

ATTACHMENT H

Letters from the Commissioner of the Bureau of Reclamation and the Upper Colorado Regional Director to Honorables Kelsey A. Begaye and John Peña

FAX TRANSMITTAL

of pages ▶ 6

To <i>Reye</i>	From <i>aw</i>
Dept./Agency <i>Reye</i>	PHONE # Fax #
FAX #	

of the Interior



ON

DEC 26 2000

W-6334

Kelsey A. Begaye
President
Navajo Nation
P.O. Box 9000
Window Rock, Arizona 86515

Dear President Begaye:

Thank you for your letter of November 23, 2000 requesting contracts for water out of Navajo Reservoir for the Navajo-Gallup Water Supply Project (Project).

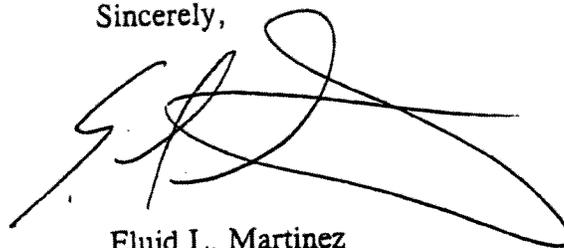
The Bureau of Reclamation realizes the importance of water now, and in the future, to your communities and fully supports this Project. I applaud your collaborative efforts to plan for your future water supplies.

With regard to the specific issues in your letter, I must address the 50-year contract term that you requested. Reclamation law restricts our contract term to 40 years which is further restricted by Reclamation policy to 25 years. Reclamation policy allows waivers for contracts up to a 40-year term if certain conditions are met. Reclamation has successfully negotiated 40-year contracts based on this policy. With regard to contract term, and the other issues in your letter (Hydrologic Determination and endangered species), my staff looks forward to working with you to resolve all of these issues. As I am sure you are aware, these contracts would require Congressional approval as described in the June 13, 1962 Act authorizing water service contracts from Navajo Reservoir.

I appreciate the innovative options you proposed. The complexities of water development in the San Juan Basin will require all of us to be creative with our solutions. We would expect to work with Regional and State officials as we address hydrologic and other issues. Also, we will all need to work closely with the Fish and Wildlife Service on the endangered species issues.

I have enjoyed working with you in my capacity as the Commissioner of Reclamation, and wish you well on the future of this project. I can assure you that the staff of the Upper Colorado Region and the Western Colorado Area Office will continue to serve you through this transition and the next administration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eluid L. Martinez', written over a horizontal line.

Eluid L. Martinez
Commissioner

cc: Honorable Pete V. Domenici
SH-328, 2nd & C Streets, NE
Washington, DC 20510

Honorable Jeff Bingaman
SH-703, 2nd & C Streets, NE
Washington, DC 20510

Honorable Heather A. Wilson
226 CHOB, 1st Street & Independence Avenue, SE
Washington, DC 20515

Honorable Joe Skeen
2302 RHOB, Independence Avenue & S. Capitol Street, SW
Washington, DC 20515

Honorable Tom Udall
502 CHOB, 1st Street & Independence Avenue, SE
Washington, DC 20515

Thomas Turney, State Engineer
State of New Mexico
PO Box 25102
Santa Fe, New Mexico 87504-5102

Philip Mutz
Interstate Stream Commission
P.O. Box 25102
Santa Fe, New Mexico 87504-5102

John Whipple
Interstate Stream Commission
P.O. Box 25102
Santa Fe, New Mexico 87504-5102

Joy Nicholopoulos
US Fish & Wildlife Service
2105 Osuna NE
Albuquerque, New Mexico 87113

Carol DeAngelis
Area Manager
Grand Junction, Colorado 81506

Rick Gold
Acting Regional Director
Salt Lake City, Utah 84138-1102



IN REPLY REFER TO:

United States Department of the Interior



BUREAU OF RECLAMATION

Washington, D.C. 20240

DEC 6 2000

W-6334

John Pena
Mayor
City of Gallup
P.O. Box 1270
Gallup, New Mexico 87301

Dear Mayor Pena:

Thank you for your letter of November 23, 2000 requesting contracts for water out of Navajo Reservoir for the Navajo-Gallup Water Supply Project (Project).

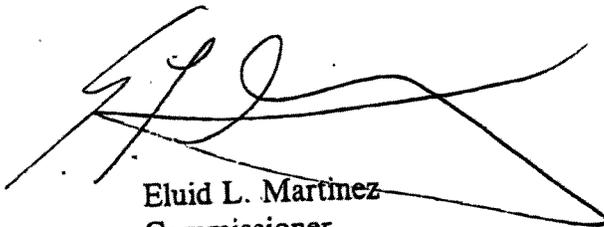
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Sincerely,



Eluid L. Martinez
Commissioner

cc: Honorable Pete V. Domenici
SH-328, 2nd & C Streets, NE
Washington, DC 20510

Honorable Jeff Bingaman
SH-703, 2nd & C Streets, NE
Washington, DC 20510

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Honorable Joe Skeen
2302 RHOB, Independence Avenue & S. Capitol Street, SW
Washington, DC 20515

Honorable Tom Udall
502 CHOB, 1st Street & Independence Avenue, SE
Washington, DC 20515

