

# GOVERNMENT

## THE YAVAPAI-APACHE WATER SETTLEMENT

### A PERSONAL PERSPECTIVE

BY:  
VINCENT E. RANDALL

(Part 1)

In the Apache creation story, after the earth is formed, water is put upon the land. In the Naa éii es ceremony, one of the first songs sung is about water. Since the creator, Bii kégo hinaan is a living entity, His entire creation is alive. Thus, water is alive. Springs, rivers, lakes and seeps should be respected with the same respect any living being is given. After the flood the first Apache was born for water. Even the Christian Bible refers to Living Water.

So we can all agree, in the beginning there was water. All Native American's who live in the desert know that WATER IS LIFE and they respect it. The Verde River cuts our modern Reservation down the center at Middle Verde. Water flows through our lands and gives them life. The late Davis Sine's mother, Mary told him in the 1930's as a young man, "As long as the RIVER flows life will be good". Mrs. Sine knew how important the River was, not just for the People, but for the plants and animals and for the future of the Yavapai-Apache Nation as well. Today it is different than the old days. Today in Arizona somebody owns the water. Like money it is tallied up, measured and accounted for. It is a commodity like oil, soybeans or coffee to be sold or traded then used up, not to be respected.

This is the modern Anglo-American/White way. Those are the rules of the game and we have to abide by that legal system. Because we are a federally recognized tribe with Reservation status we are entitled to a certain amount of "reserved



Vincent Randall, Apache historian in Camp Verde

water" by the federal government, enough to farm, enough for our homes and enough for the Nation's business's. This is an issue that should have been settled a generation ago, but it was not. It is something I have been dealing with on the Nations behalf for almost fifty years. I started when I was a young man and soon I will be 79 years old and still there is no water settlement. It is very frustrating to say the least. Are we getting closer? I am not sure. With the government shutdown we are currently dead in the water. Even without the shutdown, nothing official from Congress has happened yet and we are always tying up loose ends and encountering new obstacles. We remain hopeful and if things go right it could happen within in a few years if the tribal Council stays focused, our lawyers work effectively and we play our political cards right. That is why I am writing this article because we want our community to understand

what is going on and how we got to this point. So I will start at the beginning with some basic concepts about water and water law.

My water education began in 1967 when I attended the BIA Water Conference in Washington D.C. Here are some helpful terms and concepts that I learned at that conference over fifty years ago.

A. Water rights east of Mississippi River say you own the water that runs through your property or at least a portion of it.

B. Water rights west of Mississippi River are different, the first to draw water out of the ground has the senior right to use it and after they use what they need, the next person on the ditch or river takes their share and so on down the line. This is called first in time equal first in right(s). You may ask yourself since as Native Americans, we were here first, why don't we have the earliest rights? Because we lost that right when we were taken to San Carlos and the federal government reset the rules to suit their own needs for water excluding our ancestors, Yavapai and Apache People, who used this same water for centuries. This was yet another cost of the Federal Conquest of our aboriginal lands and although the first battles were for our lands, names and cultures, the war is not yet over. The last battle is being fought now over our water. Everybody else wants it, especially the water companies in Phoenix who serve millions of people, but who do not have enough water. They will always need more and they will not be happy until they get all of it. This is one of the reasons why getting a water settlement for our People is so difficult

C. Aquifer: A rock unit that holds water like in a sponge or a bowl.

D. Watershed: The total area that feeds water into an aquifer.

E. For most of Arizona's history the primary use of AZ water was agricultural, but now it is shifting to domestic and industrial. Remember all of the orange groves and cotton field you used to see around Phoenix are now covered with houses.

F. Ground water depletion = more water is being taken out of an aquifer than is being replenished. All over the state the water is being pumped out faster than the rain and snow can cover the losses.

