

<excerpt><bold><fontfamily><param>Arial</param><x-tad-smaller>"During the negotiations, parties were allowed to attend if they agreed to be bound by the confidentiality order."

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D'Antonio, since you submitted on behalf of the State to this "confidentiality order" imposed by the Federal government, please send me a copy of the document [1217 Chaco Avenue Farmington, NM 87401] pursuant to the New Mexico Inspection of Open Records Act.

Steve Cone

505-327-0743</color></bold>

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The Farmington Daily Times

25 August 2004

Navajo water settlement a means to an end

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San Juan Voices

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The Interstate Stream Commission did appreciate the public comments received and have suggested some minor changes to the document. Although the commissioners did postpone a resolution to support the agreement, I assure you settlement plans are still on track and the funding request has not changed.

The proposed water rights settlement between the Navajo Nation and the State of New Mexico would resolve the claims of the Navajo Nation for the use of waters of the San Juan River Basin in northwestern New Mexico, which are pending in State Court in San Juan County.

I would also like to respond to the Letter to the Editor, also on Aug. 19, by Robert Oxford of "San Juan Voices," which contends that the

settlement will harm ditches with rights under the Echo Ditch Decree.

Mr. Oxford doesn't understand the settlement. As part of the settlement, the Navajo Nation would agree to waive objections to the Echo Ditch Decree, even though the Navajo Nation was not party to that decree. He makes the leap of logic that, because the Navajos are not objecting to Echo Ditch, the rights of others are being determined in this settlement without "due process." Since "others" are not part of the settlement and they are not bound by it, this conclusion is simply nonsense.

The time has come to set the record straight on a great deal of misinformation that has been circulated by opponents of this settlement, many of whom are letting personal biases cloud their judgment.

First, the claims that this settlement was "hatched behind closed doors" to purposely exclude other water users are unfounded. Settlement negotiations usually remain confidential until a proposed settlement has been reached, and in this case, the federal government required confidentiality as a condition of the negotiations.

During the negotiations, parties were allowed to attend if they agreed to be bound by the confidentiality order. As soon as a proposed agreement was reached in December 2003, our agency publicized the proposed agreement and began conducting public meetings to get input from other water users, so we could refine the document.

A revised draft of the agreement was made available for public inspection on July 9. So far, numerous public meetings by various entities have been held since the proposed agreement was announced including meetings with cities, irrigation representatives, and rural water groups. I would encourage all area residents to read and consider the agreement carefully.

This settlement draws to a close more than 20 years of efforts to adjudicate the Navajo Nation's water rights claims. Under terms of the settlement, the Navajo Nation would be adjudicated about 56 percent of the available water in the New Mexico portion of the San Juan River basin each year for various irrigation and residential projects. The remaining water would be available for other users.

Benefits to the State of New Mexico include settlement of water rights claims without going through the expense of litigation, in amounts that can be implemented within New Mexico's compact apportionment. In addition, the settlement will help supply water to Gallup, New Mexico. In general, the proposed settlement recognizes existing and authorized uses of water in the San Juan River Basin.

Benefits to non-Indian water users also include certainty with respect to the amount of water the Navajo Nation has to develop, and non-Navajo water users can better plan their future.

Benefits of the proposed agreement for the Navajo Nation include that the Nation will receive certainty in the amount of water that it has the right to develop as well as funding for water related projects.

The Nation will receive the benefit of several water projects including the Navajo-Gallup Project and the Farmington-Shiprock Municipal Pipeline as well as irrigation water for NIIP and for Hogback and Fruitland Irrigation Projects. The Navajo Nation will have a secure water supply well into the 21th century, and drinking water will be made available for some remote areas where water currently has to be hauled by the barrel.

Here's where things stand now. Officials of the Navajo Nation, the state of New Mexico, and the federal government will be reviewing the revised draft documents during the upcoming weeks. The New Mexico Congressional delegation also will be reviewing the revised draft settlement.

The Navajo Nation will be considering the revised proposed settlement through its approval processes, and the revised settlement will come before the New Mexico Interstate Stream Commission for approval at a meeting later this year.

I realize that not everyone's going to be happy or fully satisfied with this agreement, but I would like to take this opportunity to commend our agency's San Juan Basin Manager John Whipple for the hours he has spent skillfully negotiating this agreement.

I would also like to recognize Interstate Stream Commission Chairman Jim Dunlap for the hours he has invested explaining the fine points of the agreement to anyone willing to listen. Both are dedicated individuals, who sincerely care about water issues in the San Juan Basin.

It is important to consider the risks associated with not entering into an agreement with the Navajo Nation, which could include: a judicial award to the Nation greater than the amount of water granted to them in the settlement, a huge financial burden and drain on resources to pursue litigation, and the continued uncertainty of not knowing who owns what water and in what amount in the San Juan Basin.

Everyone involved has had to make compromises to make this settlement work. I believe this is a fair agreement. I would urge residents of the basin to examine the settlement carefully, to base your opinions on factual information, and to understand it fully.

The Office of the State Engineer is charged with administering the state's water resources. The State Engineer has power over the supervision, measurement, appropriation and distribution of all surface and groundwater in New Mexico, including streams and rivers that cross state boundaries.

The State Engineer is also Secretary of the Interstate Stream Commission and oversees its staff. The Interstate Stream Commission is charged with separate duties including protecting New Mexico's right to water under eight interstate stream compacts, ensuring the state complies with each of those compacts, as well as water planning.

- John D'Antonio is the New Mexico State Engineer.

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