands in the Shiprock division. Section 3 of the bills would provide authority for the acquisition and addition of the off-reservation lands to the proposed project. The project's productive area, which would exclude farmsteads and other nonproductive areas within the farm units, would comprise (a) 8,918 acres served by gravity below the main canal in the South San Juan division and 70,359 acres in the Shiprock division, and (b) 25,882 acres served from the pump canals in the Shiprock division, or a total of about 105,100 acres. An average annual diversion of about 508,000 acre-feet of water from the San Juan River would be required for that purpose. This would result in an average annual stream depletion of about 252,000 acre-feet, exclusive of reservoir losses.

The estimated construction cost of the proposed Navajo Indian irrigation project is \$135 million on the basis of January 1958 prices which reflect present prices. Operation, maintenance, and replacement costs are estimated to average about \$481,000 annually at January 1958 prices. The benefit-cost ratio for the project would be 0.64 to 1 on the basis of direct irrigation benefits only, and 1.44 to 1 on the basis of total irrigation benefits. The appraisal of annual economic costs includes the \$2 per acre-foot depletion charge of the storage project assigned to all participating projects for all benefit-cost ratio purposes.

As provided by sections 4(d) and 6 of the Colorado River Storage Project Act of April 11, 1956 (70 Stat. 105), authorizing the Colorado River storage project and participating projects, in the event the Navajo participating project is authorized, payment of costs allocated to irrigation of Indian-owned, tribal or restricted lands within, under, or served by such project within the capability of the land to repay is subject to the act of July 1, 1932 (47 Stat. 564): the costs beyond the capability of such lands to repay are to be determined and, in recognition of the fact that assistance to the Navajo Indians is the responsibility of the entire Nation, shall be nonreimbursable.

The coordinated report on these two proposed projects presents a comprehensive plan of development for the San Juan-Chama project including a plan for development of an initial stage of the project as proposed for authorization in these bills. The plan for ultimate development of the San Juan-Chama project is designed to improve and stabilize the economy of the water-deficient Rio Grande and Canadian River basis of New Mexico by providing supplemental water to meet rapidly increasing needs. This would be accomplished by diverting water from the upper tributaries of the San Juan River. The water would be used for supplemental irrigation, for replacement of watershed depletions in the Rio Grande basis, and for an additional supply for municipal, domestic, and industrial purposes. Recreation and conservation and development of fish and wildlife would also be purposes of the project. On the basis of January 1958 prices, the estimated construction cost for the project facilities studied in the plan of development is about \$149 million. The evaluated total annual benefits for such a development would exceed the estimated annual costs in a ratio of about 1.7 to 1.

The proposed plan for the initial stage development of the San Juan-Chama project, as recommended by the State of New Mexico, contemplates an average annual diversion of about 110,000 acre-feet from the San Juan River for utilization in the Rio Grande in New Mexico. The imported waters would be used for municipal and industrial water supply (57,300 acre-feet) for the city of Albuquerque; new and supplemental irrigation water supply (30,100 acre-feet) to about 39,300 acres of land in the Cerro, Taos, Llano, and Pojoaque tributary irrigation units in the Rio Grande basis, New Mexico; and supplemental water (22,600 acre-feet) for about 81,600 acres of irrigable land in the existing Middle Rio Grande Conservancy District. Recreation and conservation and development of fish and wildlife would also be purposes of the initial stage of development.

The proposed plan of development for the initial stage would involve three major elements, namely, diversion facilities (diversion dams and conduits), regulation facilities (Heron No. 4 Dam and Reservoir, and enlargement of outlet works of the existing El Vado Dam), and water use facilities (principally for the tributary irrigation units). Minimum basic recreation facilities would also be provided at the five project reservoirs.

The estimated construction cost of the project features of the proposed initial stage, on the basis of January 1958 prices that reflect current price levels, is \$86 million, which includes about \$400,000 for minimum basic recreation facilities. Project operation, maintenance, and replacement costs are estimated

at about \$346,000 imburseable allocated municipal and industrial to future uses. The initial stage development is economically justified because the estimated annual cost of direct benefits on would be about 0.3.

Costs allocated during construction unamortized balance with the current 11, 1956, as amended municipal and industrial raw municipal and or about \$24 per acre.

This estimated developed by initial rates under sub-plans develop and be contracted. A development, water any significant of nance costs associated.

Irrigation water tion to irrigation with organization Storage Project A authorized by section the irrigators' ability of the Upper Colorado allocated to future in the initial stage against New Mexico apportionment if to the water use.

Authorization of Indian irrigation April 11, 1956, of distress among the respectable stand establish homes national 2,240 families Indian Tribe and is in operation to.

A development proposed San Juan need for additional requirements have. This need of the of the population threatens to check.

The Secretary studies of fish and accordance with such reasonable acquisition of land preserve and project.

We recommend form. The language to reaffirm the project which charges water wards to the State would have no project to be authorized.

lands in the Shiprock divi-
sion for the acquisition and
development of the project. The project's
costs are estimated to average
below other nonproductive areas
served by gravity below
70,359 acres in the Shiprock
diversion canals in the Shiprock
diversion. The average annual diversion of
water from the Colorado River would be required
to offset the annual stream depletion of
the project.

Navajo Indian irrigation
projects which reflect present
market prices are estimated to average
below the benefit-cost ratio for the
project. The appraisal of annual
stream depletion charge of the storage
project for benefit-cost ratio purposes.

The Colorado River Storage Project Act
authorizes the Colorado River storage project
as a participating project in
the development of Indian-owned, tribal or
federally owned project within the capability
of the project (47 Stat. 564); the
benefit-cost ratio to be determined and, in
the absence of such determination, the
responsibility for the project is the responsibility

The project presents a compre-
hensive project including a plan
proposed for authorization
of the San Juan-Chama
project. The project is
designed to provide supplemental
water to the Colorado River. The water would
be used to offset watershed depletions
of the Colorado River for municipal, domestic,
and development of fish
and wildlife. On the basis of January
1956 project facilities studied
and evaluated total annual
costs in a

The San Juan-Chama
project contemplates an average
annual diversion of water from the Colorado
River for utilization of
waters for the city of
Albuquerque (30,100 acre-feet)
and Pojoaque tributary
and supplemental water
to the existing Middle
Colorado River. The project
contemplates the initial stage of

The initial stage would involve three
diversion dams and conduits,
a reservoir, and enlargement of
water use facilities (princi-
pally basic recreation facilities

Costs of the proposed ini-
tial stage reflect current price levels,
and minimum basic recreation fa-
cilities costs are estimated

at about \$346,000 annually. Of the estimated project construction costs, re-
imbursable allocations of about \$29,200,000 have been made tentatively to mu-
nicipal and industrial water supply, \$53,400,000 to irrigation, and \$3 million
to future uses. The recreation costs would be nonreimbursable. The proposed
initial stage development would have engineering feasibility and would be eco-
nomically justified in that the evaluated total benefits would exceed the esti-
mated annual costs in a ratio of 1.26 to 1 for a 100-year period of analysis. If
direct benefits only are considered in a 50-year period of analysis, that ratio
would be about 0.81 to 1.

Costs allocated to municipal and industrial water supply, including interest
during construction, would be repaid over a 50-year period with interest on the
unamortized balance. Using an interest rate of 2.632 percent in accordance
with the current rate under the Colorado River Storage Project Act of April
11, 1956, as amended by the act of June 27, 1960, the total to be paid by the
municipal and industrial water users would be about \$55,622,000. The cost of
raw municipal and industrial water would be about 7.3 cents per 1,000 gallons,
or about \$24 per acre-foot.

This estimated municipal and industrial water rate would apply to water
developed by initial stage construction. Repayment contract terms and water
rates under subsequent development would be subject to reexamination as
plans develop and additional quantities of municipal and industrial water would
be contracted. Where necessary, in the adequate financing of any subsequent
development, water rates and repayment provisions could be designed to reflect
any significant change in municipal and industrial use, operation and mainte-
nance costs associated therewith and other relevant considerations.

Irrigation water users probably would repay about \$8 million of the alloca-
tion to irrigation. Repayment contracts would be negotiated and entered into
with organizations of the type provided in section 4 of the Colorado River
Storage Project Act of April 11, 1956, for contracting on the participating projects
authorized by section 1 of that act. The costs allocated to irrigation in excess of
the irrigators' ability to repay would be paid from New Mexico's apportionment
of the Upper Colorado River Basin Fund revenues as provided in the act. Costs
allocated to future uses, which would involve the provision of excess capacity
in the initial stage to permit later project expansion would also be an obligation
against New Mexico's share of the Basin Fund revenues, to be paid from that
apportionment if not otherwise collected as a result of subsequent allocations
to the water users.

Authorization of an irrigation development such as the proposed Navajo
Indian irrigation project would implement the recognition given in the act of
April 11, 1956, of the Nation's responsibility to help alleviate the severe economic
distress among the Navajo people by providing them an opportunity to earn a
respectable standard of living. It would enable an estimated 1,120 families to
establish homes on irrigated farms and would create employment for an addi-
tional 2,240 families. The proposed project has the support of the Navajo
Indian Tribe and an on-the-farm training program, financed with tribal funds
is in operation to prepare members of the tribe for irrigation farming.

A development such as that which is embraced in the initial stage of the
proposed San Juan-Chama project would help materially to meet the pressing
need for additional supplies of water in the Rio Grande Basin where present
requirements have reached the point where they far exceed available supplies.
This need of the Rio Grande Basin vitally affects the welfare of more than half
of the population of New Mexico and, if it is not satisfied in the near future,
threatens to check the economic development of the State.

The Secretary's planning report on these projects recommends that detailed
studies of fish and wildlife resources affected by both projects be conducted in
accordance with section 2 of the Fish and Wildlife Coordination Act, and that
such reasonable modifications in project facilities and operations, including the
acquisition of land, be made by the Secretary as he may find appropriate to
preserve and propagate these resources.

We recommend against the retention of section 8(a) of the bill in its present
form. The language of this section is not clear. It may be that it is intended
to reaffirm the provisions of article VII of the Upper Colorado River Compact
which charges water used by the United States or its agencies, instrumentalities,
or wards to the State in which the use occurs. If this is all the language does, it
would have no adverse effect on the operation of Navajo Reservoir or either
project to be authorized by these bills, as each of them has been planned within

the framework of the compact. If this is the intent, we believe that the section should either be couched in the same terms as article VII of the compact or, since it is unnecessary, be deleted entirely. If it does something more, or limits or restricts the rights of the Indians to the water, its inclusion in the bills is then improper.

The citation appearing in lines 4 and 5 of page 6 should be corrected by adding after the second comma, the following "as amended by section 9 of the Act of June 27, 1960 (74 Stat. 227)."

A statement of personnel and other requirements that enactment of the bills may entail is attached in accordance with the provisions of Public Law 801, 84th Congress.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

STEWART LEE UDALL,
Secretary of the Interior.

Bill to authorize construction of the Navajo Indian irrigation project—Navajo Indian Reservation, N. Mex.—Estimated additional man-years of civilian employment and expenditures for the first 5 years of proposed new or expanded programs

	1st year	2d year	3d year	4th year	5th year
Estimated additional man-years of civilian employment:					
Executive direction:					
Executive.....	1	1	1	1	1
Clerical.....	1	1	1	1	1
Stenographic.....	1	1	1	1	1
Total, executive direction.....	3	3	3	3	3
Administrative services and support:					
Accountant.....		1	1	1	1
Budget.....		1	1	1	1
Clerical.....	3	5	10	10	10
Personnel.....	1	1	1	1	1
Property management.....		3	3	3	3
Total, administrative services and support.....	3	11	16	16	16
Substantive (program):					
Soil scientists.....	6	6			
Soil scientists aids.....	12	12			
Laboratory technicians.....	4	4			
Engineering aids.....	30	30	40	40	40
Engineers.....	5	10	10	10	10
Geologist.....	1	1	1	1	1
Agriculturalist economist.....	1	1	1		
Total, substantive.....	59	64	52	51	51
Total, estimated additional man-years of civilian employment.....	65	78	71	70	70
Estimated additional expenditures:					
Personal services.....	\$372,000	\$458,000	\$412,000	\$413,000	\$414,000
All other.....	\$388,000	\$6,942,000	\$7,988,000	\$9,987,000	\$10,986,000
Total, estimated additional expenditures.....	\$760,000	\$7,400,000	\$8,400,000	\$10,400,000	\$11,400,000

Bill to authorize Colorado-New Mexico and expenditures

Estimated additional man employment:
Executive direction:
Executive.....
Clerical.....
Stenographic.....
Total.....
Administrative service:
Accountant.....
Budget.....
Clerical.....
Personnel.....
Property management.....
Total.....
Substantive (program):
Engineering Aids.....
Engineers.....
Geologists.....
Total.....
Total estimated years of civilian employment.....
Estimated additional expenditures:
Personal services.....
All other.....
Total.....

(COMMITTEE REPORT) subsequently received

Hon. WAYNE N. ASPINALL
Chairman, Committee on Interior and Insular Affairs
Washington, D. C.

DEAR Mr. ASPINALL: I am pleased to receive your request for its views on the Navajo Indian irrigation and San Juan project, and an idea of the relationship of the Interior Department to the participating projects of the Navajo Indian irrigation project.

In that report we have indicated our position on the section for clarification of the Navajo Indian irrigation study and, in light of the 87th Congress, on the legislation of section 8(a) of the Act of June 27, 1960.

Accordingly, this section 8(a) contains the relationship of the Interior Department to the project.

Time has not permitted me to discuss the relationship of the Interior Department to the project.

Sincerely yours,

we believe that the section VII of the compact or, does something more, or limits its inclusion in the bills is

should be corrected by adding ed by section 9 of the Act of

that enactment of the bills provisions of Public Law 801,

is no objection to the pre-administration's program.

STEWART LEE UDALL,
Secretary of the Interior.

irrigation project—Navajo years of civilian employment proposed new or expanded

3d year	4th year	5th year
1	1	1
1	1	1
1	1	1
3	3	3
1	1	1
1	1	1
10	10	10
1	1	1
3	3	3
16	16	16
40	40	40
10	10	10
1	1	1
52	51	51
71	70	70
\$412,000	\$413,000	\$414,000
\$7,988,000	\$9,987,000	\$10,986,000
\$8,400,000	\$10,400,000	\$11,400,000

Bill to authorize construction on the initial stage of the San Juan-Chama project, Colorado-New Mexico—Estimated additional man-years of civilian employment and expenditures for the first 5 years of proposed new or expanded programs

	1st year	2d year	3d year	4th year	5th year
Estimated additional man-years of civilian employment:					
Executive direction:					
Executive.....	1	1	1	1	1
Clerical.....	1	1	1	1	1
Stenographic.....	1	1	1	1	1
Total.....	2	3	3	3	3
Administrative services and support:					
Accountant.....		1	2	2	2
Budget.....		1	2	2	2
Clerical.....	3	8	20	20	20
Personnel.....		1	2	2	2
Property management.....		3	4	4	4
Total.....	3	14	30	30	30
Substantive (program):					
Engineering Aids.....	11	44	114	134	114
Engineers.....	5	20	52	57	52
Geologists.....	1	1	1	1	1
Total.....	17	65	167	192	167
Total estimated additional man-years of civilian employment.....	22	82	200	225	200
Estimated additional expenditures:					
Personal services.....	\$150,000	\$570,000	\$1,300,000	\$1,460,000	\$1,300,000
All other.....	400,000	1,030,000	16,500,000	35,540,000	26,554,000
Total.....	550,000	1,600,000	17,800,000	37,000,000	27,854,000

(COMMITTEE NOTE.—The following supplemental report was subsequently received:)

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., April 24, 1961.

HON. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives,
Washington, D.C.

DEAR MR. ASPINALL: On April 5, 1961, this Department responded to your request for its views on H.R. 2506, a bill granting approval of Navajo Indian irrigation and San Juan-Chama as participating projects of Colorado River storage project, and an identical bill except for the title, H.R. 2552, 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.

In that report we recommended against the retention of section 8(a) of the bills in its present form and, in so doing, suggested either the rewording of the section for clarification, or its deletion. We have given this matter further study and, in light of the clarifying language contained in Senate Report No. 83, 87th Congress, on S. 107, we have no further objection to the inclusion in the legislation of section 8(a) as it is presently worded.

Accordingly, this supplemental report supersedes the language pertaining to section 8(a) contained in our report of April 5.

Time has not permitted securing advice from the Bureau of the Budget as to the relationship of this supplemental report to the program of the President.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

Mr. ROGERS. We have a number of witnesses. Due to some conflict the Department witnesses will be heard tomorrow.

This morning we are honored, of course, to have our own colleagues, the Honorable Thomas G. Morris and the Honorable Joseph M. Montoya, both authors of the bill.

As I understand it, Mr. Montoya, you will be recognized first at the request of Mr. Morris and as I understand it, you are to introduce Governor Mechem.

Mr. MONTOYA. Yes.

Mr. ROGERS. You may proceed.

STATEMENT OF HON. JOSEPH M. MONTOYA AND HON. THOMAS G. MORRIS, REPRESENTATIVES IN CONGRESS FROM THE STATE OF NEW MEXICO (AS GIVEN BY MR. MONTOYA)

Mr. MONTOYA. Mr. Chairman of the subcommittee, Mr. Chairman of the full committee, members of the committee, I want to thank the chairman and the chairman of the subcommittee for arranging this early hearing on this vital piece of legislation. This is a joint statement of Mr. Morris and myself.

We appear today on behalf of our bills, H.R. 2506 and 2552, and of S. 107 introduced in the Senate by Senator Clinton P. Anderson of New Mexico, for himself and for Senator Chavez, also of New Mexico. These bills all have as their purpose the authorization of the Navajo irrigation project and the initial stage of the San Juan-Chama diversion, both of which are New Mexico projects of the Colorado River storage project now under construction.

We greatly appreciate the opportunity to appear before this committee in support of both of the above projects. We cannot emphasize too strongly that the authorization and construction of these projects are of major importance to the economic welfare of the people of our State.

First, we would like to say a few words relating to the construction of the initial stage of the San Juan-Chama project. This project, which initially contemplates the diversion of 110,000 acre-feet from the San Juan River Basin into the Rio Grande, will provide needed water for supplemental irrigation of already existing irrigation projects, for some new irrigation, and for municipal and industrial uses, all in the Rio Grande Valley above Elephant Butte Reservoir.

There are many important defense installations located in the Albuquerque area and there is a steadily growing need for water for new industrial and municipal uses. New programs and new projects are expanding within that area as well as in other urban areas within the Middle Rio Grande Valley and the waters presently available are proving insufficient to meet the demand. In addition, water needed for irrigation purposes is now a major problem in this valley. The San Juan-Chama project will provide needed relief and will go a long way toward solving these problems. In this connection, we wish to point out that the region to be aided by this project in northern New Mexico has been declared a depressed area because of the economic straits in which the people find themselves. This condition has prevailed for many years. With the water to be made available by this project, this condition will be alleviated.

The San Juan-Chama project will supply to 39,300 acres of tributary irrigation of which 22,800 acres are presently unirrigated; will provide water supply for the metropolitan area.

The people in the metropolitan area will have for generation after generation a per capita income that is serious and economic. These people to utilize a better way of life and these people whose economic systems have had to be reorganized.

The Navajo irrigation project in New Mexico and will furnish 110,000 acres of Indian land to 20,000 people through the use of their own temporary alleviation and afford them a permanent water supply.

We would like to see a solemn treaty obligation of the Federal Government provided in article 9 of the Navajo Treaty.

Relying confidently on the Government and anxious for peace and quiet it is the United States shall their territorial boundaries as may be deemed convenient.

Article 10 provides that the Government grant to said Indians a preference being that suits. Article 10 also provides for such other liberal arrangements. Lastly, in the same article.

It is to receive a liberal arrangement of the said Navajo Indians and that the Government secure the permanent preference.

Again, in the year 1864, the treaty obligation was provided in article 5 of that treaty. The communities and follow-up on which they were in operation with their fathers intended that a fruitful land and the Indians.

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The San Juan-Chama project will provide an irrigation water supply to 39,300 acres of land in the Cerro, Taos, Llano, and Pojoaque tributary irrigation units in the Rio Grande Basin in New Mexico, of which 22,800 acres are now irrigated and 16,500 acres comprise presently unirrigated lands interspersed among the irrigated portions; will provide for an additional municipal and industrial water supply for the metropolitan area of the city of Albuquerque.

The people in the areas to be served other than those in Albuquerque have for generations depended upon the land for a livelihood. The per capita income in these regions is very low, thus accounting for a serious and economically depressed condition. The project will enable these people to utilize their land more adequately and to produce a better way of life for themselves. Self-sufficiency is still a goal for these people whose reduced water supply and antiquated irrigation systems have had them in an economic straitjacket for too long.

The Navajo irrigation project will be located in northwestern New Mexico and will furnish water for the irrigation of approximately 110,000 acres of Indian land. This irrigation project will support over 20,000 people through employment on the project and through farming of their own tracts of land. This will not be just another temporary alleviation of the economic problems of the Indians but will afford them a permanent solution for their economic betterment.

We would like to call the attention of this subcommittee to our solemn treaty obligations with the Navajo Tribe. As early as 1849, the Federal Government entered into a treaty with that tribe which provided in article 9 as follows:

Relying confidently upon the justice and the liberality of the aforesaid Government and anxious to remove every possible cause that might disturb their peace and quiet it is agreed by the aforesaid Navajos that the Government of the United States shall at its earliest convenience designate, settle, and adjust their territorial boundaries and pass and execute in their territory such laws as may be deemed conducive to the prosperity and happiness of said Indians.

Article 10 provided that the Government of the United States would grant to said Indians among other things "implements," the clear inference being that such will be for the carrying on of agricultural pursuits. Article 10 also provides that the United States would adopt such other liberal and humane measures as may be meet and proper. Lastly, in the same treaty, article 11 stated that the document—

is to receive a liberal construction at all times and in all places to the end that the said Navajo Indians shall not be held responsible for the conduct of others and that the Government of the United States shall so legislate and act as to secure the permanent prosperity and happiness of said Indians.

Again, in the year 1868, the United States undertook a solemn treaty obligation with the Navajo Tribe. The clear inference of article 5 of that treaty is that the Indians should congregate in communities and follow agricultural pursuits. Recognizing that the land on which they were to settle is arid and totally unsuitable for agricultural operation without irrigation, it must be assumed that our forefathers intended that we should engage our best efforts in making this a fruitful land and one suitable for the economic growth of the Indians.

Again, in article 6 of this treaty, we have the reference to the necessity of the education of the Indian people and, may we quote—especially of such of them as may be settled on said agricultural parts of this reservation.

In article 7 it is noted that he, meaning the Navajo Indian—intends in good faith to commence cultivating the soil for a living.

Recognizing that the Navajo Tribe did by this treaty agree to confine themselves to this arid and unproductive area and to make the same their permanent home, it behooves me to say that this project now under consideration is the first step toward fulfilling our legal and moral obligation to these underprivileged American citizens. This, the initial step in carrying out these treaty obligations, will congregate approximately 20,000 good Indian citizens in one area, will make these citizens economically self-sufficient and will facilitate the educational opportunities so rightfully deserved but long overdue them.

Both of these projects have been found to be economically feasible after exhaustive studies by the Department of the Interior and we strongly believe their construction is justified and should be early initiated. We cannot emphasize too greatly the need for these projects and it is with our most sincere endorsements that we appear before you today and urge that a favorable report be agreed upon at the earliest practicable date.

Thank you.

Now I would like to present to the committee the Governor of the State of New Mexico, who is fully informed on this project and its capabilities. He has traveled from New Mexico to be with us during this hearing and I now present to the committee Hon. Edwin L. Mechem, Governor of New Mexico.

Mr. ROGERS. Governor, it is an honor to have you here. We appreciate your coming before the subcommittee.

Mr. ASPINALL. Mr. Chairman, may I be recognized for a moment?

Mr. ROGERS. Mr. Aspinall.

Mr. ASPINALL. I too wish to welcome Governor Mechem back to the committee and back to Washington, especially in the interest of this project. I would like to know if Congressman Montoya will be available for questioning at the same time we may question Governor Mechem?

Mr. MONTOYA. Yes, I will make myself available.

STATEMENT OF HON. EDWIN L. MECHEM, GOVERNOR OF THE STATE OF NEW MEXICO

Governor MECHEM. Thank you, Mr. Montoya.

My name is Edwin L. Mechem. I am Governor of the State of New Mexico.

Mr. Chairman and distinguished committee members, I appreciate very much this opportunity to appear before you in support of legislation that would authorize the Navajo Indian irrigation project and the San Juan-Chama diversion project in New Mexico.

The nature and merit of these projects and the great need for them was fully and accurately described in testimony presented to this committee in May of 1960. Also, my views on these projects are set forth

in a statement which I have prepared for the Commission on Reclamation and Reclamation in the printed record. I do not wish to be understood as saying that I would like to take these projects in New Mexico.

The chronic economic condition of the Navajo Indian population is a national concern.

and their population is increasing at the rate of 10 per year. These conditions have since their confinement in 1958 the average population has increased compared with the national average.

This low standard of living in the industry—for as a people, and energetic—man of the Navajo.

My people have new things: education and life we believe we have earned our own way and.

The Navajo project themselves a decent living and their capabilities and irrigation projects initiated an on-the-farms that would be carefully to insure enterprise will be profitable.

The project will give the Navajos a better improvement in their families in the project reservation, will give children under our care.

I know that it is a Navajo at length be demonstrated its av recognition of the need the Colorado River construction of the Navajo long as the Indians need.

The initial stage of 100,000 acre-feet of water from the Rio Grande Basin in New Mexico State. About 30,000 acre-feet will be used, by exchange with the northern New Mexico State to stabilize and expand and Sante Fe County development program inaugurated in 1954.

in a statement which I presented to the Senate Subcommittee on Irrigation and Reclamation in 1958, and that statement is available to you in the printed record of the hearings on S. 3648 of the 85th Congress. I do not wish to burden the record with repetitious testimony, but I would like to take just a few moments to emphasize the great need for these projects in New Mexico.

The chronic economic distress of the Navajo people—the most populous Indian tribe in the United States—has long been a matter of national concern. There are now 85,000 Navajos on the reservation, and their population is increasing at the rate of about 2¼ percent per year. These people have suffered from privation continuously since their confinement to the barren reservation lands in 1868. In 1958 the average per capita income for the Navajo Tribe was only \$467 compared with the national average of \$1,940.

This low standard of living has come about not from lack of industry—for as a people the Navajos are proud, intelligent, independent, and energetic—but from lack of opportunity. Paul Jones, chairman of the Navajo Tribal Council, has said:

My people have new hope for the future. That hope depends largely on two things: education and water. Without both, we have little chance to enjoy the life we believe we have the right to expect * * *. We want only the chance to earn our own way and support ourselves.

The Navajo project would give the Indians a chance to earn for themselves a decent standard of living. The Navajos have proved their capabilities as farmers on the small Hogback and Fruitland irrigation projects on the reservation, and the tribal council has initiated an on-the-farm training program for candidates for the new farms that would be created by the project. Candidates are selected carefully to insure that only those capable of succeeding with the enterprise will be placed on the farms.

The project will not only provide irrigation benefits that will give the Navajos a better standard of living, including much needed improvement in their diet, but also by settling from 3,000 to 4,000 families in the project area rather than having them scattered over the reservation, will greatly decrease the cost of educating the Navajo children under our treaty obligations.

I know that it is not necessary for me to discuss the plight of the Navajo at length before this committee. The Congress has already demonstrated its awareness of conditions on the reservation and its recognition of the national responsibility to the tribe by providing in the Colorado River Storage Project Act that all of the costs of construction of the Navajo irrigation project would be nonreimbursable so long as the Indians retain title to the irrigated lands.

The initial stage of the San Juan-Chama project to divert 110,000 acre-feet of water from the San Juan River into the water-deficient Rio Grande Basin is essential to the economic development of our State. About 30,000 acre-feet per year of the imported water would be used, by exchange, on irrigation units in the Rio Grande Basin in northern New Mexico. These irrigation units are desperately needed to stabilize and expand the agricultural economy of Taos, Rio Arriba, and Sante Fe Counties. These countries are included in the rural development program, a Department of Agriculture program inaugurated in 1954 to attack the problem of low-income farming

areas. About 14½ percent of all of the people in Santa Fe, Taos, and Rio Arriba Counties are dependent upon public assistance payments. These payments amount to about \$4.8 million annually; of this amount more than \$3 million is contributed by the Federal Government. The economy of the area is traditionally based on agriculture and the realistic solution to the problem is a reliable water supply for irrigated lands.

