

RESOLUTION OF THE  
NAVAJO TRIBAL COUNCIL

Approving the Allocation of 34,100 Acre-Feet of Water From  
the Upper Colorado River Basin and Promising to Limit the  
Navajo Tribe's Claim for Water from the Upper Colorado  
River Basin to 50,000 Acre-Feet Per Year

WHEREAS:

1. The Navajo Tribe, by Resolution CJY-95-66, supported the construction of a large coal-fuel power plant on the Navajo Reservation near Page, Arizona, and

2. By Resolution CJY-95-66, the Navajo Tribe requested that the Secretary of the Interior take all necessary steps, advisable and incidental, to affirm the right of the Navajo Tribe to 50,000 acre-feet of water allocated to the State of Arizona under the Upper Colorado River Basin Compact, and

3. Resolution CJY-95-66 supported the proposal that a portion of the 50,000 acre-feet of water, allocated by the Upper Colorado River Basin Compact, be used for a power plant located on the Navajo Reservation near Page, Arizona, and

4. The Salt River Project Agricultural Improvement and Power District has proposed to locate a coal-fuel power plant on the Navajo Reservation near Page, Arizona, and to operate said power plant for at least 35 years, and

5. Because the establishment of such a coal-fuel power plant requires the investment of many million dollars, the Salt River Project Agricultural Improvement and Power District needs to be assured of sufficient water to operate said power plant in the amount of 34,100 acre-feet of water per year before making such an investment, and

6. Because the 34,100 acre-feet of water per year must come from the 50,000 acre-feet of water allocated to the State of Arizona by the terms of the Upper Colorado River Basin Compact, the Salt River Project Agricultural Improvement and Power District must be assured that the Navajo Tribe will not assert, for the lifetime of the proposed coal-fuel power plant, or for the next 50 years, or whichever occurs first, claims for water in excess of 50,000 acre-feet per year, and

7. The present water used in the Western Navajo Reservation is estimated to be 13,300 acre-feet per year, and

8. The best estimates of the Bureau of Reclamation and the Resources Division of the Navajo Tribe is that during the foreseeable future the yearly usage of water on the Navajo Reservation will never exceed 17,000 acre-feet per year, and

9. The establishment of the coal-fuel power plant on the Navajo Reservation near Page, Arizona, will provide a market for large amounts of Navajo coal from Black Mesa; and will provide a market for construction material available from the Reservation; and will provide employment opportunities for Navajos; and will provide additional source of electrical power needs for municipal, industrial and domestic developments on the Navajo Reservation, and

10. Because this proposed coal-fuel power plant on the Navajo Reservation near Page, Arizona, at the present time, appears to be the best use of the water of the Upper Colorado River Basin, it appears that approval of this resolution is in the best interest of the Navajo people.

NOW THEREFORE BE IT RESOLVED THAT:

1. In consideration of the Secretary of the Interior executing a contract between the United States and Salt River Project Agricultural Improvement and Power District, operator of the coal-fuel power plant, committing the use of approximately 34,100 acre-feet of water per year for the power plant to be located on the Navajo Reservation near Page, Arizona, the Navajo Tribe of Indians agrees that they will not make demands upon the 50,000 acre-feet of water per year allocated to the State of Arizona, pursuant to the Upper Colorado River Basin Compact, in excess of 50,000 acre-feet of water per year, of which 34,100 acre-feet of water per year shall be used by the coal-fuel power plant to be located on the Navajo Reservation near Page, Arizona.

2. In consideration of the foregoing promise, as stated in Resolved Clause 1 of this resolution, the Secretary of the Interior, his agents and officers and the Salt River Project Agricultural Improvement and Power District, and its agents, officers and assignees, make the following promises to the Navajo Tribe:

- A. The Salt River Project Agricultural Improvement and Power District promises to give job preference to all resident Navajos for any position within the power plant or the mine from which the coal is brought for use in the coal-fuel power plant and in any and all facilities related to the production of power by the proposed coal-fuel power plant.
- B. The Salt River Project Agricultural Improvement and Power District promises, except during interruptions and curtailment of delivery, that all coal used in the coal-fuel power plant located on the Navajo Reservation

near Page, Arizona, shall be purchased from the Black Mesa mines or mines located on Indian lands.

- C. The Salt River Project Agricultural Improvement and Power District promises that it shall lease lands from the Navajo Tribe and locate the coal-fuel power plant on said lands. The terms and conditions of the lease to be determined at a later date, and approved by the Advisory Committee of the Navajo Tribal Council. If such a lease is not executed within the next 12 months, this resolution may be rescinded at the election of the Navajo Tribe of Indians.
- D. The Salt River Project Agricultural Improvement and Power District shall enter into an agreement with the Navajo Tribe of Indians to provide electrical power to Navajo Tribal Utility Authority to be used on or near the Navajo Reservation. The terms and conditions of this agreement shall be approved by the Advisory Committee of the Navajo Tribal Council. If such an agreement is not reached by the time water is to be used to operate the proposed power plant, this resolution may be rescinded at the election of the Navajo Tribe of Indians.
- E. The Secretary of the Interior shall take the necessary action to assure the Navajo Tribe of Indians that if any water is imported into the Upper Colorado River Basin that the Navajo Tribe shall share proportionately in that water, and that the first 34,100 acre-feet of water imported yearly shall be assigned to the Navajo Tribe for its exclusive use and benefit.
- F. The Salt River Project Agricultural Improvement and Power District and others shall contribute to the Navajo Tribe of Indians, on or before July 1st of each year, for the purpose of developing and assisting the Navaho Community College, \$25,000.00 in money for five years, beginning July 1, 1969, for the purpose of establishing a professorial chair at the Navaho Community College.

3. It shall be understood that the Navajo Tribe's promise to limit its claim to 50,000 acre-feet of water per year shall only be for the term of the lifetime of the proposed power plant, or for 50 years, whichever shall occur first, commencing with the date of enactment of this resolution and that this promise shall not be binding on the Navajo Tribe if the first unit of the proposed coal-fuel power plant is not in operation by December 31, 1976.

4. It shall be further understood that the promise made by the Navajo Tribe, pursuant to this resolution, shall only be binding if the promises made by the Secretary of the Interior and the Salt River Project Agricultural Improvement

and Power District, pursuant to this resolution, shall be kept by them.

5. The Navajo Tribe shall have the exclusive right to waive or enforce all conditions of this resolution. A waiver by the Navajo Tribe of any condition or promise made to the Navajo Tribe, pursuant to this resolution, shall not be deemed to be waiver of any future or past forfeitures.

6. If, for any reason, this resolution is terminated or expires by reason of the terms and conditions contained in this resolution, the Secretary of the Interior shall take the necessary action to have the 34,100 acre-feet of water per year, allocated to the coal-fuel power plant on the Navajo Reservation near Page, Arizona, returned to the Navajo Tribe for their exclusive use and benefit.

7. The Chairman of the Navajo Tribal Council is hereby authorized and directed to take whatever steps he deems necessary and appropriate to place this resolution into effect.

#### 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 57 in favor and 3 opposed, this 11th day of December, 1968.

  
Vice Chairman  
Navajo Tribal Council