

**STATEMENT BY STUART PAISANO, GOVERNOR OF THE PUEBLO OF SANDIA AND
CHAIRMAN OF THE COALITION OF SIX MIDDLE RIO GRANDE PUEBLOS**

Before the
United States Senate Committee on Indian Affairs
Concerning Irrigation Facilities Serving
the Six Middle Rio Grande Pueblos

Chairman Tester, Vice Chairman Barrasso and Committee members, thank you for the opportunity to appear before you today and to testify concerning some of the problems with the irrigation infrastructure serving the Six Middle Rio Grande Pueblos in New Mexico.

The Coalition of Six Middle Rio Grande Pueblos, as the name implies, is comprised of the six Pueblo tribes whose lands are within the Middle Rio Grande Valley – the Pueblos of Cochiti, Santo Domingo, San Felipe, Santa Ana, Sandia and Isleta. The Coalition, which used to be called the Pueblo Irrigation Committee, focuses exclusively on water and irrigation issues.

The six Pueblos are the aboriginal occupants of the Valley, which now includes close to a million people located primarily in and around the City of Albuquerque. Unlike Albuquerque and its environs, however, the Pueblos' lands are still largely rural in character and we continue to practice and rely on irrigated agriculture, as we have for centuries. And – unlike relatively newer irrigation projects serving lands that were never historically irrigated – the Pueblos' agriculture, and the diversions, ditches and water associated with it, have long been an integral part of Pueblos' culture and traditions.

Unfortunately, the six Pueblos, largely because they are located in the most populous area of the state and surrounded by non-Indian lands, no longer have their own separate diversions

and canals. Instead, the Pueblos now depend on irrigation facilities that are owned by the U.S. Bureau of Reclamation,¹ but which are operated and maintained by an entity known as the Middle Rio Grande Conservancy District or the MRGCD. Under federal law the MRGCD is obligated to maintain certain on-Pueblo irrigation facilities and to deliver water to meet Congressionally-recognized prior and paramount water rights of the Pueblos, without charge, in exchange for vital rights-of-way across the Pueblos. For Congressionally-recognized water rights for Pueblo “newly reclaimed lands” served by the same Middle Rio Grande Project, the Bureau of Indian Affairs contracts with the MRGCD for operation and maintenance services. It is a complicated arrangement and one that, frankly, has historically not worked well for the six Pueblos.

Specifically, irrigation facilities that only serve Pueblo lands have not been maintained as well as those serving non-Pueblo lands. Consequently, the Pueblos often have a more difficult time than our non-Indian neighbors irrigating their lands and obtaining operations and maintenance services. Attached to my statement are some pictures illustrating the MRGCD’s unequal maintenance of facilities on Pueblo versus non-Pueblo lands. The irrigation facilities serving the Coalition Pueblos were presumably not reviewed and evaluated by the GAO back in 2006 because they are not part of a BIA project, but it certainly would have been useful had GAO done such a review.

The BIA must do a better job in ensuring that the MRGCD operates and maintains facilities serving Pueblo lands on an equal basis with facilities serving non-Pueblo lands. To its credit, the BIA has recently shown an interest in achieving this goal and Director Black has even

¹ Except for the Isleta diversion dam, which is owned by the Pueblo of Isleta and is currently operated by the MRGCD without any legal authorization.

become personally involved in negotiations for a new O & M agreement between the BIA and the MRGCD. I also understand that Director Black and Assistant Secretary Washburn have worked to secure sufficient funds for a conditions assessment of irrigation facilities on Pueblo lands and that BIA expects to enter into a contract for this assessment work next month.

While the Coalition Pueblos greatly appreciate Assistant Secretary Washburn's and Director Black's efforts, serious problems remain. Each year the vast majority of the limited funds budgeted by BIA for operations, maintenance and betterment of irrigation facilities serving the six Pueblos goes for water-delivery operations and routine maintenance, such as mowing and dredging, not betterment work. Thus, our antiquated and inefficient irrigation systems continue to deteriorate. Without improved and efficient irrigation systems, there is little incentive for our farmers to invest in higher value crops or to increase the acreage they irrigate. Inefficient systems also mean more water must be diverted from the Rio Grande – a river that is significantly over- appropriated.

These problems were recognized several years ago by former Senators Domenici and Bingaman who co-sponsored legislation passed in 2009, known as the Rio Grande Pueblos Irrigation Infrastructure Improvement Act. This Act was drafted primarily by Mike Connor, the current Deputy Secretary of the Interior and former Commissioner of the Bureau of Reclamation. It directs the Secretary, through the Bureau of Reclamation, to conduct a study of irrigation infrastructure serving all of the Rio Grande Pueblos and, based on the results of that study, to develop a list of projects to repair, rehabilitate or reconstruct irrigation infrastructure. The Act further authorizes an appropriation of \$4 million for the study, and \$60 million over a ten year period for irrigation system repairs and projects to modernize our systems and make them more efficient.

Unfortunately, funds have yet to be appropriated for any of the work directed by the Act. To address this, Senators Udall and Heinrich recently introduced a drought relief bill, S. 2470, which includes as one of its provisions reauthorization of the Pueblo Irrigation Infrastructure Improvement Act. This reauthorization would extend the time period for, and increase the amount of, the funding under the Act. The Coalition Pueblos strongly support this reauthorization and the requisite appropriations to accomplish the Act's purposes.

Thank you again for inviting me to testify this afternoon and I will be pleased to respond to any questions.