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House Approves Joint Memorial on the Navajo Water Rights Settlement

(SANTA FE, New Mexico) – The State House of Representatives today unanimously approved Joint Memorial 53 by a vote of 63 to 0, which expresses appreciation to the Navajo Nation, the Office of the State Engineer, and the Interstate Stream Commission for their efforts in reaching a settlement of the Navajo Nation's water rights.

The joint memorial was sponsored by Representative Patricia Lundstrom, (D-Gallup).

"This settlement agreement is without precedent," said Representative Lundstrom. "It makes available a potable water supply to some of the more remote parts of the Navajo Nation. Also, it helps supply drinking water to the City of Gallup."

The legislation now must be approved by the State Senate.

The Navajo Nation approved the settlement in December 2004 and the New Mexico Interstate Stream Commission passed a resolution approving the settlement in January 2005. The revised draft settlement was made available for public inspection on December 10, 2004. The revised draft included changes made in response to public comments received on earlier versions of the settlement released in December 2003 and July 2004.

The State Attorney General and the Governor must execute the settlement. The agreement will be then forwarded to New Mexico's Congressional delegation with a request that the delegation introduce legislation to approve the settlement and related authorizations for projects and funding. Execution of the settlement agreement by the U.S. Secretary of the Interior would occur after passage of the federal legislation approving the settlement.

The settlement agreement determines the Navajo Nation's water rights and provides 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 impact the local economy.

(MORE)

The proposed settlement includes the **settlement agreement and four appendix documents**: a **partial final decree** for entry in the San Juan River Adjudication Court setting forth the rights of the Navajo Nation to use and administer waters of the San Juan River Basin in New Mexico; a **supplemental partial final decree** for entry in the adjudication court after completion of a hydrographic survey to quantify certain historic uses on tributaries to the San Juan River; a **settlement act** for Congress to authorize the Navajo-Gallup Water Supply Project and to approve the settlement agreement; and a **contract** to provide for deliveries to the Navajo Nation under U.S. Bureau of Reclamation water projects, including the Navajo Indian Irrigation Project, the Navajo-Gallup Project, and the Animas-La Plata Project.

The proposed settlement agreement specifies that: 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 3, 2011; the supplemental partial final decree must be entered by the court in the San Juan River Adjudication by December 31, 2013; and certain project construction and funding milestones must be achieved by specified completion dates.

The nine-member Interstate Stream Commission is charged with duties, which include 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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