Vernon Masayesva (former chairman, Hopi Tribal Council), Kykotsmovi, 5-27-2004 (his house). Peter Whiteley and T.J. Ferguson.

The quantitative standard to Hopi water rights in the LCR case is not the right one to use. The idea, for example, of Practically Irrigable Acreage is based on a notion that forces Hopis to waste water, because it is a strictly economic approach to water use, rather than based on cultural values and perspectives. It just doesn't work for dry farmers. That is the basic problem with this water rights thing, it is using the games set up by federal laws.

Another way of fighting this water rights issue that follows the traditional perspective would be to "use the paper at the bottom" - as the elders always used to say. I'm convinced the document they're referring to goes back to 1812. There was a conflict between the King of Spain and others. Prior to this, they recognized them as citizens subject to the King - but they had inferior rights. To satisfy the liberals, Cortes came out with another law to give everyone equal citizenship rights - this became the document the Mexicans used for their independence [Plan of Iguala]. In the Treaty of Guadalupe Hidalgo, the status of indigenous people was recognized as citizens (except for nomadic peoples warring on the settled communities - these were barbarians - like the Navajos). Now your rights as a citizen were 100% protected.

In New Mexico, the Pueblos are recognized under Guad Hid. and are accordingly protected. Arizona Water Resources Dept.(Herb Gunther) *waiting* for an application re: grants rights, and groundwater transfer laws. In AZ no-one enforced groundwater rights like NM where there are groundwater codes. There are policies that limit the amount you can get underground, for example a developer has to show a possibility of 100-year water source for use of the land. But there is no enforcing authority or code in AZ. But the groundwater transfer law is pretty strict in AZ: that is the only hope remaining to us in the present (you can't bring C-Aquifer water over the hill to Phoenix). They are plugging loopholes at present. But Peabody secured an exemption to the inter-basin transfer prohibition on water - unbeknownst to the lawmakers - as an obscure amendment to transfer LCR basin water to another. This is a huge exception for one company.

Southern California Edison is probably going to buy C-Aquifer water from Navajos for "product." But Hopi also wants a lease. Arizona is reluctant to use the water for the slurry, but cannot do anything about it, because it is "product" (i.e., reclassified as non-Arizona water once it has slurried the coal to Nevada). But the "excess water" law kicks in when you are using too much. Right now, it is 50-50 water and coal; we could argue that it is in excess to be reclassified as "product." With the N-Aquifer there is a difference: Peabody does not own the water: they have a lease agreement to mine coal, and they gain use rights to water to make it into "product." But the Mohave Generating Station is salvaging that water once they have taken the coal out. We could go after Peabody big-time re: the lease vs. ownership of water issue. The plant salvages half of the water that is delivered - to cool down the plant - they are "stealing the pacts." [?] According to Peabody testimony, they have a "right to use" not a "right to own." That water is not for reclamation and subsequent re-use.

If the Hopi Tribe can file an application for water, using Guadalupe Hidalgo Treaty, under the Arizona application process, this would pressure the energy companies, and would also help

Arizona protect the C-aquifer water. Under Guad-Hid., Hopis are owed government protection from Navajos. The State of Arizona wants to protect C-Aquifer water: a policy is in the works right now.

We have a meeting planned at Songòopavi to see if we can use the Treaty of Guad-Hid for water rights. We never filed a claim to the Colorado River (because John Boyden advised against it). But we can still claim water rights under Guadalupe Hidalgo. If we use Indian Water Rights doctrine, we will lose. We need to go back to international law.

Hopis were using all the water available historically - for agricultural reasons, and ceremonial purposes. Springs are passages to the water-world; they are shrines, breathing holes for the underground water. The water sucks in the moisture from the clouds and breathes out again - like a body. It's not so much the quantity, it's the health of its breathing - that's what is circulating the water.

No Peabody doctrine addresses that water. They told us all they would use would be the equivalent of taking one cup from a 55-gallon barrel: one tenth of one percent was their argument. But 90% of the springs have dried up - the "breathing" has dried up, there is no more "circulation" of the water. Dr. Nabhan's inventory of the springs shows this. The water is not being recharged. In the aquifer, it is melted ice from the last Ice Age - it's non-renewable water. Once damaged, it is permanently damaged. Peabody will never acknowledge that.

Hopis were saying in 1970 [to Peabody], "you shouldn't take too much out, or the ground will shake, the land will sink, and drought will come." Now we are in the middle of 7-year drought. This Navajo guy is mapping all the sinkholes - a lot are developing, just like Hopis warned. It is like putting a needle into the valve of your tire.

