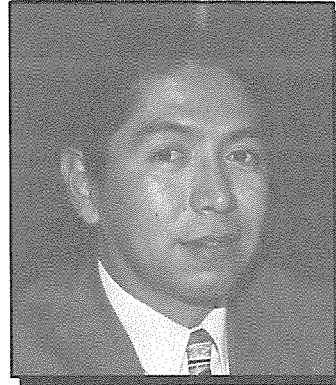
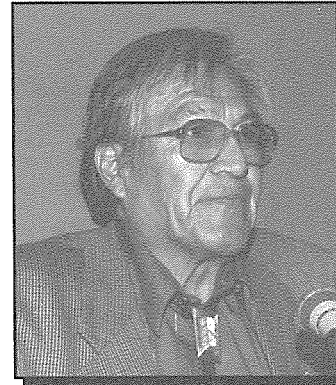


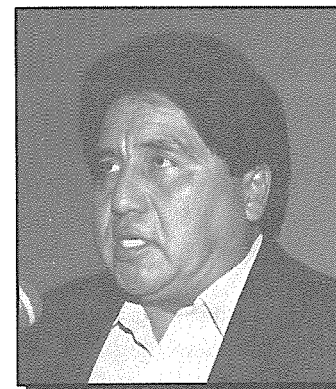
*Blane Sanchez is the Water Quality Control Officer and a member of the Pueblo of Isleta. He is developing a water quality program to monitor surface water quality and implement Isleta's water quality standards as well as developing the Pueblo's environmental infrastructure to address management and enforcement. He was employed by the federal government for 13 years with the Bureau of Indian Affairs in Natural Resources Management. Blane received a B.S. in Agriculture from NMSU and is now pursuing an M.S. in Water Resources Administration at UNM.*



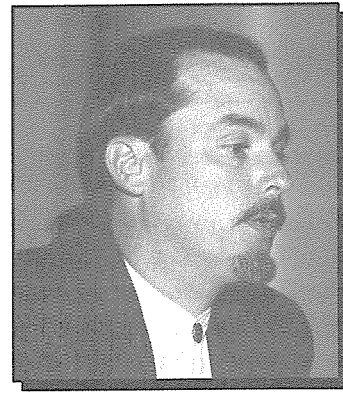
*James Hena is the Chairman of the All Indian Pueblo Council, having held this position since 1991. He also serves as a member of the Tribal Operations Committee of the U.S. Environmental Protection Agency and a member of the Restructuring Work Group of the Indian Health Service. Born on the Tesuque Pueblo Indian Reservation, James has held numerous tribal positions including President of the Indian Pueblo Federal Development Corporation, All Indian Pueblo Council, Board of Directors of the Association on American Indian Affairs, and Governor of Tesuque Pueblo.*



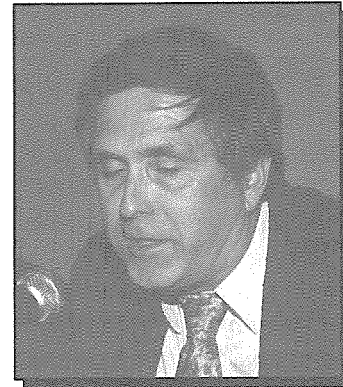
*Everett Chavez has worked with the Pueblo Office of Environmental Protection, NPDES/Sludge Management program since February 1994. Previously, he worked for IBM and Digital Equipment Corp. in a technical/engineering capacity and also has extensive work experience in multi-tribal programs related to education, community development, and economic development planning. Everett's current responsibilities with POEP include overseeing program activities and preparing comprehensive water resources and pollutant assessment reports for all 19 pueblos. Everett received a B.S. in Electrical Engineering from UNM.*



*Bill White completed a master's degree in Geology in 1981 and has been working as a hydrologist with the Bureau of Indian Affairs since 1980. His primary responsibilities include exploratory drilling and testing of the unproven groundwater resources on New Mexico Indian lands for the quantification of Indian water rights. Secondary responsibilities have included outreach to the Indian administrations to highlight the opportunities available to them through the Indian amendments to the Clean Water Act and the Safe Drinking Water Act.*



*John Cawley completed a master's degree in Civil Engineering in 1978 and has been a registered professional engineer in California since 1976. His tenure with the Bureau of Indian Affairs in Albuquerque in Water Rights has been since 1985. John has been in charge of developing the Indian claims in the U.S. v. Abousleman, et al. water rights case in New Mexico and for the tribes involved in the general adjudication of the Little Colorado River in Arizona.*



## PUEBLO WATER QUALITY AND QUANTITY ISSUES PANEL

**BLANE M. SANCHEZ**  
Pueblo of Isleta  
PO Box 1270  
Isleta, NM 87022

As we all know, the Pueblos play an important role in water resources issues here in the Middle Rio Grande Valley. As major stakeholders, we must be recognized and our participation sought in conferences such as this and other avenues of dialogue as well. Before introducing the panel members and our topic entitled "Pueblo Water Quality and Quantity Issues," I would like to make a few comments.