New Mexico has recognized the severe and chronic economic distress in Taos, Rio Arriba, and Santa Fe Counties and has recognized the wisdom of using a portion of the State's share of the power-revenue credits of the Colorado River storage project to rehabilitate the agricultural economy of these counties and thus return the people of the area to economic independence. This use of power-revenue credits will also materially decrease the welfare burden of both the State and Federal Governments.

About 22,600 acre-feet of the imported water would be used to provide a supplemental supply for the Middle Rio Grande Conservancy District. Recent studies have shown that the water supply of the middle Rio Grande project, once thought to be ample, must be increased to provide sufficient water for the present requirements of the district. This increased supply would encourage improved farm practices and stabilize the agricultural economy in the middle valley of the Rio Grande.

About 57,000 acre-feet of the water imported by the San Juan-Chama project would be contracted for by the city of Albuquerque, which would of course repay its share of the construction costs with interest.

Albuquerque is one of the fastest growing cities in the United States. The present population of the Albuquerque area is about 264,000 and it is conservatively estimated that this population will exceed 750,000 by the year 2000. Large installations at Albuquerque play a key role in our program of research and development for national defense. An assured water supply is essential for the continuation and possible expansion of that program, and for the anticipated growth of Albuquerque as a trade, industrial, and recreation center in the Southwest.

On May 20 of last year representatives of the State of New Mexico presented to this committee the State's position on several proposed amendments to the legislation which was introduced in the 86th Congress to authorize the Navajo and San Juan-Chama projects. These proposed amendments were agreed upon by representatives of the States of Colorado and New Mexico after extensive negotiations and were adopted in arriving at the language of the bills which this committee is considering today. I did not have the opportunity to participate in these negotiations, but in the interest of interstate comity and in the interest of early authorization of the projects I offer no objection to the results of the negotiations or to the language of H.R. 6541, H.R. 2552, and S. 107 as introduced in this session of Congress.

The Senate has approved S. 107 with a committee amendment which would require the Secretary of the Interior to conform to the "law of the river" in the operation and maintenance of all project facilities. The amendment would also provide recourse to any of the States of the Colorado River Basin in the event of the Secretary's failure to do so.

It is my understanding to the San Juan-Chama the 84th Congress, and tainly, the Secretary of he will, operate these river."

I wish to express appear before you to exp Chama projects, and the ects. I am convinced seriously impair the ec tely ask your early and Thank you.

Mr. ROGERS. Thank

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It is my understanding that such provisions were made applicable to the San Juan-Chama and Navajo projects by Public Law 485 of the 84th Congress, and I have no objection to this amendment. Certainly, the Secretary of the Interior should, and I am convinced that he will, operate these projects in accordance with the "law of the river."

I wish to express again my appreciation of the opportunity to appear before you to express my views on the Navajo and San Juan-Chama projects, and the legislation which would authorize these projects. I am convinced that delay in authorizing these projects will seriously impair the economic development of our State, and I earnestly ask your early and favorable consideration of this legislation.

Thank you.

Mr. ROGERS. Thank you, Governor, for your statement.

The Chair recognizes the gentleman from Colorado, the chairman of the full committee, Mr. Aspinall.

Mr. ASPINALL. Governor, I too wish to thank you for a succinct and constructive statement. The questions I shall ask of you or Mr. Montoya or Mr. Morris at this time are not questions which are in opposition to the project, as far as the idea or the thought that prompts the questions. I wish to see this project approved by Congress and by the President as rapidly as possible.

On the other hand, I wish to tell the sponsors of this project that there are some matters about this project that will cause us to have trouble on the floor of the House, in my opinion.

With that idea in mind, trying to bring out the information, to get the answers from those who sponsor the project, is what prompts me to ask these questions at the present time.

What is the total amount of water to be developed and used so far as the initial phase of this project is concerned?

Governor MECHEM. 110,000 acre-feet.

Mr. ASPINALL. Does that include the amount for the Navajo Indian project?

Governor MECHEM. No, sir; it does not.

Mr. ASPINALL. What is that amount?

Governor MECHEM. As I understand it, that is about 530,000 acre-feet.

Mr. ASPINALL. So that the total is some place in the neighborhood of 680,000 or 700,000 acre-feet.

Now the lower basin, of course, as I understand their position at the present time, do not object to the use of water by the upper basin within the upper basin area, but they do have some objections to transmountain diversion. As I understand, then, the amount which is to be provided by the initial phase is 110,000 acre-feet. What does the so-called ultimate phase provide for?

Governor MECHEM. 235,000 acre-feet.

Mr. ASPINALL. So if you add the two together you have 345,000 acre-feet?

Governor MECHEM. Mr. Aspinall, the total is 235,000.

Mr. ASPINALL. Of the initial diversion.

Governor MECHEM. Yes, sir; this is the beginning; it is the ultimate diversion contemplated.

Mr. ASPINALL. Then if you add the contemplated diversion of the Fryingpan with that you have in the neighborhood of 314,200 acre-feet. You do not need to okay those figures.

A recent publication from the lower basin speaks about 500,000 acre-feet and at this time I just wish to have the amount of trans-mountain diversion, as far as these two projects are concerned, in the record.

Have you seen the substitute bill which I have had prepared, Governor?

Governor MECHEM. No, sir; I have not reviewed that, Mr. Aspinall.

Mr. ASPINALL. You have not reviewed it at all?

Governor MECHEM. No, sir.

Mr. ASPINALL. You have, Congressman Montoya.

Mr. MONTOKA. Yes; I have.

Mr. ASPINALL. As I understand it, you only have two minor questions as to the substitute?

Governor MECHEM. That is right, and I discussed it with the chairman.

Mr. ASPINALL. That is right.

Now, Governor, I want it understood on the floor of the House and by those who support these projects that this project is in fact two projects; is that right?

Governor MECHEM. Yes, sir; that is correct.

Mr. ASPINALL. You have the project which is tied directly to the upper Colorado River program in such a way that it is entitled to receive basin funds, and that is the San Juan-Chama diversion.

Governor MECHEM. Yes, sir.

Mr. ASPINALL. Then you have the Indian project, which is tied to the upper Colorado River program as having been designated a participating project and entitled to water to which the State of New Mexico is entitled, but completely separate so far as the monetary operation is concerned. Is that right?

Governor MECHEM. That is correct.

Mr. ASPINALL. Now, what makes this project rather difficult—and I want to be perfectly honest—is that we have a rather questionable benefit-cost ratio. Do you understand that?

Governor MECHEM. Yes, sir.

Mr. ASPINALL. I wrote a letter to the Bureau of the Budget asking for certain information, and a part of their letter reads as follows:

On the issue which we are unable to resolve quickly concerning economic justification of the initial stage of the San Juan-Chama project, the benefit-cost ratio is 0.81, using direct benefits only and a 50-year period of analysis. We have concluded, however, that an exception to current evaluation standards appears to be justified in this case for the reasons set forth in the enclosed copy of the Bureau's report to the Senate committee on S. 107.

We have also advised the Department of the Interior from the standpoint of the administration's program, there is no objection to the report which was presented to the Congress.

It is this exception to the general rule that caused me to ask the question which I think you have covered fairly well in your statement.

The economic stress that appears in the area, the agricultural economic stress to which reference is made that is present in that area,

has to do with which part of the project or the San Juan-Chama project Governor MECHEM. Mr. A. areas.

Mr. ASPINALL. All right, the present state of your agriculture, consider to take this project.

Governor MECHEM. As far as I think probably there is a desire for an economy. If you had an opportunity to see the conditions that exist in that particular thing. They have had a type of water program that is

Mr. ASPINALL. Now I want to ask a question that is going to be asked for or myself: Do you think that you can justify an expenditure of \$1,200 for water development?

Governor MECHEM. Yes, sir. The treaty obligations to the Navajo have been fulfilled and many of them have been put into a state of neglect in the reservation. The only thing of time has been their natural resources neglected in the area, timber, these people are increasing their economy. Some of them have an adequate obligation to them in a position where they can improve

Mr. ASPINALL. How many families is this legislation?

Governor MECHEM. I believe about 4,000 families, somewhere in the neighborhood of

Mr. ASPINALL. How many families?

Governor MECHEM. 4,000 to 5,000.

Mr. ASPINALL. 4,000 to 5,000?

Governor MECHEM. Yes, sir.

Mr. ASPINALL. With that amount of water that is not going to last too long?

Governor MECHEM. No, sir.

Mr. ASPINALL. So this is a cure-all, because this will take care of the State of New Mexico is that amount of water which is

Animas-La Plata which is in the State of New Mexico?

Governor MECHEM. Yes, sir.

Mr. ASPINALL. So this water as the Navajo program is covered?

Governor MECHEM. Yes, sir.

Mr. ASPINALL. You refer to the money. As I understand it,

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Governor MECHEM. Mr. Aspinall, we have economic stress in both areas.

Mr. ASPINALL. All right, will you give us a good statement as to the present state of your agricultural depressed conditions which you consider to take this project out of the rule that ordinarily applies?

Governor MECHEM. As far as the Navajo Tribe is concerned, I think probably there is adequate documentation on this particular thing. Actually, these people have been struggling to try to develop an economy. If you had an opportunity to visit the reservation and see the conditions that exist, you would readily understand this particular thing. They have had very little opportunity to develop any type of water program that is consistent.

Mr. ASPINALL. Now I want to ask this question, because this is a question that is going to be asked of either Mr. Morris or Mr. Montoya or myself: Do you think that that situation is sufficient unto itself to justify an expenditure of around \$1,200 per acre to develop the land, \$1,200 for water development?

Governor MECHEM. Yes, sir, I certainly do. We have very strong treaty obligations to the Navajo Tribe; many of them have never been fulfilled and many of them have never been recognized. They have been put into a state where there is practically no economy on the reservation. The only thing that is helping out over a period of time has been their natural resources. Education has been sadly neglected in the area, timbering has come up to some extent. But these people are increasing in population very rapidly and they will continue to increase. Something has to be done to save the life of their economy. Even if it costs more than this, I would say we had adequate obligation to them to do everything we can to put them into a position where they can improve themselves.

Mr. ASPINALL. How many families will provision be made for in this legislation?

Governor MECHEM. I believe they anticipate about 4,000 to 5,000 families, somewhere in the neighborhood.

Mr. ASPINALL. How many families?

Governor MECHEM. 4,000 to 5,000.

Mr. ASPINALL. 4,000 to 5,000?

Governor MECHEM. Yes, sir.

Mr. ASPINALL. With the increase in the population that you have that is not going to last too long, is it?

Governor MECHEM. No, sir, it will not.

Mr. ASPINALL. So this may be of help, but it is not going to be any cure-all, because this will take all of the water, will it not, to which the State of New Mexico is likely to be entitled with the exception of that amount of water which will be provided for that part of the Animas-La Plata which is in New Mexico?

Governor MECHEM. Yes, sir.

Mr. ASPINALL. So this would be the ultimate by irrigation so far as the Navajo program is concerned?

Governor MECHEM. Yes, sir.

Mr. ASPINALL. You referred to section 8 of the bill in your testimony. As I understand it, the position of New Mexico at the present

time is that New Mexico desires that the "law of the river" prevail as provided for in that section, is that right?

Governor MECHEM. Yes, sir, that is right.

Mr. ASPINALL. And New Mexico does not desire any question that is relative to the Federal control over water that has, perhaps, bothered some of the people of Colorado?

Governor MECHEM. That is correct.

Mr. ASPINALL. And that Indian rights as such in New Mexico will be limited to the amount of water provided for in the Navajo part of the project?

Governor MECHEM. Yes, sir.

Mr. ASPINALL. Governor, you and your staff in New Mexico have, as I understand it, prepared some figures as far as payout of the project is concerned. Is it my understanding that your determinations show that this project, the San Juan-Chama diversion part of it, can pay out within the 50-year period, using the payments which will come from the water users themselves, irrigation, domestic and otherwise, together with New Mexico's entitled-to funds in the basin fund?

Governor MECHEM. That is my understanding. I am not an expert in this particular field, but that is my understanding, Mr. Aspinall.

Mr. ASPINALL. You have been advised that?

Governor MECHEM. Yes, sir.

Mr. ASPINALL. And also have you been advised that when the Animas-La Plata project is constructed and as it is developed over a considerable length of years that the funds which will be remaining to the account of the New Mexico uses will benefit the New Mexican part of the Animas-La Plata and be paid out within the 50-year period from the time those payments start? Is that right?

Governor MECHEM. That is my understanding.

Mr. ASPINALL. That is all. I reserve my other time.

Mr. ROGERS. The gentleman from California, Mr. Hosmer.

Mr. HOSMER. Governor, this San Juan-Chama project takes about 52 percent of the water for use for domestic and industrial purposes, is that right?

Governor MECHEM. That is right, yes, sir.

Mr. HOSMER. Did not the supreme court of New Mexico recently hold that Albuquerque and similar cities under the Pueblo doctrine have prior rights to the water in the Rio Grande now being used for agriculture?

Governor MECHEM. That particular case applied only to the city of Las Vegas which is on the Pecos watershed.

Mr. HOSMER. Does it establish a principle?

Governor MECHEM. Not as far as I am concerned.

Mr. HOSMER. How about as far as the court was concerned?

Governor MECHEM. No, sir; it did not extend beyond the city of Las Vegas.

Mr. HOSMER. What is the Pueblo doctrine?

Governor MECHEM. This is the doctrine that the municipalities or a municipal government created by the old Spanish grants were entitled to all of the water of the river.

Mr. HOSMER. Was Albuquerque in such a category?

Governor MECHEM. No, sir; it is not. As far as the court has determined, it does not follow in that particular category.

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Mr. HOSMER. How about Santa Fe?

Governor MECHEM. I do not believe it does either.

Mr. HOSMER. Do you know?

Governor MECHEM. I am fairly certain of it.

Mr. HOSMER. It was established under the Spanish operation, was it not?

Governor MECHEM. Yes; it was a military occupation primarily.

Mr. HOSMER. Do you know?

Governor MECHEM. Actually, as far as I know, there is no grant to the city of Santa Fe.

Mr. HOSMER. Are you satisfied that the Pueblo Doctrine applies solely to the city of Las Vegas?

Governor MECHEM. Under the facts found by the court, I would say, "Yes," it applies only to Las Vegas.

Mr. HOSMER. Under the facts found by the court. You mean in the specific case, the other cities were not litigated?

Governor MECHEM. Yes.

Mr. HOSMER. But the doctrine exists—

Governor MECHEM. That is correct.

Mr. HOSMER. And could be applied elsewhere?

Governor MECHEM. No, sir; I do not believe it could. I do not believe there are similar circumstances anywhere else in New Mexico.

Mr. HOSMER. Is Las Vegas the only city?

Governor MECHEM. I would say, in a curbstone opinion, it is.

Mr. HOSMER. Were there other cities that were established under the Spanish authority?

Governor MECHEM. Not as Las Vegas was established.

Mr. HOSMER. What was peculiar about Las Vegas?

Governor MECHEM. I cannot go into all of the details because I am not fully conversant with them. It has been about 2 years since I looked at the particular opinion.

Mr. HOSMER. You are really not able to give an answer to my question?

Governor MECHEM. Yes, sir; I can give you an offhand opinion in connection with it. I think Las Vegas is the only one to which it applies.

Mr. HOSMER. But you would not, as a lawyer, give that kind of an opinion in court without research and study and so forth?

Governor MECHEM. I have given that opinion to the State engineer.

Mr. HOSMER. I asked if you would give it in court as a lawyer.

Governor MECHEM. Yes, sir.

Mr. HOSMER. With no more review of the case than you have indicated you have had in the past 2 years?

Governor MECHEM. My recollection of the facts at the time—and I made the statement at the time and would still make it—is that I feel it applies only to the city of Las Vegas.

Mr. HOSMER. At least, since you have not reviewed this matter for a couple of years, I assume there has been no study made of alternate water sources to this San Juan-Chama project. Is that right?

Governor MECHEM. No, sir; there is no other water available.

Mr. HOSMER. When the senior Senator from New Mexico was arguing this matter over in the Senate he said that he guesses—

when the project is constructed the water will be almost entirely used as municipal water.

Does that somewhat coincide with your view?

Governor MECHEM. It could be.

Mr. HOSMER. So it will go up to 110,000?

Governor MECHEM. That is possible.

Mr. HOSMER. So whatever arguments you have made with respect to the assistance to the agricultural economy here are to be disregarded because this water is going to be used for municipal purposes.

Governor MECHEM. Mr. Hosmer, not as far as specific projects on the Rio Grande are concerned above the confluence of the Chama and the Rio Grande. These waters will be allocated from the main stem of the Rio Grande River.

Mr. HOSMER. You said that all 110,000 acre-feet were going to be ultimately consumed for municipal purposes?

Governor MECHEM. That is possible.

Mr. HOSMER. You are not talking about another 110,000 acre-feet?

Governor MECHEM. No, sir.

Mr. HOSMER. What are you talking about?

Governor MECHEM. Under the New Mexico law these rights can be transferred back and forth, they can be sold, they can be purchased, and they can be severed from the land. There is a possibility that the demand will rise to the point that it will be necessary to purchase some of them or condemn some of them for municipal purposes. So there is a possibility that everything on the Rio Grande River could be used for municipal or industrial uses.

Mr. HOSMER. Then if this project is built as a reclamation project with a supply of water to irrigate lands, the State of New Mexico, through its procedures, can promptly come in and take over the entire supply, not for irrigation but for municipal and industrial purposes?

Governor MECHEM. Not the State of New Mexico, the municipalities themselves, the political subdivisions. This is true of all of the water in the State of New Mexico.

Mr. HOSMER. And, as a matter of fact, according to Senator Anderson and your statement, that will probably be the fate of this water.

Governor MECHEM. Ultimately it could be; yes, sir.

Mr. HOSMER. Have you ever heard of the Federal Government building municipal irrigation projects?

Governor MECHEM. I do not know. It could have been done; I do not know.

Mr. MORRIS. Will the gentleman yield?

Mr. HOSMER. Yes, I yield to the gentleman from New Mexico.

Mr. MORRIS. As far as the municipal water supply goes, I think ample precedent has been established before by this committee. I might point to one specifically, which involves a project in the district of the chairman of this subcommittee, the Sanford Dam project in Pampa, Tex., which is a municipal water project authorized under the reclamation law.

I believe the Cheney project in Wichita was passed by unanimous consent of this Congress, the 82d Congress, the 2d session, and is a municipal water supply project.

I believe the Norman, Okla., project, which was passed in the 86th Congress, is a municipal water supply project.

Mr. HOSMER. Does the gentleman recollect any specific language in connection with the Norman project and any specific denials it was to be a precedent and so forth and so on?

Mr. MORRIS. I do not know if it has already been established.

Mr. HALEY. Will the gentleman yield?

Mr. HOSMER. Yes.

Mr. HALEY. Denial.

New Mexico is absolutely dependent on the Rio Grande there to supply the city.

Mr. HOSMER. And the revenues and take water for municipal purposes. I am not sure.

Mr. MORRIS. Will the gentleman yield?

Mr. HOSMER. Yes.

Mr. MORRIS. Are you sure?

Mr. HOSMER. I have summarized what the witnesses have said.

Mr. MORRIS. As I understand the question, it is possible that the water for municipal purposes, which is being used in southern New Mexico, is being brought through the Rio Grande for municipal water supply.

Mr. HOSMER. I will not object to the use of the water for municipal purposes on the other project.

These conduits that are being carried not a total of 235,000 acre-feet indicated to the gentleman.

Governor MECHEM. I do not know of 235,000 acre-feet.

Mr. HOSMER. Are you sure that the water is for municipal purposes?

Governor MECHEM. I do not know if it is for municipal, agricultural, any other purpose.

Mr. HOSMER. It could be for municipal purposes.

Governor MECHEM. I do not know if it is in New Mexico could be.

Mr. HOSMER. You say that the water is with the State of Colorado.

provisions that are in the law. I am not sure of your testimony that you are not sure.

Governor MECHEM. I do not know.

Mr. HOSMER. What is the law?

Governor MECHEM. I do not know.

Mr. HOSMER. You are not sure of the law. Governor MECHEM. I do not know.

Mr. HOSMER. Do you know if the law as you propose to, that the law provides for it?

Governor MECHEM. I do not know if the law provides for it.

Mr. MORRIS. I do not think it was a precedent; the precedent had already been established prior to the Norman project.

Mr. HALEY. Will the gentleman yield?

Mr. HOSMER. Yes.

Mr. HALEY. Denials were made, but I think the gentleman from New Mexico is absolutely right; I think we built a city reservoir out there to supply the city of Norman, Okla.

Mr. HOSMER. And eventually this proposal here is to take power revenues and take water from the upper Colorado and use it for municipal purposes. I am glad we got that clear on the record now.

Mr. MORRIS. Will the gentleman yield?

Mr. HOSMER. Yes.

Mr. MORRIS. Are you saying that this is a municipal project?

Mr. HOSMER. I have not said anything except to attempt to summarize what the witness has told us this morning.

Mr. MORRIS. As I understood the Governor's remarks in answer to the question, it is possible that this water will some day be used for municipal purposes, just like it is possible that a lot of the water being used in southern California at the present time for irrigation, brought through the aqueduct, will in all probability sometime be used for municipal water. Would not the gentleman agree?

Mr. HOSMER. I will agree that the New Mexico water will be used for municipal purposes, yes. We do not have any testimony before us on the other project.

These conduits that are provided for in this bill are capable of carrying not a total of 110,000 acre-feet but 235,000, I think, as you indicated to the gentleman from Colorado.

Governor MECHEM. I understand they are designed for a capacity of 235,000 acre-feet.

Mr. HOSMER. Are you planning to use that extra 125,000 acre-feet for municipal purposes, too?

Governor MECHEM. It could be utilized for several purposes, municipal, agricultural, any type of beneficial water use.

Mr. HOSMER. It could all be used for municipal purposes if the municipalities decided they needed it; is that right?

Governor MECHEM. Yes, sir. As I have stated, every bit of water in New Mexico could be used for municipal purposes.

Mr. HOSMER. You say you did not participate in these negotiations with the State of Colorado and you do not express opposition to the provisions that are in this bill. But I take it from the implication of your testimony that you are not happy with them; is that right?

Governor MECHEM. No, sir, that probably is not a proper implication.

Mr. HOSMER. What is your correct one?

Governor MECHEM. I am satisfied.

Mr. HOSMER. You are satisfied with these provisions?

Governor MECHEM. That is right.

Mr. HOSMER. Do you think if you get 235,000 acre-feet out of there as you propose to, that the State of Colorado is going to stand still for it?

Governor MECHEM. I see no reason why they should not. The compact provides for it.

Mr. HOSMER. Are you familiar with the differences between the provisions of the compact allocating water and the deficiency of water that actually exists?

Governor MECHEM. To some extent.

Mr. HOSMER. It is very, very likely, is it not, that there will be a considerable deficiency of water?

Governor MECHEM. We do not contemplate there will be any serious deficiency.

Mr. HOSMER. If there was no deficiency contemplated, why should these extensive negotiations be carried on between the State of Colorado and the State of New Mexico?

Governor MECHEM. Mr. Hosmer, I do not contemplate any serious deficiency. We know that there is going to be some. There has to be.

Mr. HOSMER. Let us get an order of magnitude of what you feel is a deficiency above what is expected or below what is expected. Would it be 10 percent, in that order, or 20 percent, or 30 percent or what percent before the deficiency becomes serious?

Governor MECHEM. There are times when we thought we have encountered 100 percent. And these fluctuations in the river flows are extreme. They can range very high and they can range very low. I believe you had the same experience on the Colorado.

Mr. HOSMER. Would it be fair to say until such time as the deficiency reached, roughly, 50 percent, you would not regard it as serious?

Governor MECHEM. We consider any deficiency serious.

Mr. HOSMER. You said there would not be a serious deficiency. You then say there will not be any deficiency at all, is that right?

Governor MECHEM. We know these things have to balance themselves and in nature probably will balance themselves out over a period of time.

Mr. HOSMER. What are these deficiencies then of an unspecified nature, serious or nonserious, going to do to the financing of this project?

Governor MECHEM. We are anticipating that that will also balance itself out over a period of time.

Mr. HOSMER. Do you have any facts, figures, statistics, prepared by your State engineers and other people to back up that opinion or is it the same kind of horseback opinion you gave with relation to the Pueblo Doctrine?

Governor MECHEM. I do not have any facts with me at the present time, but I am sure that they have.

Mr. HOSMER. Is it not a fact that the State of New Mexico and the State of Texas both are entitled to water out of the Rio Grande?

Governor MECHEM. Sir?

Mr. HOSMER. Are the States of Texas and New Mexico both entitled to water out of the Rio Grande?

Governor MECHEM. Yes, sir, they are.

Mr. ASPINALL. If my colleague will yield, also the State of Colorado.

Mr. HOSMER. Yes. And is it not a fact that the State of New Mexico has been deficient in its deliveries to Texas?

Governor MECHEM. Some of the time, yes, sir.

Mr. HOSMER. When?

Governor MECHEM. Some of the time.

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Mr. HOSMER. Let us pin that down. How about last year?

Governor MECHEM. Yes, sir, there is a deficiency prevailing, but we have—

Mr. HOSMER. How about the year before?

Governor MECHEM. We have picked up some water. The debits are not running as high as they were. There has been some gain.

Mr. HOSMER. How about the year before?

Governor MECHEM. I think we made a gain the year before, but there was still a debit.

Mr. HOSMER. How about the year before that?

Governor MECHEM. I do not know.

Mr. HOSMER. Do you recall what your debit to Texas is?

Governor MECHEM. Not at the present time, I do not know.

Mr. HOSMER. Is it substantial?

Governor MECHEM. It is a substantial amount of water. To us, it is.

Mr. HOSMER. It is supposed to be made up, is it not?

Governor MECHEM. It is being made up.

Mr. HOSMER. What assurance, if any, is there it will not be made up out of this San Juan-Chama water?

Governor MECHEM. It is not designed for that particular purpose and probably under no circumstances will any water ever be delivered, project water, to the State of Texas.

Mr. HOSMER. You say probably, which to my mind means that under certain circumstances it could be so delivered.

Governor MECHEM. I do not believe any project water could be delivered. If it was delivered, Mr. Hosmer, it would have to be delivered by the Secretary of the Interior.

Mr. HOSMER. Is it because this water is so expensive it would not be possible to use it in that way?

Governor MECHEM. No, sir. Texas is not entitled to any of the water. They will get some return drain flow and things of that nature. In the normal operation of one of these projects you cannot avoid it.

Mr. HOSMER. I will reserve the balance of my time.

Mr. ROGERS. The gentleman from New York.

Mr. O'BRIEN. Governor, do I understand that more than 60 percent of the cost of this project will be nonreimbursable?

Governor MECHEM. I believe that is the Navajo project, Mr. O'Brien.

Mr. O'BRIEN. And your theory on that is that we owe an obligation to those people?

Governor MECHEM. Yes, sir.

Mr. O'BRIEN. And that is a way of paying it?

Governor MECHEM. Yes, sir.

Mr. ASPINALL. Will the gentleman yield?

Mr. O'BRIEN. I yield.

Mr. ASPINALL. So that we have the record straight, in fact the total part of the Indian project will be nonreimbursable, Governor, unless the Leavitt Act might take effect; is that right?

Governor MECHEM. Yes, sir.

Mr. ASPINALL. And it might be better for this project and the Indians if the tribe saw fit to purchase the areas which are presently under the control of the non-Indian society down there; is that not right?

Governor MECHEM. Yes, sir, I believe that they have taken steps to accomplish this.

Mr. O'BRIEN. That is all.

Mr. ROGERS. The gentleman from Colorado, Mr. Chenoweth.

Mr. CHENOWETH. I am reserving my time, Mr. Chairman. I merely want to welcome the Governor of New Mexico. I am one of his neighbors, as I live in Trinidad just a few miles across the State line. We are delighted to see you here.

Governor MECHEM. Thank you, Judge. It is nice to see you.

Mr. ROGERS. The gentleman from Florida, Mr. Haley.

Mr. HALEY. The gentleman from Florida reserves his time. He does not want to get in this family fight at the moment.

Mr. ROGERS. The gentleman from Minnesota.

Mr. LANGEN. Mr. Chairman. Governor, if I may just make an inquiry or two. I seem to be somewhat puzzled by the statement that you have made relative to the diversion of a part of this water. I understand that it is proposed that there is to be diverted from the San Juan project about 119,000 acre-feet, is that right?

Governor MECHEM. That is right. This is the initial stage of diversion, Mr. Langen.

Mr. LANGEN. And that diversion will be used how?

Governor MECHEM. It will be used in the Middle Rio Grande Conservation District for supplemental agricultural water supply. It will be used for domestic, industrial, municipal uses. A part of it will be exchanged for Rio Grande River water in the northern portion of New Mexico to irrigate some small projects there.

