



**Comments from New Mexico State Water Plan Public Meeting:  
Shiprock  
Navajo Nation Shiprock Chapter House  
U.S. Highway 64  
Thursday, August 21, 2003; 7:00 – 9:00 p.m.**

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Following is a summary of the questions, comments and issues raised from the facilitated State Water Plan public listening session in Shiprock, New Mexico. This was the 19<sup>th</sup> of 29 public meetings scheduled to gather public input on the initial phase of the State Water Plan.

**Introduction:**

Estevan Lopez, Director of the Interstate Stream Commission, welcomed more than 40 people who attended the meeting from the Navajo Nation, and from communities adjacent to the Reservation. He said the Interstate Stream Commission wants to hear from residents regarding their values around the management and stewardship of water. New Mexico is growing and needs to plan, and needs ideas on how to administer water and arrange funding for projects.

Rhea Graham, Director of the Planning and Communications Division of the Interstate Stream Commission, presented an overview of the State Water Plan and selected technical information to set the context for the meetings. The public meetings are

"listening meetings," since the purpose is to hear what is of concern to New Mexico communities. The Interstate Stream Commission has organized 29 meetings, four of them on Indian tribal lands. The Interstate Stream Commission and the Office of the State Engineer identified five major topic areas that should be the primary areas of discussion during the public meetings, all seeking to determine what the public's values are regarding them. The discussion also sought public input on mechanisms that would be possible to address the topic areas and the public's values about them. The public was invited to contribute thoughts and ideas on five areas for discussion:

- Stewardship
- Balancing Supply and Demand
- Drought
- Water Administration
- Funding

### **Stewardship:**

- They say that Navajos have extensive water rights. The Federal Government has failed in its responsibility to us. I think it is time that we take a hard look at our rights, because as far as I know the San Juan was not adjudicated. From what I understand they cannot find the hearings that went on... In the drought this especially bothers me; I would like to know whether or not the state has jurisdiction over our water. I do understand that we have priority. There may come a time when our nation becomes an independent nation, and we are NOT trading our water, because we are looking out for our children.
- The Department of Water Resources of the Navajo Nation should finish the Navajo Indian Irrigation Project (NIIP). Now it looks like other users are being treated with a higher priority. They are releasing our water for the fly fisherman; we would like to see NIIP go to its full capacity. We would also like to see other projects finished in the area, like the Navajo-Gallup pipeline and the Farmington pipeline. NIIP ought to be considered in the State Water Plan, but NIIP hasn't even been brought to light.
- I think the people that have participated in the regional planning process have struggled and reached a consensus in what is in the plan, including NIIP; the point is that the state plan policy has to incorporate all of the regional water plans. This is primarily because there are going to be region-to-region conflicts; therefore, the state needs to provide some type of arbitration from region to region. What's good

for my region may not necessarily be good for another region. Region-to-region collaboration should be arbitrated or mediated by the state.

- I would like to see government-to-government negotiations, and we should not leave any government out, or leave tribal governments in the dark. We should distribute all information to the Navajo Nation and to other tribes. The Legislature should take the initiative to inform and provide full disclosure to all tribes/nations on water issues and transfers that come up, so that the small user are not tossed aside. The state should be monitoring all transfers.
- An invitation (to an Interstate Stream Commission group that gets together) went to Governor Shirley, and the rest of us don't get the information. We need to have more communication between the state and the tribe. We need to get information down to the worker bees; there should be more communication between the state and the tribes.
- With all respect to your (Interstate Stream Commission's) objective and to my fellow Navajo, I find it hard to understand how you can put together a state water plan that does not take into account the fact that we have not adjudicated water for the Navajo Nation. Navajo are senior water users, as we have heard; you see that the fly fisherman and endangered species have more priority over other uses.
- I would like to see the Navajo and the farmers become contractors to keep water behind the dam, and to come up with a formula to keep our water behind the canal.
- The Interstate Stream Commission and the Navajo should get together and line the canal; we need to think about how much water we can save; we have said this to several past State Engineers. NIIP is being ignored here, and puts trust in jeopardy.

### **Balancing Supply and Demand**

- Very quickly in our original water planning effort, the most over-riding fact was that we wanted the State to adjudicate all of New Mexico water rights. How can you balance something when you don't know what it is? The State needs to have the funding to get the data that is needed to complete this process accurately
- Navajo ditches are way ahead of the State in monitoring ditches. The non-Indian ditches are just putting in their straws and taking out what they want.

