

January 15, 2004

To: Navajo Nation Attorney General Louis Denetsosie  
Navajo Nation Water Right Attorney Stanley Pollack  
Navajo Nation Water Right Commission Albert Hale  
Navajo Nation President Joe Shirley

From: Irving Gleason, Newcomb Chapter Voter

Re: Notification of Irrigable Water Diversion to Newcomb Irrigation  
Project Area from the Farmington - Gallup Water Pipeline

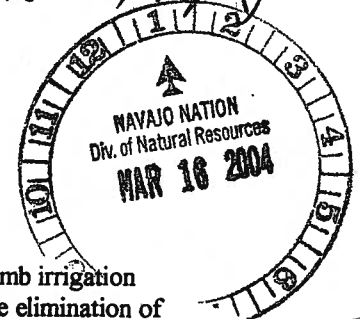
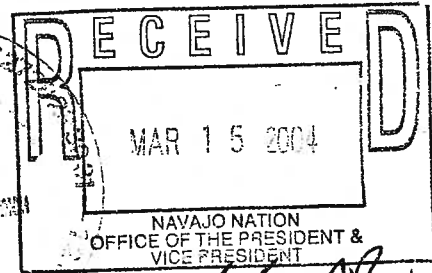
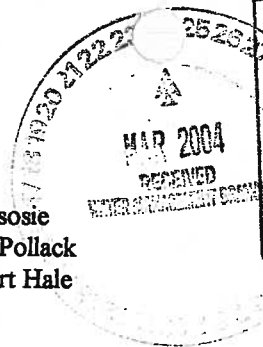
To Whom It May Concern;

I propose a water diversion from the Farmington - Gallup water pipeline to Newcomb irrigation project for home and agricultural purposes. My proposal is based on irreparable harm in the elimination of N-aquifer water that once flowed on Toadlena Mountain, Toadlena, New Mexico. My opposition to the water negotiation are based on the common-sense that water should be available to all Navajo homes, lack of governmental reforms counteract the 1868 treaty trust land, and neglects of Navajo leaders to defend their Navajo constituents.

I have an interest to access the senior water usage right because, once again, I am excluded from the benefits of Navajo Nation services in receiving electricity and water. I have no electricity in my home though the transmission line traverses half-a-mile behind my back yard. However, my lack of electricity is further compounded by the lack of precipitation once created by the N-aquifer on Toadlena Mountain. The N-aquifer gushed crystal water as streams flowed freely, blue ponds held glistened moisture, and numerous lakes held rainbow trout. Each year, water runoff from the Toadlena Mountain kept Captain Tom reservoir, located four miles west of Newcomb, New Mexico, to full capacity. Now the Captain Tom reservoir holds dirt, rock, and grievance. The incomplete cycle of water condensation disallows rainfall that could presently assist farming obligations. The disallowance of rainfall is similar to the invalidity of the Navajo Nation Chapter resolutions. The enormity of the waiting period for chapter resolution to become effective places the water negotiation as the sole legislation for me to receive senior water allocation. Not simply is senior water allocation my primary effort, but compensation for the taking of our water from Toadlena Mountain should be considered. The Farmington - Gallup pipeline is the answer.

Responding to the Navajo Nation Water Right Attorney Mr. Stanley Pollack's remark that "the Navajo Nation will never get water commensurate with its size" will be evaluated here. Mr. Pollack implies that Navajo Nation residents will not get water for their livelihood similar to the electricity that favored the mineral corporation. If the Navajo geographical setting is at issue then why does the Bureau of Indian Affairs (BIA) federal regulation encompass the wide geographical location of each Navajo reservation home? The federal regulation touches each Navajo home and, comparatively, so should the senior water right of the 1868 treaty trust land. The water right agenda revolves around the supposed democratic form of negotiation, yet the Secretary of Interior and the Bureau of Reclamation oversight authorities of the Navajo water quantification are not minimized. Instead, representatives of the federal government, remain as full players while the Navajo Nation is submitting under the token of false promises once again. I envision the same type of slighted negotiation similar when the Navajo Nation did not pursue full electricity for each home during the 1924 mineral negotiation. The authority of the Secretary of Interior remains to "act" in the best interest of huge corporation and the Navajo Nation leaders are negotiating from the same federal regulation of 1924 when the first Navajo Nation was created.

In fact, Navajo Nation leaders prefer to remain under the federal regulatory auspices as Navajo governmental reform continues to be avoided. Governmental reform is validating all past and future Navajo referendum vote by simple majority; thus, supporting the "will" of the Navajo people. The water negotiation does not include the will of the people, instead the will of the federal agency prospers as it



*SJ-17 Navajo*

*Rec'd 5/1/04 DMC*

Page two-water diversion to Newcomb Irrigation Project

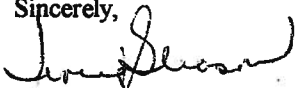
continues to create the Navajo Nation non-empowerment literacy. Should the Navajo government reform been autonomous now, the will of the Navajo people could have asked for the Secretary of Interior to decrease its authority under the water stipulation platform. Of course, there would be dissension, but it could have been our government interceding for us! Inasmuch, the failure to implement reform opens a new question as why the Navajo government stands to protect water right, but does not allocate equal governmental reform? It is the government reform that protects the indigenous people as it is the "will" of the Navajo people that protects the water resource. Similarly, I recognize the protection is diminished by including only Shiprock Chapter, Hogback Chapter, Nenanezad Chapter, Upper Fruitland Chapter, and Sanostee Chapter as senior water users. Complete validity would exist if Newcomb Chapter is included as they are part of the 1868 original treaty trust land and senior water user. Newcomb Chapter has senior water use power identical to the aforementioned chapters, if not more.

A greater concern is why the Navajo Nation Council does not move against the adversarial state and federal powers as they did in moving against its own Navajo constituent during the 19<sup>th</sup> and 20<sup>th</sup> council tenures? That is, if Navajo leaders actually believe the Navajo people own 100% water entitlements then our leaders should establish a Navajo Nation water right court system overseeing the federal and state water adjudications. Now is the time for Navajo leaders to demonstrate their leadership capacities and use identical legislations maneuver as they did against the Navajo populace on the illegal pay raise, on the Navajo Board of Election Supervisor (NBOES) ridiculous charge, on the decrease of the 88 tribal council members to 24, and on the gaming interest. If not, the lack of movement would only justify the rationalization that the Navajo people remains under the federal regulation more fiercely than the meta-analysis of the 1968 Indian Civil Rights Act (ICRA) equal protection clause.

As a witness to these types of social injustices, I wish to oppose the water right agreement as supported by Navajo leaders who are acting without the "will" of the Navajo people living on the 1868 original trust land. In fact, five years ago Newcomb Chapter passed a willful resolution for seven other families to receive electricity - we are still waiting! Therefore, I ask Honorable Edward Jim, Newcomb Chapter representative, to vote against the Navajo Nation water agreement unless all chapters situated on the 1868 treaty trust land are included in the process of water accessibility. In addition, compensation for the elimination of Toadlena Mountain water springs should be evaluated.

Thank you for your time.

Sincerely,



Irving Gleason  
PO Box 412  
Newcomb, New Mexico 87455

Copies sent to:

Newcomb Council Delegate Edward Jim  
Land Board Chairman, Newcomb Chapter  
Lawrence Gould, Newcomb Grazing Committee