Mr. LANGEN. You say it will be to supplement their water supply? They have an irrigation project there now; do they?

Governor MECHEM. Yes, sir. There will be some supplementing of that water supply.

Mr. LANGEN. Is any of this water going to be used for expanding irrigation in the area to which it is diverted?

Governor MECHEM. I do not believe that there is any great amount of expansion contemplated except in the northern project, in the extreme north end of the Rio Grande Valley.

Mr. LANGEN. Also a part of this water is to be used by the city of Albuquerque, right?

Governor MECHEM. It is contemplated; yes, sir.

Mr. LANGEN. I notice in your statement your reference to Albuquerque presently having a population of 264,000 people, and that you say that, conservatively estimated, this population is going to grow to 750,000 by the year 2000, which would be before this project is paid out. Where is the water coming from to support this additional population which is more than double, and what is going to be the result there by virtue of diversion?

Governor MECHEM. We hope we will have an opportunity to divert an additional 125,000 acre-feet out of the San Juan Basin, which would help immeasurably and we also hope to get the Rio Grande River channel in better shape and to do more water conservation to eliminate some of the flood conditions that now exist. As a matter of fact, work is now in progress on this particular thing. But 110,000 acre-feet of water will take care of a great number of people. That is a tremendous amount of gallons and can make a great deal of difference.

Mr. LANGEN. I need for additional of this diversion of the San Juan project itself.

Governor MECHEM. There will be adequate.

Mr. LANGEN. I think that there have been.

Governor MECHEM. The State engineer.

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Mr. LANGEN. In view of the contemplated diversion, in view of the need for additional water supply by the city of Albuquerque, with all of this diversion is there still going to be sufficient water for the San Juan project itself?

Governor MECHEM. Yes, sir; we anticipate this is the situation, that there will be adequate water for the development there.

Mr. LANGEN. How have you contemplated this? I seem to recall that there have been some observations otherwise.

Governor MECHEM. Mr. Langen, I wish you would take this up with the State engineer because he is well informed on this thing. But we anticipate that we can divert approximately 830,000 acre-feet of water out of the San Juan for the two projects. This is roughly the amount that will be utilized in the transmountain diversion and in the Navajo irrigation project. This is generally the figure that we have arrived at. I wish that you would talk to these gentlemen back here who are informed on this. The State engineer will be here and the Interstate Streams Commissioner from New Mexico.

Mr. HOSMER. Will the gentleman yield?

Mr. LANGEN. I will be happy to yield.

Mr. HOSMER. The figure you mentioned was eight-hundred-how-many-thousand acre-feet?

Governor MECHEM. I think 840,000 acre-feet, Mr. Hosmer. I wish you would please check that with the experts.

Mr. HOSMER. Is that all diverted from the Colorado River?

Governor MECHEM. It is utilized, part of it, within the basin and part of it without the basin.

Mr. HOSMER. I did not hear you.

Governor MECHEM. The total anticipated diversion out of the San Juan Basin is 235,000 acre-feet. The balance of it will all be used from the San Juan Basin.

Mr. HOSMER. You figure there is 600,000 acre-feet in there?

Governor MECHEM. No; I do not believe that figure is correct. Please do not take my figures as final.

Mr. LANGEN. One further question relative to the San Juan project by itself. There is substantial irrigation involved in this project; right?

Governor MECHEM. There will be considerable. You are speaking of the San Juan-Chama diversion into the Rio Grande Valley now, or are you speaking of the Navajo irrigation project?

Mr. LANGEN. The Navajo irrigation project.

Governor MECHEM. Yes, sir; it is in the San Juan Valley.

Mr. LANGEN. What crops are produced in there?

Governor MECHEM. There is feed grown; there could be a variety of crops. There is a great deal of fruit grown in the area. There are quite a few row crops like cabbage and things of that general nature. This is generally what is raised in the territory. A great deal of alfalfa is raised.

Mr. LANGEN. These are all very small operations, as I recall from last year's testimony; is that right?

Governor MECHEM. Not extremely small. There would not be big areas though. I think the 160-acre limitation is imposed on the Indian project.

Mr. LANGEN. I seem to recall from testimony of last year that there were many of these farms that were down to 10, 15, or 25 acres; is that right?

Governor MECHEM. There could be farms that small there.

Mr. LANGEN. What is the expense going to be to those individuals?

Governor MECHEM. I could not give you an answer on that.

Mr. LANGEN. That is all, Mr. Chairman.

Mr. ROGERS. The gentleman from New Mexico, author of one of the bills, Mr. Morris.

Mr. MORRIS. Mr. Chairman, and members of the committee, it is a pleasure to have Governor Mechem before this committee. I might say—and of course I want to say—that he is a personal friend of mine even if he is a Republican. I think he has been the only Republican to be Governor of our State for 6 years. He is now starting on his seventh year as Governor of our State. During the time that this legislation has been under study and consideration by the State of New Mexico, the official agencies, and the Congress, we have had three different Governors. Governor Mechem and two other gentlemen who are members of my party, the Democratic Party. I think that is probably the only thing in the whole State these three men have ever agreed on wholeheartedly. This is truly a bipartisan piece of legislation as far as the State of New Mexico is concerned.

We think it is a good project, and it is the method the State of New Mexico has chosen to utilize the water we are entitled to under the compact.

I am not going to take up any more of the time of the committee at this time.

Thank you, Mr. Chairman.

Mr. ROGERS. The gentleman from Wyoming, Mr. Harrison.

Mr. HARRISON. No questions.

Mr. ROGERS. The gentleman from Utah, Mr. King.

Mr. KING. I would also welcome Governor Mechem here and express interest in his project. Coming from Utah as I do, we understand these problems; we understand that water is the lifeblood of much of our economy in the arid and semiarid areas. I wish your project success.

Governor MECHEM. Thank you, sir.

Mr. ROGERS. The gentleman from North Dakota, Mr. Nygaard.

Mr. NYGAARD. It appears we have some matters here that entail a lot of complications and I would prefer to withhold my questions until I am a bit more informed as to the two matters. Apparently one matter does concern the other and I am not in a position to ask questions this morning.

Mr. ROGERS. The gentleman from California, Mr. Johnson.

Mr. JOHNSON. I have no questions at this time, Mr. Chairman, of the Governor.

Mr. ROGERS. The gentleman from Montana, Mr. Olsen.

Mr. OLSEN. I have no questions at this time.

Mr. HALEY. Mr. Chairman?

Mr. ROGERS. Mr. Haley.

Mr. HALEY. I believe the gentleman from New York or maybe the Governor stated this. The water that you propose to use here does

not exceed the all does it?

Governor MECHEM.

Mr. HALEY. I just part of the country have certain State are beginning to had better watch the

Mr. ROGERS. The

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Mr. WESTLAND.

Mr. ASPINALL. I

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Mr. HOSMER. Wh people?

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Mr. HOSMER. Has affected to determin out agricultural pur kind of occupation?

Mr. MONTOYA. The Navajo Indians for a farming economy. made by the Navajo agriculture. They a experimental farm,

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not exceed the allocation the State of New Mexico has allotted to it,
does it?

Governor MECHEM. That is right.

Mr. HALEY. I just wanted to ask that question, because we in my
part of the country sometimes think that we ought to be allowed to
have certain State rights and we are glad that you people in the West
are beginning to realize that in this great bureaucracy up here you
had better watch that or they will take it away from you. Thank you.

Mr. ROGERS. Thank you very much, Governor.

Mr. Westland, do you have any questions?

Mr. WESTLAND. No questions.

Mr. ASPINALL. I have one question to ask my colleague, Mr. Mon-
toya. The answer to the question about those who would be bene-
fited directly from the Navajo project was something like 4,000 to
5,000 families. I know in your statement you have the statement that
20,000 Indians would be benefited by this project. In other words,
I think that you take into consideration, Mr. Montoya, not only those
who would be irrigating the land and harvesting crops therefrom,
but also the families as well as those who would be associated in
business matters and so forth. Is that right?

Mr. MONTOYA. It is contemplated that approximately 11,000 to
12,000 people will derive direct benefits from the land. The others
will be implement people from the Navajo reservation and the land
will offer economic ramifications for the improvement of the overall
economy of the Navajo people and the Navajo Tribe Council feels that
approximately 20,000 of the 85,000 Navajos will derive direct or in-
direct economic benefits from this project.

Mr. ASPINALL. Which will be approximately one-fifth or one-fourth
of the total population of the Navajo Tribe as of the time this project
is planned to go into operation. Is that right?

Mr. MONTOYA. That is right.

Mr. HOSMER. What is the cost of the Navajo project per these 20,000
people?

Mr. MONTOYA. It is \$137 million. That is the total cost of the pro-
ject, of the Navajo project.

Mr. HOSMER. Have there been any studies made as to alternative
ways of helping these people?

Mr. MONTOYA. I might say at this stage that only in the last few
years has a real effort been made to help these people in health prob-
lems, social problems, education and in lifting up their economy. A
great deal of it has been done through the Navajo Tribal Council
itself.

Mr. HOSMER. Has any survey been taken of the actual people to be
affected to determine whether or not they wish to be assisted to carry
out agricultural pursuits or whether they would prefer some other
kind of occupation?

Mr. MONTOYA. There have been great strides made in preparing the
Navajo Indians for this particular project and in trying to build up
a farming economy. Later witnesses will testify as to the effort being
made by the Navajo Tribal Council in training Navajos in scientific
agriculture. They already have a school on the reservation and an
experimental farm, which will enable them to prepare some of their

Navajos to come into this project and start a scientific program of farming.

Mr. HOSMER. The reason I ask is that some of these people have professed to be very excellent electronic technicians and mechanics and in a variety of pursuits other than agriculture. The indications are that agriculture is far down on the preference list of occupations. I just would like to know whether when we get through expending this \$137 million, you are going to have 20,000 people that are going to have any interest in using water to farm with.

Mr. MONTROYA. The only reason they are way down in the preference list as far as agriculture is concerned is because up to now they have been living on desert land and they have no water supply to try to generate an agricultural ability.

Mr. HOSMER. They have never had any history of agriculture, any cultural history of it, or any affection for agriculture. That is the reason I asked the question, which you did not reply to, as to whether or not any survey has been made among the tribe to find out if there were in fact 20,000 people that you could get into farming except with whips.

Mr. MONTROYA. I might say, if my recollection is good this morning, that the Navajos are now farming in the Shiprock area approximately 11,000 acres of good farmland; of course, within the Navajo Reservation.

Mr. HOSMER. How many additional acres would this involve?

Mr. MONTROYA. This would involve 110,630 acres.

Mr. HOSMER. Do you think there are people there that want to go out and farm?

Mr. MONTROYA. Definitely. In fact, I might tell the gentleman that some of our vegetable growers in New Mexico along the Rio Grande Valley utilize only Navajos. They are very capable in this type of farming.

Mr. HOSMER. I think the gentleman has indicated there has been no survey taken.

Mr. MONTROYA. Oh, yes, there have been surveys made. I am sure that the witnesses from the tribal council will present that evidence here today.

Mr. HOSMER. Very well.

Mr. ROGERS. Thank you Governor and thank you, Mr. Montoya.

Mr. MONTROYA. Thank you.

Governor MECHEM. Thank you.

Mr. ROGERS. Our next witness will be Mr. J. Maurice McCabe, executive secretary of the Navajo Tribe.

Mr. McCabe, I understand that you are appearing in place of Mr. Paul Jones, chairman of the Navajo Tribal Council, is that right?

Mr. McCABE. That is right, Mr. Chairman.

Mr. ROGERS. Is Mr. Jones here, Mr. McCabe?

Mr. McCABE. No, sir, he found it necessary to leave Washington.

Mr. ROGERS. The committee is very glad to have you and you may proceed.

STATEMENT OF J

Mr. McCABE. My name is J. Maurice McCabe, appearing here today which I am executive

The Navajo Tribe legislation which would irrigation project is 2552, introduced by representatives Montoya

I would like to state appreciates the effort this irrigation project of their State and

The Navajo Indian mental feasibility report land for exclusive use All of the project is Indian Reservation.

status, and the purpose of additional most compact and efficient

The plan also called delivering water for over and above the Such additional capacity municipal water users would have equal priority and relinquished its necessary to irrigate provide a practicable sources and industries Mexico. We have taken such development is necessary

In 1868 the United Navajo Indian head Indian over 18 years the Navajo Reservation 10,000 Navajo Indian significance, irrigation

Since 1868, our population increasing at the rate has been increased in acres, but the added area kept pace with the

Federal assistance little and too late. No in its present state can ever improvement is cultural potential and

STATEMENT OF J. MAURICE McCABE, EXECUTIVE SECRETARY,
NAVAJO TRIBE

Mr. McCABE. Mr. Chairman and members of the committee, my name is J. Maurice McCabe, I reside at Window Rock, Ariz., and am appearing here today on behalf of the Navajo Tribe of Indians of which I am executive secretary.

The Navajo Tribe of Indians urges favorable consideration of legislation which would authorize the Navajo Indian irrigation project. Legislation to accomplish the authorization of the Navajo Indian irrigation project is presently before the House in H.R. 2506 and H.R. 2552, introduced by the New Mexico congressional delegation, Representatives Montoya and Morris.

I would like to state in this hearing that the Navajo Tribe sincerely appreciates the efforts of Congressmen Montoya and Morris to see this irrigation project authorized. Their concern for the Indian peoples of their State and the whole Nation has been inspiring.

The Navajo Indian irrigation project, as described in the supplemental feasibility report, would consist of 110,630 acres of irrigated land for exclusive Navajo Indian use in San Juan County, N. Mex. All of the project except 8,915 acres will be on the present Navajo Indian Reservation. The additional acreage will be placed in reservation status, and the Navajo Tribe will pay the land acquisition costs. The purpose of adding this acreage to the reservation is to make the most compact and economical project feasible for Indian use.

The plan also calls for providing additional canal capacity for delivering water for industrial and municipal use from Navajo Dam, over and above the diversion requirement of the irrigation project. Such additional capacity would be paid for by the industrial and municipal water users with interest. All water uses from Navajo Dam would have equal priority. The Navajo Tribe has consented to this, and relinquished its rights under the Winters doctrine for the water necessary to irrigate the Navajo Indian irrigation project, in order to provide a practicable plan for comprehensive development of the resources and industrial potential of the San Juan Basin of New Mexico. We have taken this important and far-reaching step because such development is necessary for our very survival.

In 1868 the United States, by treaty, promised 160 acres to any Navajo Indian head of a family and 80 acres to any other Navajo Indian over 18 years old who should desire to commence farming on the Navajo Reservation. Already at that time there were about 10,000 Navajo Indians. Obviously, if the treaty obligation is to have significance, irrigation is the most practicable solution.

Since 1868, our population has grown to over 85,000 and is currently increasing at the rate of about 2 $\frac{1}{4}$ percent per year. Our reservation has been increased in area to 25,000 square miles, or about 16 million acres, but the added areas, consisting largely of desert land, have not kept pace with the minimum needs of our increased population.

Federal assistance to the Navajo Indians has been invariably too little and too late. Navajo country is a seriously depressed area and in its present state cannot be reasonably expected to improve. Whatever improvement is effected must result from increasing the agricultural potential and industrialization.

For 1958, the last year for which we have figures available, the estimated average per capita income of a Navajo Indian was \$467, compared with a national average of \$1,940 per capita. Approximately 16.2 percent of individual Navajo income derives from welfare, unemployment compensation, and similar sources; 83.8 percent is earned income.

With the population increasing at such a rate that it is estimated that it will equal 300,000 in the year 2000—only 40 years from now—it is obvious that massive and heroic measures must be taken and at once.

The Navajo Indian irrigation project is such a measure. It will provide 1,120 family farms for Navajo Indians. It will give a livelihood in related service activities to another 2,240 families, thus providing a decent living for at least 19,000 Navajo Indians. These figures have been supplied by the Bureau of Indian Affairs. Actually, I feel they are excessively conservative.

I feel that the availability of adequate industrial and municipal water supplies in the San Juan Basin, together with abundant natural resources, mild climate, large Navajo labor pool, and a basic local market including the 19,000 people to be supported by the irrigation project, will provide the launching pad for substantial economic growth.

The limited areas of our total reservation adaptable to agriculture are insufficient to sustain even a small portion of the population, and our industrialization program depends upon the approval of this project and the subsequent authorization pursuant to section 4 of the bill, of the right to divert a sufficient quantity of water to guarantee the continued operation of such industrial plants as we are able to bring to the reservation. As I see it, the economic value of the Navajo irrigation project is that it also makes possible and feasible industrialization of substantial areas of the reservation, which will provide my people permanent employment and job opportunities which will, to a large extent, overcome the economic plight with which they are now confronted.

The Navajo Tribe has invested \$7,500,000 of tribal funds for a new sawmill which will give employment to about 500 of our people, and support their families. We are now working on development of our coal deposits to fire thermoelectric plants which will provide power for industrial plants and electric energy for domestic use. With these and other industrial plants as we may be able to bring to this area, as well as the communities which will come with this development, there will be a need for large-scale housing projects.

Legislation has already been passed providing for assistance to Indian tribes for development of community water and sanitary systems, and the Navajo Tribe has appropriated tribal funds for land use plans for townsites and communities. Other Federal agencies are assisting in bringing about housing projects for Navajo families in this and other areas of the reservation. This will, of course, require water, which in a large part we hope to obtain from the municipal and industrial water supply features of the Navajo Indian irrigation project.

In order to be ready for the irrigation project, the Navajo Tribe has instituted a farm training program with its own funds. We have a 1,200-acre farm near Shiprock, N. Mex., upon which we train 24

Navajo Indians at date we have graduated. Due to delay in the reservation, we have invested about efficient has been the has returned to out in fiscal year 1960. a profitmaking enterprise.

In the operation are most feasible a of the proposed N that 3 crop-years of without missing a s of grasses, and will porting 2 cows or 10 6 tons per acre of project should be farmers will be the do not plan to produce.

By means of our qualified farmers to Navajo Indian irrigation agricultural problems. We are ready.

I do not wish to authorize the Navajo the State of New and the San Juan. We adhere to that in a series of meetings Colorado in order to have not committed worked out between we are willing to go.

Mr. Chairman, the committee will receive fits to the Navajo and by the measure ability, there follows upon the Government.

Thank you very much. Mr. ROGERS. Thank you.

The Chair recognizes Mr. ASPINALL. Mr. ASPINALL. Mr. Chairman, for a very fine state the tribe itself for the edge of the operation twenties when I had was one of your farmers very clearly, some of You are progressing.

have figures available, the Navajo Indian was \$467, 1,940 per capita. Approximate income derives from well-known sources; 83.8 percent

at a rate that it is estimated only 40 years from now—measures must be taken and

such a measure. It will benefit Navajo Indians. It will give a livelihood to other 2,240 families, thus benefit 10 Navajo Indians. These are the duties of Indian Affairs. Acceptance.

Industrial and municipal water together with abundant natural labor pool, and a basic program supported by the irrigation pad for substantial economic

adaptable to agriculture and the needs of the population, and on the approval of this pursuant to section 4 of the act of water to guarantee the economic value of the Navajo reservation, which will be possible and feasible in-creased and job opportunities and economic plight with which

tribal funds for a new development of our people, and which will provide power for domestic use. With the ability to bring to this economic development with this development projects.

ing for assistance to irrigation and sanitary systems. Tribal funds for land use

Federal agencies are required to provide water, and Navajo families in this course, require water, municipal and industrial irrigation project.

the Navajo Tribe has been provided with funds. We have a program in which we train 24

Navajo Indians at a time in modern, scientific, irrigated farming. To date we have graduated 15 men as fully qualified irrigation farmers. Due to delay in subjugating lands on existing irrigation projects on the reservation, only nine of these men are actively farming. We have invested about \$500,000 in our farm training program, and so efficient has been the operation of this program that our training farm has returned to our treasury \$22,000 in fiscal year 1959 and \$34,000 in fiscal year 1960. This is true although we never intended it to be a profitmaking enterprise.

In the operation of our training farm we have learned what crops are most feasible and yield the highest return on soils similar to that of the proposed Navajo Indian irrigation project. We have found that 3 crop-years of alfalfa will build up the soil, and that thereafter without missing a single crop-year, the lands can be sown to a number of grasses, and will produce superior irrigated pasture, capable of supporting 2 cows or 10 to 12 sheep per acre. Our training farm produces 6 tons per acre of alfalfa. The proposed Navajo Indian irrigation project should be just as productive. The actual cash crop of the farmers will be the livestock they feed from their pasture crops. We do not plan to produce any crops which are currently in surplus.

By means of our training farm we are already producing fully qualified farmers to take over individual farm units on the proposed Navajo Indian irrigation project, and we are solving in advance the agricultural problems of similar soils under similar climatic conditions. We are ready for the project.

I do not wish to speak in detail on the form of legislation to authorize the Navajo Indian irrigation project. We have agreed with the State of New Mexico that the Navajo Indian irrigation project and the San Juan-Chama project should be presented as a package. We adhere to that agreement. Our representatives have participated in a series of meetings last year with representatives of the State of Colorado in order to meet Colorado's objections to our proposals. We have not committed ourselves to the form of legislation which has been worked out between New Mexico and Colorado officials. However, we are willing to go along with any reasonable form of legislation.

Mr. Chairman, it is my earnest hope that the bill before the committee will receive its favorable consideration. The potential benefits to the Navajo people of this legislation are very great, indeed, and by the measure of our improved economic independence and stability, there follows a corresponding reduction in the present burden upon the Government.

Thank you very much.

Mr. ROGERS. Thank you, Mr. McCabe, for a very informative statement.

The Chair recognizes the gentleman from Colorado, Mr. Aspinall. Mr. ASPINALL. Mr. Chairman, I too wish to commend Mr. McCabe for a very fine statement and to compliment the tribal council and the tribe itself for the progress that is taking place. My first knowledge of the operation of the tribe goes back to the early days of the twenties when I had a cousin whose name was Everett Dickinson who was one of your farm managers at Shiprock and I remember very well, very clearly, some of the problems that you folks had at that time. You are progressing exceedingly well.

I also wish to make this statement at this time: One of my first experiences as a Member of Congress was to go along the San Juan River in New Mexico and see the operations of some of the Indians. I remember very distinctly my short visit with Mr. Yellowman in visiting his agricultural operations and I can testify to the fine agricultural work that you folks do.

Now, Mr. McCabe, I have two or three questions.

The first one has to do with the desire, as I understand it, with the desire of the tribe to purchase the 8,915 acres of non-Indian-owned land. Do you have any idea how much that will cost the tribe?

Mr. McCABE. Mr. Chairman, we do propose to purchase those lands from Navajo Indian funds and we are hopeful that with the passage of this bill, those lands will go into the Navajo reservation. I have no information at this time as to what the appraisals have indicated insofar as funds are concerned for that property. We will purchase the land, however; only subject to a recognized appraisal by the Bureau of Indian Affairs and only then will we know what the cost will be.

Mr. ASPINALL. Do you know, Mr. McCabe, what is generally recognized as the value of those lands per acre in their present state?

Mr. McCABE. Mr. Chairman, in the past in other experiences in the purchase of land by the Navajo Tribe Council, I do recall that we have paid as much as \$7.50 in the first instance and, of course, the prices for ranch land of that nature, grazing land, I should say have risen to the neighborhood of \$13 and \$14 per acre. We are hopeful in our negotiations for the property that the price will be similar and that we will not be quoted prices which may reflect developed land.

Mr. ASPINALL. We will be asked on the floor more than likely, Mr. McCabe, how much money the tribe has presently in its treasury; could you answer that question?

Mr. McCABE. Mr. Chairman, I will be glad to answer that question. Since the tribe has received any income—and if I may say so, since we received dollar No. 1 to the present time—we have received a total of \$109 million. Our population is continuing to expand and explode and at the present time we have some \$67 million in the Treasury of the United States, which when it is applied on a per capita basis, which we do not do, by the way, you can readily see that we are not a wealthy tribe.

Mr. ASPINALL. The next question I was going to ask in order to answer any inquiry on the floor, are those moneys, the \$67 million, pretty well committed at the present time on programs benefiting the Navajo Tribe?

Mr. McCABE. Yes, they are committed to the extent that the annual income we receive is programed for the continuation of the programs that have been started in past years. And programs like deep well drilling, we have continued that program and I cannot see that we will discontinue that particular program.

Mr. ASPINALL. If the chairman of the subcommittee or the full committee or somebody else were asked this question, this project being what it is and the benefit-cost ratio under the present formula being what it is—and I do not agree with the present formula as far as that is concerned in figuring the benefit-cost ratio—if we were asked the

question, would you show their to that que

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RECLAMATION PROJECT

at this time: One of my first expectations is to go along the San Juan River with some of the Indians. I re-visit with Mr. Yellowman in visiting and testify to the fine agricultural

the questions. I believe, as I understand it, with the 1915 acres of non-Indian-owned land that will cost the tribe? I propose to purchase those lands and be hopeful that with the passage of the Navajo reservation. I have had the appraisals have indicated that the property. We will purchase the recognized appraisal by the Bureau will we know what the cost will

McCabe, what is generally recognized acre in their present state? In the past in other experiences in the Tribal Council, I do recall that we have in the first instance and, of course, the grazing land, I should say have cost \$14 per acre. We are hopeful that the price will be similar to those which may reflect developed

on the floor more than likely, Mr. McCabe has presently in its treasury;

I would be glad to answer that question. I believe—and if I may say so, since in the past time—we have received a total of \$67 million in the Treasury of the State continuing to expand and explode and the \$67 million in the Treasury of the State applied on a per capita basis, I can readily see that we are not

I was going to ask in order to receive those moneys, the \$67 million, the time on programs benefiting the

extended to the extent that the annual continuation of the programs. And programs like deep well irrigation program and I cannot see that we can

the subcommittee or the full committee on this question, this project being under the present formula being the present formula as far as that cost ratio—if we were asked the

question, would it not be possible for the Navajo Tribe to contribute a certain amount of money, say \$2 million, to this program in order to show their own interest in the program, what would be the answer to that question?

Mr. McCABE. Mr. Chairman, I believe that the answer would be along these lines, and I believe that I can commit the Navajo Tribal Council to this extent, and that is that in the initial cost of the project that should not be charged to the Navajo Indian Tribe.

However, this project will be several years in construction if and when it is authorized, and we feel that in those years we can educate Navajo young people through our scholarship program to be engineers so that we can take over the operation and maintenance of this project.

Mr. ASPINALL. Do I understand correctly that some of the development work on these lands to make them ready for irrigation more than likely will have to be done by the tribal council at their own expense?

Mr. McCABE. Yes, sir. We do not feel that we can come to the Federal Government and ask for every aspect of development with respect to these farms that we hope to get. We will use our own funds for loans to the Navajo people who will farm these areas for development, for the purchase of equipment, and for other financing that may be required in order to bring these lands into production.

Mr. ASPINALL. Mr. McCabe, I noted in your statement your reference to the so-called Winters doctrine and your willingness to unite with the State of New Mexico and, as I understand it, with the State of Colorado, in the approval of section 8 of this bill. Does that position that you take go to the whole San Juan Basin as well as just to that part of the San Juan Basin in New Mexico?

Mr. McCABE. Mr. Chairman, I would like to state that I was not personally present at the negotiations of those meetings. We have had satisfactory exchanges since those meetings that have taken place and I would like to defer that question and I can get you specific information on that at a later time, if I may.

Mr. ASPINALL. But you do have Indian lands, do you not, in the Hammond project and in the proposed Aninas-La Plata project?

Mr. McCABE. That question of Indian lands in the Hammond project or the La Plata project, if there are Navajo lands at all, it is a very small acreage. I personally doubt that there is any substantial Navajo Indian land in that project.

Mr. ASPINALL. Mr. Chairman, I shall defer asking the question relative to section 8 until it can be directed to someone who represents the State of New Mexico.

Mr. ROGERS. The gentleman from Washington, Mr. Westland.

Mr. WESTLAND. Mr. Chairman. Mr. McCabe, you said that on your experimental farmland, the 1,200 acres you have, you developed that to where you can put in two cows per acre.

Mr. McCABE. Yes.

Mr. WESTLAND. Would you anticipate that this project, if it went through, would develop lands of a similar nature that would be able to handle two cows per acre?

Mr. McCABE. Mr. Chairman, we are very hopeful that will be the case.

Mr. WESTLAND. You say you are buying this land at about \$7 or \$8 an acre and then through this project will develop it into that kind of land. What would that kind of land, the two-cow per acre land, be worth, approximately? I mean, what is the market?

Mr. McCABE. It may be worth about a thousand dollars an acre.

