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SUBJECT: Revised e-mail on the comments

Revised:

Some of the comments at the Dine Bidziil conference:

1. Leonard Tsosie (this is the New Mexico senator, wearing his Navajo hat):

Bring in grassroots.

Too many restrictions. We will be subject to the Compact.

Pg Para 4, wants the 508KAFY free and clear without limitation. We should have the right to reinject water as Albuq does with SJC water. Navajo rights are subject to refilling of Cutter Reservoir; Cutter Dam (rights?) are not transferable even though our Lawyers say so. He also thinks we should dam up Chaco ; he believes that we can dam this 'tributary' (he said this in a separate meeting). There is no mention of Navajo law; our rights are controlled under State law. The non-impairment rule really bothers me. We have priority water rights; where does it say we keep our water rights?


2. Norman Brown wants reference to the treaty of 1868 in the settlement.
3. Christine Benally : document shows limitations; key word is "subordinate"; the settlement sets a precedent to our rights on the Colorado River; State Engineer has control; we need independent review; agreement not pro-Navajo. All said while she was shaking the settlement, calling it "paper water."
4. Max does not like any waivers ("if our lawyer agrees, it is a good reason to remove"); chapter resolutions should be rescinded and we should ask them. "Be with us at the Council chambers to talk about this"
5. George Arthur: There are two areas that bother me:  
we get only 55% of diversions; and the control is with the state. There are two sets of laws, one for non-Indians and one for Indians. We can't sell water (we don't know if this last statement was made as a statement of complaint, statement of fact, or statement of policy). He also covered Navajo-Gallup, saying that Gallup is not getting any Navajo water.

Some suggestions:

- 1 , To address Norman 's concern, we can include the Treaty of 1868 in a preamble to the legislation, stating that Treaty of 1868 was to create a permanent homeland and that the legislation furthers this purpose.
2. Talk with Leonard and educate him on the law, hydrology, etc.
3. Establish to everyone that the deletion of the "non-impairment rule" is a deal breaker.
4. Use a word other than "subordinate"; we Navajos like children tend to see this term literally.
5. And it sounds like everyone needs basic education on the limits of tribal jurisdiction over non-Indians, basic water law, and the compacts.

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