

John Whipple

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Water settlement in limbo
 By Jim Snyder/The Daily Times
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WINDOW ROCK, Ariz. - The Navajo Council failed to vote Wednesday on a historic water rights settlement in the San Juan Basin because they lost a quorum.

"It was disappointing. I'm extremely frustrated," Delegate LoRenzo Bates of Upper Fruitland said.

The 88-member Council could not keep at least 45 delegates present in order to keep the session going. Council Speaker Lawrence Morgan adjourned the session at 4:45 p.m. when delegates became restless and began leaving, he said.

"The (water settlement) exhibits were being read into the record," Bates said, adding there were several hundred pages. "When that started, delegates started leaving the chamber. Then the speaker adjourned."

It took a year and 10 days for the settlement to reach the council for a vote Wednesday. The settlement was introduced by the New Mexico Office of State Engineer Dec. 5, 2003, following a decade of closed-door negotiations with the tribe.

Morgan could call for another special session as soon as next week, Bates said, adding he was unclear how the water legislation would come onto the floor again because there was no action on it and it wasn't tabled.

The complex settlement 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.

"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," he added.

The latest settlement draft - released Dec. 10 - removed \$272.8 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. It kept \$564.6 million to build the Navajo-Gallup Water Supply Project.

Numerous parties must pass the settlement - in addition to the Navajo Council - for it to move forward. They include the New Mexico Interstate Stream Commission; the New Mexico attorney general and the 11th Judicial District Court. Legislation must go before Congress to obtain the settlement's funding.

Everything hinges, however, on the Navajo Council passing the settlement.

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