Mr. WESTLAND. I have asked this question, Mr. McCabe, many times in this committee and I have always gotten the same answer so I would like to ask you this question: Where the Federal Government is going to put in, in this instance approximately \$135 million, most of which is nonrepayable, and the land has an increase in value of from \$7 or \$8 an acre to \$1,000 an acre, as you suggest, do you believe there is any sense of duty in the recipient there to return some of that money to the Federal Treasury?

Mr. McCABE. I would like to answer that question in this manner: And that is that the initial cost for the development of the project, I do not believe should be charged back to the Navajo people. However, in the operation after the lands go under production, I believe we should cross that bridge when we get there. In other words, I feel that if the project is a substantial success, if it will do all of these things that we are hopeful of its doing, then we Navajo Indians would like to take our place in the normal stream of American life and accept those responsibilities that will be required of us.

Mr. WESTLAND. Let me say this, Mr. McCabe: I think the Navajo Tribe, from all I have read—I have never been in the area—has done a good job on rehabilitating their nation, and I compliment the tribe and Mr. Jones for what they have done. Your answer to my question has gone a little further than the replies I have received from some of the others. Most of them have just plain said "No."

It has always seemed to me that where the Federal Government spends money and suddenly makes a person's land go from \$10 an acre to \$1,000 an acre, there should be some sense of obligation on that person's part to repay some of it.

However, I have been unable to find that same feeling among most of the people who have appeared before this committee.

Let us go a little bit further. What would you figure to be a family-sized farm in this project if it were put through? In other words, 4,000 families and 110,000 acres, you can come up with, say, 25 acres as an answer. But what is your idea?

Mr. McCABE. I believe it depends very much on the classification of the land to be irrigated, and depending on that classification we now feel that the farms will be anywhere from 90 to 110 acres.

Mr. WESTLAND. 90 to 110 acres of irrigated land?

Mr. McCABE. Yes, sir.

Mr. WESTLAND. A family is going to have then about \$100,000 worth of land in that family?

Mr. McCABE. It may very well turn out to be that, sir.

Mr. WESTLAND. Now the Navajo cannot go into that dairy business without buying some cows, without barns, milking sheds, and all of the rest of that. And you indicated to Mr. Aspinall the tribe was going to lend money to these landowners for that purpose. Would that be the procedure or is the State going to participate in this, or how are you going to work that?

Mr. McCABE. We feel that the normal avenues of credit to the citizens of the country will, of course, be available to our Navajo

people. But we in instances, our Nation to go to the usual feel we would we can be accommodated.

Mr. WESTLAND. That part of it?

Mr. McCABE. In other programs tribes and we are of Indian Affairs. poses, will be av take care of our we will not conti we are able to do.

Mr. WESTLAND. sufficiently close say you have two cows, that is a p there roads and

Mr. McCABE. San Juan Basin continued expans enough to absorb

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people. But we do know that in certain instances, in a great many instances, our Navajo people will not have the resources, the collateral, to go to the usual sources of credit and borrow money. Therefore, we feel we would work to set up our own lending program so those persons can be accommodated.

Mr. WESTLAND. You feel the tribe itself has adequate funds to handle that part of it?

Mr. McCABE. I know we do not have adequate funds, but there are other programs sponsored by the Federal Government to all Indian tribes and we are sincerely hopeful that funds advanced to the Bureau of Indian Affairs, appropriated by the Congress for re-lending purposes, will be available to the Navajo Tribe in sufficient amount to take care of our requirements. I do not mean to imply at any time that we will not continue to take care of our own requirements insofar as we are able to do so.

Mr. WESTLAND. Are these properties located in an area that is sufficiently close to population so that the product is salable? Let us say you have two cows an acre, a hundred acres, a couple of hundred cows, that is a pretty big operation. Can they deliver that milk, are there roads and highways, is there demand for that product?

Mr. McCABE. The population center of the reservation is in the San Juan Basin and south from the San Juan Basin and with the continued expansion, we do feel there will be population centers large enough to absorb any product that may come from this project.

Mr. WESTLAND. You see, up in my district we have quite a bit of dairying and if we have a man there with 60 cows who owns his own land, you have got a real good operation. He is not a wealthy man, but he is very well to do. He is contributing then to the Government in all the taxes he has to pay. Do you feel there is any obligation on the part of your landowner to chip in a little bit?

Mr. McCABE. I have no doubt that they will be required to do so in the years to come. This project is at least 15 years away. We will have educated quite a number of our children of school age. In fact, the population of our Navajo people who will have had some education, in my opinion will have to be reckoned with and I do feel that my people will want to absorb and contribute to the costs of the Government. In other words, we will take our responsibilities as they come.

Mr. WESTLAND. Thank you. That is all.

Mr. ROGERS. The gentleman from New York, Mr. O'Brien?

Mr. O'BRIEN. Mr. Chairman, I have one or two questions and I hope they will not indicate an antagonism on my part to a project which does not exist.

We have a very unusual project before us. In the first stage we are told it will provide help for municipal water supply. That is not without precedent and it is not repugnant to me. But as the gentleman from Colorado said in another form, we might be asked some questions and I think I will do as the gentleman from Colorado did and try them out on the witness, Mr. McCabe.

As I understand it, \$135 million of this investment will be nonreimbursable, is that right?

Mr. McCABE. That is correct.

Mr. O'BRIEN. There is not any question in my mind that we owe a great deal to the Navajo people. But someone is going to arise some-

where and say, this \$135 million amounts to \$7,100 a person, \$40,000 a family. Now if you were to take that money, invest it at 5 percent, which is not too difficult today, that would be \$2,000 per family. And adding to that the figure you have used of the average per capita income, \$457, which is very low indeed—but nevertheless, those figures combined would be \$4,643 per family. Someone is going to raise the question, could we not accomplish the same purpose in a more direct way. Now how would you answer that question?

Mr. McCABE. I would say that the Navajo Indians, as well as all of the Indian tribes of the country, have been surveyed, they have been studied for the last 100 years and they have not come up with an answer to that question at this time. This project seems to be a practical solution to a certain segment of the Indian population in the Southwest, which gives promise of not only economic improvement, but to a problem which has been with us in past history and that is that our Navajo people are basically a grazing people and that they have not lived in communities. With this project, it will bring the Navajo people into a community sort of life so that the problems that they have with them now can be more easily and more readily solved.

Mr. O'BRIEN. May I ask you this: Do you believe that with this project, the 3,360 families who would be directly benefited will be benefited to the extent of more than \$2,000 a year, per family?

Mr. McCABE. I believe that they would be.

Mr. O'BRIEN. When I take a family, I am figuring 5.66 percent per family. That might make it easier to answer the question.

Mr. McCABE. Would you rephrase your question, please?

Mr. O'BRIEN. I am asking you this: That if this project goes through, do you believe that the economic benefits per family will exceed \$2,000 per year?

Mr. McCABE. I do not know exactly how to answer that question. However, I would like to state that it would be my feeling that there would be much greater benefit than the figure that you have used to the individual Navajo family.

Mr. O'BRIEN. What would be those benefits?

Mr. McCABE. I feel that the benefits would be further educational opportunities. I feel that the employment and job opportunities would also benefit each member of that particular family, and certainly it would assure educational opportunities from the time that a child does become of school age through his normal school life.

Mr. O'BRIEN. Then you believe that this project would be far better for the average person than to give each family \$2,000 a year from the Federal Treasury. Is that right?

Mr. McCABE. Yes, sir.

Mr. ASPINALL. Will the gentleman yield?

Mr. O'BRIEN. Yes.

Mr. ASPINALL. Mr. McCabe, you stated that the estimated average per capita income of the Navajo was \$467. Do I understand that that amount includes the welfare and unemployment compensation and similar payments that have been made by the State during the past year or 2 years to the people of the tribe?

Mr. McCABE. Yes, sir.

Mr. ASPINALL. Then if this project were authorized, if that is true, there is a possibility that a major part of the present \$6,261,200 which

apparently is going to be used for that purpose; is that right?

Mr. McCABE. Yes.

Mr. ASPINALL. I understand that the project would provide unemployment compensation for participants, which would be in addition to the amount of Federal grants, would that be correct?

Mr. McCABE. Yes.

Mr. ASPINALL. I understand that the gentleman would like to see a little quid pro quo for this project. If that is the case, would you like a portion, or a sizable portion, of the Federal Government benefit to the people of the Navajo Tribe?

Mr. McCABE. I believe that they would be.

Mr. ASPINALL. That is all.

Mr. HALEY. Will you yield?

Mr. O'BRIEN. Yes.

Mr. HALEY. Mr. McCABE.

Mr. McCABE. I believe that the Navajo Tribe at the moment is receiving \$69 million.

Mr. HALEY. \$12 million.

Mr. McCABE. Yes.

Mr. HALEY. You are saying that the States \$69 or \$67 million.

Mr. McCABE. I believe that.

Mr. HALEY. What is the rate of 4 percent?

Mr. McCABE. Yes.

Mr. O'BRIEN. I just want to ask you after arriving at my consideration that very high figure about and still the question because I want to thank you.

That is all.

Mr. ROGERS. The gentleman yield?

Mr. HOSMER. I am asking you any questions, because I am sure you will answer them.

Mr. O'BRIEN. Will you yield?

Mr. HOSMER. Yes.

Mr. O'BRIEN. I am just apologizing for asking you for information.

Mr. HOSMER. Mr. McCABE.

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sary; is that right?

Mr. McCABE. Would you rephrase that question, please?

Mr. ASPINALL. If the total amount they receive from unemploy-
ment compensation, welfare and so forth, figured up for the 13,600
participants, which is approximately 16.2 percent of your total popu-
lation, the amount is \$6,261,200. My question was, if this project is
permitted, then a sizable portion, perhaps a major portion of those
Federal grants, would be unnecessary; is that right?

Mr. McCABE. I should like to believe that it would be, sir.

Mr. ASPINALL. So would I. Because in line with the questioning
of the gentleman from New York, it would seem to me, there would
be a little quid pro quo there for the authorization and construction
of this project. If Uncle Sam in the one instance is providing a major
portion, or a sizable portion, of welfare programs, then relieving the
Federal Government of such a burden would most certainly be a
benefit to the people of the Nation generally; is that not right?

Mr. McCABE. I believe it is.

Mr. ASPINALL. That is all, thank you.

Mr. HALEY. Will the gentleman yield?

Mr. O'BRIEN. Yes.

Mr. HALEY. Mr. McCabe, what is the annual income of the Navajo
Tribe at the moment? Do you have those figures there?

Mr. McCABE. I do not have any specific information with me today,
but it is generally estimated to be very close to \$1 million per month.

Mr. HALEY. \$12 million a year.

Mr. McCABE. Yes.

Mr. HALEY. You have on deposit with the Treasurer of the United
States \$69 or \$67 million?

Mr. McCABE. I believe that is about right, sir, about \$67 or \$69
million.

Mr. HALEY. Whether it is 67 or 69 million, that is drawing interest
at the rate of 4 percent, is it not?

Mr. McCABE. Yes, sir.

Mr. O'BRIEN. I just want to say in closing to the witness, that even
after arriving at my figure of \$4,000-plus per family, I do not con-
sider that very high because that is rather a large family I am talk-
ing about and still far below the national average. I merely asked
the question because we are going to be asked it someplace else.

I want to thank the witness for answering it to my satisfaction.

That is all.

Mr. ROGERS. The gentleman from California, Mr. Hosmer.

Mr. HOSMER. I am not going to apologize for asking the witness
any questions, because I do not think it is necessary to.

Mr. O'BRIEN. Will the gentleman yield?

Mr. HOSMER. Yes.

Mr. O'BRIEN. I hope the gentleman was not suggesting I was
apologizing for asking questions. I was explaining why I wanted the
information.

Mr. HOSMER. Mr. McCabe, I want to review the statistics that you
and others have mentioned here and some of the division I have made
during the time and then I am going to ask you a hypothetical ques-
tion.

It is going to take 15 years to build this project and it is going to cost \$135 million. In addition to that, there are going to be other expenses, some \$13 to \$14 an acre to purchase this land that is outside the reservation at the present time, all the equipment, livestock, and other things that have to be purchased to make these farms go.

In its entire history, the Navajo Tribe has received \$109 million from the Federal Government, of which there are some \$67 to \$69 million now in the Treasury. According to my figures, the project would cost \$10,594 per capita for each and every man, woman, and child of the Navajo Tribe.

Now the farms that would result would result from an investment of \$1,227 per acre for 110,630 acres plus your \$13 to \$14 price; the cost of each of these farms for 1,120 families would be \$120,500.

With those figures in mind, Mr. McCabe, I want now to ask you this—perhaps it is Mr. O'Brien's question in a little different form—if you as executive secretary of the Navajo Tribal Council were offered not this project but the sum of \$139 million over the next 15 years, would you take that money if you could to build such a project as this, or are there wiser and better ways which your people could benefit from that amount of money during that period of time?

Mr. McCABE. I would like to answer that question by stating that the roadbuilding program alone on the Reservation could probably use up that \$135 million in much less time than 15 years, the educational requirements of the Navajo Indian Reservation, using those funds for education and for other types of services that have been provided over the period of time—and I cannot see where our Navajo people will be ready in that length of time to provide for themselves from the usual sources—taking all those things into consideration, would I recommend or would I give any thought to recommending to the Navajo Council that they take the cash instead of the project?

Mr. HOSMER. That was not my question. My question was a hypothetical one—that if this cash was offered to you over that period of time, would your recommendation to the Tribal Council be that the project be built or would it be that there are other ways that we can benefit our tribe through this expenditure. I think the answer is obvious, is it not?

Mr. McCABE. It does pose a question that is hard to answer and the manner in which you have presented it, thinking of the dollar sign, I probably would have to answer, "no"; but if I were to answer the question with regard to finding an economic basis, finding some improvement in living standards, then I believe that I would probably continue pressing for the early authorization of this project.

Mr. HOSMER. That is all.

Mr. ROGERS. The gentlewoman from Idaho, Mrs. Pfost.

Mrs. PFOST. Thank you, Mr. Chairman. Mr. McCabe, how much land is presently irrigated on the Navajo Reservation?

Mr. McCABE. I am not familiar with the figures in that respect, but there is Mr. Keese here of the Bureau of Indian Affairs who can give you that information.

Mrs. PFOST. How large an acreage are you using for your training farm program?

Mr. McCABE. I believe the acreage in our farm training program approaches, 1,200 acres.

Mrs. PFOST. tons an acre ally. I cert a fine profit on its training cessful if we

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Mrs. PFOST. I notice that you have a very fine yield on alfalfa at 6 tons an acre and you have been very successful with the program generally. I certainly would like to commend the tribe upon making such a fine profit to turn back into the Treasury both in 1959 and in 1960 on its training program. It indicates that you people would be successful if we gave you the water with which to grow products.

The other thing I would like to mention, I think it is commendable that only 16.2 percent of the individuals derive their revenue from welfare, unemployment, and other similar sources and that 83.8 percent is earned income. That is certainly a fine situation.

I think it is commendable that only 16.2 percent of the individuals derive their revenue from welfare, unemployment, and other similar sources and that 83.8 percent is earned income. That is certainly a fine situation.

Speaking of the 1,120 farms which will receive water from this reservoir, will they receive their entire water supply or will some of this acreage receive supplemental water?

Mr. McCABE. The entire water supply will be derived from the project.

Mrs. PFOST. In other words, there is no other irrigation at all on the 1,120 farms that will come under the reservoir?

Mr. McCABE. That is right.

Mrs. PFOST. Thank you very much. That is all.

Mr. ROGERS. The gentleman from Colorado, Mr. Chenoweth.

Mr. CHENOWETH. Mr. Chairman, I will reserve my time. I want to ask just one question. Is there considerable interest among the members of the tribe in this project? Has it been a subject of considerable discussion?

Mr. McCABE. Yes; I believe there is quite a bit of interest. In fact, I know there is quite a bit of interest in this project.

Mr. CHENOWETH. I had the pleasure of visiting the project some years ago and we observed some of the irrigation work at that time. How many irrigated farms do you have there, would you say?

Mr. McCABE. Mr. Chenoweth, I am not familiar with those figures and again I would like—

Mr. CHENOWETH. Is the number on the increase or is it decreasing?

Mr. McCABE. I think it is about static. I do not believe there is a substantial increase and I do not believe there is a substantial decrease of acreage that has gone out of irrigation.

Mr. CHENOWETH. As I understand, those people who now do not have the benefit of water for their land are anxious to obtain water so they can also participate in this irrigated farm project?

Mr. McCABE. Correct.

Mr. CHENOWETH. Thank you. That is all.

Mr. ROGERS. The gentleman from Florida, Mr. Haley.

Mr. HALEY. Mr. McCabe—Mr. Chairman, we are getting pretty close to the deadline. I have a good many questions. I will try to confine it to one or two.

Mr. ROGERS. Let the Chair make this announcement at this time. The subcommittee plans to meet this afternoon at 2 o'clock. I will not be able to be here, but the chairman of the full committee, Mr. Aspinall, has graciously agreed to preside.

Mr. HOSMER. Who will call the witnesses?

Mr. ROGERS. They will be called in order. When we finish with Mr. McCabe, the next witness will be William A. Utton, vice president, San Juan County Farm and Livestock Bureau, who will be accompanied by Mr. Brown. I understand Mr. Brown is here. And they will be followed in the regular order and the Department will be heard tomorrow.

Mr. HALEY. Mr. McCabe, in view of this complicated project, what assurance do the Navajo Indians have that there will be a sufficient water supply for operations during a period of drought out there?

Mr. McCABE. Mr. Haley, it is my understanding that the feasibility report on this project, the source of the water, the annual flow, is a long period average of the flow and while we have no absolute assurance that we may not experience a drought during which there may not be any water, we are hopeful that the feasibility report and the long-term flow of the river will hold up.

Mr. HALEY. In the last 10 years, you have had a drought of some magnitude, have you not?

Mr. McCABE. That is right.

Mr. HALEY. Does not the Navajo Reservation operational sheet show in the past 10 years you have had as high as 270,000 acre-feet in some period of time there?

Mr. McCABE. I am not familiar with that question. Again I would like to defer to Mr. Kessee who is very well briefed on the technical aspects of the project.

Mr. HALEY. Who?

Mr. McCABE. Mr. Kessee of the Bureau of Indian Affairs.

Mr. HALEY. Mr. Chairman, I will reserve my further questions for this afternoon.

Mr. ROGERS. Mr. McCabe, can you be back at 2 for further questions?

Mr. McCABE. Yes, sir.

Mr. ROGERS. The subcommittee will stand adjourned until 2 o'clock this afternoon.

(Whereupon, at 11:45 a.m., the subcommittee adjourned to reconvene at 2 p.m., of the same day.)

AFTERNOON SESSION

Mr. ASPINALL. The Subcommittee on Irrigation and Reclamation will resume its hearing on H.R. 2552 and H.R. 2506, and S. 107.

When we recessed at noon, Mr. McCabe was at the witness table, being interrogated.

STATEMENT OF J. MAURICE McCABE, EXECUTIVE SECRETARY— Resumed

Mr. ASPINALL. The Chair recognizes the gentleman from New Mexico, Mr. MORRIS.

Mr. MORRIS. Mr. Chairman, I would like to ask Mr. McCabe a couple of questions.

Did I understand you to say that the Government had given the Navajo Tribe \$109 million?

Mr. McCABE. Mr. Chairman, may I ask if Mr. Littel, general counsel for the Navajo Tribe, may be present at the table with me?

Mr. ASPINALL. Yes.

Kindly identify yourself.

Mr. LITTEL. My name is J. W. Littel, Washington, D. C.

Mr. McCABE. Mr. Littel, I believe that was not the question. I believe that was not the question. I believe that was not the question.

Mr. MORRIS. The question is that correct?

Mr. McCABE. The question is that correct?

Mr. MORRIS. Mr. McCabe, I would like to have you understand you to say that you would have the \$135 million rather have the \$135 million?

Mr. McCABE. Mr. Morris, answering that question, I would like to have you understand you to say that I would have the \$135 million rather have the \$135 million?

Mr. ASPINALL. The question is that correct? I would like to have you understand you to say that I would have the \$135 million rather have the \$135 million?

Mr. ASPINALL. The question is that correct? I would like to have you understand you to say that I would have the \$135 million rather have the \$135 million?

Mr. MORRIS. Mr. McCabe, it was not clear to me that you understood the question.

Mr. ASPINALL. The question is that correct? I would like to have you understand you to say that I would have the \$135 million rather have the \$135 million?

Mr. ASPINALL. The question is that correct? I would like to have you understand you to say that I would have the \$135 million rather have the \$135 million?

Mr. NYGAARD. The question is that correct? I would like to have you understand you to say that I would have the \$135 million rather have the \$135 million?

Mr. McCABE. It is my understanding that the feasibility report on this project, the source of the water, the annual flow, is a long period average of the flow and while we have no absolute assurance that we may not experience a drought during which there may not be any water, we are hopeful that the feasibility report and the long-term flow of the river will hold up.

Mr. ASPINALL. The question is that correct? I would like to have you understand you to say that I would have the \$135 million rather have the \$135 million?

Mr. NYGAARD. The question is that correct? I would like to have you understand you to say that I would have the \$135 million rather have the \$135 million?

Mr. McCABE. Mr. Chairman, may I ask if Mr. Littel, general counsel for the Navajo Tribe, may be present at the table with me?

Mr. ASPINALL. Yes.

Kindly identify yourself.

Mr. MORRIS. Mr. Chairman, I would like to ask Mr. McCabe a couple of questions.

Did I understand you to say that the Government had given the Navajo Tribe \$109 million?

Mr. McCABE. Mr. Chairman, may I ask if Mr. Littel, general counsel for the Navajo Tribe, may be present at the table with me?

Mr. ASPINALL. Yes.

Kindly identify yourself.

When we finish with A. Utton, vice president, San Juan, who will be accompanied by Mr. Utton is here. And they will be heard by the department will be heard

complicated project, what there will be a sufficient amount of drought out there?

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question. Again I would be briefed on the technical

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EXECUTIVE SECRETARY—

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Mr. Littel, general counsel
ple with me?

Mr. LITTEL. My name is Norman M. Littel; 1826 Jefferson Street, N.W., Washington, D.C.

Mr. McCABE. Mr. Morris, I do not believe I made that statement. I believe that was misconstrued there. The funds of the Navajo Tribe are derived from basically the leasing of tribal lands.

Mr. MORRIS. Those funds are not derived from the Federal Government; is that correct?

Mr. McCABE. That is correct.

Mr. MORRIS. Mr. McCabe, with reference to which you thought would be of greater benefit to the Navajo people and to the Nation, having \$135 million over a 15-year period or having this project, did I understand you to say that it would be your opinion that you would rather have the \$135 million than to have this Navajo project?

Mr. McCABE. Mr. Morris, I believe that I had some difficulty in answering that question. However, I would like to state at this time a more specific answer to the question.

I would like to state that the answer to that question would be beyond my instructions from the Navajo Tribal Council. I believe that I would have to seek their advice with regard to the answer to that question, but personally—and this is a personal opinion—I believe I would recommend that we take the project rather than the \$135 million.

Mr. ASPINALL. That is the statement you had made. You stated, if you had a chance to get \$135 million without thinking about anything else, more than likely you would take it; but as far as the economic situation of this tribe is concerned, you wanted this project.

Mr. MORRIS. Mr. Chairman, that is what I understood the answer to be. It was not clear in my mind whether the other members of the committee understood it that way. Those are all the questions I have.

Mr. ASPINALL. The Chair recognizes the gentleman from North Dakota.

Mr. NYGAARD. What is the status of that fund? Is that money available for purposes which you may designate for the tribe, or is that a permanent fund from which you are able to use the income?

Mr. McCABE. It is a fund available for appropriation by the Navajo Tribal Council for programing which may be beneficial to the members of the Navajo Tribe. We do try to create and establish our annual budget so that we can finance our programs from the earnings of that capital.

Mr. NYGAARD. But it is permissible for you, if you have a project which you intend to establish, to use some of the \$67 million if it were a feasible project and it would repay itself?

Mr. McCABE. Yes, sir.

Mr. NYGAARD. I have no other questions at this moment.

Mr. ASPINALL. The Chair recognizes the gentleman from Texas.

Mr. RUTHERFORD. No questions at this time.

Mr. ASPINALL. The Chair recognizes the gentleman from California at this time.

Mr. JOHNSON. I have no questions.

Mr. McCABE. Mr. Chairman, I would like to ask the permission of the committee, if they would allow Mr. Littel to make a statement. I did not touch on any of the legal aspects of the project insofar as the Navajo Tribe was concerned, and I would like Mr. Littel to make that statement.

Mr. ASPINALL. The Chair is going to rule that Mr. Littel's request comes too late; he does not have a prepared statement conforming with our rules. We would be glad to hear from you at a later period. We would want a statement filed with the committee.

Mr. LITTEL. I meant for Mr. McCabe to do it. I think perhaps he misunderstood a bit. I think he can quite adequately make the supplemental statement which I think should be made with respect to the tribe's position.

Mr. ASPINALL. Off the record.

(Discussion off the record.)

Mr. HALEY. Mr. McCabe was on the witness stand when the committee recessed for lunch, so I did not have an opportunity to question him other than for a preliminary question or two. I would like to ask Mr. McCabe if he has from the Navajo Tribal Council any resolutions pertaining to this project and, if so, if he will make them available for the record.

Mr. ASPINALL. Without objection, you can answer the question, Mr. McCabe.

Mr. McCABE. Mr. Chairman, there are resolutions of record passed by a duly called session of the Navajo Tribal Council which I will be glad to make a part of the record.

Mr. HALEY. That is a favorable resolution for this project; is that correct?

Mr. McCABE. Yes, sir.

Mr. HALEY. I ask unanimous consent that it be included at the point in the record where Mr. McCabe's testimony appears.

Mr. ASPINALL. Together with the statement just asked, and the answers pertaining thereto, and without objection it is so ordered.

(The resolution referred to follows:)

THE NAVAJO TRIBE,
Window Rock, Ariz., April 24, 1961.

HON. WAYNE N. ASPINALL,
Chairman, Interior and Insular Affairs Committee,
House of Representatives,
Washington, D.C.

DEAR MR. ASPINALL: Please permit me to supplement my testimony of this date before the committee as follows:

In reaching an agreement with the State of New Mexico and other members of the Upper Colorado River compact, the Navajo Tribe qualified its position in respect to legal rights which the tribe enjoys under the doctrine of *Winters v. United States* (207 U.S. 564), assuring to it certain paramount rights in respect to waters of the San Juan River, among others, in order to accomplish a practical and equitable division of water among all parties concerned. This concession was only agreed to by the tribe in consideration of getting the Navajo irrigation project established in New Mexico as provided in the above bills.

It should be known to the committee and other interested parties that the Navajo Tribe will not consider itself bound by this agreement unless the irrigation project is in fact established. It is clearly understood by all interested parties, I believe, that the tribe's concession in respect to the Winters doctrine applies to no other situation than this one.

In answer to Congressman Haley's question after I had left the witness stand today, the resolutions adopted by the Advisory Committee of the Navajo Tribal Council and by the tribal council in support of this project are already a part of the hearings, and can be found in House Document No. 424, 86th Congress, 2d session, June 20, 1960, at pages 282 and 394, respectively.

Permit me to thank you for the courtesies extended to me while appearing as a witness before the committee today.

Sincerely yours,

J. MAURICE McCABE,
Executive Secretary.

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STATEMENT OF WILLIAM A. UTTON, COUNTY FARM & LIVE STOCK

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THE NAVAJO TRIBE,
Rock, Ariz., April 24, 1961.

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J. MAURICE McCABE,
Executive Secretary.

Mr. ASPINALL. Thank you very much.

Mr. McCABE. Thank you very kindly for the opportunity to testify.

Mr. ASPINALL. You can well be proud of your presentation here today.

The next witness is Mr. William A. Utton, vice president, San Juan County Farm & Livestock Bureau.

I understand you have someone else accompanying you, Mr. Utton.

Mr. UTTON. Mr. Brown was supposed to come with me, but he had to remain behind due to business reasons. Mr. C. E. Calvert did accompany me, and last night I had to call a doctor to attend him. Today he is sick in bed.

Mr. ASPINALL. Do you have joint statements?

Mr. UTTON. Yes, sir; I have statements from both and I would like to read them both into the record.

Mr. ASPINALL. Unless there are objections, the statements of Mr. Utton and Mr. Calvert as duly presented to the committee will be made a part of the record.

Hearing no objection, it is so ordered and Mr. Utton, you may proceed with any oral testimony you wish to make as we look over your statement.

STATEMENT OF WILLIAM A. UTTON, VICE PRESIDENT, SAN JUAN COUNTY FARM & LIVESTOCK BUREAU

Mr. UTTON. Mr. Chairman and gentlemen of the committee, my name is William A. Utton. I am a dairyman and vice president of the San Juan County Farm & Livestock Bureau, living in Aztec, N. Mex., in San Juan County. I appreciate this opportunity to give you the views of a great number of people affected by Navajo Indian and San Juan-Chama projects.

