

John Whipple

From: utton
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To: spollack; Phil Mutz; johnleeper; Estevan Lopez; D Sanders; jwhipple
Subject: Fw: Navajo water memorial pulled

Navajo water memorial pulled

By Walter Rubel/Santa Fe Bureau Chief
Feb 4, 2004, 12:42 am

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SANTA FE — A joint memorial introduced last week by Senate Majority Floor Leader Manny Aragon, D-Albuquerque, asking that all stakeholders be included in the Navajo water settlement negotiations was pulled before a scheduled hearing Tuesday in the Senate Indian and Cultural Affairs Committee.

Former State Engineer Tom Turney, filling in for Aragon who was out sick, said a new memorial would be introduced, but he didn't know exactly what it would include.

"I'll just put it together based on what I learned this morning," Turney said. "I'll work with the Interstate Stream Commission and the Navajo Nation and the water users of San Juan County. I'll include as many groups as possible, and we'll see what we can come up with."

Representatives of the Navajo Nation filled the committee room and made it clear that they opposed anything that might hold up the process.

"My preference, and the preference of the Navajo Nation, is not to have a memorial at all," said Frank Dayish Jr., vice president of the Navajo Nation. "The settlement has a lot of intricacies and is an important milestone in the history of our nation. There's ample opportunity for input and for everybody to come forward."

LoRenzo Bates, who is both a council delegate and a farmer, said the settlement was difficult for many Navajos to accept, and it is wrong to ask for more concessions now.

"Many Navajo feel that we have an inherit right to 100 percent of the water, and have felt that way for decades," Bates said. "We said we are willing to compromise, and this is how the settlement came about. It would be my position as a council delegate that the Navajo Nation will not compromise any more than we have up to this point."

Mike Sullivan of the San Juan County Water Users Association said his group is the second largest stakeholder, behind the Navajo Nation, yet was not included in the negotiations. He said members of his association would lose water under the settlement.

"In our decree it grants 1 cfs (cubic feet per second of river water) per 40 acres. Under this settlement, it's not 1 cfs per 40 acres," Sullivan said. "We lose 325 cfs out of the system. It will be detrimental for our users."

Sullivan said association members agreed with the need for a settlement, but said they should be included in the discussion

"We should be able to sit down at the table and negotiate these issues out before it goes to Congress, and that hasn't happened in this settlement."

Stanley Pollard of the Navajo Nation Department of Justice explained that the goal of the settlement was to protect the rights of non-Native water users while at the same time providing water improvements for the Navajo Nation. One of the primary components of the Navajo settlement is construction of the Navajo-Gallup Water Supply Project.

"To make that work, you need federal funding. That's where the deadline gets tricky," Pollard said.

He said Congress has asked for the bill by March so that they can secure federal funding for the water project.

But that does not mean there will not be further comment on the settlement.

"The vast majority of our people are in favor of the settlement," Navajo Attorney General Louis Denetsosie said. "The important thing is that the legislation is introduced in Congress so water projects can be developed, and that will help everybody.

"March 1 is not a drop-dead deadline. Congress is not scheduled to approve the settlement until 2006."

Sullivan said his concern was the once the settlement comes back from Congress, it will take District Court action to change it. That reflects Aragon's original concern in suggesting the memorial. He said that if all stakeholders weren't involved, it would result in further lawsuits down the road.

----- Original Message -----

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