A number of middle Rio Grande water resources issues, problems and possible solutions were discussed at this conference. There are many key players considered in these discussions in-

cluding affected municipalities, agricultural interests, developers, water managers, recreationists, environmentalists, and the Pueblo Indians.

Two of the middle Rio Grande Pueblos have taken significant steps to improve surface water quality on the river by establishing water quality standards. However, the Pueblos' future involvement will not be only limited to the issue of water quality, but water quantity issues as well. What will be the basis for quantification—*Winters* rights, Pueblo rights, or a combination of the two? However quantified, the State will fight to give up as little water as possible to the Pueblos from their portion of the Rio Grande compact. Whatever amount is quantified, whether it's wet water or paper water, the adjudication of water rights is inevitable for the Pueblos as it has been for other tribes across the country.

## Pueblo Water Quality and Quantity Issues Panel

Another issue concerns water management and conservation. Those efforts to implement a new conservation ethic through a regional water management approach may provide relief for the region, but it may place an unfair constraint on the Pueblos' ability to develop and use water for their needs. As the Pueblos begin to utilize their water resources for social as well as economic development projects, will we be unfairly criticized because of how we are using our water resources? Will using water apart from traditional applications be interpreted as being contrary to the regional conservation ethic? Will our region afford the Pueblos an equal opportunity to utilize and apply water in the same fashion as non-Indians? I must remind the audience that the Pueblos have not exploited the water resource as have others and we have not yet begun to exercise our potential uses of that water.

These are only some of the important issues and questions facing all of us. There is much work ahead of us in resolving these issues. The Pueblos will strive to see that all water resources are shared equitably and that its water quality is not compromised.

**JAMES S. HENA**  
All Indian Pueblo Council  
PO Box 3256  
Albuquerque, NM 87190

Good afternoon. We live in an arid region where we often start to wonder whether there is enough water for all of us. After 500 years, we Indians are still here and I suspect, and I in my heart and mind know, that 500 years from today, we are still going to be here—we will still have our languages, our culture, and our religion.

Today I will begin with a few comments about the history of the All Indian Pueblo Council, as it is called today. The All Indian Pueblo Council is an organization that probably had its beginnings prior to the Spaniards' invasion. The chronologists traveling with the early Spanish explorers recorded a meeting with Santa Domingo Pueblo members in the year 1598. Our logo records that date as the year the All Indian Pueblo Council was established. The Council is made up of 19 pueblos and operates very much like the United Nations. Regardless of

each pueblo's land area or its population size, each pueblo gets one vote on all matters coming before it.

It is interesting that even today foreign governments come to us asking how we operate the All Indian Pueblo Council. The last group of visitors were from Afghanistan and were searching for ways to establish workable, acceptable community-represented governments.

Turning to water quality, as we all know, there has been some concern over the water quality standards that Isleta Pueblo has adopted and the City of Albuquerque not being able to meet those standards at this time. I am sure heated debates have been going on in the back rooms somewhere trying to resolve this problem. I think non-Indian New Mexicans have to recognize and accept the fact that there are 19 pueblos and three other reservations in this state that have been recognized as sovereign nations by the United States government. Yes, we are semi-sovereign dependent nations with an independent status as governments, in our case, pueblo governments. Within that context, I think it behooves everyone to recognize the fact that we are dealing with sovereign nations with regard to water issues.

From the pueblos' perspective, water is not only something we use to drink or to wash our clothes and cars with, but also, water is important for cultural and religious reasons. We need to control the quality of the water that comes down the Rio Grande from its tributaries and from the streams and lakes in New Mexico. If you can accept that fact, then maybe you can understand the Indian perspective when they discuss water quality.

