



**For immediate release:**

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## **Judge Denies Motions to Restrain the State of New Mexico from Negotiating Water Rights Settlement with the Navajo Nation**

**(AZTEC, New Mexico)** – Judge Pro Tem Rozier Sanchez denied motions today motions in the San Juan County District Court seeking to restrain the State of New Mexico from negotiating a water rights settlement with the Navajo Nation.

Motions were filed by the San Juan County Agricultural Water Users Association and Attorney Gary Horner, on his own behalf, to restrain the State Engineer from signing any settlement agreement between the State of New Mexico and the Navajo Nation and to restrain him from entering into any further negotiations.

Judge Sanchez found that the court had no jurisdiction over the settlement negotiations and found that the motions were prematurely filed. This means settlement discussions can proceed as planned between the parties. Additional phases of the adjudication case will continue, including adjudication of all non-Indian water rights claims.

Once the agreement is signed by the State of New Mexico, Navajo Nation, and the United States, the parties will file it with the Court. The Judge said at that time parties could bring their concerns before the court, which is referred to as the expedited *Inter se* phase.

“The State of New Mexico plans to revise the timetable for the proposed settlement agreement,” said Office of the State Engineer Chief Counsel DL Sanders. “If the agreement is signed, it will come before the judge as soon as 2006 or 2007, in order to allow other parties to participate sooner than we originally planned.”

“Even though the court is not the appropriate forum for the Navajo Settlement Agreement at this time, the State of New Mexico wants to continue to meet with concerned water users and address their concerns about the settlement,” said State Engineer John D’Antonio.

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Officials of the Navajo Nation, the State of New Mexico, and the federal government have not approved the revised proposed settlement agreement. They will be reviewing the revised draft documents during the upcoming weeks. The New Mexico Congressional delegation also will be reviewing the revised draft settlement. The Navajo Nation will be considering the revised proposed settlement through its approval processes, and the revised settlement will come before the New Mexico Interstate Stream Commission for endorsement at a meeting later this year.

The settlement agreement proposes to adjudicate the Navajo Nation's water rights and provide associated water development projects for the benefit of the Navajo Nation in exchange for a release of claims to water that could potentially displace existing non-Navajo water users in the basin and seriously impact the local economy. A revised draft of the agreement was made available for public inspection on July 9, 2004.

The Office of the State Engineer is charged with administering the state's water resources. The State Engineer has power over the supervision, measurement, appropriation, and distribution of all surface and groundwater in New Mexico, including streams and rivers that cross state boundaries. The State Engineer is also Secretary of the Interstate Stream Commission and oversees its staff.

The Interstate Stream Commission is charged with separate duties including protecting New Mexico's right to water under eight interstate stream compacts, ensuring the state complies with each of those compacts, as well as water planning.

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