

Date: 8-6-2004

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PLEASE DELIVER IMMEDIATELY

TO Mr. John Whipple  
ISC

FAX 505-827-6188 PHONE 505-827-6160

# FAX


SJ-17  
Navajo Settlement

John -  
Reference 8-9-04 BID meeting  
Question/Discussion Issues

Other comments & questions to be  
faxed upon receipt.

Thanks  
Carroll

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FROM  Carroll E. Crawford  
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Farmington, NM 87401-1532

FAX 632-2894 PHONE 632-2892

# FAX

To: John Whipple - ISC  
FAX 505-827-6188

7-5-2005

BID - Questions / Discussion Issues

1. Bob Oxford - Specifically the issues you discussed with Bob on Tuesday (8-3-04) by phone.
  2. Gary Harner - Repeat of questions considered at the City Council and SED/ISC meetings on July 21 and August 2 with emphasis on River Administration and Navajo Dam Operations Impact on BID/Irrigators.
  3. Gary Risley - Comments & Questions under preparation - Will FAX upon receipt.
3. Other
- a. Plans for comment period & response with Non-Navajo
  - b. Has River Basin been overappropriated?  
Ref: 1) Feb 27, 2004 Ute Mountain Ute Tribe Water Right Claim submitted to you on 2-27-04 for 7300 - 9300 AF of water with a priority date of Treaty of March 2, 1868 that pre-dates the Navajo Treaty of June, 1868.  
2) City of Farmington 10,000 AF of Trust Water that may be denied in part or whole per SED.
  - c. Settlement subordinated date of 6-1-1955 when the Consolidated date for the four permits supplying

- the Navajo water have a controlling 1958 date?  
Should this date be corrected to 1958?  
(ie 2849-2847-2883 & 2917, etc)
- d. Why wasn't the 1868 Navajo Land Book - Article IV of the Treaty of 1868 water claimed included in the Settlement?
- e. 1) State law (72-5-33) Requires senior water rights to be protected.  
2) State law (72-5-17) Requires that excess storage can be provided to those needing it.  
3) Echo Decree specifies a water diversion rate in CFS - why is a non-conforming AF Amount included in the settlement that would exhaust most ditches in 60-90 days? Navajo Ditches not bound by volume?  
4) State Constitution requires a beneficial use for a water right. How does SED/ISC protect Sr.
- f. Why was NIFP CFS diversion changed from 1200 CFS to 1800 CFS in the 79-04 Settlement Version? What impact on Non-Navajo Rights & Contractor downstream of Navajo Dam?
- g. Why was a "miles down the river" used to calculate Navajo Ditch diversions instead of the geographic, <sup>elevation</sup> and climate basis?
- h. Why does the ISC emphasize NM contributes 3% of the water and gets 1 1/2% of the water when California contributes 2% and gets 1/2 of lower basin?

- i. - why does Section 8 & 9 Contrary to state law be included in the settlement?
  - j. Will lease of Navajo H<sub>2</sub>O upstream of return flow disrupt priorities if return flow doesn't satisfy senior rights & or other rights?
  - k. Transfer of Navajo 1868 H<sub>2</sub>O upstream potential impair senior and other water rights?
  - l. Why does settlement limit the SEO full rights to administer and monitor all H<sub>2</sub>O ~~uses~~ uses without invitation by the tribe.
  - m. Top Water Bank - How does it work? who gets hurt by diversion cutoff?
  - n. Why does federal final decree and legislation include the adjudication Court adversely by tying Judge's hands (Go - No Go)?
4. Other Issues/Comments faxed upon receipt from Gary Reddy!