Having attended several water issues meetings in this city and other parts of the state, and as an Indian person, I wonder if all the interested entities present are communicating with one another. My impression is that there is not much communication among the half-dozen organizations that address water issues concerning the Rio Grande from its tributaries down to the Gulf of Mexico. Some are saying to me that what we need to do is develop a database so that everyone who is interested in water quality and water quantity can refer to such a place if we need information. My recommendation for those of you who are focused on water issues within the Rio Grande basin, is to come together

and start working on establishing a database to store relevant data.

In terms of water quantity, I am wondering about the current controversy where hydrologists are debating whether or not we have a substantial aquifer beneath the city of Albuquerque. As a native person, I wonder why non-Indians are always looking for more people to move here, why they want more economic development and yet never look at whether enough water exists to serve that increasing population. It behooves all of you, as voters, to question government leaders about how they are addressing those kinds of issues.

Regarding some of the problems Indian tribes are having concerning water quantities, the State Engineer issues permits to individual requesters for wells, sewage sites, and so forth, yet there is no enforcement. Consequently, rural areas are seeing contamination of the surface flow into the aquifer. We think it is high time for the State Engineer to enforce the requirements for which he issues permits.

In closing, I would like to comment on our growing area. Because we live in an arid area, is it wise for our political leaders to continue expanding the economy, cities, and population? Are our political leaders looking at importing waters from areas still having abundant water, wherever they may be? Maybe our survival depends on seeking sufficient quantities of water.

One last note—two years ago the All Indian Pueblo Council contracted with the Environmental Protection Agency for superfund activities on the 19 pueblo reservations. Since then we have established a Pueblo Office of Environmental Protection. We are working with the tribal governments to look at all areas of the environment.

**EVERETT F. CHAVEZ**  
Pueblo Office of Environmental Protection  
All Indian Pueblo Council  
PO Box 3256  
Albuquerque, NM 87190

I am a program manager for the National Pollutant Discharge Elimination Sludge Management program (NPDES) which is one of our main programs in the Pueblo Office of Environmental

Protection (POEP). One of our charges is to help provide development capabilities for the pueblos.

Water quality is the issue I'd like to talk about this afternoon. A great amount of gratitude and thanks are owed to Isleta, Sandia, and San Juan pueblos, the first three pueblos to develop water quality initiatives and I think many other pueblos will follow their lead.

Recently I have been involved with one of the tribes, Cochiti Pueblo. The City of Santa Fe was going to perform a Use Attainability Analysis, which is a multifaceted assessment of the environmental and economic factors of a river system. Currently two river systems impact Cochiti Pueblo, the Santa Fe River and the Rio Grande, but we were addressing only the Santa Fe River. The program *Save Santa Fe* contracted with the consulting firm CDM to perform this study. In June 1991 Santa Fe's NPDES permit expired for their wastewater treatment facility that discharges effluent into the Santa Fe River which eventually makes its way down to Cochiti Pueblo. One of Santa Fe's concerns was whether there would be money available to upgrade their facilities to handle the effluent limits anticipated. POEP sought the state's assistance through the New Mexico Environment Department, which helped us and the tribe in gaining insight into the things that needed to be considered. Jim Piatt and Steve Pierce of the Environment Department were very instrumental in this.

Although CDM currently is conducting a survey of the Santa Fe River, the tribe felt the parameter list was not extensive enough to suit their needs. Thus the tribe recently decided to perform its own sampling. Of course, we aren't going to discard the information CDM is gathering. We intend to use that information along with the sampling data collected by the tribe this spring. POEP has been assisting the tribe in developing a sampling plan that includes all necessary parameters the tribe needs to consider because they are being hit on two sides. An open-pit uranium mine is located upstream from Cochiti on the Santa Fe River and the tribe would like to sample this area more extensively. The tribe also would like to sample the Rio Grande because Los Alamos National Laboratory is immediately upstream of the pueblo and there is some concern for radionuclide contamination of the surface water as well as the groundwater.

## Pueblo Water Quality and Quantity Issues Panel

Cochiti Pueblo should be applauded for taking an aggressive stance and move to fend off actions that are motivated by dollars. Upgrading wastewater treatment plants to meet effluent limits and criteria as required by the NPDES permitting process is costly. However, to the pueblos, as Chairman Hena mentioned, there is a deeper underlying reason why their waters must be protected, and that is to enable them to enjoy the kind of lifestyle they have always had. That includes some ceremonial activities, which necessarily involves purposefully ingesting water. That is something we have always done. I think the pueblos have done really well in trying to move toward not only protecting themselves but all others downstream and we can thank Cochiti for its efforts to improve water quality down the Rio Grande.