G. McCarran Act: Indian water cases were transferred to state courts instead of being adjudicated in federal courts.

H. State Court decrees in the SW are a threat to a fair federal Indian water settlement(s).

I. An acre foot of water is one acre of land (about a football field in size) covered in water one foot deep, (which is 326,000 gallons or 2.7 million pounds of water).

J. The Winters Doctrine; the legal concept that Indian Reservations are entitled to enough water to make them economically viable.

At that time (in the late 1960's) YAN had no lawyers, no money and we were completely dependent on federal solicitors (lawyers). Most of whom did not even know who or where the Yavapai-Apache Reservation was. Some of you may remember in those days the Verde River was running at full capacity with lots of deep holes for swimming and actual current in the channel. Many tribal members like Victor Smith, caught catfish in the River.

(End of Part 1. Part 2 in next issue. Full text on the website)

## Fred Sanchez, YAN member is recognized for his contribution to Camp Verde library

BY DON DECKER,  
YAN News

A photograph of Fred Sanchez will be placed on the 'Founder's Room' wall of the Camp Verde library according to Kathy Hellman from the Library Endowment of Camp Verde.

"We wanted to recognize the founders," she added. Hence, a plaque of the Nation's logo and a photograph of Mr. Sanchez will be placed on the wall in the 'Founder's Room' of the library.

For a 13 year period the Library Endowment had conducted their

annual Denim Lace Dinner to raise funds for program activities for the Camp Verde library. The annual fundraiser activity conducted a silent auction of different offerings that were donated by businesses to the Library Endowment fundraiser.

Mr. Sanchez had been a representative for the Yavapai-Apache Nation while serving in his capacity as Vice Chairman during those fundraising activity years.

"Mr. Sanchez and John O'Neil (former Cliff Castle Casino director)



Fred Sanchez

were the people (who helped) during this time," said Ms. Hellman.

During the 13 year fundraising activity raised over \$500,000. The Yavapai-Apache Nation had donated the 3-room conference center at the Lodge at Cliff Castle for this event each year at no charge according to Ms. Hellman. The Library Endowment had bought all of the dinners for the event.

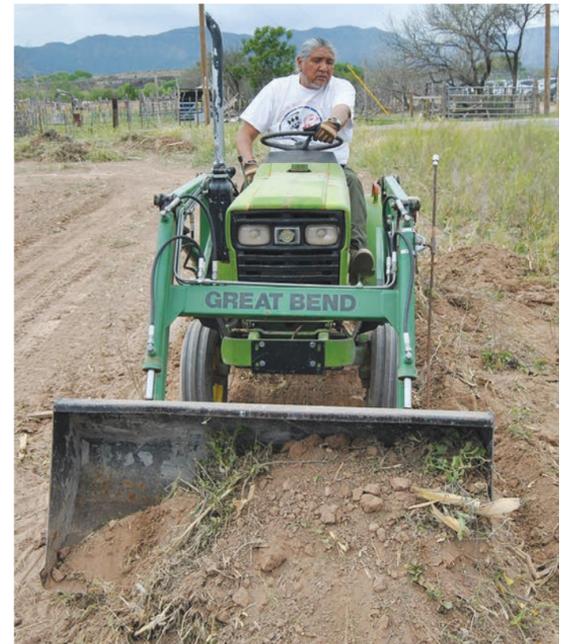
The Library Endowment is now awarding an annual \$20,000 grant to

the local Camp Verde library to purchase programs (not books) to full-fill their mission according to Ms. Hellman.

"The library director will inform the Endowment what the funds will be used for when their annual application for the funds is made," said Ms. Hellman.



John LeDoux of Cliff Castle Casino and Aina Pubrill, from Barcelona, Spain at the Casino Hotel Swimming Pool talking with John LeDoux. Ms. Pubrill is visiting Indian communities in Arizona to study their methods in drawing tourists to their lands. Photo by D Decker



Ron Juan operating a garden tractor at the community gardens area. Juan grateful to Lorna Hazelwood takes care of the community garden plot sponsored by the CHR and Diabetes Program for the Nation.