

No. 141, Original

In the
SUPREME COURT OF THE UNITED STATES

STATE OF TEXAS,

Plaintiff,

v.

STATE OF NEW MEXICO and
STATE OF COLORADO,

Defendants.

OFFICE OF THE SPECIAL MASTER

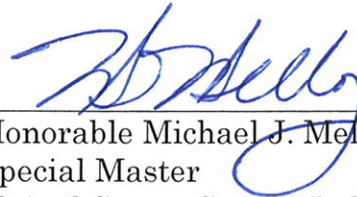
NOTICE TO COUNSEL

May 31, 2018

NOTICE TO COUNSEL

Attached for informational purposes are four letters I received from students at the Santa Fe Indian School.

Dated: May 31, 2018.



Honorable Michael J. Melloy
Special Master
United States Circuit Judge
111 Seventh Avenue, S.E., Box 22
Cedar Rapids, IA 52401
Telephone: 319-423-6080
Facsimile: 319-423-6085



May 16, 2018

Michael J. Melloy
Special Master
8th Circuit U.S. Court of Appeals
Cedar Rapids, Iowa

Dear Mr. Melloy,

My grandfather has lived at Cochiti Pueblo his entire life. He recalls the immense winter snowstorms and families irrigating their crops with the runoff each spring. But this year, my grandfather and I didn't experience any great snowstorms and the Rio Grande is very low.

I'm concerned about the availability of Rio Grande water in an age of climate change, because my pueblo, Cochiti, and other pueblos of New Mexico are directly affected. According to Earth Guardians, it appears from the January forecast that 2018 will be like the lean years of 2011-2016, where the Rio Grande flows were less than half of average, threatening the health of the river and the communities that depend on it. The Natural Resources Conservation Service predicted flows at the Otowi Bridge at 24 percent of average.

The Federal Bureau of Reclamation reported that average temperatures in the upper Rio Grande, in Colorado and New Mexico, rose almost 2.8 degrees during the 40 years ending in 2011, and could rise an additional four to six by 2100.

According to Albert Utton of the Natural Resources Journal, "Native-American water rights in the region are being slowly determined through negotiation and litigation. This process must be continued and accelerated in order to provide security and certainty to Indian and non-Indian users alike."

The United States is not slowing down its major contribution to global warming. Since Scott Pruitt has taken over the EPA under the Trump Administration, dozens of environmental rules, including the Obama administration's Clean Power Plan, which sought to curb greenhouse gas emissions from coal-fired power plants, have been repealed. He has suggested that global warming is "not such a bad thing," while ninety-seven percent of climate scientists agree that greenhouse gases contribute to the warming of our earth.

But those of us living in the high desert know that the increase of dry days and lack of precipitation is a bad thing; without the snow storms that our grandparents experienced in the past, we won't have enough water to maintain our crops and carry on our traditions. We need to urge the Trump Administration to acknowledge climate change and reinstate the Obama-era policies that protected our environment. And we need to do our part to preserve our water rights.

We must not let our traditions disappear. The youth of Cochiti need to learn from their elders. We need to get back to our sacred land in order to maintain our rights to the water that has sustained us for generations.

Sincerely,
Daniel Arquero

Daniel Arquero
Cochiti Pueblo
Santa Fe Indian School Class of 2020

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SANTA FE INDIAN SCHOOL

May 17,2018

Michael J.Melloy
Special Master
8th Circuit U.S. Court of Appeals
1117th Ave
Cedar Rapids, Iowa
52401-2101

Dear Mr. Melloy,

In the face of increasing climate-change induced drought, the unalienable water rights of New Mexico's tribes are being threatened by growing cities and the state of Texas.

When the first Spanish explorers reached the Middle Rio Grande in 1540, they found Pueblo Native American people irrigating fields of corn, beans, and squash from community ditches carrying water from the river. Because we were here first, **Pueblo Water Rights** were given to us by the Spanish and Mexican governments, These rights were reaffirmed by the United States when it acquired New Mexico in 1848. Today, the 22 pueblos and tribes in New Mexico have senior water rights.

But will we always have water for our crops? Scientists say we now face a period of even lower annual precipitation than we had during most of the 20th century. In a worst case scenario, the State Engineer might have to make a priority call on certain river basins in order to manage state's supplies of water. The quantification of Native American water rights has become one of the state's biggest challenges. Less water is likely to be available, because precipitation is unlikely to increase enough to make up for the additional water lost to evaporation.

Now Texas had gone to the Supreme Court to claim more water from the Rio Grande, because less and less water is beginning to become available to them. By the time the Rio Grande water reaches parts of Texas, the river runs dry, (just as it has in parts of New Mexico this spring.). Even if water rights were given to through the Supreme Courts they would keep coming back asking for more because in the future its is

more likely due to researcher that less and less water will be reaching the end of the Rio Grande where Texas and non pueblo user get their water.