I am representing the San Juan County Farm & Livestock Bureau of New Mexico, opposing the authorization of the San Juan-Chama diversion project and supporting the authorization of the Navajo irrigation project. These are two entirely separate projects and only tied together by paperwork. Our position is that there is not sufficient water for both projects, therefore we strongly recommend that the U.S. Government fulfill its obligations to the Navajo Tribe by giving them first priority on any future water developments from the Upper Colorado River system. We further maintain that these two projects should be divorced and each be considered on its own merits. We sincerely believe that if the officials of the State of New Mexico think there is sufficient water for both projects they should have no objection to their separation.

The present plans for the Navajo irrigation project are actually short 71,000 consumptive acre-feet of water annually. The project is only allocated $2\frac{3}{10}$ acre-feet consumptive use annually, while other projects in New Mexico's portion of the San Juan Basin are allocated 3 acre-feet.

Past experience in the basin has definitely proved 3 acre-feet to be an absolute necessity for the successful farming.

It is also our contention that in budgeting, such as this represents, conservative allowances should be made to assure the success of the project. To allow too small amount of water per acre could cause the failure of the entire Navajo project.

In addition to the above, you are now asked to authorize the San Juan-Chama project with this provision in section 6:

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 235,000 acre-feet per annum * * *.

This obviously indicates a plan for a future diversion of an additional 125,000 acre-feet by this project.

We want you gentlemen to realize that development of the San Juan-Chama project would bring tragic consequences to our area. The future development of the great San Juan River Basin would be seriously curtailed, and would not be in the best interest of the State of New Mexico nor the United States of America.

We do not believe that the vast mineral, agricultural, oil, and coal reserves of San Juan County should be deprived of the water necessary for their ultimate development.

Our San Juan Basin has a tremendous future if we are not deprived of our water. The San Juan River is our major water supply. Yet it is proposed to divert this precious, limited supply through the San Juan-Chama project out of its natural basin to develop Albuquerque, which has only a minor amount of resources in comparison.

The city of Farmington, in the San Juan Basin of New Mexico, in the last census had the largest growth of any city in the State: 554 percent growth between 1950 and 1960. It is estimated that the population of San Juan County in New Mexico by year 2000 will be one-half million people. The increase in population and the development of our natural resources will greatly increase our water requirements.

At this point, I should like to request the permission of the chairman to read into the record a resolution submitted by the San Juan County Farm & Livestock Bureau.

It is with sincerity that we have presented the foregoing facts in the hope that they will be favorably considered in your deliberations and actions on the Navajo Irrigation and San Juan-Chama diversion. I thank you.

STATEMENT OF C. E. CALVERT, SAN JUAN COUNTY, N. MEX.

Mr. CALVERT. Mr. Chairman and gentlemen of the committee, my name is C. E. Calvert. I am a farmer, living near Cedar Hill, N. Mex., in San Juan County. I wish to thank you and the members of your committee personally for this opportunity to appear before you. I am appearing for and under the auspices of the San Juan County Farm & Livestock Bureau and the San Juan County Reclamation Association. I ask the indulgence of the chairman and the members of the committee, that I may be allowed to read into the record our reasons for opposition to authorization of the San Juan-Chama project as a part of the development program for the Upper Colorado River Basin.

The only tributaries of the Colorado River from which New Mexico can get her allotment of Colorado River water normally flow through San Juan County. The views which I shall express are not alone those of the group with which I am associated, but are representative of the thinking of a great many people generally throughout San Juan County. As a matter of fact, the strongest opposition has been

expressed privately by a fear to make their opposition of the county thro to support the very vitally

Last year on the 20th of some of the New M largely been the official the populous and politic There has never been an the San Juan-Chama, suc as placing in jeopardy t support of our congressio the belief that there is n Basin of their most pre future development, by e admits it will not be n claimed for the San Juan future use of New Mexico. ized, will be forever and development of the enorm

The development of S The completion of the f area into the basin in 1948 tion of a period of the n sources ever enjoyed in \$100 million project, wit water annually and a nee the forerunner of other i able water resource.

The natural resources fruitgrowing, livestock, t vanadium, and the many tion of these resources s lampblack, to name only the State of New Mexic dustries already establis yet to be developed, will re drop of water available to waters of the Upper Color

The Navajo irrigation have lived neighbors to t the progress they have s few years. With the deve ber, oil, gas, and uranium with the intelligent hand and the Bureau of Indian that has long lain dorma men and women who have agricultural agents and w cational program, produc generation but for generat

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expressed privately by a great majority of our people, many of whom fear to make their opposition public for fear of reprisals and punishment of the county through refusal of our congressional delegation to support the very vitally necessary Navajo Indian irrigation project.

Last year on the 20th day of May your committee heard testimony of some of the New Mexico State officials. Their testimony has largely been the official position of the State and representative of the populous and politically powerful Albuquerque area influence. There has never been any effective presentation of the opposition to the San Juan-Chama, such opposition being consistently discouraged as placing in jeopardy the Navajo Indian project by alienating the support of our congressional delegation. Our opposition is based on the belief that there is no good reason for depriving the San Juan Basin of their most precious natural resource, so necessary to their future development, by exportation of that resource to an area which admits it will not be needed there for many years. This water, claimed for the San Juan-Chama, is the only water available for any future use of New Mexico. Its diversion to the Rio Grande, if authorized, will be forever and will effectively close the door on any future development of the enormous natural resources of San Juan County.

The development of San Juan County had to await other events. The completion of the first paved highway from the Albuquerque area into the basin in 1948 was followed the next year by the introduction of a period of the most remarkable development of natural resources ever enjoyed in New Mexico. Within the past 6 months a \$100 million project, with an appropriation of 39,000 acre-feet of water annually and a need for 4,200 tons of coal daily, is, we believe, the forerunner of other industries requiring the use of every available water resource.

The natural resources of San Juan Basin composed of farming, fruitgrowing, livestock, timber, oil, gas, coal, iron, helium, uranium, vanadium, and the many byproducts to be derived from the exploitation of these resources such as sulfur plastics, tar, pulpwood, and lampblack, to name only a few, are unmatched in any other area in the State of New Mexico. The continued prosperity of these industries already established in San Juan County, as well as of those yet to be developed, will require the most careful conservation of every drop of water available to New Mexico from her limited share of the waters of the Upper Colorado River Basin.

The Navajo irrigation project, we deem a necessity. To us who have lived neighbors to these people for many years are amazed at the progress they have shown on their reservation during the last few years. With the development of their natural resources of lumber, oil, gas, and uranium and some small irrigation projects, and with the intelligent handling of their funds by their tribal leaders and the Bureau of Indian Affairs, they have shown to us an ability that has long lain dormant and not been fully recognized. These men and women who have lived close to the soil will, through their agricultural agents and with the high standard of their present educational program, produce progressive farmers, not only in this generation but for generations to come.

This Navajo irrigation project of 110,000 acres will provide homes for approximately 1,100 families and several hundred additional

personnel that will be required to handle the various types of labor that will be involved. In addition to the fruits and vegetables that will be grown for home consumption, will be the various types of feed grains for winter feeding, thus saving many thousands of dollars to the U.S. Government in expenditure that has been so necessary in the past for the preservation of livestock during winter months.

Under New Mexico entitlement for planning purposes, this project only calls for 2.3 acre-feet of consumptive use annually. Practically all the irrigation projects in New Mexico's portion of the San Juan Basin are allotted 3 acre-feet. I can assure you gentlemen that any appropriation under 3 acre-feet would be inadequate and would defy the principles of successful farming.

Under the present planning and consumptive uses of the Upper Colorado River water in New Mexico, including the Navajo project, San Juan diversion project, first phase, and the Animas-LaPlata project, calls for consumptive use of 670,800 acre-feet annually. Under the second phase of this \$86 million San Juan-Chama diversion calls for an additional 125,000 acre-feet annually diverted to the Rio Grande River. This, along with the San Juan River channel losses and miscellaneous applications in good standing, makes 980,800 acre-feet annually in total projected uses.

In the testimony presented before the subcommittee on the 20th day of May, 1960, you were told that New Mexico's 11½ percent of the Upper Colorado Basin allotment of water, over a 33-year period, 1924-56, was 691,875 acre-feet annually; but what you were not told was that during the last 10 years, for the period from 1948 through 1959, New Mexico's share of the Upper Colorado River Basin allotment was 585,000 acre-feet annually.

It is readily apparent, from Mr. Reynold's analysis, that we will not have enough water in our basin even if the San Juan-Chama diversion is completely eliminated. We urge you to not make our semiarid land even more dry.

The history of New Mexico's streams and reservoirs has invariably been one of overestimation, and as you can readily recognize by these figures, the same is happening with this proposed project. We cannot farm with confidence, and a municipality cannot expand and industries will not develop our numerous resources without the assurance of an adequate supply of water.

Gentlemen, I hope I have impressed you with our sincerity. We who live in this great semiarid country know the conditions that exist there. Again I say I am speaking for the majority of the people of our county who sent me here. We have no political aspirations, but are interested only in our homes and the county in which we live. We firmly believe in the words which I have had repeated to me many times, and they are: "Save San Juan River water for San Juan Basin." Gentlemen, I thank you.

Mr. UTRON. At this point I planned to read in a resolution prepared by the San Juan County and Livestock Bureau, but it was in your hearing last year and with your permission I should just like to have it entered this year.

Mr. ASPINALL. Is it the same resolution?

Mr. UTRON. It has minor changes and it also carries the endorsement of the San Juan Reclamation Association.

Mr. ASPINALL. With the record.

(The amended resol

To Whom It May Concern

A resolution of San Ju protesting consideration approved by the voting d

San Juan County Farm of 250 farm families. W cerned with the general industrial development of t sociates of other farmer theirs will be the next g cern for their future is u

Up to this time, there l ent view of opposition officials of the State. T San Juan County's project would wreck plan Juan County's use of Sa gram was discouraged. unwelcome. No effort ha viewpoints.

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Mr. ASPINALL. Without objection, the resolution will be placed in the record.

(The amended resolution follows:)

SAN JUAN COUNTY FARM & LIVESTOCK BUREAU,
Aztec, N. Mex., January 17, 1961.

To Whom It May Concern:

A resolution of San Juan County (New Mexico) Farm & Livestock Bureau protesting consideration of legislation authorizing the San Juan-Chama project, approved by the voting delegates in November, 1960.

FOREWORD

San Juan County Farm & Livestock Bureau is a local organization composed of 250 farm families. While its interests are primarily agricultural, it is concerned with the general welfare, the educational, cultural, economic, and industrial development of the area. Its members are friends, neighbors, and associates of other farmers, business, and professional men, our children and theirs will be the next generation and parents of the one following. Our concern for their future is understandable.

Up to this time, there has never been an effective presentation of the prevalent view of opposition to the San Juan-Chama project as approved by the officials of the State. Those persons taking an active interest in presenting San Juan County's projects insisted that any opposition to the San Juan-Chama project would wreck plans for the Navajo Dam, itself vitally necessary to San Juan County's use of San Juan River water. Objection to the accepted program was discouraged. Any testimony adverse to such program was most unwelcome. No effort has ever been made toward conciliation of the conflicting viewpoints.

Western New Mexico is a dry land, in which the only variation is in the severity of the drouth that never ends. Without the snow and rain that fall on the headwaters of the Rio Grande—the rainfall for that part of New Mexico—that valley would be uninhabitable. Likewise, New Mexico's limited share of San Juan River water—from the snow and rain on the headwaters of that river—is San Juan County's rainfall and is equally basic and vital to the development of the fabulously rich natural resources of that county, and so to the economy of the whole State of New Mexico.

In such a land it is only natural that questions should arise and conflicts develop over division and use of so vital a resource. In 1935 there was the first intimation of a demand for the diversion of a very large amount of water from the San Juan River to the populous and politically powerful Albuquerque area of the Rio Grande Valley. So powerful was this demand that the legislation which would have made development in San Juan County possible, imposed conditions which would finally result, we believe, in the diversion of more than one-fourth of New Mexico's share of the waters of the Colorado River by way of the proposed San Juan-Chama project. Thinly disguised as the "initial stage," the legislation would authorize the expenditure of millions of dollars whose only purpose would be preparation for the ultimate diversion of 235,000 acre-feet of water originally sought for such purpose, the full amount of water available for use of New Mexico at the elevation of the proposed diversion.

Such a diversion was not only demanded as a right by the Rio Grande interests but the State of New Mexico, through approval of its Governor, its congressional delegation, its Interstate Streams Commission, its State engineer and others, gave the project the appearance of acceptability.

Almost without exception the people of San Juan County think such a diversion of San Juan River water would be a crippling blow to the future development of northwestern New Mexico. Neither wishful thinking nor optimistic appraisals of a water supply will make up for the shortages bound to occur in a water program based on short-term averages, overappropriation, and the patient endurance of "tolerable" shortages. That same kind of thinking, followed on the Rio Grande, has brought about the situation from which those people seek relief through a diversion of water from the San Juan River, where the inevitable result will be exactly the same situation but with no possible source of supplemental supply.

We are in unanimous agreement that the most important and far-reaching benefits possible from use of San Juan River water will come through development of the Navajo irrigation project for the irrigation of 110,000 acres of tillable lands on the Navajo Reservation. The human values to accrue to this, the most numerous Indian tribe in the United States, are immeasurable. We urge its authorization for the full acreage promised, that the size of the water supply be determined on a basis of the needs of the people to be served and without regard to other or conflicting claims for San Juan River water. Studies of operation and water supply for the Navajo irrigation project prove conclusively that occasional ruinous shortages will be unavoidable should the San Juan-Chama diversion project be authorized and constructed. And, the entire objective of the Navajo irrigation project would be defeated.

We know that municipal water must be in firm supply. Industrial uses (and users), through whom San Juan Countians hope to develop an industrial empire through conversion of immense stores of coal, gas, oil from deposits, and other minerals, will not locate where they must depend on a water supply whose primary commitment is for the use of other municipalities and industries, however worthy.

Present uses, domestic, agricultural, municipal and industrial, must be provided for. New Mexico's share of evaporation losses from the river system itself, as well as that from the storage reservoirs necessary for the control and distribution of Colorado River water, cannot be avoided. In addition to these present requirements we must plan for which will, we hope, prove to have been the wisest use of our water supply.

THE RESOLUTION

Whereas, having reviewed carefully the foregoing, and it being our considered opinion that we have, in no case, been immoderate in our approach or treatment of the subjects covered, and believing implicitly in the cause for which we speak, San Juan County Farm & Livestock Bureau submits to members of the U.S. Congress the following.

RESOLUTION

Be it resolved, That San Juan County Farm & Livestock Bureau, acting through its board of directors, express to members of the U.S. Congress our strongest approval of the Navajo irrigation project. *Be it further*

Resolved, That we oppose any consideration by Congress of any legislation authorizing the San Juan-Chama diversion except on its merits as a single independent project. Further, that any diversion of San Juan River water now or ever to be considered should have the approval of the people of San Juan County, and be limited to water proven to be in surplus supply.

Approved and adopted by San Juan County (N. Mex.) Farm & Livestock Bureau Board of Directors. (Original copy on file Aztec, N. Mex.)

A. K. Brown, president; William A. Utton, vice president; William S. Allen, secretary-treasurer; Mrs. J. R. Brown, Jr., chairwoman; C. E. Calvert, L. P. McCoy, J. Ben Taylor, Lloyd Armstrong, Donald T. Martin, Alex C. Hare, Directors.

ENDORSEMENT

The executive committee of the San Juan County Reclamation Association met in Farmington, N. Mex., Wednesday evening, January 11, 1961. There were present: Oliver Stock, Waterflow; J. H. Harper, Fruitland; Jack Gardner, Cedar Hill; Dave Martin, Bloomfield; Valentin Archuleta, Blanco; and Cecil Dial, Aztec.

Recent newspaper comment, together with the hasty introduction in the Senate of authorizing legislation, made the San Juan-Chama diversion project the chief topic for consideration. The long discussion disclosed entire agreement of those present in opposition to that project, on many counts.

After long consideration and much discussion the members present concluded that a November 1960 resolution of the San Juan County Farm & Livestock Bureau, together with their supporting argument, expressed their own sentiments as well as the best interests of San Juan County and State of New Mexico quite fully.

J. H. Harper more expressed wish of the elation, acting through that resolution and the of the said association

Mr. UTTON. Are people all over San record? There are

Mr. ASPINALL. U tion, with the num petition itself will (The statement

We, the following the U.S. Congress our tion project, and that authorizing the San independent project.

Mr. HOSMER. Th River Valley; is the Mr. UTTON. Par ness in San Juan C Mr. HOSMER. An area?

Mr. UTTON. No, Mr. HOSMER. I v Mr. UTTON. Tha Mr. ASPINALL. T Mr. Rutherford.

Mr. RUTHERFORD Mr. ASPINALL. T Mr. HOSMER.

Mr. HOSMER. I the limited water s Mr. UTTON. Do Mr. HOSMER. Y development, and w port the water else

Mr. UTTON. Tha Mr. ASPINALL. T Mr. Haley.

Mr. HALEY. I wi Mr. ASPINALL. T sota, Mr. Langen.

Mr. LANGEN. M Mr. ASPINALL. T Mr. MORRIS. I v

I personally do not less, I think he is

most important and far-reaching water will come through development of 110,000 acres of tillable values to accrue to this, States, are immeasurable. We promised, that the size of the needs of the people to be served for San Juan River water. Navajo irrigation project prove will be unavoidable should the need and constructed. And, the would be defeated.

firm supply. Industrial users hope to develop an industry of coal, gas, oil from where they must depend on a water use of other municipalities and

and industrial, must be provided losses from the river system repairs necessary for the control not be avoided. In addition to which will, we hope, prove to

proceeding, and it being our concern immoderate in our approach being implicitly in the cause for Stock Bureau submits to members

and Livestock Bureau, acting members of the U.S. Congress our etc. Be it further

by Congress of any legislation upon its merits as a single petition of San Juan River water approval of the people of San to be in surplus supply.

(N. Mex.) Farm & Livestock of Aztec, N. Mex.)

Utton, vice president; William S. J. R. Brown, Jr., chairwoman; Ben Taylor, Lloyd Armstrong, Directors.

County Reclamation Association of, January 11, 1961. There were Harper, Fruitland; Jack Gardner, in Aleta, Blanco; and Cecil

hasty introduction in the Senate Chama diversion project the chief enclosed entire agreement of those

the members present concluded San Juan County Farm & Livestock, expressed their own sentiments and State of New Mexico quite

J. H. Harper moved, and Jack Gardner seconded the motion (both at the expressed wish of those present) that the San Juan County Reclamation Association, acting through this meeting at which a quorum was present, approve that resolution and the supporting argument, and adopt the same as the action of the said association.

DAVE MARTIN, *President.*

CECIL DIAL, *Acting Secretary.*

Mr. UTTON. At this time, I have a petition with signatures from people all over San Juan County. May I have that entered into the record? There are over 700 names on this petition.

Mr. ASPINALL. Unless there is objection, the statement and the position, with the number of signers, will be placed in the record, and the petition itself will be placed in the file.

(The statement referred to follows:)

PETITION

We, the following residents of New Mexico, wish to express to Members of the U.S. Congress our strongest support for your approval of the Navajo irrigation project, and that we oppose any consideration by Congress of any legislation authorizing the San Juan-Chama diversion, except on its merits as a single independent project.

(723 signatures attached).

Mr. HOSMER. These are the signatures of persons in the San Juan River Valley; is that correct?

Mr. UTTON. Part of them are those interested parties who do business in San Juan County, but have their homes in other areas.

Mr. HOSMER. Are any of these people down in the lower Rio Grande area?

Mr. UTTON. No, sir; they are all up in our country.

Mr. HOSMER. I will withdraw my reservation.

Mr. UTTON. That completes my statement.

Mr. ASPINALL. The Chair recognizes the gentleman from California, Mr. Rutherford.

Mr. RUTHERFORD. No questions, Mr. Chairman.

Mr. ASPINALL. The Chair recognizes the gentleman from California, Mr. Hosmer.

Mr. HOSMER. I understand your position to be that with respect to the limited water supply there can be a full economic use of it.

Mr. UTTON. Do you mean in our basin?

Mr. HOSMER. Yes; through the process of future growth and development, and without the necessity for large expenditures to transport the water elsewhere.

Mr. UTTON. That is our contention.

Mr. ASPINALL. The Chair recognizes the colleague from Florida, Mr. Haley.

Mr. HALEY. I will reserve my time.

Mr. ASPINALL. The Chair recognizes the gentleman from Minnesota, Mr. Langen.

Mr. LANGEN. May I reserve my time?

Mr. ASPINALL. The Chair recognizes Mr. Morris, of New Mexico.

Mr. MORRIS. I want to welcome the gentleman to the committee. I personally do not agree with his position in this matter. Nevertheless, I think he is perfectly within his right in petitioning this com-

mittee and the Congress with his views and the views of the people whom he represents.

Mr. Utton, with regard to the consumptive use of how much water is available in the basin, what is the position of the Bureau of Reclamation?

Mr. UTTON. Sir, in other projects in the county their position is 3 acre-feet. However, on this particular project they recommend $2\frac{3}{10}$ acre-feet.

Mr. MORRIS. And the position of the Bureau of Reclamation and the engineers that they have within the Bureau feel that there is sufficient water supply for these two projects; is that not correct?

Mr. UTTON. That is correct. The difference is not between our opinion and their opinion. It is not a matter of figures; it is a matter of the time that you take for those figures. The figures over a period of 48 years show there is ample water; but if you go to a 33-year period, that drops down to 691,000 acre-feet. If you use a 10-year period, from 1948 to 1959, you find that your water drops down to 385,000 acre-feet. Then if you look back into your tree rings, you find there are periodic droughts as far back as 2,000 years that have followed this same trend. It is nothing new. It has been with our area for many years.

Mr. ASPINALL. Will my colleague yield at that point?

Mr. MORRIS. I yield.

Mr. ASPINALL. On what study do you base your figures, Mr. Utton?

Mr. UTTON. Well, all of them except the last 10 years are based on the Bureau of Reclamation's figures.

Mr. ASPINALL. The Bureau of Reclamation came up with a letter which I received last year to the effect that water is available to take care of this.

Mr. UTTON. That is what I say. They are using the 48-year period, which takes into consideration extremely high-moisture years.

Mr. ASPINALL. I asked you on what studies you based your determination, and you said it was on the Bureau's, and you say you do not agree with the Bureau because their study is not conclusive or is not brought down to date, and I wanted to know where you got your additional information.

Mr. UTTON. No, sir. The statement that I made was that these Bureau of Reclamation periods but we used different timetables to show there has been a gradual decrease. They have these records in their file, but they are using the long-term average.

Mr. ASPINALL. Do you have a copy of your statement or the evaluation that you made?

Mr. UTTON. No, sir; I do not.

Mr. ASPINALL. Do you have it at home or someplace where you can put it together and give it to us as part of your statement?

Mr. UTTON. Yes, sir; we can obtain it.

Mr. ASPINALL. If there is no objection, with the agreement of the chairman of the subcommittee and the ranking member of the committee, the data may be placed in the record at this point.

(The data referred

Hon. WAYNE N. ASPINALL,
Chairman, House Inter-
House Office Building,

DEAR SIR: Below is
your committee on Apr
Source of reference

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Page 80, House Com
May 20, 1960, column 2
(per Arizona exhibit N
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(The data referred to follows:)

SAN JUAN COUNTY FARM AND LIVESTOCK BUREAU,
Aztec, N. Mex., May 24, 1961.

Hon. WAYNE N. ASPINALL,
Chairman, House Interior and Insular Affairs Committee,
House Office Building, Washington, D.C.

DEAR SIR: Below is information requested to supplement my testimony before your committee on April 24, 1961.

Source of reference in arriving at the figure 691,875 acre-feet as being New Mexico's share of the Upper Colorado River Basin water:

Page 80, House Committee on Interior and Insular Affairs hearing, published May 20, 1960, column 2, gives the virgin flow of the Colorado River at Lee's Ferry (per Arizona exhibit No. 355). We averaged the years 1924 through 1956, then subtracted the amount of water to go to the lower basin States. In round numbers this gave us 6,200,000 acre-feet as the upper basin share; 11¼ percent of 6,200,000 (less 50,000 to Arizona) equals 691,875 acre-feet for New Mexico.

The first gaging station was installed at Lee's Ferry in 1921. Figures prior to 1922 were arrived at by using other stations on the Colorado to form a basis for estimating the flow at Lee's Ferry. We figured that by 1924 the measurements at Lee's Ferry should be accurate and that 33 years would give us a fair estimate of the annual flow of the river.

Yours truly,

WILLIAM A. UTTON, *Vice President.*

Mr. HOSMER. In that connection, there was a study made for the State of Colorado by an engineer named Hill, in which he said that under the maximum conditions most of the entire upper basin could expect would be 6,200,000 acre-feet of water. About 11 percent of that is the New Mexico allocation, which brings it down to somewhere around 700,000 acre-feet, even on the basis of a report as optimistic as Mr. Hill's. You may want to take that into consideration in the submission of your figures.

I think that you probably have a lack of confidence in the Bureau's estimates. Therefore, it might be well to go outside of the Bureau for some of these figures.

Mr. MORRIS. Mr. Chairman, I would like permission to read into the record at this point a paragraph of the statement submitted by Mr. Felix L. Sparks, director of the Colorado River Conservation Movement of Denver, Colo., on the hearings before this committee last session of Congress. I think it is pertinent to the very thing that Mr. Utton has brought up.

Mr. ASPINALL. We will have Mr. Sparks on the witness stand pretty soon.

Mr. MORRIS. I think that would be more appropriate, Mr. Chairman. I have no further questions of Mr. Utton.

Mr. ASPINALL. Does the gentleman from California have any questions?

Mr. JOHNSON. No questions.

Mr. ASPINALL. Now back to the gentleman from Florida, Mr. Haley.

Mr. HALEY. Mr. Utton, you state on page 2 of your prepared statement that the future development of the San Juan River Basin would be seriously curtailed and would not be in the best interests of the State of New Mexico or the United States of America. You base that on the vast mineral, agricultural, oil and coal reserves. Is it true that in this valley you have some of the largest coal reserves in the world?

Mr. UTTON. Yes, sir; that is true.

Mr. HALEY. Then this could seriously affect the proper usage of the water being used in that area?

Mr. UTTON. That, sir, we sincerely believe.

Mr. HALEY. In other words, you are diverting the river out of its natural course and you feel that that has taken something away from one part of the State and putting in another there, in future developments, it would be completely different?

Mr. UTTON. Yes, sir; as far as our basin is concerned, I am sure that is true.

Mr. HALEY. Is there not some estimated return flow? What is the return flow from the Navajo project? Have there been any figures on it?

Mr. UTTON. Yes, sir; they estimate approximately 50 percent.

Mr. HALEY. In view of that, that would only be brought about when you fill up a huge reservoir?

Mr. UTTON. Yes, sir; this canal goes out across desert land and in order for us to get the maximum flow back through the San Juan River, those underground reservoirs and holes of surface water would have to be filled up to the level where it would drain back to the San Juan River. Partially on the tail end of the canal there is a possibility that that water will never return to the San Juan River, so maybe the figure of 50 percent return flow is pretty high.

Mr. HALEY. In either event, it would be many years before you could reasonably expect any return flow?

Mr. UTTON. Yes, sir; that is true.

Mr. HALEY. Does this drain to the south?

Mr. UTTON. At the tail end of the canal, I feel that some of it will drain to the south.

Mr. HALEY. How about the north?

Mr. UTTON. The first part of the canal will drain to the north, somewhere in between the beginning and the end, and I know not the place, but I sincerely believe that water will drain to the south. That will automatically up the consumptive use of the canal.

Mr. HALEY. Do you have any figures to indicate what the New Mexico share of the water was from, say, the last 10 years?

Mr. UTTON. In a letter that I have from Mr. Reynolds, he estimates that New Mexico's share from 1948 to 1959 would have been 585,000 acre-feet.

Mr. HALEY. What is proposed to be the active storage space of the Navajo Dam?

Mr. UTTON. It is approximately 1 million acre-feet.

Mr. HALEY. Assuming that you had a situation such as you have had from 1947 up to about last year, how long would that storage water last?

Mr. UTTON. Also assuming that New Mexico was using their full-planned use of the water, that storage would last approximately 3 years, leaving 7 years that we would have no storage in the Navajo Dam.

Mr. HALEY. Is this project going to take away from the Navajo Indians any water rights that they now have?

Mr. UTTON. Not at the present time. If they stuck by some of the old treaties right to the letter, they have all the rights to the water;

but this would be presently using.

