

Water for Ranching, Agriculture, and Communities in New Mexico's Tribes and Pueblos

Arthur Allison, New Mexico Secretary of Indian Affairs

New Mexico Secretary Arthur Allison is the first Navajo to head the cabinet level New Mexico Indian Affairs Department, which coordinates tribal and state programs. Arthur is a small business owner and veteran leader in the Navajo Nation government. He is the chairman of the board of the Diné Development Corp., a holding company established by the Navajo Nation to set up, invest in, own, and operate for-profit business ventures. Arthur holds a BS degree from Brigham Young University and did post-graduate study in business at Ball State University in Indiana.

Editor's Note: The following paper represents a transcription of the speakers' remarks made at the conference; no follow-up papers were submitted by the speaker. Remarks were edited for publication by the editor. The speaker did not review this version of their presentation, and the editor is responsible for any transcription and editing errors.



Hello, it is good to see you all today. I am Arthur Pierce Allison from the Navajo Nation. I'm from the Salt Clan, born for the Zia Clan. Originally I am from Tohatchi, New Mexico. I want to welcome you all here today.

I grew up on a sheep ranch where we also raised some cattle and a lot of horses. One of the things my grandfather and uncle always loved to do was to sell bucking horses to bucking strings and to the Elkins brothers in Grants and elsewhere in the Southwest. Guess who would ride those bucking horses? It was us young ones. We were told to get on the horses and see how they bucked. That is a bit about my background. I also have a degree in agricultural economics.

I cut my teeth on water development with the Navajo Indian Irrigation Project (NIIP) in Farmington, New Mexico. This irrigation project is part of the San Juan-Chama Diversion and the Navajo Dam. It carries water to the 110,630 acres of land that we are now developing into a corporate farm. I had the good fortune to work with Dr. Bill Gorman from NMSU's Agricultural Economics Department. He looked at economic models to see exactly what production we could be looking toward in the future. What a great time I had working with Dr. Gorman. He made a significant contribution to the Navajo Nation and the Navajo Agricultural Products Industry,

or NAPI. I know that we deliver much of the hay to the dairies around Clovis, Roswell, and San Antonio area. I had the opportunity to go from planning to irrigation development to marketing, and eventually I became general manager of that tribal enterprise.

I'm honored to speak here at the 59th annual Water Resources Research Institute water conference. WRRI's work on water issues is commendable and they provide a service that this state desperately needs. Water is the most important resource that we have, and one that we cannot live without. As we have been living in a drought condition for years now, it is important to be mindful of our water usage. In my culture, I was taught to treat water as sacred and never to waste it. I commend the work by New Mexico State University and the state legislature to support the WRRI in assessing our water availability.

Today I would like to talk about Indian water rights. I only have about ten minutes I have been told, and I wrote this speech for about an hour lecture on Indian water rights. No, I am just kidding. But, that is basically what I want to talk about, that is, the Indian water rights issue. Being indigenous to this state and this country, water is very important to me. In many of your counties, we are the senior water users. About 20 percent of New Mexico's land base is Indian land.

On this land, much of the farming is still done in a very traditional way. Figure 1 shows where the 23 tribes in New Mexico are located. There is a 23rd reservation that isn't shown in the figure, which is down near Deming and belongs to the Fort Sill Apache.

Figure 1 shows how the pueblos are located along the river. I had the opportunity to sit on the Drought Task Force with the State Engineer the past couple years and saw drought conditions across the state and how drought affected many

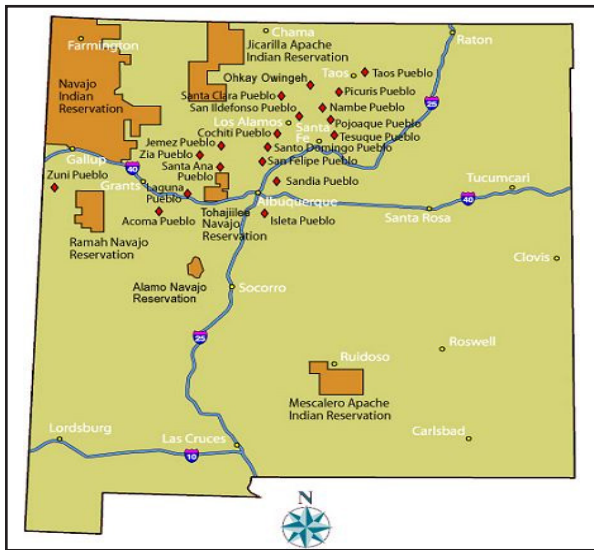


Figure 1. Location of 23 tribal territories in New Mexico.

of our tribal communities. I looked at the drought monitor many times to assess the drought situation. This type of information is much needed on Indian lands. As I mentioned, many Indians are still living in a very traditional mode. Many still run subsistence farms and gardens and many are still raising livestock as was done historically.

