

**STATEMENT OF
DUANE H. YAZZIE
ON THE PROPOSED
NAVAJO WATER RIGHTS SETTLEMENT
05 JANUARY 2004**

The settlement of water rights for the Navajo people is certainly a long time in coming. Congratulations to those who have dedicated time and effort to the crafting of the settlement document and pursuing the advocacy of it.

It is clear that once the settlement is finalized and approved by all principal parties that the settlement will be one of historical proportions. To the Diné people the settlement will have profound and permanent impact. Thus, it is absolutely imperative that we come away with the best possible arrangement at this critical juncture.

As a water user, I am compelled to state that I do not believe that we are getting the best deal possible. It is reported that the settlement has been in the making for eight years, it is extremely troublesome that we are made party to the discussions at the last moment. As Navajo citizens we are placed in a difficult situation to give informed input based on analysis, which is not feasible with the few short days we are given for input. It is near unconscionable to expect us to give substantive comment on such a monumental settlement with the imposed time constraints.

I cannot help but think that the proposed settlement may only a vehicle, a means to accomplish an agenda that is of more urgent priority, which is to assure delivery of more water to the Rio Grande and to deliver water to Gallup. In that regard the specifics of the settlement have been dictated by powers that are committed to these other more urgent priorities. It is a classic case of the proverbial "tail wagging the dog".

We should be receiving compensation for the water that has already gone down river; we have contributed greatly to the development of all interests down river. To offer \$17M for patch work renovation of our irrigation systems is not sufficient by far. We should be demanding much more. We want to have a Shiprock Reservoir built to assure that we have independence from Farmington who now controls the spigot for our drinking water.

We should not agree to the inclusion of the funds needed to complete NIIP and the construction of the Farmington/Shiprock pipeline in the settlement, as the authorization of those projects were done through separate federal legislations, to allow this proposed water rights settlement to "mop up" these outstanding federal obligations work to our detriment in the bottom line monetary calculations. Therefore it is a misrepresentation to laud this settlement as the largest water settlement in history.

The terms of this water rights settlement may be the best deal we can get, I am saying that without independent analysis, I don't know. In all fairness we should have the opportunity to get that independent analysis. Finally my question of what difference our comments will make in the final settlement language remains unanswered. I hope I am wrong in thinking that we are just giving each other lip service and that the settlement terms are already determined and that what input we provide will be to no avail. Please prove me wrong and fight for the greatest measure of our Navajo Water Rights for the sake of our future generations.