- Our Department put together a strategy document; it talks about all of our uses, including supply and demand across the Navajo Nation. It should be incorporated into you (State Water Plan). The state should be able to come up with something like this in each area.
- When there is a water shortage, we need to think about which is more important, food or a swimming pool. I think a swimming pool should be less. It's about balancing supplies. If you are watering your grass, that is not as important as eating. Both Navajo and non-Navajo need keep these points in mind.
- Your ancestors and mine all had a meeting; they brought painted ponies to trade; you got what you wanted and we got what we wanted. Then in the 1980s they came again, and they said we will give you a pipeline; they brought their painted ponies again. There are 200 families on the Navajo Nation who do not have water. This is wrong. Again they are coming up with a painted pony; Shawn has mentioned that we have a regional plan. This is dealing with the water users, not the people that have the painted ponies. People are making decisions for us that we do not have any input on. Thanks to regional planning we are getting some input and everyone is taking a part of it, but we need to be mindful of this 'painted pony' approach.
- The state and legislature need to support the Farmington to Shiprock pipeline plan; and our Congressional delegation should also help to get our projects like this funded

### **Drought:**

- Work together and pray for more rain or snow; that's all we can do; we are all living along the San Juan River and using the Navajo Dam; if anything comes up like this, we need to all work together, native Americans and non-native Americans; we need to sit down and prioritize; there is a lot of grievance behind closed doors, and we shouldn't be working that way – we should all be working together as a community; Navajo Nation encourages farmers to sell livestock if there is a drought; we just need to work together when something like this comes up – I think this is our answer
- I am speaking for the water user as a farmer; we got together with other farmers (native and non-native) and agreed, as of today, to share the water shortage; that is what we are doing to deal with drought; I don't know how we will do it for 2004 if the drought comes again, but this is what we're doing today
- That agreement was unique because we were able to work with run-of-the-river users and contractors; it wasn't well publicized because it wasn't in the Rio Grande; the Navajo Water Resources Department took the lead in drought

mitigation for that agreement (copy provided to ISC); this speaks to unconfined aquifers near rivers versus deep wells; we're using data from precipitation cans all over the reservation; we want to use data across the Internet to fill in data gaps on the Drought Outlook map; we are really proud of this document; it was a two-year project that is currently going through an approval process with U.S. Bureau of Reclamation; we hope to get our projects funded; we have a report that speaks to project funding priorities; the State of New Mexico's web site doesn't provide any information on what will be done during drought

- State needs to use each region's water plan to develop drought contingency, and conservation measures should be funded for the things that irrigators know have to be done during a drought; at this point, the state doesn't support anything that allows us to conserve in dry years; conservation is used to supply more growth in wet years, and then there isn't any storage for drought
- Education hasn't really been talked about tonight; education can play a key role in changing the public's attitude toward water supply
- Navajo Nation should have a committee or commission that takes a message to the State Governor; an organization should be formed at the Chapter level that provides more input for water planning; drought is really critical away from the San Juan River where the artesian wells exist; we need funding from the four states to clear up these wells to get more water for ranchers and sheepherders

### **Water Administration:**

- We need to use water more effectively and efficiently; need incentives to encourage people to conserve, but people shouldn't be penalized; Navajo Nation should retain that conserved water for use down the road; it could be useful in further economic development; it may not be funded, but it doesn't mean it's not ever going to be used
- I would like to see a concrete diversion dam at the Upper Fruitland – Hogback Project; every time the Hogback gets washed out, it needs to be upgraded; there is a weir on the canal, and one needs to be constructed at each of the other two sites, with adequate measurements taken
- This is a general comment for the State – as a former student at New Mexico Tech, they saturate the grass at Tech because they have a tremendous water right and don't want to lose it; administering the river by the Interstate Stream Commission wouldn't have been done if there hadn't been a shortage; we need more funding to get online how much water is being taken out of the river; I don't agree with the way the water rights applications are listed in the paper; I live in Ft. Defiance and can't always get the paper; to the 'use it or lose it' law needs to be re-evaluated

- Aztec office (Office of the State Engineer) is under-funded as far as resources go
- Maybe now is the time to start looking at laws on water rights' transfers, because many of them contradict each other; I think the people who work in the Office of the State Engineer are good people, there just aren't enough of them; the Legislature needs to appropriate enough money to do a good job and to continue to fund the next stage of regional water plans, which encompass a lot of the good ideas we've heard here tonight
- I think that the Navajo Nation should decide for themselves how to use water for industrial, agricultural or municipal use; not to have it imposed by someone else
- We need to make it a priority to settle our water rights, with Office of the State Engineer/Interstate Stream Commission putting more money into it
- I would like more information on where water is being used on the Navajo Reservation, especially by the farmers
- Sometime ago the *Daily Times* had a picture of the map of the United States with a pipeline running from the East to New Mexico – what happened to that idea?
- I think that it was a “pipe dream”
- I would like to see the Navajo Nation look into the possibility of reuse of water, especially with the Navajo Indian Irrigation Project; right now there is no reuse of that water

