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Federal Legislation Is Introduced to Implement The Navajo Nation Water Rights Settlement Agreement

(SANTA FE, New Mexico) — New legislation to implement the Navajo/San Juan River Water Rights Settlement was introduced today by U.S. Senators Bingaman and Domenici and U.S. Representative Udall. The legislation is a major step forward in implementing the historic settlement, which brings certainty to water rights in northwest New Mexico.

“This legislation will bring assurance to the water supplies of those in New Mexico who depend on Colorado River water, including the beneficiaries of the San Juan-Chama project in Albuquerque and Santa Fe,” said New Mexico State Engineer John D’Antonio. “This settlement provides a fair allocation of water to the Navajo Nation, while protecting the existing non-Indian water uses from the San Juan River.”

Senators Bingaman and Domenici united to introduce the bill in the Senate. Representative Udall sponsored it in the House. They highlighted the basic human necessity of water to residents of the Navajo Reservation, which would be addressed by implementation of the settlement.

“Residents of the Navajo Nation have lived for generations without access to the most basic of necessities, drinking water,” said D’Antonio. “Through this legislation, the state and the federal government will combine to meet this need, all the way down to the City of Gallup. The benefit to citizens of New Mexico is immeasurable.”

State officials anticipate hearings on the bill in the near future, starting it on the path to passage.

The legislation arises out of the agreement signed on April 19, 2005 by Governor Bill Richardson and Navajo Nation President Joe Shirley Jr., approving the agreement between the Navajo Nation and the state of New Mexico. The signing resulted from years of negotiations that would protect existing water uses from the San Juan River – both Indian and non-Indian – while ensuring that the Navajo Nation would receive a firm supply of water to sustain the Navajo Reservation.

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The Navajo Nation agreed to limit its water rights to the San Juan River in exchange for the construction of much-needed water infrastructure on the Navajo Reservation. Settlement of the claim also eliminates a significant risk to the water supply for the San Juan-Chama Diversion Project, which provides municipal water to the cities of Albuquerque, Santa Fe and others.

The settlement provides security for those uses by resolving the Navajo Nation's water rights claims with certainty – without diminishing San Juan-Chama diversions. Since 1962, the Navajo Nation and the San Juan-Chama contractors have shared water from the Navajo Reservoir supply. The Bureau of Reclamation has determined that sufficient water will be available to satisfy the needs of the Navajo Nation and all other contractors without risk of shortage.

Many of the 80,000 Navajo men, women and children in the project service area presently do not have clean, potable water delivered to their homes. They must haul water, in many cases over extended distances for cooking, drinking and bathing.

Although construction of the project will not eliminate water hauling on the reservation, it will allow the Indian Health Service to expand distribution systems to provide potable water delivery to more homes and would create growth and quality living areas within the Navajo Nation where future communities can be built with ready access to roads, electricity and potable water.

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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