Figure 2 shows the U.S. Drought Monitor for New Mexico in June 2013. You can see that the Mescalero, the Pueblo communities along the river, and even the Navajo Nation were affected just as much as the rest of the state.

We have many challenges facing us (listed below), one being the continuing drought conditions. The lack of adequate water and wastewater infrastructure is key in many native communities. There is a lack of skilled personnel to monitor and manage our resources. Aging wells and associated structures are also an issue. As we go down this list, I'm looking at fuel costs. If you and I were to take a consumer index survey of the Navajo people, and ask what the biggest cost in their household is, it would be fuel costs to haul water. It is almost 40 percent more than a citizen (of the United States) living in the surrounding area. To get potable water in many areas, you must have a truck and you must have wells.

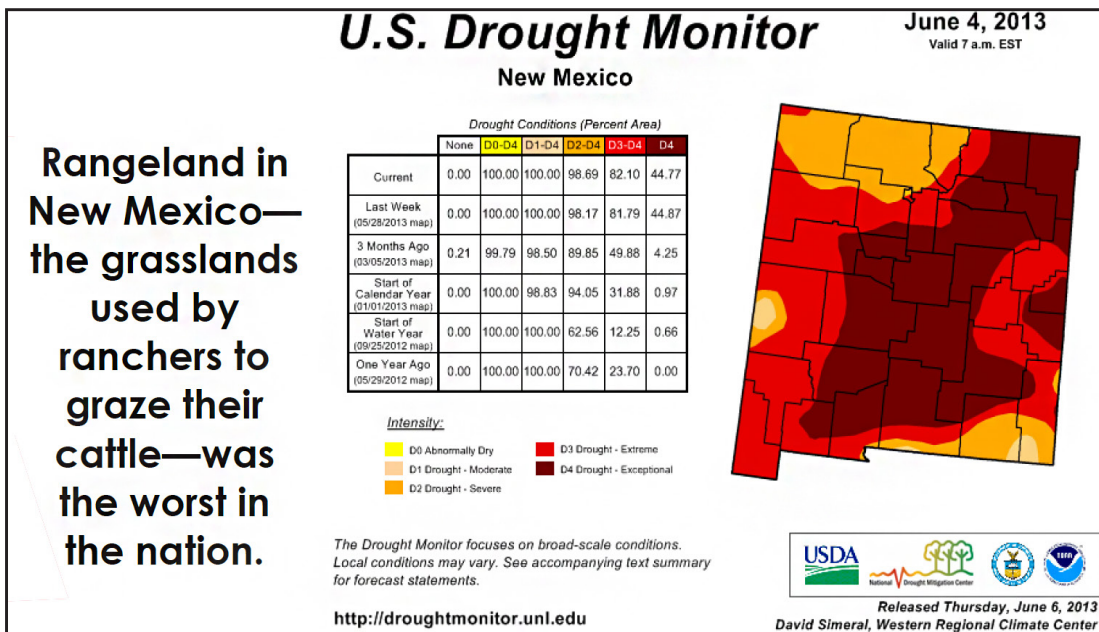


Figure 2. U.S. drought monitor for June 2013.

- Continuing and impending drought conditions throughout the southwestern U.S.
- Lack of adequate water and wastewater infrastructure
- Lack of skilled personnel
- Aging wells and associated infrastructure
- Dilapidated buildings
- Increase operating costs
- Insurance premiums
- Fuel costs
- Material costs
- Transportation costs
- Specialized materials (i.e., windmills, storage tanks, troughs, hand pumps)
- Aging equipment and transport vehicles
- Safety concerns—workers safety and safety equipment
- First aid
- Continuing and impending water rights litigation and settlements

Our basis for water rights comes from the Winters Doctrine of 1908.

Winters vs. United States, 207 U.S. 564 (1908), was a U.S. Supreme Court case clarifying water rights of American Indian reservations. The decision acknowledged the vitality of the American Indian water rights and how the rights relate to continuing survival and self-sufficiency. Reservations were created by the United States government; water rights were reserved for the tribes by implication of the treaties that created reservations.

Since the “*Winters Doctrine*” created federal water rights, litigation has been formulating the water rights in New Mexico for the Indian tribes, nations and pueblos. Settlements have been reached in the:

- *Aamodt Settlement* (Nambé, Pojoaque, Tesuque, San Ildefonso, City of Santa Fe, Santa Fe County and non-Pueblo water users)
- *Taos Pueblo Indian Water Rights Settlement Act* settles the Pueblo portion of the *Abeyta* case

- *Navajo Nation Water Settlement* claims to the San Juan River in New Mexico and in the Lower Basin of the Colorado River, including the Little Colorado River in Arizona and the San Juan River in Utah.

