

Memo to 2012 New Mexico Legislature

SOME FACTS ABOUT THE PROPOSED RICHARDSON-NAVAJO "SETTLEMENT"
FOR THE SAN JUAN RIVER

1. The San Juan River contains 60% of all the stream surface water in NM. The San Juan River is bigger than the Rio Grande, the Pecos and the Gila combined.
2. The proposed Richardson-Navajo deal would give 56% of the San Juan River to the Navajos, which is equal to 33.6% of all the stream water in NM.
3. The Navajos would get 606,000 acre-feet of water per year, which is more than 6 times the amount of water diverted by the City of Albuquerque. In 2008, Albuquerque drew 98,225 acre feet of water (mostly from wells) to serve a population of 538,586 people. The proposed deal would give the Navajo Nation twice as much water as the City of Phoenix. Phoenix receives 305,577 acre-feet to serve an estimated population of 1,566,190 people. (These figures come from a 2011 study, "Municipal Deliveries of Colorado Rive Basin Water," by the Pacific Institute.)
4. If the Tribe gets this water, it can export the water to other states. City of El Paso v. Reynolds; SEE statement by Stanley Pollack, Navajo attorney, to Farmington Daily Times.
5. Phoenix, Las Vegas, Beverly Hills, and San Diego have pipelines from the Colorado, and they are eager to buy. All the Navajos have to do is leave the water in the river. SEE MAP.
6. The Richardson-Navajo deal is not a done deal.
 - A. It is a "conditional settlement," meaning that there is no settlement unless certain conditions are met.
 - B. There is no settlement unless it is approved by the state District Court in San Juan County, and ultimately by the NM Supreme Court. The courts can reject the proposed deal.
7. The Gallup-Window Rock pipeline is unlikely to be built. And the Navajos have not agreed to supply water to Gallup. And the pipeline does not include distribution lines, so it will not serve rural parts of the Reservation. The Legislature should not fund this project until it is renegotiated.
8. The proposed settlement does not settle other Navajo water claims in New Mexico, or the Tribes' claims in Arizona and Utah. Any settlement should be a global settlement.
9. All of this water would be charged to NM's share of the Colorado, not to the federal government, or to Utah and Arizona.
10. The proposed Richardson-Navajo deal is not supported by a hydrographic survey (required by § 72-4-13 to -17), or a PIA, or a valid hydrographic determination that there is enough water in the Colorado River system.

What happens to the other 2,000,0000 people in NM if the Navajos get 1/3 of all the water in the state?