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but this would not take away from them any water that they are presently using.

Mr. HALEY. Let me see if I clearly understand this.

Under the original agreements, treaties and so forth, the Navajos had the right of all of this water. Is that your statement?

Mr. UTRON. That is my understanding, but I cannot back that up.

Mr. HALEY. If this facility is built and the Indians in the original instance had been entitled to all of the water rights there, what proportion is being taken away from them? All, or part, or what?

Mr. UTRON. No, sir; it would be just a portion.

Mr. HALEY. I thought one of the reasons for developing this, spending \$135 million here was to help develop some Indian land. I want to know if we already have these water rights for the Indians and they have the water rights now and we are going to take 50 percent away from them. It seems to me we are getting on rather dangerous ground.

Mr. UTRON. I do not have that figure, so I do not know.

Mr. ASPINALL. If my colleague will yield? The Navajo Tribe would be unable to use any more water than it is using at the present time if it were not for the fact that we have this proposed development for this area. The Navajo Dam has been built, and the reservoir will fill. The Navajos would have had no right to the use of this water, if we did not have this agreement; and they come in here and state at the present time that they are satisfied.

Mr. UTRON. That is true.

Mr. ASPINALL. They are getting some value for the value they forego. As far as any water rights that they had which are undetermined, they have made their agreement that they are willing to go along with the water that this calls for for the development of their lands. Is that not true?

Mr. UTRON. That is true.

Mr. ASPINALL. As far as the watering of the lands is concerned, there are 580,000 acre-feet diversion in this project and 282,000 acre-feet stream completion, and you referred to that as simply a 50 percent, perhaps, return flow; and that may be, and it may not be. But then you state they are short 71,000 acre-feet consumptive use of water. But that does not necessarily follow, does it?

Mr. UTRON. Yes, sir; it does. There is a vast difference between consumptive use and the diverted use.

Mr. ASPINALL. But you are using return water all the time, not altogether below and not altogether on this project.

Mr. UTRON. The consumptive use takes that into consideration. If we were talking about diverted use, we would use the figure 508,000; however, we are using 552,000 which is what I believe you used, and that is consumptive use. And the $2\frac{3}{10}$ is consumptive use, and it is not diverted water.

Mr. ASPINALL. What happens to the rest of the water?

Mr. UTRON. The water between the 252,000 and the 508,000 returns to the stream and we obtain credit. However the 252,000 is what is used up and does not return to the Colorado system, and we get no credit for it.

Mr. ASPINALL. You should not have any credit for it. That is water allocated to the acreage itself, and the only statement that you have here that seems to be valuable to me is that you say that that is perhaps

seven-tenth of an acre-foot less water than is necessary to develop these particular crops on this area.

Mr. URTON. That is right, sir; on a consumptive use basis and not a total diverted basis.

Mr. ASPINALL. How much credence do you want us to put to the shortage of this amount.

Mr. URTON. We would like the Indians to have the same break as the rest of us in the valley do, 3 acre-feet.

Mr. ASPINALL. Part of the users of the Upper Colorado River have used more water than they would have been wise to use, so I don't know if your figure is absolutely necessary.

The specialists in this study seem to think that 2 $\frac{3}{10}$ acre-feet of water is all that is necessary for the crops they are talking about, and these are not specialized crops.

Mr. URTON. That is true, but they are not farming up there.

Mr. ASPINALL. This is all a matter of experience. A great deal of this water may be returned to the river by underflow before they get the project anywhere near complete.

Mr. HALEY. You make the statement here, however, and I quote:

The project is only allocated to 2 $\frac{3}{10}$ acre-feet consumptive use annually while the other projects in New Mexico's portion of the San Juan Basin are allocated 3 acre-feet. Past experience in the basin has definitely proved 3 acre-feet to be an absolute necessity for the successful farming.

What kind of farming is that?

Mr. URTON. Largely irrigated pasture, corn, vegetables, fruit, crops of that nature.

Mr. HALEY. I will ask you the question I asked Mr. McCabe. He was on the stand when I left. Apparently the committee has finished with him.

What assurance is there in this whole project that the Navajos would have a sufficient amount of water in periods of drought for their farming operations?

Mr. URTON. Sir, as far as I am concerned, there is no assurance. According to a study made by the State of New Mexico, the Navajo Reservoir operation on sheet No. 8 shows that there will be shortages of as much as 270,000 acre-feet on the Navajo part of it, and shortages as great as 53.1 percent on the entire project, taking into consideration the San Juan-Chama, the Navajo Irrigation, and future industrial and municipal uses. I do not consider that figure to be very small.

Mr. HOSMER. Will the gentleman yield?

Mr. HALEY. Yes, sir.

Mr. HOSMER. I have some figures on that particular point, and I would like to check them out with you and see if they sound within reason.

I am going to start with the estimated historic flow at the location of Navajo Dam Site based on the 1931 to 1959 period, which shows that to be 1,012,000 acre-feet. From that we deduct the potential upstream depletion; one is the San Juan-Chama, 110,000 acre-feet; the ultimate Pine River project, 65,000, and the Wiminuche Pass diversion, 21,000, which totals 196,000 and brings the water coming into the Navajo Dam down to an average of 816,000 annually.

There is about 38,000 acre-feet a year evaporating from that reservoir and an estimated 225,000 on the average of uncontrolled spill,

for a total of 263,000 and you get estimate Navajo at 553,000 on t

Against those, we irrigated land plus around, 53,000; Utah municipal industrial, just a little over a th various projects.

Do those figures sou

Mr. URTON. You w we figured, but you c

Mr. HOSMER. And y

Mr. URTON. No, sir.

Mr. HOSMER. I do n provisions in this bill I am sure there are a there is a considerable

Mr. HALEY. I have

Mr. ASPINALL. Are

Mr. LANGEN. Mr. U the degree to which y which I believe I bro diversion, the implic serious shortage to t by your estimation?

Mr. URTON. Yes, si of 108,000 feet woul consumptive use. If equivalent of 500,000 110,000 acre-feet th

Mr. LANGEN. So th I note further that acre-feet consumption

Mr. URTON. Yes, sir

Mr. LANGEN. Do I sion there is a possib acre-feet might not be

Mr. URTON. Yes, sir

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Mr. URTON. The far started it and there ha New Mexico was a St of the farmers. The d our State office, is lin

Mr. LANGEN. Do yo tiates that? You refe

Mr. URTON. No, sir.

Mr. LANGEN. This l that 3 acre-feet a year

for a total of 263,000 acre-feet, which you subtract from the 816,000 and you get estimated available supply for downstream release to Navajo at 553,000 on the average.

Against those, we have these downstream requirements, presently irrigated land plus Hammond project, and about 800 other acres around, 53,000; Utah Construction Co., 500,000; Navajo, 508,000; municipal industrial, 125,000, for a deficit of 288,000 feet, which is just a little over a third of the water that is required to operate these various projects.

Do those figures sound fairly accurate to you?

Mr. UTTON. You went around through the back door from the way we figured, but you came up with approximately the same answer.

Mr. HOSMER. And you cannot live with that, can you?

Mr. UTTON. No, sir.

Mr. HOSMER. I do not think anyone can. There were some elaborate provisions in this bill before us as to how to handle shortages, and I am sure there are a lot of other people in this room who contemplate there is a considerable deficit, too.

Mr. HALEY. I have no other questions.

Mr. ASPINALL. Are there any further questions of Mr. Utton?

Mr. LANGEN. Mr. Utton, in going through your statement, I notice the degree to which you emphasize the concern relative to diversion, which I believe I brought up this morning. In connection with the diversion, the implication is here that this diversion could cause a serious shortage to the Navajo irrigation project. Is that correct by your estimation?

Mr. UTTON. Yes, sir; we definitely feel that is true. The diversion of 108,000 feet would take away all the return flow which would be consumptive use. If we used that in the basin, we could divert the equivalent of 500,000 acre-feet and still not utilize any more than the 110,000 acre-feet that would be diverted.

Mr. LANGEN. So that I may understand the application here better, I note further that you state the project is only allocated to $2\frac{3}{10}$ acre-feet consumption annually?

Mr. UTTON. Yes, sir.

Mr. LANGEN. Do I gather from your statement that with the diversion there is a possibility that there might be use when the $2\frac{3}{10}$ acre-feet might not be available?

Mr. UTTON. Yes, sir; that is true.

Mr. LANGEN. I note further that you state that experience has definitely proved that there is a requirement of 3 acre-feet. What experience has brought this about? How do you know that to be true?

Mr. UTTON. The farming in the area is relatively old. The Indians started it and there had been some irrigation farming going on before New Mexico was a State, and we are basing that on the experience of the farmers. The data from our State experimental farm, or from our State office, is limited in that field.

Mr. LANGEN. Do you have a report of any kind that substantiates that? You refer to your State office?

Mr. UTTON. No, sir.

Mr. LANGEN. This has just been an accustomed factor that shows that 3 acre-feet a year is what is required.

Mr. UTTON. Yes, sir, the consumptive use of the farmers now in operation in the valley.

Mr. LANGEN. Then you say further that if there is too small an amount of water provided here, then it might amount to a failure of the entire Navajo project; is that correct?

Mr. UTTON. That is true. At the present time in the San Juan Basin we have had acres of farms that had to be abandoned due to that shortage of water.

Mr. LANGEN. This would amount to a pretty serious matter for the Navajo Reservation as I recall from this morning's testimony which seemed to imply that the need for water here was pretty important to their future welfare.

Mr. UTTON. In the West, the water is the key to our life. Without it we cannot exist.

Mr. LANGEN. I raise that point because I share with my colleague from Florida the concern for the Indians on the reservations and the rights I gather in this instance they already have had. I believe the testimony this morning indicated that they had relinquished a part of rights they now have in order to accommodate this project. Is that also correct?

Mr. UTTON. As far as I know, it is; yes, sir.

Mr. LANGEN. I have just one further thought and that is this, and I also raised that this morning: With regard to the water that it is contemplated being diverted, what are the indications that this diverted water will be used for domestic and commercial uses in Albuquerque and in places of that kind?

Mr. UTTON. Under New Mexico law there is nothing to stop that water from all of it being used ultimately for municipal and industrial use.

Mr. LANGEN. By your judgment, is there evidence that there might be in the future a great demand for its use in those fields?

Mr. UTTON. Yes, sir, I believe there will be.

Mr. HALEY. Will the gentleman yield at that point?

Mr. LANGEN. I will be happy to yield to the gentleman from Florida.

Mr. HALEY. There is nothing in this planned project that would keep the people of Albuquerque from using this for an industrial and domestic consumption, is there?

Mr. UTTON. No, sir.

Mr. HALEY. There is nothing to indicate that it is going to be used for agricultural purposes specifically, is there?

Mr. UTTON. Yes, sir, there are three small projects which at the present time allocate small amounts of supplemental water. However, this supplemental water under New Mexico's law could be taken away when there is proven good and sufficient need.

Mr. HALEY. If you divert this water and Albuquerque does not have any shortage at the moment, as I understand it in the domestic consumption and in the industrial consumption, taking it away from one valley and putting it in another, where as a matter of fact it might be more profitable to leave it where it is; is that not true?

Mr. UTTON. We feel they have already overused the water in the Rio Grande. We feel this will definitely overuse the water in the

San Juan Basin, and water. We would have

Mr. HALEY. Where in the San Juan Valley?

Mr. UTTON. Yes, sir, in San Juan County.

Mr. HALEY. As a matter of fact, in the past 10 years.

Mr. UTTON. Yes, sir, greater than Albuquerque.

Mr. HALEY. There is no possibility of continuing if you have a

Mr. UTTON. We believe a little bit of time we would have not been tapped;

things we will be needing the possibility of getting

use a great deal of water.

Mr. HALEY. You are saying that you will need oil and coal reserves in

Mr. UTTON. Yes, sir, in the San Juan Basin.

Mr. HALEY. Thank you, Mr. UTTON.

Mr. LANGEN. How is the project, by canals? Will it be a plate?

Mr. UTTON. There will be approximately 157 miles of canal lifted at one place by a

tricity to boost water up to the

Mr. LANGEN. The benefit of that entire project is

Mr. UTTON. Yes, sir, in the San Juan Basin.

Mr. LANGEN. The purpose of these canals and the

ing of the canals and the

jeopardy because of the

have canals but not sufficient

Mr. UTTON. Yes, sir, in the San Juan Basin.

Mr. ASPINALL. Thank you, Mr. UTTON.

Mr. UTTON. I wish to be patient and listening to the

peared before a group of people

pride.

Mr. ASPINALL. May I ask the next witnesses to the Interstate Stream Commission, Interstate Stream Commission member, Interstate Stream Commission

Mr. Coury, you have been in the past and we welcome you

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San Juan Basin, and we will have no place else to go to get this water. We would have nowhere else to go for water if we are short.

Mr. HALEY. Where is the city of Farmington? Is that in the San Juan Valley?

Mr. UTTON. Yes, sir, it is our largest and fastest growing town in San Juan County.

Mr. HALEY. As a matter of fact, you have had a tremendous growth in the past 10 years.

Mr. UTTON. Yes, sir, 554 percent between 1950 and 1960, which is greater than Albuquerque.

Mr. HALEY. There is nothing to indicate that that growth will not continue if you have sufficient water.

Mr. UTTON. We believe if we have the use of our water and the little bit of time we will develop; there are coal and oil reserves that have not been tapped; there is uranium, vanadium, and a good many things we will be needing in the future. Besides that, there is a possibility of getting in a plastic development in the area which will use a great deal of water, coal, and gas.

Mr. HALEY. You and your organization feel that if this diversion occurs that you will not have the water facilities to develop your mineral and coal reserves in the San Juan Valley; is that not correct?

Mr. UTTON. Yes, sir, that is the way we feel.

Mr. HALEY. Thank you.

Mr. LANGEN. How is this water to be distributed in the Navajo project, by canals? What kind of distribution system do they contemplate?

Mr. UTTON. There will be dirt canals. The water will go out approximately 157 miles on the reservation toward Gallup. It will be lifted at one place by an electric plant that will generate enough electricity to boost water up to another level.

Mr. LANGEN. The building of these canals and the distribution is part of that entire project?

Mr. UTTON. Yes, sir.

Mr. ASPINALL. That is the project. The reservoir is already built.

Mr. LANGEN. The point I am trying to get at is that the building of these canals and the amount of money that is expended in the building of the canals and the entire distribution system is somewhat in jeopardy because of the diversion project which means they might have canals but not sufficient water to use them.

Mr. UTTON. Yes, sir, that is what we believe.

Mr. ASPINALL. Thank you very much, Mr. Utton, for your presentation.

Mr. UTTON. I wish to thank you and the committee for being so patient and listening so attentively. It is the first time I have appeared before a group of this nature and it gives me a great deal of pride.

Mr. ASPINALL. May I say you have done very well.

The next witnesses to appear will be I. J. Coury, chairman of the Interstate Stream Commission in New Mexico, and Peter Gallagher, member, Interstate Stream Commission of New Mexico.

Mr. Coury, you have been before this committee several times in the past and we welcome you back to the committee.

STATEMENT OF I. J. COURY, CHAIRMAN, NEW MEXICO INTERSTATE STREAM COMMISSION, ACCOMPANIED BY PETER GALLAGHER, MEMBER OF THE NEW MEXICO INTERSTATE STREAM COMMISSION

Mr. COURY. Mr. Chairman and members of the subcommittee, my name is I. J. Coury. My home is Farmington, San Juan County, N. Mex. I am chairman of the New Mexico Interstate Stream Commission. Appearing with me is Peter Gallagher, member of the New Mexico Interstate Stream Commission from Albuquerque, N. Mex., representing the Middle Rio Grande area.

Our appearance before this subcommittee today is in full and unequivocal support of H.R. 2506, H.R. 2552, and S. 107, all of which seek congressional authorization of the Navajo Indian irrigation project and the San Juan-Chama project. Our complete support is given as individuals as well as representatives of the New Mexico Interstate Stream Commission.

The Interstate Stream Commission is empowered to negotiate compacts and settle interstate controversies, looking toward equitable distribution and division of waters in interstate stream systems, and to do any and all things necessary to protect, conserve, and develop the waters and stream systems of the State, interstate or otherwise.

After the Upper Colorado River Compact of 1948 was ratified, New Mexico—through its Governor and this Commission and in cooperation with the Navajo Indian Tribe, Federal agencies, and others—initiated studies for the purpose of ascertaining the best means of making beneficial use of its allocation of the waters of the Colorado River. Such differences and misunderstandings which existed between the diverse interests were resolved to the satisfaction of the parties through a series of conferences, open meetings, and discussions.

Speaking for the New Mexico Interstate Stream Commission, we endorsed and approved, by formal resolution, proposed legislation authorizing these projects at a regularly called meeting assembled at Farmington, N. Mex., on October 17, 1957. Prior to this meeting, notice thereof was widely published in newspapers and by radio. All persons and organizations were invited and given an opportunity to appear before the Commission and express their opinions on the proposed resolution. Most of the organizations of San Juan County, the Navajo Tribe, and representatives of the Middle Rio Grande Basin were present. As a representative of the San Juan Basin, I personally took an individual poll of all persons present from the San Juan Basin during a recess and did not receive one single objection to the approval of the resolution before the Commission. I specifically point this out to you to show that the vast majority of interested people and organizations from the San Juan Basin in New Mexico are united in support of this legislation.

We again wish to express our appreciation to this subcommittee for the opportunity to be heard on this legislation. On behalf of the New Mexico Interstate Stream Commission and the people whom we represent, we cannot emphasize too strongly the need for these projects. We trust this Congress will take favorable action looking toward their early authorization and construction.

Thank you.

Mr. ASPINALL: The gentleman Mr. HALEY affected, as you Mr. COURY. Mr. HALEY: meeting. No Mr. COURY. Mr. HALEY: fair representation citizenry of the Mr. COURY: represented.

Mr. HALEY: existed between of the parties discussions.

What were discussions, and

Mr. COURY: period of 10 opposition to asking for 32 initial stage of

Mr. HALEY: Mr. COURY.

Mr. HALEY: tion.

Mr. COURY: to 12 years of cooperation with data and information order that the own decisions

Mr. HALEY: New Mexico they have?

Mr. COURY:

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Mr. HOSMER: upper basin San

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to deal with with other States the illusion of the upper basin.

Mr. COURY:

Mr. HOSMER: there.

Mr. ASPINALL:

NEW MEXICO INTERSTATE
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Mr. ASPINALL. Thank you, Mr. Coury.

The gentleman from Florida has a question or two.

Mr. HALEY. You are in one of the areas which would be seriously
 affected, as you heard by the testimony?

Mr. COURY. Yes, sir; I did hear that, and I do not agree with it.

Mr. HALEY. You say you personally took an individual poll at this
 meeting. How many people were present?

Mr. COURY. I would estimate between 50 and 60.

Mr. HALEY. Of those persons present, would you say that was a
 fair representative group of the various interests and the various
 citizenry of that town?

Mr. COURY. Yes, sir; all the irrigation districts in the valley were
 represented.

Mr. HALEY. You say such differences and misunderstandings which
 existed between the diverse interests were resolved to the satisfaction
 of the parties through a series of conferences, open meetings and
 discussions.

What were the differences resolved by these conferences and dis-
 cussions, and so forth?

Mr. COURY. These conferences and open discussions were over a
 period of 10 or 12 years prior to 1957. There was quite a bit of
 opposition to the San Juan-Chama diversion. They were originally
 asking for 325,000 acre-feet diversion. We finally agreed on the
 initial stage of 110,000 acre-feet.

Mr. HALEY. Were those the only differences that arose?

Mr. COURY. Primarily, that was the difference.

Mr. HALEY. Then the diversion was the only thing under considera-
 tion.

Mr. COURY. As time went on, Mr. Haley, during the period of 10
 to 12 years the engineering staff of the State of New Mexico, in
 cooperation with the Bureau of Reclamation, were gathering more
 data and information on water supply and availability of water in
 order that the State could make its own decisions and arrive at its
 own decisions.

Mr. HALEY. By the construction of this facility, did the State of
 New Mexico and the citizens deprive the Navajo of any rights that
 they have?

Mr. COURY. No, sir; not in my opinion.

Mr. ASPINALL. The gentleman from California, Mr. Hosmer.

Mr. HOSMER. Do you know how much water is available to the
 upper basin States out of the Colorado River?

Mr. COURY. 7½ million acre-feet per year.

Mr. HOSMER. I mean water, not paper allocation.

Mr. COURY. That is what I understand the water is.

Mr. HOSMER. Do you mean you are a member of a board which has
 to deal with the interstate problems and compacts and agreements
 with other States for your State of New Mexico and you are under
 the illusion there are 7½ million acre-feet of water available to the
 upper basin. Is that what you mean to say?

Mr. COURY. Yes, sir.

Mr. HOSMER. I think the witness has disqualified himself right
 there.

Mr. ASPINALL. That is a matter of opinion.

Mr. HOSMER. It is a matter of opinion of experts and the highest figure anyone estimated was Mr. Hill's figure of 6.2 million and it has gone down steadily since the State of Colorado hired him and paid him real good money to get a realistic idea of what those States up there could expect out of the river.

Do you know how much water your State engineer, Mr. Reynolds, estimated for this committee that the State of New Mexico was going to need?

Mr. CORY. I beg your pardon.

Mr. HOSMER. Do you know that Mr. Reynolds estimated last year that New Mexico would require 780,300 acre-feet out of the Colorado River under its rights if it were going to supply all of the projects that it had in mind.

Mr. CORY. I think that is correct, if Mr. Reynolds said so.

Mr. HOSMER. Do you think there is that much water when New Mexico has only 11½ percent of what is available to the upper basin?

Mr. CORY. I do; yes, sir.

Mr. HOSMER. You know the State of New Mexico got sued by the State of Texas for using too much of the Rio Grande River?

Mr. CORY. Yes, sir.

Mr. HOSMER. You also know that suit was dismissed?

Mr. CORY. Yes, sir.

Mr. HOSMER. Do you know why?

Mr. CORY. Yes, sir.

Mr. HOSMER. Why?

Mr. CORY. On account of the Indians.

Mr. HOSMER. Because the United States was not joined in it.

Mr. CORY. That is right.

Mr. HOSMER. New Mexico was not cleared of using more than its share.

Mr. CORY. That is a legal question and I do not feel I am qualified to answer it.

Mr. HOSMER. Are you qualified to answer this question: Does the Secretary of the Interior control diversion in the middle and lower Rio Grande area?

Mr. CORY. I think he does; yes, sir.

Mr. HOSMER. Could you be wrong?

Mr. CORY. I could be.

Mr. HOSMER. I think you are.

What are you going to do down there? Since you have the responsibility to make treaties and so forth with these other States, what are you going to do about Texas and that deficit of water?

Mr. CORY. Are you talking about the Rio Grande?

Mr. HOSMER. I am talking about what New Mexico owes Texas because of excessive diversion.

Mr. CORY. We have been paying them back our debt as time goes on.

Mr. HOSMER. Not very fast.

Mr. CORY. No; but we have been paying it back.

Mr. HOSMER. You lose a lot of water in that central Rio Grande area by people doing excessive pumping of ground water, do you not?

Mr. CORY. You are asking me now an engineering question, and I am not qualified to answer.

Mr. HOSMER. I would ask: Could that be true?

Mr. CORY. It could be.

Mr. HOSMER. You have been on there that they cannot control.

Mr. CORY. Yes, sir.

Mr. HOSMER. It is all right with people lowering the water.

Mr. CORY. You always deal with water.

Mr. HOSMER. Then it is because of reasons you are short on water.

Mr. GALLAGHER. It is not for ground water must be within the jurisdiction of the State.

Mr. CORY. You always drill for ground water in the Dam you are going to have.

Mr. HOSMER. Who fixes it out?

Mr. GALLAGHER. That is for Mr. HOSMER. How well?

Mr. GALLAGHER. I pay for it well.

Mr. HOSMER. And you are going on there?

Mr. GALLAGHER. Of course in the Grande Valley above the water there must retire from the ground.

Mr. HOSMER. And they are entitled to.

Mr. GALLAGHER. It is not for Mr. HOSMER. Do not this situation upstream?

Mr. GALLAGHER. Some of Mr. HOSMER. None of are they?

Mr. GALLAGHER. No; are testifying against it.

Mr. HOSMER. You do part of the State?

Mr. GALLAGHER. That is for Mr. HOSMER. And the Mr. GALLAGHER. The compared to the support Mr. HOSMER. The support.

Mr. GALLAGHER. It comes from about 90 percent of the County.

Mr. HOSMER. I think that is more than 90 percent. It is meeting.

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Mr. HOSMER. I would assume you would know some of these things.
Could that be true?

Mr. COURY. It could be.

Mr. HOSMER. You have heard that there is a lot of pumping going
on there that they cannot control?

Mr. COURY. Yes, sir. It is all controlled. All that water is con-
trolled.

Mr. HOSMER. It is all controlled and you don't have any trouble
with people lowering the water table.

Mr. COURY. You always have trouble with people when you are
dealing with water.

Mr. HOSMER. Then it is not under control, and that is one of the
reasons you are short on your deliveries to Texas.

Mr. GALLAGHER. It is under control. A person who is going to drill
for ground water must retire surface water rights and it is all under
the jurisdiction of the State engineer. In other words, if you want to
drill for ground water in the Rio Grande Basin above Elephant Butte
Dam you are going to have to retire certain surface water rights.

Mr. HOSMER. Who fixes the lid on how much water you can pump
out?

Mr. GALLAGHER. That is all controlled by the State engineer.

Mr. HOSMER. How well is that pumping policed?

Mr. GALLAGHER. I personally can testify that it is policed very
well.

Mr. HOSMER. And you do not know of any excessive pumping that
is going on there?

Mr. GALLAGHER. Of course, there are plenty of wells in the Rio
Grande Valley above the Elephant Butte, but anyone who is pumping
water there must retire surface water rights if they want to pump
from the ground.

Mr. HOSMER. And they never fudge even a few more drops than
they are entitled to.

Mr. GALLAGHER. It is all controlled, as much as it can be.

Mr. HOSMER. Do not the people down at Elephant Butte view
this situation upstream with great alarm?

Mr. GALLAGHER. Some do.

Mr. HOSMER. None of them are in here testifying for this project,
are they?

Mr. GALLAGHER. No; but I do not know of any who are here who
are testifying against it.

Mr. HOSMER. You do know that there is opposition down in that
part of the State?

Mr. GALLAGHER. That is true.

Mr. HOSMER. And there is opposition up in San Juan County?

Mr. GALLAGHER. There is some but in my opinion it is quite minor
compared to the support that it has in that area.

Mr. HOSMER. The support comes from Gallup down through Albu-
querque.

Mr. GALLAGHER. It comes from the Navajo Indian Tribe and it
comes from about 90 percent or more of the populace in San Juan
County.

Mr. HOSMER. I think there are more signatures on this anti-petition
than 90 percent. It is certainly a lot more than mentioned in your
meeting.

Mr. ASPINALL. The petition speaks for itself.

Mr. HOSMER. Did you participate in these negotiations with the State of Colorado with respect to what was going to happen if there were deficiencies in water?

Mr. CORY. I participated in part of them.

Mr. HOSMER. How long did they go on?

Mr. CORY. I think the first session was about 2 days and then we had one in Denver for 1 day, and there are others between the staffs of the State of New Mexico and the engineer staff of Colorado which I did not attend.

Mr. HOSMER. Were they serious discussions?

Mr. CORY. Yes, sir.

Mr. HOSMER. In other words, the possibility and probability of water deficit was discussed?

Mr. CORY. They discussed it very seriously.

Mr. HOSMER. Did they get into any amounts?

Mr. CORY. There were numbers being thrown around.

Mr. HOSMER. Did any of them stick with you?

Mr. CORY. Not particularly, because there were so many of them.

Mr. HOSMER. Were you yourself apprehensive about there being too little water to handle this project?

Mr. CORY. No, sir.

Mr. HOSMER. You were the only happy man at the conference.

Mr. CORY. I was not the only happy one but there was divergence of opinion which had to be resolved and we solved it.

Mr. HOSMER. But you did not think there was going to be any deficit?

Mr. CORY. Under certain studies, I imagine there would be.

Mr. HOSMER. Did you get in and fight for New Mexico on these things?

Mr. CORY. Certainly.

Mr. HOSMER. And you must have thought it was more than a mental exercise; did you not?

Mr. CORY. I did.

Mr. HOSMER. You did actually regard the probability of deficit serious.

Mr. CORY. Yes, sir.

Mr. HOSMER. You took part in the drafting of these programs or whatever came out of that?

Mr. CORY. No, sir.

Mr. HOSMER. You did take part in the negotiations?

Mr. CORY. In the original, first negotiations; yes, sir.

