

RESOLUTION OF THE  
NAVAJO TRIBAL COUNCIL

Peabody Coal Company's Proposal for a Coal-Fired Steam  
Generating Plant on the Navajo Reservation

WHEREAS :

1. The Navajo Tribe has recently executed satisfactory and beneficial agreements with Peabody Coal Company under the terms of which coal will be mined by Peabody Coal Company from the Black Mesa coal reserves and transported by coal slurry to a steam plant of Southern California Edison Company at Fort Mohave, Nevada, to generate power to meet the growing power demands of the Southwest, and

2. There remain large additional quantities of coal on the Navajo Reservation which constitute a valuable resource of the Navajo Tribe, of such quality that its best use is for coal-fired steam generating of electric power, and it is in the best interests of the Tribe to consummate arrangements whereby said coal can be used for said purpose before the growing competition with nuclear generation of power might displace or greatly retard coal production, and

3. The minutes of the Upper Colorado River Basin Compact Commission show that the allocation of 50,000 acre-feet of water for the State of Arizona under the Upper Colorado River Basin Compact of October 11, 1948 failed to consider adequately or perhaps at all the Indian rights to said water along the Colorado River, and especially the entitlement of the Navajo Tribe, and

4. It is imperative that the rights of the Indians in waters of this Nation necessary for the present and future development of Indian land, whether those waters be local or imported from other watersheds, be expressed constantly and forcefully before the Congress of the United States and all administrative agencies and courts concerned with the water development program for this country, and

5. 10,000 acre-feet of the aforementioned 50,000 acre-feet allocated to Arizona have apparently been put to beneficial use, leaving a possible balance of 40,000 acre-feet, and

6. The consideration of H.R. 4671 in the current session of the Congress of the United States, in respect to the possible importation into the Colorado River Basin of 8,500,000 acre-feet of water, fails to make clear that Indian rights to the use of a fair and reasonable portion of said imported water would be recognized and assured, and

7. The development of the entire western portion of the Navajo Reservation is threatened unless additional water is secured in sufficient amounts for domestic, industrial and agricultural purposes, and

8. Peabody Coal Company would propose to the Tribe that a power plant be constructed on the Navajo Reservation side of Lake Powell in the vicinity of Antelope Creek to be based upon the production of Navajo coal if 40,000 acre-feet of water may be allocated to such use, and

9. If the Secretary of the Interior will insist openly and publicly that the rights and needs of the Navajo Tribe in and to the waters of any river system affecting its land, including a right to participate fully in waters imported under any proposed importation plan or project such as is contemplated in H.R. 4671 be recognized and protected, then in that event it would be in the best interests of the Tribe to recommend and approve allocating 40,000 acre-feet of water for the new power plant hereinabove mentioned at Lake Powell on the Navajo Reservation, a portion of which water can be utilized by Peabody Coal Company to insure or backup the transportation of Black Mesa coal by slurry pipeline to the generating units being constructed by Southern California Edison Company at Fort Mohave, Nevada, in the event that underground water heretofore authorized and supplied from the Navajo Reservation from deep wells in the Black Mesa portion of the Reservation drilled by the Peabody Coal Company should in any way prove inadequate or should the usage thereof in any way hinder the full use of available ground water supplies for the municipal, industrial and domestic needs of the Navajo Tribe, and

10. The Secretary of the Interior has heretofore publicly announced and so also has the Governor of the State of Arizona, that the allocation of 50,000 acre-feet to the State of Arizona by the aforementioned Upper Colorado River Basin Compact, can and should be best used for the purposes of the Navajo Reservation.

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Navajo Tribe hereby requests, authorizes and empowers its officers, and petitions the Secretary of the Interior to take all steps necessary, advisable or incidental to affirm the right of the Navajo Tribe to said 50,000 acre-feet

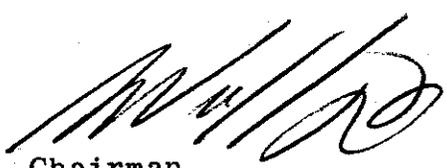
of water from the Upper Colorado River Basin pursuant to the aforementioned Upper Colorado River Basin Compact and authorize the use of 40,000 acre-feet thereof for the purposes of (1) cooling two generators of approximately 750 to 1000 kw. each of a power plant to be located on the Navajo Reservation as aforesaid to be fueled by coal from deposits on the Navajo Reservation, and (2) for the purpose of transporting Black Mesa coal by slurry pipeline to the Southern California Edison plant located at Fort Mohave in the State of Nevada in the event that underground water from the Navajo Reservation, the use of which has been heretofore authorized by this Council for said slurry pipeline for any reason proves inadequate for that purpose.

2. The Navajo Tribal Council hereby authorizes the officers of the Tribe and the Legal Department to negotiate an agreement or agreements with Peabody Coal Company and whatever power company or companies are secured by Peabody Coal Company as purchasers of said coal for the building of a power plant on the Reservation in the vicinity of Antelope Creek and use of said 40,000 acre-feet of water as aforesaid, subject to selection and approval of sites and rights-of-way by the Division of Land Investigation in negotiation with said company and said power company or companies, and subject to the approval thereof by the Advisory Committee of the Navajo Tribe.

3. Copies of this resolution be made available to the Bureau of Indian Affairs and the Secretary of the Interior and to all other interested parties, and that the officials of this Tribe and its Legal Counsel continue to make known to the President of the United States, members of the United States Congress, and all other interested parties, the needs and rights of the Navajo Tribe to participate in any and all waters to be imported into the Colorado River system pursuant to investigation which may be instituted pursuant to H.R. 4671 and all other similar legislation.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Tribal Council at a duly called meeting at Window Rock, Arizona, at which a quorum was present and that same was passed by a vote of 50 in favor and 1 opposed, this 28th day of July, 1966.



Chairman  
Navajo Tribal Council