

ISC mtg. - 8/18/04 - public comments on NW settle.

Mike Sullivan - SJCAWUA (most ditches, except two)

- not at table for negotiation
- harmful to ditches
- annual div. reg's. for everyone new (vs. for NW, BCU)
- how others rights to be determined (vs. waivers, take out)
- alt. water sourcing doesn't benefit irrigators
- split HB priority (reserved vs. state rights)
- motion - enjoin execution, need H/S & PIA acres determined to see if settlement flawed
- lose value of non-NW rights (vs. certainty w/ settle)
- losing non-NW rights to NW - greed
- didn't receive any positive response to their issues

Jim Rogers - SJAWUA

- haven't been consulted, concerns not addressed (vs. responses to comments) doc
- Navajo Dam built for farmers
- agreement for non-NW protections added (minutes)
- response Aug. to July issues raised (real response)

- want HB priority split - 110 & 1868, 115 & 1909
(based on OSE filings, 110 & 1868 sufficient for current acres irrigated now & other for P in acreage)
- how annual divisions affect ditches
- don't say how others' rights to be determined

Linda Hoen - Farmington citizen

- original reservation vs. increased reservation-priorities
- too many questions

Jay Barham - City of Farmington

- protections/concerns re: city water supply
- depletion schedule, inc.'s follow assumptions, Ute claims - concern over constant irrig./M&I use
- averaging of NHP right - addressed/explained re: concerns
- AIP added allocations - change to Ute Settle Act Amer
- waiver language re: trust rights (protect double duty)

Mary Fischer - Farmington City Councilor, as citizen -

- need assurance of adequate water for settlement
- Ute claims, federal claims not in depletion schedule nor is state land Commissioner claims - uncertain (need certainty first)
- who's in charge of negotiation (v. staff)
- will have to buy water they're currently using
- NW to challenge Trust rights
- not water to homes - need NTUA/IKS system upgrades
- loss of hydropower vs. water for NW settle.

Steve Cone -

- Dual role w/SSWC - conflict?
- Domenici movement of NN settle w/ other settle unwise
- formal comment period on each revised draft
- 50/50 split of future 2883 allocations (vs. Settle Act Amend)
- depletion schedule illegitimate re: exclusion of claims
- no US participation here vs. in negotiation (vs. policy)
- MOA for transferring NIB from US to NN - public process
- real cost will be 3 times as high - evaluate cost
- PIA quantification - why not done?

Bernadette Tsovie - NNDWR

- certainty to plan for economic development, better water supply & quality

Glojean Toalacheene - NN WRC

Maria O'Brien - BHP

- operation & admin. of alternate water source provisions
- leasing provisions
- SAgree 9.6 - waivers consistent w/ Adjud. Court order
- not decreasing non-NN rights or limiting their objectives

Jack Scott -

- \$10M for ditch improvements - no guarantee, and \$200M needed for Arimas ditches alone - \$400M fed's \$ for all (ISC study to determine #'s needed)
- City of Farmington 1956 ALP \$1959
- Alternate water source water lasts one month - how woi
- Yuma desalt plant v. reverse osmosis for NGB treatment plant
- Ute claims will prevail
- HS basis (reserved v. state rights) - HS first before going forward
- skills/qualifications of negotiating team for ISC?

Bob Oxford

- annual diversions for HB/FP - Echo Ditch limits, HS report approved by Decree - ditches can't operate at 1/2 HS limit
- HB/FP won't have annual limit if others don't
- cfs (1 to 40 acres) needed to meet BCU needs
- check w/ other experts to make reasonable

Carroll Crawford - BID

- waiver to not attack Echo Ditch rights / ^{exclude} connection or leakage to how ED rights to be determined
- treat HB/FP alike v. ED rights
- annual div. vs. cfs limit (ditch has to operate full, but manage water & adjust div. up til need full diversion)
- contract for storage?
- Navajo over-releasing for endangered fish

- subordination date - use 1958 for
combined permit (v. NOI File 2849)
- state law