Mr. HOSMER. At that time did you have some amount of deficit in your mind that you were working around?

Mr. CORY. The questions were posed by the engineers and hydrologists.

Mr. HOSMER. You do not recognize the numbers?

Mr. CORY. The numbers; no, sir; I do not.

Mr. ASPINALL. There will be representatives from the States of Colorado and New Mexico before the committee.

Mr. HOSMER. This man was there and I thought he could enlighten us.

Mr. ASPINALL. The Chair recognizes the gentleman from New Mexico.

Mr. MORRIS. I will read their statements.

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Mr. CORY. Yes,

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Mr. MORRIS. I want to commend Mr. Coury and Mr. Gallagher for their statements.

This meeting that was held in Farmington, N. Mex., on October 17, 1957, was the first meeting of the New Mexico Interstate Stream Commission that was held outside of the city of Santa Fe; is that correct?

Mr. COURY. To my knowledge; yes, sir.

Mr. MORRIS. Very wide publicity was given this meeting; was it not?

Mr. COURY. It was; yes, sir.

Mr. MORRIS. And you have stated before in answer to the questions of the gentleman from Florida that representatives from all groups—business, industrial, and irrigation districts—were at this meeting?

Mr. COURY. Yes, sir.

Mr. MORRIS. And that they agreed to the proposal of the San Juan-Chama Mountain diversion project and the Navajo irrigation project?

Mr. COURY. Yes, sir. I might refresh your recollection. You were chairman of that commission at that time.

Mr. MORRIS. That is true, and I might also say that that was my recollection of the meeting. The meeting recessed and a poll of all of the people was taken by Mr. Coury and they agreed to the proposal that has been submitted to this committee. Those are the only questions I have.

I will yield to my friend from Florida.

Mr. HALEY. I was merely trying to determine who was there and how the poll was taken.

Mr. ASPINALL. The Chair recognizes the gentleman from Colorado.

Mr. CHENOWETH. As a member of this committee I am very happy to see you here today. I recognize you as one of the outstanding water leaders of New Mexico.

I understand your main problem was the question in the minds of the people of Colorado with respect to whether there was sufficient water available for this project.

Mr. COURY. That is right.

Mr. CHENOWETH. Has a satisfactory agreement now been reached?

Mr. COURY. Yes, sir.

Mr. ASPINALL. If my colleague will yield, once again I will say that witnesses for such States will be before the committee. A few of the members of the Southwest still have some questions and they will be heard.

Mr. CHENOWETH. I understand that is true. I was trying to bring out as far as the Commission was concerned that they had reached an agreement.

Mr. HOSMER. Will the gentleman yield?

Mr. CHENOWETH. Yes, I will yield to the gentleman from California.

Mr. HOSMER. He represents the Interstate Compact Commission. Are our questions to be limited to that? I had some other questions.

Mr. ASPINALL. He represents the Interstate Stream. He does not represent the Interstate Compact; as I understand it. The chairman does not want to limit his colleagues any more than necessary but the chairman does feel we should stick to the statements made by the witnesses. The questions you questioned Mr. Coury about were not in his statement this year, or in his statement a year ago.

Mr. CHENOWETH. As I understand your situation, you are seeking to use water which has been allocated to New Mexico under the Colorado River Compact.

Mr. CORY. That is correct.

Mr. CHENOWETH. That water is now available.

Mr. CORY. That is correct.

Mr. CHENOWETH. Colorado and New Mexico are the only two States that would be involved or interested in that agreement?

Mr. CORY. That is correct.

Mr. CHENOWETH. How much water does New Mexico receive under the compact?

Mr. CORY. The engineers say 838,000 acre-feet. They are allocated that much water.

Mr. CHENOWETH. What do you take under this project?

Mr. CORY. For diversion uses or consumptive, 110,000 in the San Juan-Chama.

Mr. CHENOWETH. Reference has been made to the first stage of the project. I am not quite sure what you mean by the second stage. Is there a second stage?

Mr. CORY. There is a second stage contemplation, but as I understand it, the authorization they are seeking from this Congress limits them to 110,000 feet. I understand if they find at some later date they want to divert the additional water, they will have to reappear before the Congress and present that request at that time. This legislation limits itself to 110,000 feet.

Mr. ASPINALL. The Chair recognizes the gentleman from Utah, Mr. King.

Mr. KING. I have no questions.

Mr. ASPINALL. The Chair recognizes the gentleman from Minnesota, Mr. Langen.

Mr. LANGEN. May I refer to the meeting you referred to. How many people were present at this meeting?

Mr. CORY. I would say between 50 and 60 people.

Mr. LANGEN. As I understood by testimony earlier today, a good volume of people will be affected by this project one way or another. Did they get up into figures of almost 20,000 people?

Mr. CORY. 20,000 people could be affected?

Mr. LANGEN. Yes. I am asking you whether that is true or not, whether there is not a much greater volume than 50 or 60 who would be affected by this project.

Mr. CORY. Yes, sir, there would be more than 50 or 60 people affected.

Mr. LANGEN. What is the population of San Juan County?

Mr. CORY. Indian and non-Indian 1960 census was around 60,000 in round figures.

Mr. LANGEN. I noted, too, that you took a poll from all of the persons present from the San Juan Basin. There were other people at this meeting other than those from the San Juan Basin, were there not?

Mr. CORY. That is right. I limited my poll to those in that area.

Mr. LANGEN. So your poll relates only to one segment of the area that is affected by the proposed projects?

Mr. CORY. It affects the people represented there at the

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Mr. CORY. It affects the area where the water originates, yes, sir. It affects the area of San Juan County, N. Mex. I did not poll the people from the Middle Rio Grande, no, sir, but the Indian tribe, the people representing the various areas in San Juan County, N. Mex., were at the caucus and they were polled.

Mr. LANGEN. By you or someone else?

Mr. CORY. By me.

Mr. HALEY. Will the gentleman yield?

Mr. LANGEN. I shall be happy to yield.

Mr. HALEY. Did you say the Navajo was represented there by their tribal council or their representative?

Mr. CORY. They were represented by Mr. Larry Davis, if I remember correctly, who was one of the attorneys for the tribe and by Mr. Casey who is the head of the Bureau of Indian Affairs. I can remember those two distinctly. There may have been others.

I would like to give you my reasons for this poll. Congressman Morris from New Mexico at that time happened to be the chairman of the Interstate Stream. I requested that that meeting be held in Farmington because if there was any dissension among the people in San Juan County, they should be given a final opportunity to express their opinion or any opinion they may have covering this legislation. We gave it all the publicity in the newspapers and radio, and by personal contact. They spent all morning and a good portion of the afternoon discussing and asking questions of the engineers who were present, and they answered the questions very thoroughly by mid-afternoon.

I requested the chairman to have a recess. I called the tribe and those people from San Juan County and told them we had to take a vote. I said I would cast my vote for this legislation the way the majority of you express your willingness for me to vote regardless of whether I agree with it or not. I told them I was representing this area and I would abide by the majority.

After they discussed it for a while they said go ahead and vote for it. I did not stop there. I polled everyone individually and I did not receive one single negative vote.

Mr. HOSMER. Did you point to each one and ask, "What did you want? What did you want?"

Mr. CORY. I said this is the legislation and should I vote yes or no.

Mr. HOSMER. You polled all 60 people?

Mr. CORY. Yes.

Mr. HOSMER. Was it under conditions where it would have been embarrassing for someone to vote the other way?

Mr. CORY. No, sir, I do not think so. They were not placed in that category.

Mr. HOSMER. Was there anyone there during the morning or afternoon who expressed doubts or reservations or misgivings about the program?

Mr. CORY. No, sir.

Mr. HOSMER. This type group of 50 to 60 people were all for it to begin with.

Mr. COURY. Some of them had some doubts, probably before the meeting opened, and after their questions were answered by the staff they were satisfied.

Mr. HOSMER. There have been some 3 years and 6 or 7 months elapsed since this meeting. Have you gone back down there and talked to this same group of people since that time?

Mr. COURY. Have I talked to them since 1957?

Mr. HOSMER. Yes.

Mr. COURY. As a group and as individuals I have talked to several of them.

Mr. HOSMER. I suppose they are all for it.

Mr. COURY. Some are not, for quite obvious reasons.

Mr. HOSMER. Did some of them change their minds?

Mr. COURY. Probably.

Mr. HOSMER. So we are not to regard this 1957 poll as necessarily indicating what the sentiment is today?

Mr. COURY. I would say the sentiment is today just as strong as it was in 1957.

Mr. HOSMER. You have not taken a recent poll though?

Mr. COURY. No; but I have talked to a good many people.

Mr. HOSMER. But despite the fact that there was zero percent opposition in this meeting, there now is opposition of some percentage at least in the area to the project?

Mr. COURY. That is bound to happen, yes, sir. I imagine if you called a meeting of any kind you would have dissidence.

Mr. HOSMER. You called a very unusual meeting in which there were no dissidents among 50 or 60 people. That was an unusual situation, was it not?

Mr. COURY. I don't think it was unusual.

Mr. HOSMER. You said when you get people together you always have some dissidence and here you had a situation where there was none. Is that not a strange situation?

Mr. COURY. No, sir. They were representing certain people and naturally those whom they represented, there may be some among whom they represent, but if a majority represents, that is what we were trying to determine.

Mr. HOSMER. But there was not anyone there from the San Juan livestock group?

Mr. COURY. Yes, sir.

Mr. HOSMER. They were for it?

Mr. COURY. Their spokesman spoke for it at that time.

Mr. LANGEN. May I say to the witness that I raised these questions because there seems to have been some opposition registered here today and this leaves the impression that everyone was in support, and I wanted to ferret out, if we could, why we had such a situation and where the opposition was coming from, and I believe that you just recently stated that it might well have been that some of these groups that were represented here by an individual or one or more individuals, that within those groups there might well have been those who oppose, but they may have been in the majority or minority of those groups, is that correct?

Mr. COURY. That is correct.

Mr. LANGEN. Actually it is interesting that it accomplished a great deal around.

Mr. COURY. I am sorry but there was 100 percent support. I mean that.

Mr. LANGEN. I thank the gentleman. Mr. HALEY. Will the gentleman be in Florida. Mr. LANGEN. I will be in Florida.

Mr. HALEY. Is the San Juan Association in reclamation work?

Mr. COURY. I would not know, sir.

Mr. HALEY. Do you know what is made up or what it consists of?

Mr. COURY. Yes, sir; I think it is about 17 or 18 years ago, but I think last 8 or 10 years.

Mr. HALEY. Is it a good thing?

Mr. COURY. Yes, sir; it is a good thing.

Mr. ASPINALL. The gentleman?

Mr. KING. No questions.

Mr. ASPINALL. The gentleman?

Mr. NYGAARD. I was interested in the possible development of the San Juan County up to the year 1960.

Mr. COURY. The present population as a whole is about one-half million.

Mr. NYGAARD. Up to this question, is this distribution of population here, the distribution of it then we are going to divert it for the Indians.

Mr. COURY. With a growth of population, we are going to take the loss on this water there presently, and naturally in that manner. Upon the population over the water that goes to the Indians.

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Mr. NYGAARD. I was interested in the possible development of the San Juan County up to the year 1960.

Mr. COURY. The present population as a whole is about one-half million.

Mr. LANGEN. Actually it is not to be taken by virtue of this meeting that it accomplished a complete, unanimous support all the way around.

Mr. CORY. I am sorry but I did not intend this statement to mean there was 100 percent support. This statement was not intended to mean that.

Mr. LANGEN. I thank the witness for his fairness.

Mr. HALEY. Will the gentleman yield for just a question.

Mr. LANGEN. I will be happy to yield to the gentleman from Florida.

Mr. HALEY. Is the San Juan Reclamation Association an active association in reclamation work in the San Juan Valley?

Mr. CORY. I would not consider it a fully active organization, no, sir.

Mr. HALEY. Do you know anything about its membership or how it is made up or what it consists of?

Mr. CORY. Yes, sir; I helped organize that organization back about 17 or 18 years ago, but it has been more or less dormant in the last 8 or 10 years.

Mr. HALEY. Is it a good organization?

Mr. CORY. Yes, sir; it is a good organization.

Mr. ASPINALL. The gentleman from Utah?

Mr. KING. No questions.

Mr. ASPINALL. The gentleman from North Dakota?

Mr. NYGAARD. I was interested in Mr. Utton's statement in regard to the possible development and the estimates of the population in San Juan County up to the year 2000. Just a moment ago, you filled in the present population as about 50,000. By the year 2000 it is apt to be near one-half million. The thing I am concerned about, in leading up to this question, is this point: With the water that is impounded here, the distribution of it, we have the human needs for city and then we are going to divert a certain percentage of this water for lands for the Indians.

With a growth of population such as you indicate here, it seems to me that the human needs are going to develop in there, and who is going to take the loss on this water if we allocate every drop that comes there presently, and naturally it is going to divide it in a certain manner. Upon the population increases are they going to have a priority over the water that goes on the tribal lands?

Mr. CORY. I don't think I can answer that at the moment.

Mr. NYGAARD. Who has the preference in the use of this water?

Mr. CORY. All the uses have been anticipated as shown by the State engineer of the State of New Mexico in his testimony of May 19, 1960, before this committee.

Mr. NYGAARD. I was not a member of the committee and I did not have the benefit of that information.

Mr. Chairman, as indicated, the chief engineer will be on the stand after a while.

Mr. CORY. Mr. Reynolds, I think, is the next witness.

Mr. NYGAARD. I will defer that question until the engineer is on the stand.

Mr. ASPINALL. Thank you very much, Mr. Cory.

Mr. ASPINALL. Our next witnesses, who will present a joint statement, are Thomas O. Olson, first assistant attorney general of the State of New Mexico, and John A. Bliss, New Mexico commissioner, Upper Colorado River Commission.

The gentleman from Florida, Mr. Haley, has a unanimous-consent communication from Mr. Dave Martin, the president of the San Juan Reclamation Association, and asked that he be permitted to file his statement at this point in the record.

Hearing no objection, it is so ordered.
(The statement referred to follows:)

BLOOMFIELD, N. MEX., April 22, 1961.

HON. JAMES A. HALEY,
House of Representatives,
Washington, D.C.

DEAR MR. HALEY: The San Juan County (New Mexico) Reclamation Association is sending some material to Mr. Aspinall, chairman of the House Interior and Insular Affairs Committee for inclusion in the record of the hearings scheduled for the coming week.

Knowing your particular interest in problems affecting our Indian people, we are taking the liberty of enclosing a copy of that matter.

We hope you will find it interesting and worthwhile.

Cordially yours,

SAN JUAN COUNTY RECLAMATION ASSOCIATION,
DAVE MARTIN, *President*.

A very large majority of the members of the executive committee of the San Juan County (New Mexico) Reclamation Association, composed of Dave Martin, president; Cecil C. Dial, secretary; Oliver Stock, J. H. Harper, Alvin Talley, Jack Gardner, and Valentin Archuleta, are all, with one exception, lifetime farmers. None has any personal interest to be served through one or another plan for the use of Colorado River water. None has any interest in any get-rich-quick scheme for himself or anyone else. All are intensely interested in the future welfare of the great national storehouse of the San Juan Basin, foreseeing (here) through wise use of New Mexico's share of the upper Colorado River water and other resources, development of an industrial empire of the most far-reaching importance and benefit to both State and Nation.

This committee has always opposed out-of-basin diversion of any of the waters of the San Juan River, or any other of the tributaries of the Colorado River, except such water as has been proven to be in surplus and not needed, nor to be required for use within the natural basin of the Colorado River. This committee has always regarded the Navajo Indian irrigation project as indispensable to the welfare of the Navajo Tribe, the largest of all the Indian tribes. Driven from this land by the U.S. Army a century ago, they filled our Nation's first concentration camp for several years. Returning subdued and broken to this well-loved land, which has been characterized as "no, not desert, but a d--n sight worse," they have through their own good qualities, made a living without the usual assistance given other tribes. The great increase in their numbers makes it impossible for all to live on the presently limited resources of their reservation. The Navajo irrigation project for the irrigation of 110,000 acres of that reservation has our strongest support. Such a development, with an adequate water supply, would do much to alleviate their economic distress and would be a useful move in the saving of a people.

We always have opposed every phase of the San Juan-Chama project, sure that allocation of any part of New Mexico's share of the waters of the upper Colorado River for use outside of the basin would inevitably close the door of opportunity for the fullest development of that part of New Mexico lying within the upper Colorado River Basin. We particularly have opposed concurrent consideration of the San Juan-Chama and the Navajo Indian irrigation projects and deplore and condemn the confusion of the issue by proponents of the San-Juan Chama project in trying to make the successful promotion of that project the price for consideration of the Navajo project. The only possible relation if the two comes through the fact that the San Jose-Chama

would take from the N of the latter.

This project would fit here in San Juan County development of the very Navajo Reservation and reserve in the Colorado resources essential not besides. While it is p might be termed "surplus" A 2,000-year tree-ring r recurring droughts of e

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STATEMENTS OF THE GENERAL OF THE NEW MEXICO CO MISSION

Mr. OLSON. My attorney general of N Interstate Steam Com

Mr. John H. Bliss Colorado River commissi

We appear before to authorize the Nav sion projects.

We should like to offered by Mr. Rayn River Board of Calif year and also offered and Insular Affairs i

In the interest of I will just briefly s sent, of course.

Mr. ASPINALL. Un will be received and p (The statement ref

STATEMENT OF THOMAS

My name is Thomas Mexico and a legal adv Mr. John H. Bliss, who commissioner for New X and companion bills to diversion projects.

In a statement before House of Representative May 20, 1960, Mr. Rayn of California, proposed essential. Again on Ma tee at the hearings on

present a joint statement
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Ex., April 22, 1961.

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would take from the Navajo project, water vitally necessary for the success
 of the latter.

This project would finally withhold so much of the water otherwise available
 here in San Juan County and the San Juan Basin as to effectively discourage
 development of the very great mineral and other resources of the basin. The
 Navajo Reservation contains a very considerable part of the 50-billion-ton coal
 reserve in the Colorado River Basin in New Mexico, together with other vast
 resources essential not to Navajo welfare alone, but to national well-being
 besides. While it is possible that in years of unusual rainfall some water
 might be termed "surplus," the many years of short supply would prove ruinous.
 A 2,000-year tree-ring record proves this land has been the victim of frequently
 recurring droughts of even longer duration than the present one.

No really large-scale development can be expected where the major part of
 the water supply is committed irrevocably as the primary supply for support of
 other industries and municipalities, however worth.

Respectfully submitted.

SAN JUAN RECLAMATION ASSOCIATION,
 By DAVID MARTIN, *President*.

STATEMENTS OF THOMAS O. OLSON, FIRST ASSISTANT ATTORNEY
 GENERAL OF THE STATE OF NEW MEXICO, AND JOHN A. BLISS,
 NEW MEXICO COMMISSIONER, UPPER COLORADO RIVER COM-
 MISSION

Mr. OLSON. My name is Thomas O. Olson. I am first assistant
 attorney general of New Mexico and a legal adviser to the New Mexico
 Interstate Steam Commission.

Mr. John H. Bliss, who joins me in this statement, is Upper Colo-
 rado River commissioner for New Mexico.

We appear before you in support of H.R. 2552 and companion bills
 to authorize the Navajo irrigation and the San Juan-Chama diver-
 sion projects.

We should like to address ourselves to the proposed amendments
 offered by Mr. Raymond Matthew, chief engineer of the Colorado
 River Board of California, before this committee in hearing taken last
 year and also offered again before the Senate Committee on Interior
 and Insular Affairs in hearings conducted on March 15, 1961.

In the interest of economy of time, I will not read the statement.
 I will just briefly summarize the position, with the chairman's con-
 sent, of course.

Mr. ASPINALL. Unless there is objection, the statement by Mr. Olson
 will be received and placed in the record.

(The statement referred to follows:)

STATEMENT OF THOMAS O. OLSON AND JOHN H. BLISS IN BEHALF OF H.R. 2552,
 H.R. 6541, AND S. 107

My name is Thomas O. Olson. I am first assistant attorney general of New
 Mexico and a legal adviser to the New Mexico Interstate Stream Commission.
 Mr. John H. Bliss, who joins me in this statement, is Upper Colorado River
 commissioner for New Mexico. We appear before you in support of H.R. 2552
 and companion bills to authorize the Navajo Irrigation and San Juan-Chama
 diversion projects.

In a statement before the Committee on Interior and Insular Affairs of the
 House of Representatives at the hearing on H.R. 2352, H.R. 2494, and S. 72 on
 May 20, 1960, Mr. Raymond Matthew, chief engineer of the Colorado River Board
 of California, proposed certain amendments to the bills which the board deemed
 essential. Again on March 15, 1961, in a statement before the Senate commit-
 tee at the hearings on S. 107, Mr. Matthew presented in substance the same

amendments (designated one to seven, both inclusive). Thus, New Mexico assumes that these same amendments will be presented to this committee. Our present statement will discuss each of these proposals.

Proposed amendment No. 1.—This amendment would eliminate from section 6(g) of the bill authorization to construct the tunnel and conduit works of the initial stage of the San Juan-Chama diversion project to a capacity sufficient for the future diversion of an average of 235,000 acre-feet per annum. The reasons why New Mexico seeks construction of the larger size tunnel and conduit works have been discussed at length before this subcommittee last year (see report of hearings before this subcommittee May 20, 1960, on H.R. 2352 and companion bills, serial No. 22, 86th Cong., 2d sess. pp. 73, 74, and 95) and in hearings before the Senate Committee on Interior and Insular Affairs on these projects and need not be repeated here.

We believe it uneconomic and shortsighted to fail to construct the additional capacity as a feature of the initial stage project. This additional capacity will cost only \$3 million at this time but will cost at least \$15 million more if parallel tunnel and conduit works are needed at a later date.

Proposed amendment No. 2.—California's second amendment includes four subsections. We believe it obvious that the provisions of subsections (a) and (b) of the proposed amendment are already covered by section 9 of H.R. 6541. (See also sec. 9, S. 107, as adopted). It will be noted that section 9, supra, provides that the Secretary of the Interior in the operation and maintenance of all facilities in the basin of the Colorado River is directed to comply with the applicable provisions of the Colorado River documents which constitute the law of the river. Upon his failure to do so, any basin State may maintain an action in the Supreme Court of the United States to enforce the provisions of those documents and consent is given to the joinder of the United States as a party in such action. We believe that the provisions of subsections (a) and (b) of the proposed amendment are fully covered by section 9.

Subsection (c) as proposed is totally unacceptable to New Mexico. That subsection states specifically "no such waters (Colorado River system waters) shall be made available for consumptive use in any State not a party to the Colorado River compact by exchange or substitution." New Mexico's views on this amendment were discussed before this subcommittee on May 20, 1960 (subcommittee report on H.R. 2352, supra, p. 94). Should an amendment such as that proposed by California be adopted, it would impair New Mexico's compact rights and delay her from developing or making full use of her compact allocation of the waters of the Upper Colorado system for many decades.

Subsection (d) provides that no right or claim of right to the waters of the Colorado River system shall be aided or prejudiced by this act and, further, that by adoption of the act Congress does not intend an interpretation or construction of any of the several Colorado River documents. We believe that subsection (d) is surplusage. It is only too obvious that the act cannot create or prejudice any right or claim of right in and to the waters of the Colorado. The rights in and to the use of waters of the Colorado River system are apportioned to New Mexico by the Colorado River compacts. It is inconceivable to New Mexico that Congress, after consenting to the compacts, could or would unilaterally attempt to vitiate or destroy the agreements which are the solemn obligations of the several parties signatory thereto.

Proposed amendment No. 3.—This amendment would direct the Secretary of the Interior to continue his studies on the quality of water of the Colorado River system and to report the results of his studies and estimates to the 87th Congress and every 2 years thereafter. We point out that section 15 of the Colorado River Storage Project Act directs the Secretary to make such studies. In view of this congressional mandate, the inclusion of the suggested amendment is unnecessary since only Colorado River system water is involved.

Proposed amendment No. 4.—This amendment would direct the Secretary of the Interior to comply with the Colorado River system documents in the construction, operation, and maintenance of all facilities authorized by Federal law for the utilization of the waters of the Colorado River system and under his jurisdiction. It further would give the consent of the United States, that is, the Secretary of the Interior and his subordinate officials, employees, and agents could be made parties to any action which may be initiated should the Secretary fail to comply with the congressional direction therein contained. In response to this proposed amendment, New Mexico again wishes to point out that section 9 of H.R. 6541 provides adequate protection to the States of the Colo-

rado River Basin would only serve to

Proposed amendments and covenants the use of waters out of the basin to New Mexico. It is proposed that land and be deemed River compact. sections 13(c) and of those sections proposed amendments escapes us. New those imposed by ment such as pro Colorado River Basin compact, limitation upon apparently asks transmountain some detail at this subcommittee concern is unwarranted.

Proposed amendment affirmation of It is our position serve no good and the compact negotiations of the Neither do we progress of the into among the and agreement.

In conclusion, amendments proposed of California, unnecessary by existing law documents, or in that they development of state agreements are proposed Senate, except S. 107, as adopted.

Mr. HALL shall not ob speak to be

Mr. OLSON time the spe those recor of March 15

Mr. ASPIN

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ame ment includes four ns of subsections (a) and by section 9 of H.R. 6541. ted that section 9, supra, ration and maintenance of irected to comply with the s which constitute the law te may maintain an action ce the provisions of those United States as a party b subsections (a) and (b) of

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ld direct the Secretary of of water of the Colorado and estimates to the 87th out that section 15 of the e Secretary to make such nd in of the suggested ystem water is involved. ld direct the Secretary of en documents in the cas- s authorized by Federal River system and under the United States, that it, als, employees, and agents ntiated should the Secre- n therein contained. In n wishes to point out that o the States of the Colo-

rado River Basin, while an amendment such as that proposed by Mr. Matthew would only serve to invite a multiplicity of suits.

Proposed amendment No. 5.—This amendment would impose express conditions and covenants on all future Federal contracts or other instruments for the use of waters of the Colorado River in New Mexico, limiting total diversions out of the basin to amounts not exceeding 25 percent of the water apportioned to New Mexico by article III(a) of the Upper Colorado River Basin compact. It is proposed that such express conditions and covenants shall run with the land and be deemed to be for the benefit of the signatory States of the Colorado River compact. California suggests that the proposals are patterned after sections 13(c) and 13(d) of the Boulder Canyon Project Act. An examination of those sections discloses that they are not in any manner similar to the proposed amendment and deal with an entirely unrelated problem. The analogy escapes us. New Mexico is unwilling to accept any limitations in its use beyond those imposed by the compacts. Further, New Mexico believes that an amendment such as proposed is contrary to the spirit and intent of the compacts (see Colorado River compact, art. II(b)(f), art. IV(c); Upper Colorado River Basin compact, art. II(b)(f), art. XV(b)), and also imposes an unnecessary limitation upon uses of its water which is in such short supply. Mr. Matthew apparently asks for this limitation because of his concern over the effects of the transmountain diversion on the quality of water. This question is discussed in some detail at pages 93, 126, 127, and 128 of the record of the hearings before this subcommittee on May 20 of last year. It is clear that Mr. Matthew's concern is unwarranted.

Proposed amendments Nos. 6 and 7.—These amendments are merely a reaffirmation of the law of the river as set forth in the Colorado River compact. It is our position that this reaffirmation is a redundancy within the bill and can serve no good purpose. There is nothing within the language of H.R. 6541 and the companion bills which indicate an effort to modify or expunge the obligations of the upper basin in making the deliveries required under the compact. Neither do we believe there is any legal authority which would permit the Congress of the United States to unilaterally vitiate a solemn agreement entered into among the several States through properly authorized compact negotiations and agreements.

In conclusion, we of New Mexico are of the firm opinion that the amendments proposed by California through the chief engineer, Colorado River Board of California, are merely restatements of existing language within the bill, unnecessary because the proposed amendments are merely restatements of the existing law of the river as enunciated in the several Colorado River system documents, or are of such nature as are totally unacceptable to New Mexico in that they are unwarranted and unnecessary limitations upon her in the development of the natural resources as solemnly apportioned her through interstate agreements. Therefore, we respectfully request that if those same amendments are proposed, this honorable body refuse to accept them as did the U.S. Senate, except to the extent they are already embodied in H.R. 6541. (See also § 107, as adopted.)

Mr. HALEY. Reserving the right to object, Mr. Chairman, and I shall not object, are the amendments that the gentlemen are going to speak to before the committee or will they be offered?

Mr. OLSON. As I understand they will be offered. At the present time the specific amendments to which we address our comments are those recorded before the Senate committee on page 56 of its report of March 15.

Mr. ASPINALL. I think they are in last year's record.

Mr. OLSON. I believe they are, sir.

