



For immediate release:

January 12, 2005

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Interstate Stream Commission Approves Proposed Water Rights Settlement Agreement with the Navajo Nation

(FARMINGTON, New Mexico) – The Interstate Stream Commission approved the proposed water rights settlement agreement with the Navajo Nation in a public meeting held on Wednesday, January 12, in Farmington to resolve the water rights claims of the Navajo Nation in the San Juan River Basin in New Mexico.

“The settlement agreement has been refined since the draft we reviewed in August, and it has taken into account public comment that was received. The agreement is fair and represents compromises between all parties involved,” said Interstate Stream Commission Chairman Jim Dunlap. “The risk to all parties of not approving this document is significant.”

“The agreement determines what water rights the Navajo Nation owns and in what amount in the San Juan Basin. It is good for non-Indian water users because it draws to a close years of uncertainty with regard to water rights claims. It is good for the State of New Mexico because it avoids years of costly litigation to adjudicate Navajo Nation water rights claims and it does so without compromising our Compact obligations, while protecting current water uses within the basin,” said State Engineer John D’Antonio.

The 20th Navajo Nation Council approved the settlement agreement on December 29, 2004 by a vote of 62-18.

Once executed by the Governor, the New Mexico Attorney General, and Navajo Nation officials, the settlement agreement will be forwarded to New Mexico’s Congressional delegation with a request that the delegation introduce into Congress the proposed settlement act to approve the settlement and related authorizations for projects and funding. Execution of the settlement agreement and the settlement contract by the U.S. Secretary of the Interior would be expected to occur upon passage of the settlement act into law. A proposed partial final decree to adjudicate the rights of the Navajo Nation to use and administer water in the basin then would be submitted to the San Juan River Adjudication Court in the 11th Judicial District.

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The settlement agreement provides both for the adjudication of the Navajo Nation's water rights and the 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.

The settlement agreement and related documents are available for public inspection at the Office of the State Engineer's website at: www.ose.state.nm.us. Hard copies can be inspected at the Aztec District Court as well as the public libraries in Aztec, Bloomfield, and Farmington.

The settlement agreement specifies: the settlement act must be enacted into law by December 31, 2006; the partial final decree must be entered by the court in the San Juan River Adjudication by December 31, 2010; a joint hydrographic survey report must be completed by December 31, 2011 for the tributary areas; the supplemental partial final decree for tributary areas must be entered by the court in the San Juan River Adjudication by December 31, 2013; and certain project construction and funding milestones be achieved by specified completion dates.

The nine-member 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.

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.

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