Irrigation
9047-36-F

Chicago 54, Illinois

Mr. James M. Stewart,

Gen. Supt., Navajo Agency.

Mood
Father
SEP 10 1945 Thickinger

My dear Mr. Stewart:

Your letter of November 18, 1944 recommended the following rates of operation and maintenance assessments against the lands of some of the Navajo Irrigation Projects:

$3.00 per acre for all land used by others than Indian.
$1.00 per acre for all Indian operated land under an assured water supply and system.
$0.50 per acre for all Indian or non-Indian operated land under an intermittent or ephemeral water supply.
$5.00 per cistern supplied through the project canal and lateral system.

By Office letter of February 16 you were advised that subsequent to approval of the orders for Hogback and Ganado Projects, the Solicitor had ruled that different rates for Indian and white farmers on the same project were not in conformity with the requirements of the law governing the making of operation and maintenance assessments. In view of the ruling the rate must be the same for both classes of lands. If the Indians could not pay the full amount of the assessment it could be arranged administratively to deliver water to them upon payment of an agreed portion of the assessment and the balance would stand as a lien against the land. In Office letter of March 25 you were advised that your recommendation would be considered in time to amend the orders prior to the irrigation season of 1946, if amendment was deemed advisable.

In view of the ruling of the Solicitor's Office and as farming by non-Indians on the Navajo Projects is not very extensive, it seems advisable to eliminate from the Hogback and Ganado orders the $3.00 rate for non-Indian water users and make a rate of $1.00 per acre per year for all lands with a full year's water supply and 50 cents per acre for those lands having only an intermittent water supply, supplemented by a statement in the order that the rates represent only a part of the annual operation and maintenance costs, apportioned on a per acre basis, for operating and maintaining the projects.

In order to have uniform rates for all units in the Navajo country, which you apparently think is advisable, it would be necessary to amend the miscellaneous order of December 1, 1943 (Parts 130.105 to 130.107 inclusive, C.F.R.) to provide a rate of $1.00 per acre per year for the Miscellaneous Navajo Units having a full year's water supply, and 50 cents per acre per

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year for those lands with an intermittent water supply. If you agree and so advise the Office we will prepare the orders accordingly for consideration by the Department.

It is noted that the charge of $5.00 per cistern for domestic water delivered through project laterals to Navajo permittees is not contained in the Ganado order. Should this order be amended by bringing in such a provision; and should a like provision, applicable to Miscellaneous Navajo Units, be contained in the miscellaneous order?

Sincerely yours,

Sgd. William Zimmerman Jr.
Assistant Commissioner.

cc: 9126-36-F
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