### **BILL WHITE**

**Branch of Water Rights, Mail Code 340  
Bureau of Indian Affairs  
PO Box 26567  
Albuquerque, NM 87125-6567**

There are basically three points I wish to make today. The first deals with the type of activities the Bureau of Indian Affairs (BIA) is conducting. John Cawley and I are employed in BIA's Water Rights Office. Our main mission is to quantify Indian water rights and our focus has been on the tributaries to the Rio Grande. Our staff conducts and oversees the technical studies required for determining Indian water rights' claims. Staff members are aware of the intense level of activity in the Middle Rio Grande region and we use our available staff to try to address issues related to this activity.

We are dealing with water quality issues in the San Ildefonso-Pojoaque valley areas where a hydrologic study found nitrates in shallow alluvial aquifers. Because we lacked basic data on Indian lands, we made an effort to install monitoring wells, including in the Middle Rio Grande. From these wells, we collected depth to water information and conducted some water quality analyses, since we had a limited budget for water quality.

Another activity involves measuring water depth at available windmills on Indian lands. We feel this is a very important effort and it will be part

of our established routine to determine regional groundwater levels, assuming that the windmills truly represent the water table. Over time, we will be able to determine the changes to our regional water resource occurring on Indian lands.

The Albuquerque area has a pueblo community immediately to its north and another to its south. The windmills on those Indian lands have existed since the programs establishing them in the 1930s and 1960s. The windmills are abandoned for two reasons, their lack of maintenance or their declining water levels. The only windmills experiencing declining water levels are located to the immediate north and south of the city of Albuquerque. Thus we think the windmill surveys are important in showing how things are changing. Other agencies have been collecting this kind of needed data; the City of Albuquerque is making a marvelous effort at coordinating a multiagency effort.

Another BIA activity is the initiation of protests to water right transfers. Our protest activity is part of the reason we became more involved with the City of Albuquerque and were allowed to participate in technical discussions between the City and their contractor, the U.S. Geological Survey. Other agencies involved include the New Mexico Bureau of Mines and Mineral Resources, U.S. Bureau of Reclamation, State Engineer Office, and the New Mexico Environment Department. Many agencies are working on issues in the Middle Rio Grande and I want to compliment them for their efforts at encouraging participation and open discussions. I encourage that openness to continue.

A third point I'd like to make concerns the statement Chairman Hena made about sovereign nations. The Indian communities are indeed sovereign nations. The federal amendments to the Clean Water Act and Safe Drinking Water Act forced non-Indian communities to come to grips with the fact that Indians are players in the resource area. The amendments empowered Indians to be considered as players and forced non-Indian communities to consider them as such. I think that is a very important point and I'm glad to see Blane Sanchez in the capacity as Water Quality Officer for Isleta Pueblo as a result of these amendments.

My concluding point is connected to the water quality issue. Quality and quantity are intimately related and cannot be separated. Water quantity is

a large reason why this conference is taking place. With this forum, I want to make a plea to all entities to negotiate in good faith on all issues of concern. The key to negotiating in good faith is to recognize Indian interests. They are our neighbors. They are long-term residents of this valley. Indian communities have water resource uses that are real, therefore, attained. Indian communities should be considered as equal partners and players in the resource area of the Middle Rio Grande.

**JOHN CAWLEY**

**Branch of Water Rights**

**Bureau of Indian Affairs**

**PO Box 26567**

**Albuquerque, NM 87125-6567**

I would like to address briefly the issue of Indian unquantified water rights. Of the nine water-rights adjudication cases in the state in which Indians are a party, seven involve tributaries of the Rio Grande: four cases are upstream of the Rio Grande, two are within the middle valley, and one is downstream.

A case not filed, referred to as the "Middle Rio Grande Case," includes the six pueblos within the valley. These six pueblos currently get water deliveries from the Middle Rio Grande Conservancy District (MRGCD), from which some 8,876 acres are recognized as having prior or paramount rights because these lands were irrigated prior to the MRGCD's formation. The pueblos have rights to irrigate 11,948 acres.

The potential claim and adjudication is for rights to more than those acres. That highlights the uncertainty in this valley of how many acres the pueblos have a right to irrigate. Given this uncertainty, I think the selling, leasing, and exchanging of water in the middle valley should be done with extreme caution. Until the area's water rights are adjudicated, the uncertainty will continue.