It went all the way to the Supreme Court, and that doctrine identified the water rights for Native Americans across the United States, including the Navajos, Pueblos, and Apache tribes of New Mexico. When we signed the treaties and went back to our reservation land, we were totally run by the federal government. Many times, the Bureau of Indian Affairs would go in there and bring in soil scientists, range managers, agricultural engineers, and so on to take care of our trust land itself.

In 1964, during the Nixon administration, a bill was passed called the Indian Self-Determination Act that gave us the right to determine our destiny, you might say, on our reservations. No longer did you see whole bands of professionals coming onto reservations and showing natives how to manage their land and run their farms. After 1964, they said we will give you the money, but now you have full rights to run your own programs. The 1950s was a time of many firsts—my grandfathers and uncles started managing and running their own land and farms in an area next to Crownpoint, north of Gallup. Much of the time Navajo people have their sheep and cattle in this area. Figure 3 is a map of the earthen dams that we built to preserve water for our livestock and the wildlife in the area as well.

The Navajo Nation has developed their own Department of Water Resources. We manage our own water and grazing areas, and we monitor our carrying capacity and reseeding needs. Figure 4 is an area map showing about three million acres around Crownpoint, New Mexico. We have 31 chapter houses and six water districts that manage the area. We only have 267 windmills that actually work. In the same area, we have about 180 dug wet springs. This is an example of the tribe protecting and preserving the water that we have for our livestock and people there.

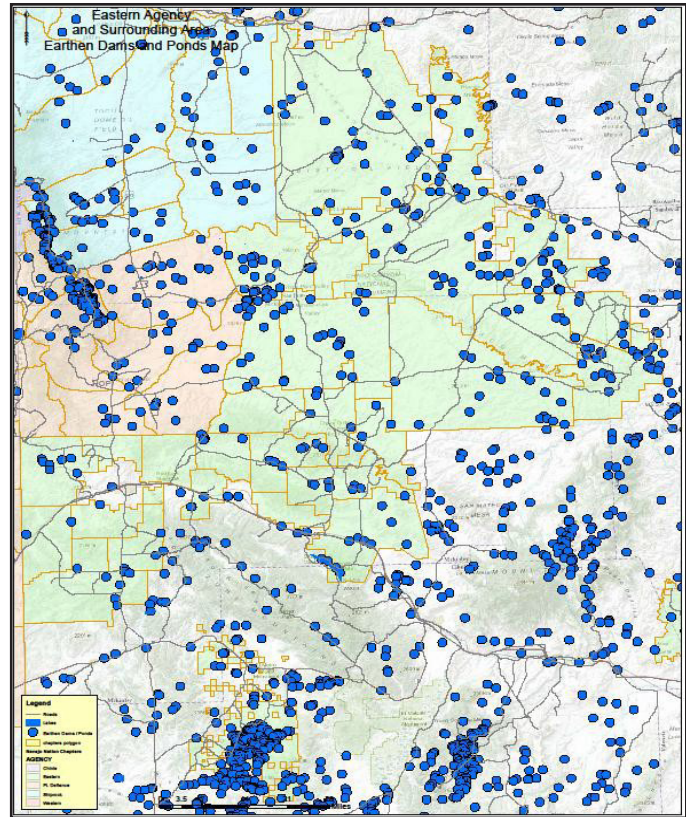


Figure 3. Eastern Agency–Earthen Dam locations.

