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AGJN-125-76

Class "C" Resolution
No BIA Action Required.

RESOLUTION OF THE
ADVISORY COMMITTEE OF THE
NAVAJO TRIBAL COUNCIL

Recommending to the Navajo Tribal Council That it
Demand the United States Take Immediate Action to Protect
Navajo Water Rights in the San Juan Stream Adjudication
Case now Pending in the District Court at Aztec,
New Mexico

WHEREAS:

1. The State of New Mexico is seeking an adjudication of all Navajo water rights in the San Juan Basin in New Mexico (surface and ground water) in an action filed by the State Engineer against the United States as guardian and trustee of the Navajo Nation; and
2. This action was commenced without the approval of the Navajo Tribal Council; and
3. The United States is also representing the interests of the Jicarilla Apache Tribe, the Ute Mountain Tribe, the Bureau of Reclamation, the Forest Service, the Navajo Indian Irrigation Project, the San Juan-Chama Project, as well as the interests of various companies such as Public Service Company of New Mexico and Utah International, which have contracts with the United States for water from Navajo Lake; and
4. There are actual and potential conflicts among the various parties the United States is presently representing; and
5. Unless the United States represents only the interests of the Navajo Nation, the rights of the Navajo people to water needed for the future of the Navajo Nation and the Navajo people may be lost forever; and
6. As the trustee of the Navajo Nation, the United States is under a special obligation to protect Navajo rights; and
7. It is clear that the United States will not defend Navajo rights alone, but will compromise our rights in its efforts to accommodate the conflicts between the interests of its various clients; and
8. It is thus appropriate for the United States to pay the considerable necessary legal and technical expenses the Navajo Nation will be forced to incur to defend our rights.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Advisory Committee of the Navajo Tribal Council recommends to the Navajo Tribal Council that it demand that the United States recognize its conflict of interest in seeking to defend parties with varying claims and interests in the San Juan Stream Adjudication.

2. The Advisory Committee of the Navajo Tribal Council further recommends to the Navajo Tribal Council that it demand that the United States pay all necessary legal and technical expenses to see to it that the legal interests of the Navajo people are protected through the use of our General Counsel and our water experts.

3. The Advisory Committee of the Navajo Tribal Council recommends to the Navajo Tribal Council that it serve notice upon the United States that it will hold it responsible as a trustee and fiduciary for any loss of Navajo rights.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Advisory Committee of the Navajo Tribal Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 16 in favor and 0 opposed, this 28th day of June, 1976.

Wilson C. Skut
Vice Chairman
Navajo Tribal Council