

NAVAJO WATER SETTLEMENT WILL DESTROY ECHO DITCHES

The July 9, 2004 revised draft of the settlement documents is crafted to reduce the flow of water down each irrigation ditch to the point they will not be able to operate. The cities will not be able to take water thru the Aztec Ditch, the Farmer's Ditch to Lake Farmington, and the Bloomfield Irrigation District to Bloomfield. The revised draft proposes an annual limit of diversion rather than a constant flow of cubic feet per second. Why is the State Engineer requesting this change? Possibly because the old Navajo Ditches will be limited to this and their own users don't even know this.

The revised draft is deceiving because it shows both cfs and Af per year diversions but the two do not match for the normal 6-month irrigation season. The State Engineer cannot measure Af per year unless he calculates it from cfs flowing for a period of time. This means the cfs given to each irrigation ditch in the Echo Decree will be a maximum and the average will be reduced considerably to accommodate the irrigation season of 6-months. Irrigation ditches in this valley are not closed systems to be operated as the revised draft proposes. The NIP project can work this way as their canal is designed that way to do so with a control room and instruments regulating only the flow needed at all times to never have spills or waste. The State Engineer has inserted or allowed language in this new draft on how all non-Navajo water rights will be adjudicated and the rivers administered when this should only contain what the Navajo Nations water rights are. Every non-Navajo water right user, and in fact the general public, should be outraged that due process on your water is being negotiated away without your knowledge or consent.

The persons responsible for what's in this new revised draft is John Whipple, Interstate Steam Commission Engineer, and Jim Dunlap, ISC Chairman, this area's representative. I place the blame for this unlawful and irresponsible "Settlement" directly on their doorstep. I am asking for their immediate resignations. They have consciously tried to deceive you by appearing to have negotiated stored water being released to replace the 1868 priority water demand so Echo ditches would not be cutoff 1 out of every 2 years. In return they have placed conditions which are deal breakers if not agreed to and adjudicated by the court in 2015. These conditions, some of which contradict State Water law, are in this revised draft because John Whipple and Jim Dunlap want them there.

Gary Horner, local attorney representing himself, and Felix Briones, Jr. representing the San Juan Agriculture Water User Association, composed of most irrigation ditches in the basin, are asking the Adjudication court, Judge Sanchez, to enjoin (stop) the signing of this revised settlement. This hearing will be held at 10 am in the Aztec Courthouse on August 20, 2004. This hearing is so important I advise everyone to attend. We need to show this Judge how important we feel his decision will be in this matter. The State Engineer has repeatedly said this "Settlement" must have the communities support to happen. Believe me when they say this it appears, by their actions, to be the opposite. On or about August 6, 2004 there probably was an attempt to intimidate and influence the

opposing attorney's to withdraw their motions to the court to enjoin (stop) the signing the settlement.

It appears the water war has began and its time to show up August 20 for the fight. This decision by the Judge will affect this valley forever. The local politicians are afraid to oppose it. **ARE YOU?**

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