Thomas Turney, State Engineer
State of New Mexico
PO Box 25102
Santa Fe, New Mexico 87504-5102

Philip Mutz
Interstate Stream Commission
P.O. Box 25102
Santa Fe, New Mexico 87504-5102

John Whipple
Interstate Stream Commission
P.O. Box 25102
Santa Fe, New Mexico 87504-5102

Joy Nicholopoulos
US Fish & Wildlife Service
2105 Osuna NE
Albuquerque, New Mexico 87113

Carol DeAngelis
Area Manager
Grand Junction, Colorado 81506

Rick Gold
Acting Regional Director
Salt Lake City, Utah 84138-1102



United States Department of the Interior

BUREAU OF RECLAMATION

Upper Colorado Regional Office
125 South State Street, Room 6107
Salt Lake City, Utah 84138-1102

REC'D BOR WCAO OFFICIAL COPY			
Pleach			
JUN 18 '01			
CLASS	WTR 4.03		
FOLDER	71605		
PROJECT	50		
CONTROL #	1001155		
NAME	DATE	INITIAL	CYS
Edwards			
Pleach			1
Davis			
DOBAL			
Pleach			
M Francis			

IN REPLY REFER TO:

UC-443
WTR-4.00

JUN 13 2001

Kelsey A. Begaye, President
The Navajo Nation
P.O. Box 9000
Window Rock, AZ 86515

John Pena, Mayor
The City of Gallup
P.O. Box 1270
Gallup, NM 87301

Subject: Requests for Contracts from Navajo Reservoir Water Supply

Dear President Begaye and Mayor Pena:

Thank you for your letter of November 22, 2000, to the Commissioner of Reclamation, requesting the subject contracts for the Navajo-Gallup Water Supply Project (Project). The Commissioner responded by letter of December 26, 2000, offering full support of the Project and Reclamation's assistance in the resolution of contract issues.

Prior to pursuing the water supply contracts, which are crucial for project authorization and development, we have identified the following unresolved issues which must be addressed:

1. Hydrologic Determination of water availability
2. Endangered Species Act compliance
3. National Environmental Policy Act (NEPA) compliance for the contracts and Project
4. Colorado River Basin Issues in New Mexico and Arizona
5. Congressional Authorization of the Project
6. Congressional Approval of Long-term Contracts from Navajo Reservoir

To address these issues, Reclamation desires to enter into a Memorandum of Understanding (MOU) with the Nation and City to describe and establish the responsibilities and required commitments for each organization (Reclamation, Nation and City). It may be desirable to include the Jicarilla Apache Nation (Jicarillas) in the MOU, as your Nation's and City's May 16, 2001, response to the Jicarillas, indicates the potential to use their water supplies.

To expedite development of the MOU, with a target completion this fall, each involved organization needs to designate a representative, capable of establishing acceptable organizational responsibilities and commitments. Please relay, by July 1, 2001, the name, telephone number and any other pertinent information of your designated representative to either of the Reclamation contacts given below.

ADMIN RECORD

Reclamation understands the urgency and importance of this Project and is committed and willing to assist in its realization. Please contact Carol DeAngelis, Area Manager of the Western Colorado Area Office at (970) 248-0690 or Rege Leach of the Western Colorado Area Office in Durango at (970) 385-6553, concerning this issue.

Sincerely,

Rick L. Gold

Rick L. Gold
Regional Director

Enclosure

cc: (all with enclosures)

Philip Mutz
New Mexico Interstate Stream Commission
PO Box 25102
Santa Fe, New Mexico 87504-5102

Tom Turney, State Engineer
State of New Mexico
PO Box 25102
Santa Fe, New Mexico 87504-5102

Joy Nicholopoulos, Field Supervisor
U.S. Fish and Wildlife Service
2105 Osuna NE
Albuquerque NM 87113

Claudia Vigil-Muniz, President
Jicarilla Apache Nation
P.O. Box 507
Dulce NM 87528

Joe Muniz, Director
Natural Resources Department
Jicarilla Apache Nation
P.O. Box 507
Dulce NM 87528

Mike Hamman, Water Administrator
Jicarilla Apache Nation
26 Catherine Lane
Española NM 87532

Susan G. Jordan, Esq.
Nordhaus, Haltom, Taylor, Taradash & Bladh, LLP
200 W. de Vargas Street, Suite 9
Santa Fe NM 87501

Lester K. Taylor, Esq.
Nordhaus, Haltom, Taylor, Taradash & Bladh, LLP
500 Marquette Ave., N.W., Suite 1050
Albuquerque NM 87102

Stanley M. Pollack, Water Rights Counsel
Navajo Nation Department of Justice
P.O. Box 2010
Window Rock, Navajo Nation (AZ) 86515

John Leeper, Director
Navajo Nation Water Management Branch
PO Box 678
Ft. Defiance AZ 86505

John Cawley (BIA 340)
Bureau of Indian Affairs
PO Box 26567
Albuquerque NM 87125-6567

bc: Area Manager, Grand Junction, Colorado (without enclosures)
Attention: WCG-CDeAngelis

Western Colorado Area Office, Durango, Colorado (without enclosures)
Attention: WCD-RLeach

UC-406 (with enclosures)