

## *Straight Talk - Our Water is Over-Allocated*

### **A Pueblo Perspective**

#### **Everett Chavez**

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*In addition to being Governor of Santo Domingo Pueblo, Governor Chavez chairs the Six Middle Rio Grande Pueblos' Water Coalition and is a member of Governor Richardson's Blue Ribbon Water Task Force, a citizen advisory group appointed for the purpose of advising the Governor and water-related state agencies on water issues in New Mexico. He is currently on leave of absence from his position as Executive Director of the American Indian Science and Engineering Society (AISES) to fulfill the duties and responsibilities as the Governor of the Santo Domingo Pueblo. He considers the duty an honorable obligation.*

I was looking at the topic and the question, and at the risk of disagreeing with Tom, I certainly believe [the Middle Rio Grande] is over-allocated well beyond its means. In the arid southwest, this resource is allocated, I think, beyond its capability to provide. I firmly believe that there are some fundamentals in its uses. I think we're going to come across the hard decisions that have to be made with regard to its uses. There's been the historical use for agricultural purposes, and deeply embedded in that, particularly for tribes, is the cultural, ceremonial aspect. This is a way of life for us and that's why we're very fervent and diligent in protecting those rights. Some of us have, as Tom mentioned, time immemorial rights, prior and paramount rights. Certainly it creates challenges for us because when a population of people cannot get the kind of water that we needed back then and currently use—because like any population group we're growing—as a result, we've had to develop other irrigable lands to help us meet some of our own internal agricultural and cultural needs.

When I say prioritization, I think there's a disparity, clearly, for many of you. There are what I consider to be basic uses as opposed to frivolous uses. When I say basic uses, of both surface and groundwater, for farming, for simple basic domestic uses, and of course, for us, embedded deeply into the farming uses there are cultural and ceremonial needs. So for us as Pueblo people, quantity is not the only issue here. We have to also be concerned about quality of water. We spoke a little bit about the effluent that goes into the river system from Albuquerque. We also are impacted by the effluent that comes from Santa Fe into the Santa Fe River, which has a confluence with the Rio Grande just below Cochiti Dam. I have been working on these issues for quite some time, and as recently as 1996, the City of Santa Fe was not as willing as one would hope to upgrade its wastewater treatment. Instead, they tried to change the designated uses of the river, which ended up, basically, an attempt was to downgrade the uses. If anything, I think what we should be doing is to upgrade the uses so that we can ultimately protect the quality of water that, again, enters into the Rio Grande.

We have a very arid environment and I applaud the efforts that were made to conserve water, to xeriscape instead of having these nice, lush, green grasses. I think we can do without some of these. I think we have a beautiful state with some beautiful plants that we need to show throughout the city.

This gets to another issue that was just mentioned a little while ago: Elephant Butte. There are tremendous losses of water just through evaporation, but getting, again, to the quality, because downstream there are farmers and all these things, where do we draw the line? How much recreation do we allow, because when you talk about the quality of water—we impact the quality of water, through fuels that enter into the water. These are important questions that need to be answered in addition to quantity.

One of the comparisons I like to make, if you'll allow me, is that for instance in the city of Albuquerque, gallons per person use is around 300 gallons per day. I think those are the calculations that were provided some time back, whereas, if you look at tribal population, I think ours is around 60 to 70 gallons per day. There's a significant disparity in the uses of water and I think we have to be a little more cognizant and willing to sacrifice.

I hope that many of you will agree that tribes throughout the state play a very, very significant role in a number of issues, not only in the state's economy, but one of the things that really has impacted all of us more recently is the Endangered Species Act. That's thrown a monkey wrench into already a pretty sensitive and hard topic. We're all going to have to be a part of that solution. I'm not sure if you are aware, the tribes currently, from Cochiti all the way down to Isleta, have really the last remaining habitat for the silvery minnow and the flycatcher, and we're certainly doing all that we can. For example, two years ago, when I was in my first year of office as Governor for the Pueblo, we worked diligently to address eradicating our saltcedar problem. That was our Emerald Forest up the Galisteo, so we applied Arsenal, and hopefully by this September we will have started the process to remove the saltcedar. Our hopes are that we restore some of the perennial flows on the Galisteo—some of the springs that have a confluence with the river—and in that way, we continue to contribute to the flow of the river. We're also working diligently to protect the flora and fauna and actually restore some of these habitats that are important, not just to the silvery minnow, but all wildlife.

