

SJ-17

## John Whipple

---

**From:** utton  
**Sent:** Tuesday, December 14, 2004 12:26 PM  
**To:** fbassett; SFarris; hilary.tompkins; william.hume; Phil Mutz; Estevan Lopez; Tanya Trujillo; D Sanders; Karin Stangl; John Whipple; John Dantonio  
**Subject:** Navajo Council to vote on water settlement

**Navajo Council to vote on water settlement**  
 By Jim Snyder/The Daily Times  
 Dec 14, 2004, 12:41 am

[Email this article](#)  
[Printer friendly page](#)

WINDOW ROCK, Ariz. — The future of the San Juan Basin's water supply — affecting everyone from the city of Farmington to power plants to regional farmers — will be in the hands of 88 Navajo Council delegates Wednesday. "This proposed settlement agreement would establish the water rights of the Navajo Nation in the San Juan Basin in New Mexico," New Mexico State Engineer John D'Antonio said in a news release. "It draws to a close more than 20 years of efforts to adjudicate the Navajo Nation's water rights claims. Importantly for non-Navajo water right owners, it protects existing uses of water, it allows for future growth and it does so within the amount of water apportioned to New Mexico by the Colorado River Compacts."

Several major water consumers, including the city of Farmington, still have questions about the settlement. And a key provision that would have provided \$372.8 million to finish an irrigation canal system has been removed from the settlement at the request of Sen. Pete Domenici, R-N.M.

The council will vote on the proposed water rights settlement in the San Juan Basin during a special session at the council chamber in Window Rock, council spokeswoman Karen Francis said Monday. A simple majority vote from the delegates is needed for the council to pass it.

"The Navajo Nation has been waiting decades for this settlement to come about," Delegate LoRenzo Bates of Upper Fruitland said Monday. "Once it is approved it will be historic. The nation will be able to say this is ours — it doesn't belong to anyone else. It will no longer be (Department of the Interior) secretarial water."

The complex settlement, originally released by the New Mexico Office of State Engineer a year ago, would adjudicate 56 percent of the basin's water supply — 606,060 acre-feet of diverted water annually — to the Navajo tribe. In return, the Navajo government would give up 44 percent of its water right claim in the basin.

The city of Farmington is concerned about what adverse effects the agreement would have on the city's 40-year water plan for future population and business growth, City Manager Bob Hudson said Monday, adding a key question was to what degree city-owned water rights would be recognized in the settlement.

The City Council has not taken a position on the settlement, he said, adding city staff members continue discussions with the Office of State Engineer.

Mike Sullivan, president of the San Juan Agricultural Water Users Association, which represents 10,000 to 15,000 water users in the basin, has stated his organization has never been invited to the table to discuss the settlement.

The settlement is the result of a decade of closed-door negotiations between the engineer's office and the Navajo tribe. Revised settlement drafts, following public comment periods, were released July 9 and again this past Friday.

The latest draft removed \$372.8 million to help finish the Navajo Indian Irrigation Project canal system at the Navajo Agricultural Products Industry's 65,000 acre farm south of Farmington.

Bates said there could be some council opposition to the settlement over the removal of NIIP funding and the Navajo tribe giving up 44 percent of its water right claim in the basin.

The funding removal was against the wishes of Navajo Council Delegate George Arthur, of Nenahnezad, chairman of the Resource Committee. It was made at the insistence of Domenici, who said the overall settlement had been too expensive for congressional passage. He is the primary sponsor of the settlement.

The draft still includes the 508,000 acre-feet of diverted water for NIIP, even though there is no funding in the settlement to complete NAPI's remaining 45,000 acres. The settlement permits the use of agricultural water for domestic use, municipalities, power plants and other uses.

The settlement did maintain \$564.6 million to build the Navajo-Gallup Water Supply Project by December 2020, which Domenici wanted.

Navajo Council approval would initiate a process — scheduled to last more than a decade — before those rights are actually adjudicated by the New Mexico 11th Judicial Court.

It would be the tribe's first water rights settlement since the U.S.-Navajo Treaty of 1868.

"The New Mexico Interstate Stream Commission will meet in Farmington in January to consider the settlement," Karin Stangl, spokeswoman for the commission and the Office of State Engineer, said in a news release. "The (New Mexico) state

attorney general also would need to approve the settlement.”

The public will have an opportunity to provide input about the settlement during the commission meeting, Stangl said in a recent interview.

Copies of the latest proposed settlement draft will be available for inspection at the Farmington, Aztec and Bloomfield public libraries as well as the Aztec District Court, Stangl said. Legislation must be introduced and passed by Congress to fund accompanying water projects in the settlement, such as the Navajo-Gallup pipeline.

The Navajo Council will have a work session today to be briefed on the settlement by Navajo water attorney Stanley Pollack and the Navajo Water Commission. Previous council work sessions on the settlement have been held in closed-door executive sessions. That is likely today, Francis said.

#### On the Web

Navajo water settlement:

<http://www.seo.state.nm.us/water-info/NavajoSettlement/index.html>

Jim Snyder: [jsnyder@daily-times.com](mailto:jsnyder@daily-times.com)

---

This email has been scanned by the MessageLabs Email Security System.  
For more information please visit <http://www.messagelabs.com/email>

---