Mr. ASPINALL. Yes; they are in last year's record. They are before the committee.

Off the record.

(Discussion off the record.)

Mr. HALEY. I withdraw my objection.

Mr. ASPINALL. It is so ordered.

You may proceed, Mr. Olson.

Mr. OLSON. Briefly stated, we feel that the amendments offered as No. 2, sections A, B, D, No. 3; No. 4 and No. 6 and No. 7 are all unnecessary amendments to the proposed legislation.

They would be directory to the Secretary, speaking generally again, requiring him to comply with the law of the river or the Colorado River documents.

By those documents we mean the two compacts, the Boulder Canyon project and the several other documents which constitute the law of the river.

We feel that these amendments are unnecessary to the bill. They would be redundant and that section 9 of H.R. 6541 and Senate bill 107 as adopted by the Senate would adequately cover the provisions suggested by California.

In relation to amendment No. 1, which would have as its purpose the deauthorization for the construction of the larger tunnel and conduit work, we raise objection to that. This would be unacceptable to New Mexico for the reason that we feel that in the interest of economy it would be desirable to construct the larger conduit and tunnel facility at this time.

This can be done at a cost of approximately \$3 million at this time, whereas if, at a later date, authorization should be given for the maximum diversion of 245,000 acre-feet per annum, the same facilities would cost at least 15 and perhaps a great many million dollars more to construct.

In other words, there would be an economy of about \$12 million to construct these facilities at this time.

In relation to subsection C of proposed amendment No. 2, this would have for its purpose the limitation upon New Mexico wherein she could not substitute or exchange waters diverted across the mountain.

We feel that this would be an unnecessary impairment of New Mexico's compact rights and, further, would have the ultimate purpose of preventing the construction or at least the use of the waters to be diverted across the transbasin.

Lastly, we object to proposed amendment No. 5 for it would contain a provision wherein New Mexico's maximum diversion transbasin would be limited to 25 percent of its waters.

Again we feel that this is an unnecessary limitation upon the use of New Mexico's waters which are in such short supply.

Briefly then, we feel that the amendments proffered by Mr. Matthew of the California board are merely restatements of existing language within the bill, or they are merely restatements of the existing law of the river which is in no way amended or affected by the proposed legislation or, lastly, are of such nature as are totally unacceptable to New Mexico and are unnecessary limitations upon her in the development of her natural resources.

Mr. ASPINALL. The Chair recognizes the gentlewoman from Idaho, Mrs. Pfost.

Mrs. PFOST. Mr. Chairman, I should like to ask Mr. Olson about the saving that you are speaking about regarding the tunnel and conduit works, would you at the present time for the additional \$3 million simply make a larger tunnel and larger conduit works or would it be two separate ones side by side to be constructed simultaneously?

Mr. OLSON. At this time of a 235,000 acre-feet which are authorized.

The present law of the Interior and the conduit.

If at a later date for the diversion of smaller tunnel and conduit works would cost 15 million.

Mrs. PFOST. of the tunnel a 100 feet?

Mr. OLSON.

Mr. ASPINALL.

Mr. HOSMER. that extra capacity cannot waste \$3 million on this project up to 100 feet.

Mr. OLSON.

Mr. HOSMER. was finished a Mexico say we have.

Mr. OLSON. I have conversed with you in the immediate future.

Mr. HOSMER. part. I have no hooks to try to get.

Is there some other way that they would like there is not enough.

Mr. OLSON.

we are content with no plans for an.

I might defend my say on the subject.

Mr. HOSMER. are speaking of.

If you had had a little able agitation.

Mr. OLSON. apportioned her.

Mr. HOSMER. you have available.

Mr. OLSON.

Mr. HOSMER. to use about 70.

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Mr. OLSON. What we are proposing is that the works be constructed at this time of a capacity large enough to provide for the diversion of 235,000 acre-feet per annum through these works in lieu of the 110,000 which are authorized by this construction.

The present language, I think it is section 6 if I recall correctly, 6g of the legislation under consideration, would authorize the Secretary of the Interior to construct the larger facilities insofar as the tunnel and the conduit works are concerned.

If at a later time the authorization should be changed to provide for the diversion of 235,000 acre-feet and we had constructed the smaller tunnel we would have to construct a parallel tunnel and conduit works which would be at a cost estimated in excess of \$15 million.

Mrs. PROSR. Whereas you, if you do it now, simply enlarge the size of the tunnel and the conduit works to take care of the 235,000 acre-feet?

Mr. OLSON. That is correct.

Mr. ASPINALL. The gentleman from California.

Mr. HOSMER. Now, would the State of New Mexico, assuming that that extra capacity was put in these tunnels, promptly argue that we cannot waste \$3 million, we have to spend additional money to bring this project up to the 235,000 acre-feet project.

Mr. OLSON. I don't think that is under consideration at this time, sir.

Mr. HOSMER. I did not ask you at this time. I said when the project was finished and built with that excess capacity would then New Mexico say well, if you do not use it, you have wasted \$3 million.

Mr. OLSON. Speaking for myself, and for the people with whom I have conversed about this proposition, no, it would not in the immediate future.

Mr. HOSMER. That to my mind, is a fantastic speculation on your part. I have never seen anybody yet that did not use one of these hooks to try to hang an extra project on.

Is there something extraordinary about the people of New Mexico that they would not do that. Is your answer based on the fact that there is not enough water to consume that capacity, or what?

Mr. OLSON. My answer is based on the fact that at the present time we are contemplating only 110,000 acre-feet diversion. There are no plans for anything additional at the present time.

I might defer to Mr. Bliss here, who perhaps has something else to say on the subject.

Mr. HOSMER. That again gets back to the present time. When you are speaking of additional capacity you are talking about the future.

If you had it in there I would assume that there would be considerable agitation to use it, would there not?

Mr. OLSON. New Mexico has made no final allocations of her waters apportioned here under the Upper Colorado River compact.

Mr. HOSMER. As a matter of fact, you do not know how much water you have available under that apportionment?

Mr. OLSON. There are conflicting views on that point.

Mr. HOSMER. As a matter of fact, your State engineer has plans to use about 70,000 acre-feet more than you have if the upper basin were entitled, not only entitled, but could actually lay its lands on 7.2 million acre-feet.

Mr. OLSON. The State engineer will be here to speak for himself on that point.

Mr. HOSMER. I wonder if the solicitude of the State of New Mexico for saving money goes to the extent of possibly approving an amendment which would allow this extra capacity if the State of New Mexico put up \$3 million. How would you like that?

Mr. OLSON. Well, I don't know where we would get the financing, so I doubt whether we would like it.

Mr. BLISS. Mr. Chairman, may I answer that question in this manner: that New Mexico is perfectly willing, and has so stated, that they are willing to contribute, from their share of the power revenues, funds contributed by the power projects to pay for that increased capacity should it not be authorized at some future date.

Mr. HOSMER. That is very generous of the State of New Mexico, but that money doesn't belong to the State of New Mexico anyway, it belongs to the taxpayers, by some hocus-pocus around here some few years ago the States got in and allocated it to themselves.

I do not regard that as an act of generosity.

Further than that, with all the expressions about lifeblood and life and death that we have heard here so far, it seems to me that the great State of New Mexico could pony up \$3 million if they want these tunnels enlarged.

Now, I take it from you that you would not approve of it in the first place and if it were put in the bill the State is so poor it could not put the money in it; is that right?

Mr. OLSON. I would say we do not have sufficient funds in our general revenue to pay for it at this time.

New Mexico does contemplate paying for it ultimately.

Mr. HOSMER. How will that come about?

Mr. OLSON. As has been pointed out by Mr. Bliss here.

Mr. HOSMER. The State of New Mexico has not one iota of interest in this power development fund. The money comes from people who buy power, does it not?

Mr. OLSON. Among which are some of the New Mexico users, sir.

Mr. HOSMER. You want it used to put in some waterworks here in New Mexico?

Mr. OLSON. We need to make full use of our water, some of which will be used for municipal and industrial purposes. A great portion of this water will be used for irrigation purposes as far as the 110 thousand.

Mr. HOSMER. Do you have any idea what this water will be used for?

Mr. OLSON. There is provision under New Mexico law wherein waters used for irrigation purposes may be transferred to municipal and industrial users, but the lands which are being irrigated must be retired, the water rights must be purchased.

Mr. HOSMER. Now, you have gone a little bit off. I was going to confine my questioning to exactly your statement, but you have led into something here that I cannot logically let go.

Now, has your office or anybody down there in the State ever made a study of the cost of picking up that water by this alternative method?

Mr. OLSON. Which water are you referring to now, Mr. Hosmer?

Mr. HOSMER. I am

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Mr. HOSMER. I am referring to the water you say you can take from agricultural use and put to industrial and domestic use.

Mr. OLSON. This practice is being presently engaged in in the Rio Grande Valley at the present time.

Mr. HOSMER. Some of that coming out of water rights apportioned to lands that are being subdivided, and so forth?

Mr. OLSON. No.

Mr. HOSMER. You are just letting that water go?

Mr. OLSON. The method of change of use is by application to the State engineer. The State engineer first determines whether the lands to be retired have a valid water right.

Upon determining that fact, then he determines whether the proposed use is a beneficial use and whether it can be done without impairing existing rights.

If he makes a favorable determination on those points, then the application is in all probability approved.

Mr. HOSMER. As a matter of fact, your cities down there that need this water could in this manner pick it up at a fraction of the cost that goes into this project.

Mr. OLSON. No; they have to pay the fair market value for the water.

Mr. HOSMER. But the cost of accumulating that much water rights from your agricultural economy to your city economy, the total cost of it would be a small fraction of the cost of this San Juan-Chama project?

Mr. OLSON. They have to pay full market value with interest on the water.

Mr. HOSMER. Did you ever figure out how much it would cost to do that?

Mr. OLSON. I know that the water rights that are currently being transferred carry a high premium on their value because of the shortage.

Mr. HOSMER. But you have no study—

Mr. OLSON. I have no figures.

Mr. HOSMER. So you cannot say, "Mr. Hosmer, you are completely wrong and it will cost us as much or more."

Mr. OLSON. I don't know what the relative costs are.

Mr. HOSMER. That seems to me would be a good thing for the State to look into in case this project does not get through.

How hard is the State of Texas pressing you on this water deficit?

Mr. OLSON. During the past 10 years I believe that New Mexico has, I am recalling from recollection now, but I believe 8 out of the 10 years or 9 out of the 10 years New Mexico has more than met her obligation in deliveries to the State of Texas and has in fact retired some of the existing indebtedness.

Mr. HOSMER. Now, this restriction though that we propose to put in here on making exchanges and so forth of this water you do not want in the bill?

Mr. OLSON. It is impossible to operate a transbasin diversion—

Mr. HOSMER. You couldn't make up the deficit to Texas out of the Colorado River then, could you?

Mr. OLSON. I am confident that our indebtedness to Texas will not be repaid with one drop of San Juan water.

But by the mere fact of transbasin diversion there is a substitution. You can't identify each drop of water that is brought into a basin. It is impossible to operate without the exchange or substitution being made.

There will be a comingling of the waters and you cannot identify San Juan water from Rio Grande water. One is not green and the other white.

Mr. HOSMER. Now, in effect, you are substituting Colorado River water to pay off your debt to Texas.

Mr. OLSON. No, sir.

Mr. HOSMER. Well, I see it a little bit differently. Now, what about the control of diversion? Now, as I understand, the Secretary of the Interior can control diversions on the upper Rio Grande; is that right?

Mr. OLSON. To some extent, yes, he can. He has control over the operation of several of the projects on the Rio Grande.

Mr. HOSMER. But he does not have full control.

Mr. OLSON. He does not have full control.

Mr. HOSMER. He has no control on the lower or middle Rio Grande?

Mr. OLSON. Yes, at the present time he is operating both the middle Rio Grande project and the Elephant Butte Irrigation District.

Mr. HOSMER. But as an agent of the State of New Mexico?

Mr. OLSON. No, by contract from the Middle Rio Grande Conservation District and Elephant Butte.

Mr. HOSMER. It is still New Mexico water except by contract he has got to do what you want?

Mr. OLSON. It is New Mexico's water to the extent that it is allocated under the Rio Grande compact.

Mr. HOSMER. You could terminate that operation contract with the Secretary of the Interior any time you wanted to?

Mr. OLSON. The State, itself, could not.

Mr. HOSMER. Why?

Mr. OLSON. The State is not a party to the contract.

Mr. HOSMER. Now, this matter of transmountain diversion that you object to, do you feel that that is an act of real perfidy on somebody's part to want to prevent transmountain diversion or do you feel there are reasons for some people wanting the return of the flow of waters.

Mr. OLSON. I presume you are speaking of the 25-percent limitation, Mr. Hosmer.

Mr. HOSMER. Yes.

Mr. OLSON. Mr. Matthew has seemingly equated this provision with the effects upon the quality of water. We do not believe that transmountain diversions affect the quality of the water in any respect.

If at all, it perhaps betters it. However, I should defer to Mr. Bliss on that, who is an engineer.

Mr. HOSMER. Now, we have heard that before, too. You take nice pure upstream water out and do not let it run down. The idea is that you have higher quality water below, but it is rather illogical.

What water you take out by way of diversion in respect to quantity never has a chance to get back into the river system out of which it is taken.

Mr. OLSON. That is correct. I agree with that.

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Mr. HOSMER. That is all.

Mr. ASPINALL. The gentleman from Florida, Mr. Haley.

Mr. HALEY. Mr. Olson, I know from your statement on page 4 that you oppose certain amendments. You say New Mexico is unwilling to accept any limitation on the use of this water.

Do you consider that an invasion by the Federal Government of the rights of your State, bearing in mind that a ward of a Federal Government may be involved here, also?

Mr. OLSON. We had not considered it in that particular aspect, sir, but our principal premise in saying that is that the water with which we are dealing was apportioned to New Mexico under the compacts.

We have entered into an agreement with the Navajo Tribe in the apportionment of these waters to which New Mexico feels she is entitled, and we do not believe that there is any purpose served in the Congress in making an effort to vitiate or attempt to amend these solemn agreements entered into between several parties.

Mr. HALEY. In other words, you still feel you have some State rights?

Mr. OLSON. I am confident that we do.

Mr. HALEY. You also say here on page 5 that neither do we believe there is any legal authority which would permit the Congress of the United States to violate any of these rights or the Supreme Court.

You have not been before the Supreme Court in recent years, have you, on State rights?

Mr. OLSON. No, sir; I haven't; not on State rights.

Mr. HALEY. I do not think you will find very much sympathy there on State rights. That is something we have been hollering about for years.

I am willing to give you States rights if you will give us ours.

That is all, Mr. Chairman.

Mr. ASPINALL. The gentleman from Colorado.

Mr. CHENOWETH. Mr. Olson, I understand you have no larger project in mind now.

Mr. OLSON. At the present time there has been no final allocation of the waters.

Mr. CHENOWETH. You want to make the tunnel large enough so that in the event in future years such a project should be authorized, then you would not have to ask Congress for a larger tunnel.

Mr. OLSON. That is correct, sir. That is our only interest in the larger tunnel.

Mr. CHENOWETH. You feel you are saving money by building the larger tunnel now.

Mr. OLSON. We feel it would be uneconomical. We would rather gamble \$3 million and \$15 million.

Mr. CHENOWETH. The State of New Mexico wants to allocate \$3 million of the funds received from power revenues to pay for the tunnel.

Mr. OLSON. That is right.

Mr. CHENOWETH. If you did not spend it there, you would have it available for some other project.

Mr. OLSON. That is right.

Mr. CHENOWETH. To that extent it is money which belongs to the State of New Mexico for you to allocate as you see fit?

Mr. OLSON. That is correct.

Mr. CHENOWETH. You want to put it in the tunnel at this time rather than use it for some other project?

Mr. OLSON. Yes.

Mr. HOSMER. Do you have any idea when that money will become available to pay that \$3 million.

Mr. OLSON. I don't personally, sir.

Mr. BLISS. It would become available within the 50-year repayment period.

Mr. HOSMER. At the end of the 50-year repayment period.

Mr. BLISS. Within it.

Mr. HOSMER. At the end of it. As an added on cost, assuming the project pays out about which there is considerable doubt.

Mr. BLISS. It would come within the 50-year repayment period.

Mr. CHENOWETH. These amendments which you have presented here in your statement, Mr. Olson were the subject of negotiations with the California representatives?

Mr. OLSON. To my knowledge, sir, there has been no negotiation between California and New Mexico relative to these amendments.

Mr. CHENOWETH. Are these amendments contained in the bill passed by the Senate?

Mr. OLSON. We contend that to a large extent they are contained in section 9 as adopted by the Senate, Senate bill 107.

Mr. CHENOWETH. New Mexico agrees to the language in the Senate bill.

Mr. OLSON. Yes, sir.

Mr. CHENOWETH. You feel, then, that language contains all of the matters which you have presented in these amendments, which you are willing to accept for the State of New Mexico?

Mr. OLSON. Yes; we feel they are adequately covered by section 9.

There are a few minor variations, but we feel that the State of California would be adequately protected, more than adequately protected, by the language of section 9 and we do agree to the language of section 9.

Mr. CHENOWETH. On the matter of the 25-percent limitation, have you given any study to the constitutional questions involved in that proposal?

Mr. OLSON. Yes.

Mr. CHENOWETH. So far as the State of New Mexico is concerned?

Mr. OLSON. Not a great deal, sir, but we do feel they transgress upon certain provisions of the compacts and there would be some doubt in my mind as to whether this limitation would be imposed in lieu of the privileges afforded New Mexico as a participating State in the upper Colorado River compacts.

Mr. CHENOWETH. In your opinion, what would be the legal procedure for imposing such a limitation on the State of New Mexico?

Mr. OLSON. I haven't given any real thought to it, sir. These amendments did not come to my attention until toward the end of last week. I haven't given it any detailed study, but I would entertain some doubts, personally, as to whether they are a legitimate imposition upon what we consider to be New Mexico's rights under the compact.

Mr. CHENOWETH. You do representing the attorney general in your opinion it could not be done?

Mr. OLSON. I am reluctant to say because I haven't given exhaustive thought of grave concern, certainly, to the question.

Mr. CHENOWETH. You said you were not until recently?

Mr. OLSON. Just recently.

Mr. CHENOWETH. You did not do so previously?

Mr. OLSON. I, myself, did not do so at the previous hearings.

Mr. CHENOWETH. You have not done so personally?

Mr. OLSON. No, sir.

Mr. HOSMER. This is just a question of amendments?

Mr. OLSON. This is my opportunity to discuss—

Mr. HOSMER. The State of California has no objection with respect to these amendments?

Mr. OLSON. With respect to the limitation acceptable to New Mexico.

From the operational standpoint from the legal standpoint I am sure of my colleagues, but I would not question the constitutionality of the imposition.

Mr. HOSMER. That is all, Mr. Olson.

Mr. ASPINALL. The gentleman is correct.

Mr. MORRIS. Mr. Chairman, I have to Mr. Bliss and that is only a question of time.

Now, how much water are we entitled to under the compact?

Mr. BLISS. They are entitled to 100,000 acre-feet per year.

Mr. ASPINALL. If the general allocation provided in the compact is of priority, Mr. Bliss.

Our controversy with the State of Colorado is over the question of the Colorado River.

That is all that is involved in the question.

Of course, Mr. Hosmer naturally faces and we folks of the upper Colorado River compact.

Is that not right, Mr. Bliss?

Mr. BLISS. That is correct.

Mr. HOSMER. If I can add anything else, actually there we would not be able to do so.

Mr. MORRIS. Now, let me ask you a question.

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50-year repayment period.

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r to be New Mexico's rights under the

Mr. CHENOWETH. You do not hesitate to tell this committee, then, representing the attorney general of the State of New Mexico, that in your opinion it could not be done in this legislation?

Mr. OLSON. I am reluctant to put it quite that frankly, sir, because I haven't given exhaustive study to the thing and it is a matter of grave concern, certainly, to us.

Mr. CHENOWETH. You say this was not called to your attention until recently?

Mr. OLSON. Just recently.

Mr. CHENOWETH. You did not have those amendments before you previously?

Mr. OLSON. I, myself, did not. I did not actively participate in the previous hearings.

Mr. CHENOWETH. You have had no opportunity to go over them personally?

Mr. OLSON. No, sir.

Mr. HOSMER. This is just your personal opinion about these amendments?

Mr. OLSON. This is my personal opinion. I haven't had an opportunity to discuss—

Mr. HOSMER. The State of New Mexico has taken no position with respect to these amendments?

Mr. OLSON. With respect to the amendments, I was accepting Mr. Chenoweth's statement that perhaps we would find the 25-percent limitation acceptable to New Mexico.

From the operational standpoint, we do not find it acceptable, but from the legal standpoint I, myself, have not discussed it with any of my colleagues, but I would entertain some doubts as to the constitutionality of the imposition.

Mr. HOSMER. That is all, Mr. Chairman.

Mr. ASPINALL. The gentleman from New Mexico.

Mr. MORRIS. Mr. Chairman, I would like to direct one question to Mr. Bliss and that is on the question of the water supply.

Now, how much water are the Upper Colorado Basin States entitled to under the compact?

Mr. BLISS. They are entitled to divert and consume 7½ million acre-feet per year.

Mr. ASPINALL. If the gentleman will yield to me, that compact allocation provided in the lower basin has been satisfied with its first priority, Mr. Bliss.

Our controversy with the lower basin as is represented by Mr. Hosmer is over the question of the actual supply of water in the Colorado River.

That is all that is involved here.

Of course, Mr. Hosmer naturally throws the flag of warning in our faces and we folks of the upper basin naturally press for our allocation under the compact.

Is that not right, Mr. Bliss?

Mr. BLISS. That is correct.

Mr. HOSMER. If I can add, Mr. Chairman, if the water were actually there we would not be disturbed about this matter at all.

Mr. MORRIS. Now, let me ask Mr. Bliss this question:

Do you know of any water supply studies that have been made in connection with how much water is there?

Mr. BLISS. Numerous water supply studies have been made, sir.

Mr. MORRIS. How much water is available?

Mr. BLISS. The water supply studies indicate that there is a full 838,000 acre-feet of water available substantially every year for the satisfaction of New Mexico's share of the compact allocations.

Mr. MORRIS. That is all.

Mr. ASPINALL. The gentleman from North Dakota.

Mr. NYGAARD. No questions.

Mr. ASPINALL. Are there any other questions?

Mr. HOSMER. Yes, Mr. Chairman.

This 838,000 acre-feet that you are talking about, whose study are you basing that on?

Mr. BLISS. That is based on the study made by the State engineer's office.

Mr. HOSMER. The conclusion in that study that New Mexico is entitled to 11½ percent would indicate that the full 7½ million acre-feet is available to the upper basin; would it not?

Mr. BLISS. That is correct.

We have 838,000 feet if the 7½ million is available to the upper basin.

Mr. HOSMER. Is it not a fact that whoever came to that conclusion in the State engineer's office has come to a much different conclusion than most everybody else who has studied the supply available.

Mr. BLISS. I think not. I was answering Congressman Morris' question as to whether the amount of water physically in the San Juan Basin, if the water in the San Juan Basin were physically available for that diversion and used.

Mr. HOSMER. Oh, if it were physically available?

Mr. BLISS. Yes.

Mr. HOSMER. There is no question that would be true if it were physically available.

What I would like to ask you, then, is what is the actual availability.

Mr. BLISS. If you will tell me how the river is going to run, I will tell you what is actually going to be available in the next 50 to 100 years.

Mr. HOSMER. From past records you can get almost any answer, depending on what base period you take.

Mr. BLISS. I assume you can arrive at a number of answers; yes.

Mr. HOSMER. Is it not true that at least there has been expressed not only in the lower basin, but in the upper basin a fear that there is not physically available the total amount of water that is allocated by the compact?

Mr. BLISS. That is correct.

May I add this, Congressman—

Mr. HOSMER. But the State of New Mexico's position is that that is wrong, that it is available?

Mr. BLISS. We are taking the position that physically that water is available, but may I point out that what we are seeking here today is nowhere near the 838,000. It is very substantially less than that amount.

So what we are actually concerned with here is certainly available at all times.

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Mr. HOSMER. You plan to use some over 700,000?
Mr. BLISS. That is in diversion use. There are two different values. One is the amount you have to divert to consumptively use a substantially lesser quantity.

Mr. HOSMER. Are you familiar with this report that Mr. Hill made?

Mr. BLISS. I am.

Mr. HOSMER. Do you think that is an erratic document?

Mr. BLISS. Mr. Hill is entitled to his opinion.

Mr. HOSMER. But not yours?

Mr. BLISS. Not mine.

Mrs. HOSMER. You think he is way off?

Mr. BLISS. He is entitled to what he figures is the water supply.

Mr. HOSMER. I ask you, is it your opinion that he is way off?

Mr. BLISS. I think he is ultraconservative; yes.

Mr. HOSMER. Have you made the same exhaustive study of the river that he has?

Mr. BLISS. I think probably the office has made considerably more exhaustive survey than Mr. Hill made.

Mr. HOSMER. When was this survey made?

Mr. BLISS. We have been making it for the last 10 years, Congressman.

Mr. HOSMER. There has been nothing during that time that to your mind indicated there would be anything less than the full amount of water available?

Mr. BLISS. Congressman, when you talk about a full water supply, I might point out that in any irrigation project, in any use of water, to make the best and fullest use of the water in the basin you contemplate shortages in the supply.

If you contemplated a full 100-percent supply at all times you certainly would not make the best and fullest use of the water.

Certainly there are shortages contemplated and they are contemplated on every reclamation project I know of.

Mr. HOSMER. So far as the State of New Mexico goes, they are not calculated on any shortages, they are calculated on overages.

Mr. Reynolds has done that.

Mr. BLISS. I did not understand you.

Mr. HOSMER. I say that apparently the State of New Mexico has been calculating on overages, not shortages, of available water.

Mr. BLISS. I don't understand yet what you mean, Congressman.

Mr. HOSMER. Because the amount of use that Mr. Reynolds estimated last year to this committee totals almost this 838,000 figure here.

Mr. BLISS. Well, I don't know that we should get into this right now because Mr. Reynolds will make a very adequate statement.

Mr. HOSMER. It is always embarrassing to get into this. I bring up the matter of the exhaustive series of negotiations that the State of New Mexico had with the State of Colorado and that embarrasses people. People then come by and say, well, I guess we are really just exercising when we have these provisions for water shortages, and is that the way you explain it away?

Mr. BLISS. No, sir. As I said before, what is planned for, what is presently being used and what is planned for consumptive use under these two projects is very much under the total use which New Mexico

expects to make in the future which we feel we are entitled to make under the compact.

The figures which your people had developed throw in a great many factors which are not before us at the present time.

Mr. HOSMER. Like reservoir evaporation.

Mr. BLISS. No, sir.

Mr. HOSMER. And unavoidable spills and like that?

Mr. BLISS. No, sir. Reservoir spills depend on how much you use each year and how adequate use you make of your reservoir. It is not a fixed quantity.

Mr. HOSMER. That is all.

Mr. ASPINALL. Does the gentleman from New Mexico have additional questions?

Mr. MORRIS. I do not have additional questions, Mr. Chairman. I do want to say to the committee, that the State of New Mexico, and the witnesses to my knowledge are not trying to hide anything concerning this project.

We think it is a good project. We think the witnesses will adequately answer all the questions that will be asked of them and we are not trying to hide anything in this project.

There are always differences of opinion whenever it comes to water. There are always differences of opinion when it comes to most any problem that we face in this Nation.

We do not contend that water supply or the development of water projects are any different than anything else. There are differences of opinion.

We think our position is sound and we think we have sound engineering studies to back up our position.

Mr. ASPINALL. I think the gentleman is right. To be a little bit facetious, I doubt whether anybody could hide anything from this group.

Mr. MORRIS. I do not either. I certainly do not think you can hide anything from the gentleman from California or anyone else on this committee.

Mr. HOSMER. I want to assure the gentleman I do not think the State of New Mexico is going to hide anything at all. They may be trying to abscond with some water, but they are not trying to hide anything.

Mr. ASPINALL. The Chair is about to adjourn the meeting for today. We did not get quite as far along as we had wished to.

It will be necessary to hear the departmental witnesses, at least some of them, in the morning.

The gentleman from California, Mr. Hosmer, has just told me that he will not take much time for the rest of the witnesses with the exception perhaps of Mr. Reynolds who speaks from an official position as the State engineer.

But we will do our best to get through with the presentation that is now before us on the agenda by tomorrow afternoon provided we can sit, of course, during the general debate on the appropriations bill.

I thank my colleagues for being here this afternoon.

The meeting will stand adjourned at this time.

(Thereupon, at 4:10 p.m., the committee was recessed, to reconvene at 10 a.m., Tuesday, April 25, 1961.)

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