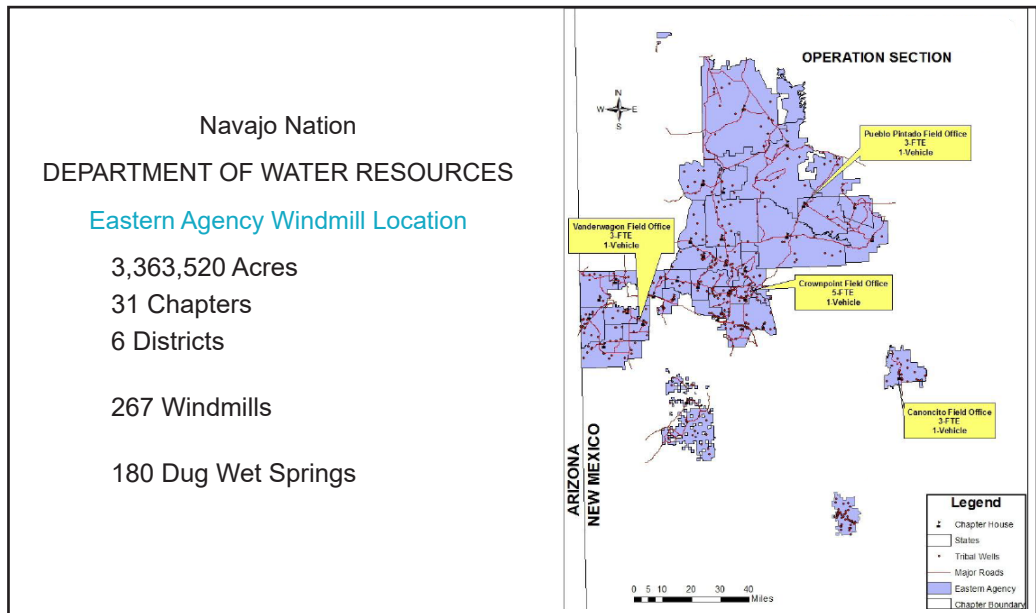


Figure 4. Eastern Agency windmill location.

One thing that happened when the Bureau of Indian Affairs stepped back and let the native people start running their own grazing district, is that we actually got maintenance trucks that go around and keep windmills maintained (Figure 5).

Figure 6 shows photos taken in April or May. You can see the land is barren. Some of the vegetation is overgrazed, not only by our cattle, but by the native wildlife and wild horses that we have in those areas.

What I mainly want to express today is that currently the tribes are in control of their lands and will develop priorities that affect their water and their natural resources. Tribes are assessing their inventories of water needs just like all of you are doing. Many of you come from counties where you are analyzing exactly how much water is going to be used for industrial, residential, recreation, or other areas.

That, then, turns to the question of how much water will be used for agriculture. On our native lands, agriculture is our base. Our planning starts with agriculture and goes from there. We take the standpoint that the livestock we raise, the land, and the water we own is sacred. We take care of those first. After that, we plan where we will build our houses, schools, or homes for senior citizens and on down the line. One of the things we are looking at is using water for economic reasons. We have allocated a certain amount of water for the Arizona Public Service, the PNM of New Mexico, and so on. Some of that water was native water that we were able to negotiate with the State.

There is a tremendous amount of water being used for mining in certain areas. With the small oil boom that we are having in the San Juan area due to fracturing and horizontal drilling, we are looking at just exactly how much water that effort will use in those areas. As probably all of us here who work with water know, in order to fracture any type of hard-rock formation to get to the oil, you need chemicals. Many times that can make a crucial difference, not only from an environmental point of view, but we look at the Earth as our Mother Earth – and that influences a whole new look at how we will develop areas our land.

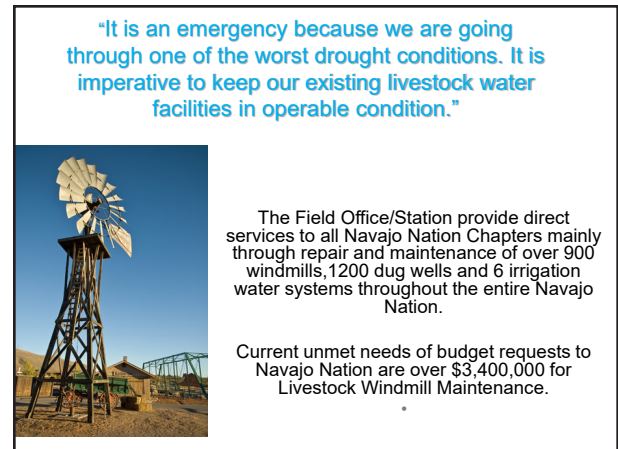


Figure 5. The Field Office/Station provides services for over 900 windmills.

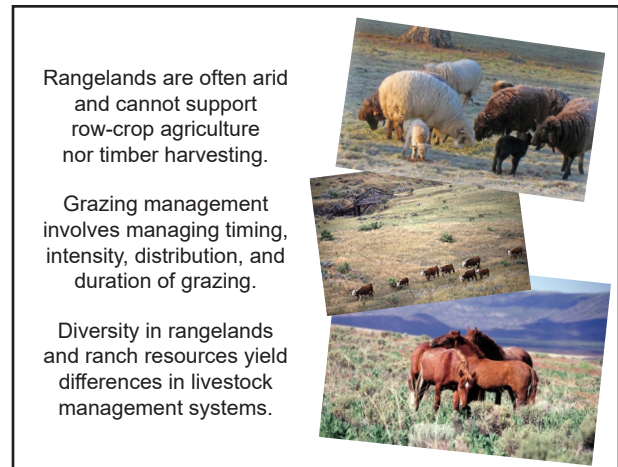


Figure 6. Rangeland on the Navajo Nation.