### **Funding:**

- I would like to remind people of the 1868 Treaty; I think it is the Bureau of Indian Affairs' responsibility to provide us with funding, both for the Navajo Indian Irrigation Project and the Navajo Agricultural Products Industry; the San Juan Chama Project took away our water, and this project needs to be re-visited, especially during this drought; if the Navajo Dam was meant to supply water to the Navajo projects, why was the diversion point put where it was? Were the Navajos used to benefit the people and recreation in the Middle Rio Grande? We all tend to agree that the Indians have senior water rights; in a drought situation if you took a poll, how many Navajos are fishermen? Fly fishing is just for fun, catch a fish and throw it back in; if the Navajo Dam were built for Navajos, the human beings should come first; when we were being brainwashed in boarding school, the bad guys had solid horses and the guys with bows and arrows had painted horses; so did they steal our painted ponies and sell them back to us? I think the Navajo Dam should be turned over to the Navajo

- Funding has to be a combination from federal and from state funds
- I think Navajo Indian Irrigation Project was supposed to be completed in 1986; an enormous amount of our water has gone to California, Phoenix and Las Vegas; I thought it was a ploy to delay to call it dead water; so it was a ploy to take our water away; I think we should go into litigation to reclaim what is rightfully ours; the other idea for funding would be for the Bureau of Indian Affairs and the Bureau of Reclamation to be looked at; when the transfer was made from the Bureau of Indian Affairs to the Navajo Nation taking care of the canals, the connection between the Bureau of Reclamation and the Navajo Nation was lost, and Senator Domenici worked with our Chapter President Yazzie to get that funding restored
- Responsibility rests with our tribal government also; the Navajo Nation needs to step up to the plate and help fund these projects also
- State of Nevada needs to step up to the plate also, because they are using our water; the State of California is doing a recall and spending a lot of money on that; we need that spent on our water issues; everybody needs to pitch in on funding
- Everyone talks about collaboration, but if there is no documentation to say which agency funds what; we can maximize funding by saying that the tribe can cost share, maybe 20%, then we can go to our elected officials and Congress for funding; I would like to see in booklet form what is available at the state and federal level
- Water Trust Board also should be part of funding

### **Other Comments/Questions:**

Is there anything we can do to review the Endangered Species Act? Can the Commission ask Governor to support a review of it?

ISC—We are working on that, but not directly; there are on-going negotiations on the Middle Rio Grande and we are hoping to enact changes; this law has been repeatedly challenged and we are working not so much to challenge the legislation, but to protect our water resources in NM.

We are trying to get involved in every way to collaborate and to build refuge for the species.

Is there a reason for the State to be pushing for completion at the end of the year?

ISC: The Governor gave us a challenge to get done by the end of the year; the importance of an aggressive guideline is that the regional water plans started about 15 years ago to get a state water plan, but only 6 of 16 are completed, and they don't necessarily complement each other; it's human nature – if we were given five

years we would have used four years and spent the last year scrambling to get it done; we have to have a plan to protect our water from other state's that want to get our water from us.

Stewardship question; we are concerned about the Navajos and the other humans that live on the water, and we are some of the lesser-known people; what can the Commission do to preserve water for us? And is there some way we can come up with funding to get rid of plants like the salt cedars that use so much water?

ISC—The Commission is trying to make sure that all users are able to use the water; one of the ways we are doing this is to up compliance acts between users so that they can use the water. Some folks are upset because some people are cutting back, but the fish is not using less water. Relative to red cedar and salt cedar, we are actively studying these projects to decide whether or not we want to continue funding these projects.

How come there aren't any tribal members on the Commission, and if you have already developed the policies for the Plan, then are you just going through the motions to have a meeting here?

ISC—1) The Governor has appointed Blaine Sanchez from Isleta Pueblo, to the ISC; we also have Native Americans on the Water Trust Board; and we will be sending invitations to all tribes and pueblos to attend the Town Hall meeting on this Water Plan .2) The policies are not done. We are trying to formulate which questions we are going to have at the town hall; we are thinking hard about all of this. All of the input points to specific areas we need to be thinking about.

- It wasn't until the year 2000 that the State really got aggressive in its funding; it wasn't that we didn't want to do it – it was lack of funding; but then we got an acceptable amount to do this phase pretty well
- It would be nice to have a written draft to comment on before it becomes final; needs to have a period other than these Town Hall meetings to see what document is being written
- Add language to the state water plan document that allows us to revisit this in the next 5-10 years to ensure that it is current