I know that last year and actually during Bill Richardson's first year there was a very aggressive to create a State Water Plan. Unfortunately, the tribes were not what I consider to be active players in that for a number of reasons. These efforts are great and wonderful and certainly this body has really been involved in addressing a very important issue to the state and all of us, but sometimes they forget to ask us how we can play in this process. Now one of the things that I firmly believe—I've never believed in litigation. I think as people we can come up with some of these remedies and solutions if we'll work together a little bit closer, which means acknowledging us as a population group that have a lot to contribute to what the final solution will be. Many of us, particularly in the Six Middle Rio Grande Pueblo tribes, I don't believe have taken the time—because it's quite resource intensive—to develop water use plans that I think will help us identify not only the surface water needs that we have but also groundwater. Up until now the tribes, particularly for agriculture have been completely reliant on the surface water resources, unlike some of the other areas where they've also begun, or have for quite some time, been utilizing groundwater. We need to take an accounting and begin to encumber [water] for some of those uses, not only now, but for the future. Until we do that, we cannot complete the puzzle of the state's water plan and this is something that I've been promoting with our six Pueblo tribes, to begin that process. Again, the primary reason why we have not to date been able to do that is that it takes dollars to be able to do that.

As was mentioned, I chair the Coalition of the Six Middle Rio Grande Pueblos. We already are contributing greatly to many of these agricultural needs because the major conveyances go through our reservations, and yet we also have to contend with some of the politics involved in getting the water to adequately meet our needs, and that's why as a prior and paramount and senior user, the challenges I

face in getting water to our farmers is quite difficult. The Middle Rio Grande Conservancy District certainly has a lot to do with that delivery and I know that sometimes we get lost in the mix of things. I do appreciate the opportunity to address some of these important issues.

As I mentioned before, the tribes are doing all that they can to contribute to important issues like the Endangered Species Act because many of us truly feel that were it not for the over-appropriation of the water, some of these species would not be endangered. I think that's a clear indicator that it's over-appropriated because certainly there was a point in time in the past that animals and us—bigger animals than human beings—were able to live in harmony with one another. They certainly have a right to live because someone else created them for a purpose. I'm a firm believer in that, so we have to be part of the solution to help them survive and not play God and say, "Humans must have the water over the animals and species that help make the natural environment diverse."

### **Questions:**

*How was the problem with the effluent from Santa Fe [worked out]?*

**Chavez:** Well luckily this one time we had the U.S. Forest Service, the US Fish & Wildlife, BLM, and many of us actually banded together, and actually the New Mexico Environment Department was a significant player. Judith Espinosa was the Secretary at the time. We were able to get some funding to do an intensive water quality study on the entire reach below La Cienega. Luckily we were victorious and were able to hold off that use attainability analysis that the city was doing. We actually worked together to address that issue. I kind of lost contact after that, but my hope is the City of Santa Fe ended up allocating the resources to update their treatment plant.

*My question is on the golf courses a number of Pueblos have put in in the last few years. Is effluent being used to water them?*

**Chavez:** I believe some of them are. I just love to play golf and I've never asked how they're watered. I think some of them are actively designing them so that they can use effluent for watering, but I don't believe at this point in time all of them are doing that.

*Comment: If they wanted to get serious about water conservation, the industry could create xeriscaped golf courses and convert the holes to buffalo grass.*

*You mentioned that it takes dollars to prepare a water plan. What efforts have the Pueblos made in order to [?] the federal government and the state government within the Pueblos themselves?*

**Chavez:** Just earlier this week I met with our State Engineer John D'Antonio and Esteban Lopez with the Interstate Stream Commission. We *are* looking for resources, but one of the things that I'm constantly reminded of is that tribes may have to do this from their own resources. We worry about the Freedom of Information Act. Our water rights have not been adjudicated, litigated, whatever, so some of the data sets that we collect are important and when we use federal resources, much of this information is FOIAble. Those are concerns, though I'm always asking as I did with the state the other day if we were to secure dollars from your resources, can we get exclusions in terms of what data is to be shared. There is important data that *can* be shared, but there are other things that might undermine the integrity of future adjudications or litigations if that were the extreme case.