In the event of worsening climate catastrophe, Non pueblo farmers in New Mexico and Texas users might have to, because Pueblos and tribes they have full legal rights to use the water however they want to. I urge you to consider the water rights of the people who were here first rightfully utilizing the water. The water we use from the Rio Grande is the root of our agricultural ways as Pueblo Natives and Native Americans.

Sincerely,

A handwritten signature in cursive script that reads "Nicholas Valencia".

Nicholas Valencia
San Felipe Pueblo
Santa Fe Indian School Class of 2020



May 18, 2018

Michael J. Melloy
Special Master
8th Circuit U.S. Court of Appeals
Cedar Rapids, Iowa

Dear Mr. Melloy,

Right now, on my Pueblo of Santo Domingo, farmers are fighting for water to irrigate fields of alfalfa, oats, sudan grass and small gardens that grow fresh vegetables. The farmers use the water off the Rio Grande from the Cochiti Lake, channeling it into ditches and hoeing it over the seeds they recently just planted.

But at the same time, the U.S. Supreme Court is deciding how New Mexico and Texas will share the drying Rio Grande. If we don't stay vigilant about our water rights, our traditional farming practices could wither like drought-parched corn.

Throughout the pueblos in New Mexico, water has been an issue for a long time . Nine centuries ago our ancestors left a drought in the Four Corners, migrating to the Rio Grande for water, to help water the corn and other crops they grew.

Currently intense drought is threatening the amount of water flowing on the Rio Grande to water crops that our communities depend on. According to the Natural Resources Conservation Service forecasted in January that 2018 will be like the lean years of 2011-2016, where the Rio Grande flows were less than half of average threatening the health of the river and the communities that depend on it.

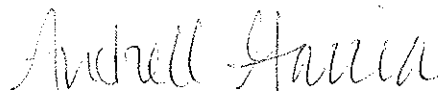
Already this year, the lack of snow in the watershed's mountain ranges has left the Rio Grande dry 14 miles south of Socorro. Currently, the river is also dry through the Bosque del Apache National Wildlife Refuge.

Here's an even scarier thing. Without rain, New Mexico will enter what's called Article 7 conditions on the Rio Grande this month. Because of the climate change-induced drought, we have many farmers planning on not planting this year.

6 Million people use the water of the Rio Grande. The water rights of New Mexico's 23 Native American pueblos and reservations are largely undefined and may have senior priority to other uses on fully appropriated streams. These, and the water rights of others, will need to be resolved by adjudication through the court system, a lengthy and often contentious process.

My concern regarding climate change within my community and throughout the state is: every drop is valuable. The Rio Grande in this region of the desert is of infinitesimal value. Our lives revolve around the Rio Grande. If the water is poorly managed, then we won't have enough water to water for our crops in the long run.

Sincerely,

A handwritten signature in cursive script that reads "Andrell Garcia".

Andrell Garcia
Santo Domingo Pueblo
Santa Fe Indian School, Class of 2020

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May 18, 2018

Michael J. Melloy
Special Master
8th Circuit U.S. Court of Appeals
Cedar Rapids, Iowa

Dear Mr Melloy,

New Mexico has dealt with climate change since the beginning of the 20th century, and continues to increase its effects on the resources we need to survive. We Native Americans, especially depend on the Rio Grande and its water.

The National Center for Atmospheric Research says the Rio Grande watershed has been affected by climate change since the 1940s. And since the 1980s, the temperature has risen at a fast pace of 2 degrees fahrenheit. "In the past it would rain and snow alot up in the mountains" my dad said to me, "now with no runoff from the snow in the mountains, the Rio Grande has left us with very little water."

Today in 2018, there is dry places in the Rio Grande. Which does not help benefit the pueblos and communities that live near the water at all, and due to the fact that the water is available for 5 million people each year. There are people who actually depend on this source of water for their daily lives. They can't now since climate change began.

Many opponents believe this situation is not possible or is not even happening at all. These people are oblivious and are ignoring the fact that climate change is real and it's affecting people. Republican Party of 2008, Trump accuses that climate change is not true, "a hoax".

"Back then we had plentiful amounts of rainfall and snowpack", my dad tells me. I hear from a lot of people in my community that it used be nothing but green, that it snowed all winter, and when that melted there was plentiful amount of water from the Rio Grande to go to everybody. But since the temperature began to rise rapidly, nothing but brown is seen here.

The solution can be getting the attention of Congress or the leaders of the nation and making them look at resources to help decrease global warming not only here in New Mexico, but worldwide. This is deferring the thinking to others. There is plenty of information out there on what we should be doing to cure global warming.

Sincerely,

Lourdes Trujillo

Lourdes Trujillo
Cochiti Pueblo
Santa Fe Indian School Class of 2020

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