To Hopi, every spring is a shrine, is sacred: that is where the water serpents live and suck in the water [from the clouds]. That's why the springs are "coiled up" [i.e., the coiled walled pathway down to the water, as at Toriiva or Orayvi's Leenangwva] - because that is how snakes drink - coiled up [i.e., the configuration of walls at springs has a symbolic association - with snakes, especially Paalölöqangw - as well as a functional form]. In the summer, that is how snakes drink - coiled up, and then the water goes into the coil. [Implication: by deliberately building spring walls and access paths this way, Hopis deploy a magical technique to help the springs suck in more moisture from the clouds and retain it - like in a snake's coils]. At springs, you always offer a prayer with cornmeal, and then scoop up the water in your hands and drink, and then throw some towards the village [in effect, telling the water to go and rain over there].

Hopi belief: Water is sacred - it talks. Every water has its own song. each raindrop has its own song. No two droplets are alike - and they respond to human thoughts and emotions, they resonate (if we do this right). And the more resonance, the more energy, and the more chance the rain will respond. It's like $E=MC^2$, where M is the people, and C^2 is consciousness times the speed of light. Hopis say that if only one person has the right thoughts, good thoughts, and if another person joins, and brings his thinking, his consciousness into sync. with the first one, then the energy expands exponentially. But if more people have bad feelings, this leads to destructive

energy. Water has the capacity to heal or destroy: it can be merciful or merciless, depending on how you conduct yourself. I believe that absolutely.

Snakes move around like a vibration. We [the Americas] are one continent connected by water - by the water serpent. Look at the ocean and you see that snake moving. The ocean is breathing - in and out, with the tides. Hopis know this.

It is not just about one spring here or there - not just your toe; but the toe [say] is connected to your ear, through water. You were conceived in water, submerged in water in the womb, and came here through water. When you die, all the liquid in your body (70% of you) goes into the earth. There is no such thing as death, just transformation; you "go home," just like in the Home Dance. The Home Dance represents three worlds - the tree world, flower world, and the cosmos. The Katsina father at the Home Dance, says to the Katsinas, "go back to your real home." The common home is in the sea, so he is saying, go home to the sea and come back again - representing hydrological balance.

But scientific hydrology, framed mathematically, is the basis for decisions [on water]. They are playing around with our lives. The Hopi science of hydrology is not seen as "real" since you can't measure it. They tell us, in effect, "your science is inferior." Here our lives are being changed drastically, our resources are being exploited - and all the bureaucrats are listening to their science, not ours.

Of course the Hopis were using all of the water, even if not materially; all our prayers, our meditations are connected to those springs, wherever they might be. Water is life. What is a creator? Water! That's where it started. Water is a life force. Hiiko means to drink, hikwsi (from hiiko) is breath: water is life/energy. Lightning is basically energy, divine energy, and where it hits the ground is sacred - there is a lot of energy there. Hopis pray with paho (prayer-stick/prayer-feather) - taken from paahu, water, and hoohu, arrow, signifying lightning, power, energy. This is what we use to deliver our prayers, and with eagle feathers these carry your prayers further. There are different types of pahos. Each spring is different so we make different pahos for different springs; e.g., Kiisiwu has special pahos. Only those religiously ordained may make pahos - because they are energy. if you're not initiated, don't mess with that, because you're messing with energy - it's dangerous. This is just surface knowledge, common knowledge of Hopi beliefs and practices. And these are my interpretations; I am just sharing with you what I learned, what the symbols and rituals mean to me.

[responding to Q: re: more farms in the past]: Go to the village, and go back in time to when everyone was using the spring, e.g., at Orayvi. The first thing everyone did in the morning was to go down to the spring and take a bath. The men went first, then the women came down when the sun comes up. The spring was like a glue that kept the village together - so it was greatly revered and they took care of it. Then the white man came and sunk a deep well. The water was plumbed into the houses, and everybody forgot the spring. So at Hotvela now, things are not in good shape - half of the gardens are abandoned. We have quit listening to water, quit resonating with water. We have easy access to food. Hopis don't pray any more, our hearts don't come together anymore. So what do you get? Wind. That's the first thing that happens. But there will be

someone out there growing crops - even when there is no rain. That is the proof that someone will be rewarded (cites his F continuing to plant even in the midst of the long drought - recorded in an issue of Conde Nast Traveler last year).

Pay yeesiwni - let there be life - that is what the Katsina father ends all prayers to the katsinas with at the end of the dance.