San Juan River Basin, New Mexico

THIS PRESENTATION IS A SUMMATION AND DOES NOT REPRESENT A SETTLEMENT DOCUMENT
It is expressly understood that the governing bodies or authorities of the State of New Mexico, the Navajo Nation and the United States have not approved a settlement or settlement documents.
Upper Colorado River Basin Compact of 1948

- Allocates 50,000 acre-feet of consumptive use to Arizona in Upper Basin
- Apportions water to Upper Basin States:
  - Colorado 51.75%
  - New Mexico 11.25%
  - Utah 23.00%
  - Wyoming 14.00%

Note: The Hydrologic Determination in 1989 shows the Upper Basin as having a firm yield of 6.0 million acre-feet per year once downstream Compact delivery obligations are accounted for.
11.25%

- The water yield to the Colorado River from New Mexico is only "3%"
- Recognition of the potential claims by the San Juan Basin Indian communities resulted in New Mexico being granted 11.25% of the Upper Basin Supply.

Note: this is a place holder.
New Mexico’s Upper Basin Allocation is 669,375 acre-feet

Some of New Mexico’s allocation goes toward reservoir evaporation.

Only 583,075 acre-feet is available for use by New Mexico.

1 acre-foot = 325,851 gallons
Proposed Navajo Nation Water Right

San Juan River Basin in New Mexico

Right to Use (Diversion): 606,060+ acre-feet per year

Right to Consume (Deplete): 325,370 acre-feet per year

50% of any additional apportionment
San Juan River Depletions

- San Juan-Chama: 17%
- Jicarilla Apache Nation: 5%
- Other Non-Indian: 16%
- Power Plants: 6%
- Navajo Nation: 56%
NIIP

110,630 Acres
Diversion Right: 508,000 afy

Depletion Right: 270,000 afy

1868 Priority satisfied out of Navajo Reservoir storage.

Right to reuse tail water, so long as the depletion is not increased.

Water right transferable to other uses by Navajo Nation.
1868 Reserved Right and Navajo Dam Storage Right

All Navajo Reserved Water Rights have a priority of June 1, 1868, based on the Treaty of 1868.

The 1868 priority is not asserted for NIIP or Navajo-Gallup unless water from Navajo Dam is "irretrievably lost."
- Pre-approved transfer of NIIP water right, within authorized depletion.

- Hogback & Fruitland to receive up to 15,000 AF/yr out of NIIP water supply, so long as no shortage occurs in NIIP water supply.

- Depletions are charged against NIIP; NIIP depletions increased to 270,000 AF/yr to allow protection of wet water supply for Hogback and Fruitland.

- Eliminates need to assert “call” against other water users in most years.

- Increases NIIP flexibility through ten (10) year average.
Navajo-Gallup Water Supply Project

Total Diversion: 37,760 acre-feet
Total Depletion: 35,890 acre-feet
Settlement Depletion: 20,780 acre-feet

- Navajo in NM: 20,780 acre-feet
- Navajo in AZ: 6,410 acre-feet
- City of Gallup: 7,500 acre-feet
- Jicarilla Apache: 1,200 acre-feet
Total: 35,890

Navajo uses in Arizona water to come from Arizona’s allocation of water. City of Gallup needs to find its own supply of water. Jicarilla Apache will use its decreed water rights in New Mexico.

The Project is designed so that each chapter shown on the map would get enough water to meet the projected demands for the 2040 population. Some chapters would get conjunctive ground water development. Water for community development is included.
Municipal water for Upper Fruitland, Nenahnezad, San Juan, Hogback, Shiprock, and Gadahii.
4,680 Diversion/2,340 Depletion
Ground Water

- 2,000 AF/yr (1868 Priority)

- Navajo administration on trust lands

- OSE administration on fee lands

- NTUA AZ/NM Systems

- Right to additional ground water:
  - Subject to non-impairment of existing ground water users.
  - Depletions > 2,000 AF/yr from San Juan River subject to offset plan approved by OSE.
Miscellaneous Uses

Additional water, including small irrigation projects, stockponds, stockwells, and livestock uses to be added after hydrographic survey. 1868 Priority.
# Proposed Navajo Nation Water Rights Settlement

