

**THE SECRETARY OF THE INTERIOR
WASHINGTON**

ORDER NO. 3291

SIGNATURE DATE: October 1, 2009

Subject: Delegation of Authority to Implement the Navajo-Gallup Water Supply Project, New Mexico

Sec. 1 **Purpose.** This Order delegates to the Commissioner of the Bureau of Reclamation (Commissioner) certain authorities vested in the Secretary of the Interior (Secretary) by Public Law 111-11, Title X (Title X), for the purpose of constructing, operating and maintaining the Navajo-Gallup Water Supply Project, New Mexico (Project). The Project will convey a reliable municipal and industrial water supply to the eastern section of the Navajo Nation, the southwestern part of the Jicarilla Apache Nation, and the City of Gallup, New Mexico (City) via diversions from the San Juan River in northern New Mexico.

Sec. 2 **Background.** Title X authorizes the Secretary, acting through the Commissioner, to execute a water contract (Settlement Contract) with the Navajo Nation, which Title X also specifically authorizes. The Settlement Contract is defined in section 10302, Title X, to mean the contract between the United States and the Navajo Nation setting forth certain commitments, rights and obligations of the United States and the Navajo Nation, as described in paragraph 6(f) of the agreement among the State of New Mexico, the Navajo Nation, and the United States setting forth a stipulated and binding agreement signed by the State of New Mexico and the Navajo Nation on April 19, 2005.

Title X sets forth various other prerequisites for Project construction, including execution of Project repayment contracts with the City of Gallup, New Mexico (City) and the Jicarilla Apache Nation and of a cost-sharing agreement with the State of New Mexico. Other authorizations include allocation of the Project costs and capacity among the Navajo Nation, the City, and the Jicarilla Apache Nation.

Sec. 3 **Authority.** This Order is issued under the authority of Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), as amended.

Sec. 4 **Delegations.** All of the Secretary's authority delegated to the Assistant Secretary for Water and Science that is necessary to carry out the responsibilities described in this section is further delegated to the Commissioner. The Commissioner may, in writing, redelegate to officers and employees of the Bureau of Reclamation the authority granted in this Order, and the Commissioner may authorize written redelegations of this authority. By this Order, and within the limitations specified in 200 DM 1 and in 255 DM 1.2, the Commissioner is delegated the authority to:

- a. Design, construct, operate and maintain the Project in accordance with section 10602 of Title X, once the applicable statutory conditions have been met.
- b. Negotiate and execute the Settlement Contract in accordance with subsection 10604(a) of Title X.
- c. Negotiate and execute in coordination with the Department of the Interior, a cost-sharing agreement with the State of New Mexico in accordance with subsection 10602(d)(1)(D) of Title X.

d. Negotiate and execute a repayment and operation, maintenance, and replacement contract with the City in accordance with subsection 10604(b) of Title X and with the Jicarilla Apache Nation in accordance with subsection 10604(c) of Title X.

e. Conduct the study of Non-Navajo Irrigation District diversion and ditch facilities required under subsection 10608(a)(1) of Title X, and otherwise implement the provisions of section 10608 as they become applicable.

f. Establish, provide for the accounting, and prepare recommendations and justifications for the use of the Reclamation Water Settlements Fund in accordance with section 10501 of Title X.

g. In accordance with subsection 10604(d), perform a final cost allocation and determine the repayment obligations of the Navajo Nation, the City, and the Jicarilla Apache Nation.

h. Allocate the Project delivery capacity in accordance with subsection 10603(b).

i. Enter into separate agreements with the Navajo Nation and the City to convey title in accordance with subsection 10602(f).

j. Enter into an agreement with the Bureau of Indian Affairs to define the roles and responsibilities of the Bureau of Reclamation and the Bureau of Indian Affairs for implementation of the provisions of Title X related to wells in the San Juan River Basin in the State of New Mexico.

Sec. 5 Expiration Date. This Order is effective immediately. It will remain in effect until its provisions are converted to the Departmental Manual or until it is amended, superseded, or revoked, whichever occurs first.

/s/ Kenneth L. Salazar
Secretary of the Interior

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