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<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>Navajo Indian Irrigation Project (farm 110,630 acres)</td>
<td>508,000</td>
<td>270,000</td>
<td>$372,800,000</td>
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<tr>
<td>Fruitland-Cambridge Irrigation Project (3,335 acres)</td>
<td>18,180</td>
<td>7,970</td>
<td>$7,700,000</td>
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<tr>
<td>Hogback-Cudei Irrigation Project (8,830 acres)</td>
<td>48,550</td>
<td>21,280</td>
<td>$15,700,000</td>
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<tr>
<td>Extra diversion for irrigation projects</td>
<td>No # limit</td>
<td>0</td>
<td></td>
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<tr>
<td>Navajo's share of Navajo-Gallup Water Supply Project (City of Gallup (approx. $110.1 million) and Jicarilla Apache Nation (approx. $21.4 million) will pay their share separate from the Settlement)</td>
<td>22,650</td>
<td>20,780</td>
<td>$458,100,000</td>
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<tr>
<td>Navajo-Gallup Ground Water Component (use tributary and non-tributary ground water)</td>
<td></td>
<td></td>
<td>$77,600,000</td>
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<tr>
<td>Farmington to Shiprock Pipeline (ALP)</td>
<td>4,680</td>
<td>2,340</td>
<td>$0</td>
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<tr>
<td>San Juan River Municipal</td>
<td>2000</td>
<td>1000</td>
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</tr>
<tr>
<td>Extra diversion for M&amp;I</td>
<td>No # limit</td>
<td>0</td>
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<tr>
<td>Tributary Ground Water</td>
<td>2000</td>
<td>2000</td>
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**TOTAL PROPOSED NAVAJO WATER RIGHT:**

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<tr>
<td>606,060</td>
<td>325,370</td>
<td>$5,000,000</td>
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</tbody>
</table>

- Additional Water via Hydrographic Survey for historic and existing stock, irrigation, recreation, and water for domestic use
- Navajo Nation Water Development Trust Fund

**TOTAL PROPOSED SETTLEMENT COST (excludes Gallup and Jicarilla share of Navajo-Gallup):**

$986,900,000
Navajo Nation’s New Mexico Water Right in Perspective

In the San Juan River Basin, the Navajo Nation would have the right to deplete 325,370 acre-feet from New Mexico’s Colorado River Apportionment.

The State of Nevada has the right to deplete 300,000 acre-feet from the Colorado River.

Colorado River Basin Map Showing Nevada in yellow.
# Proposed Settlement and Project Timeline

<table>
<thead>
<tr>
<th>Event</th>
<th>Date/Deadline</th>
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<tbody>
<tr>
<td>Settlement out for public review/comment</td>
<td>December 5, 2003</td>
</tr>
<tr>
<td>Navajo Nation Council review/comment/resolution</td>
<td>December 5, 2003 through January 31, 2004</td>
</tr>
<tr>
<td>Provide written comments to Navajo Department of Water Resource and New Mexico Interstate Stream Commission to ensure consideration prior to Settlement Agreement</td>
<td>Before January 15, 2004</td>
</tr>
<tr>
<td>Execute Agreement between the Navajo Nation and New Mexico</td>
<td>Summer 2004 [August]</td>
</tr>
<tr>
<td>Introduction of Settlement Act to Congress</td>
<td>Summer 2004 [September]</td>
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<tr>
<td>Passage of Settlement Act into Law</td>
<td>October 31, 2006 deadline</td>
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<tr>
<td>U.S. Execution of Settlement Agreement (after Settlement Act)</td>
<td>December 31, 2006 deadline</td>
</tr>
<tr>
<td>U.S. Execution of Settlement Contract (after Settlement Act)</td>
<td>December 31, 2006 deadline</td>
</tr>
<tr>
<td>Joint Hydrographic Survey (after Settlement Act)</td>
<td>Complete by September 30, 2008</td>
</tr>
<tr>
<td>Partial and Final Decree (after Joint Hydrographic Survey)</td>
<td>Entered by Adjudication Court by December 31, 2010</td>
</tr>
</tbody>
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<thead>
<tr>
<th>Project</th>
<th>Details/Deadline/Condition</th>
</tr>
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<tbody>
<tr>
<td>NIIP funding to complete and rehabilitate Project</td>
<td>Budget ceiling will be raised</td>
</tr>
<tr>
<td>Fruitland-Cambridge Irrigation Rehabilitation</td>
<td>Rehabilitation construction must be completed no later than December 31, 2012</td>
</tr>
<tr>
<td>Hogback-Cudei Irrigation Project</td>
<td>Rehabilitation construction must be completed no later than December 31, 2015</td>
</tr>
<tr>
<td>Navajo-Gallup Water Supply Project</td>
<td>Portion of NSWSP to deliver water to communities in New Mexico must be completed no later than December 31, 2020</td>
</tr>
<tr>
<td>Ground water development in San Juan Basin, NM</td>
<td>Construction of well for developing ground water in the San Juan River Basin in NM must be completed no later than December 31, 2020</td>
</tr>
<tr>
<td>Navajo Nation Municipal Pipeline</td>
<td>Completion associated with ALP construction schedule estimated to be December 31, 2010</td>
</tr>
<tr>
<td>Navajo Nation Water Resources Development Trust Fund</td>
<td>$6,000,000 per year in each of the first five fiscal years then $4,000,000 per year the following five fiscal years December 31, 2016</td>
</tr>
</tbody>
</table>
Significant Changes

• Alternative Water Supply (Provides protection for Navajo Reservoir Supply)
• Greater flexibility for NIIP operations and for transfer of NIIP water uses
• Authorization of "Top Water" Bank
• Protection of Window Rock water supply during shortages
• Clarify Navajo Nation right to administer water uses on Navajo Trust Lands
• Recognition of Echo Ditch Rights
• ALP protections