Keyword Search

2004 Regular Session

SJM62
INVOLVE WATER RIGHTS SETTLEMENT STAKEHOLDERS

Sponsor: Raymond Kysar

Current Location: Passed

Actions: (Key to Abbreviations)
(48-2) SGND.

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SENATE RULES COMMITTEE SUBSTITUTE FOR
SENATE JOINT MEMORIAL 62

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

A JOINT MEMORIAL

REQUESTING THAT THE STATE ENGINEER AND THE INTERSTATE STREAM
COMMISSION INVOLVE MUNICIPAL, INDUSTRIAL AND AGRICULTURAL
STAKEHOLDERS IN THE SAN JUAN RIVER BASIN IN DISCUSSIONS TO
ADDRESS WATER ISSUES.

WHEREAS, the state engineer has statutory responsibility
for general supervision and the measurement, appropriation and
distribution of the state's waters and, therefore, filed an
adjudication suit in 1976 to define all water rights within the
San Juan river basin; and

WHEREAS, final determination of all water rights will
relieve economic and social uncertainty to water stakeholders
within the basin; and

WHEREAS, the state engineer is currently negotiating a
settlement with the Navajo Nation to define the extent and
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nature of the Navajo Nation's water rights, which may save the
state the financial burden of litigation, including saving tax
dollars; and

WHEREAS, it is in the best interest of New Mexico to
negotiate structured water rights settlements with Indian
nations, tribes and pueblos whenever possible because
uncertainty by water users about water rights leads to
substantial litigation costs, jeopardizes economic development
and promotes dissension within communities; and

WHEREAS, considering the length of time it takes to
introduce and pass federal water legislation, it is important
that the proposed settlement agreement and its companion
federal legislation be introduced in 2004; and

WHEREAS, the state engineer and the Navajo Nation have
developed a completion schedule for settlement of the Navajo
Nation's water rights that includes a settlement approved by
congress that will be enacted into law by October 2006 and the
partial final decree entered; and

WHEREAS, the proposed Navajo settlement authorizes the
United States to fund the construction of a pipeline to provide
drinking water to areas of the Navajo Nation that lack a
drinking water source; and

WHEREAS, the settlement provides that over a ten-year
period New Mexico will contribute at least twenty-five million
dollars ($25,000,000) to a dedicated Navajo Nation water

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and whereas, the state engineer is drafting active water resource management regulations to establish and organize water districts, to appoint water masters and to authorize the development of water master manuals designed to meet the unique needs of a river system; and

and whereas, the available surface flow has been affected by several years of drought within the San Juan River basin, and in response to the continuing drought, the state engineer established an ad hoc committee to provide a forum for discussion and negotiation of short-term shortage sharing agreements; an agreement was reached and implemented in 2003; and

WHEREAS, San Juan River basin water users want to understand the relationship of the total maximum depletions resulting from the proposed settlement, final adjudication of water rights, anticipated water supply availability and the implementation costs; and

WHEREAS, San Juan River basin water users want to understand the relationship of the total maximum depletions resulting from the proposed settlement, final adjudication of water rights, anticipated water supply availability and the implementation costs; and
WHEREAS, representatives of the Navajo Nation are willing to meet with and listen to the concerns of non-Navajo water users; and

WHEREAS, the proposed settlement would give Gallup the opportunity to address its water rights needs, and the mayor of Gallup supports the proposed settlement;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the state engineer be requested to begin informal processes that involve municipal, industrial and agriculture users to address, to the extent possible, water issues such as diversion and consumptive use quantities, priority and other elements that define a water right; and

BE IT FURTHER RESOLVED that the state engineer release all proposed active water resource management regulations relating to the San Juan river basin as soon as possible to allow stakeholders to become familiar with the future scheme for managing the San Juan river basin; and

BE IT FURTHER RESOLVED that the ad hoc committee continue efforts to develop short-term shortage sharing policies and agreements during the state's continued period of drought; and

BE IT FURTHER RESOLVED that the state legislature approve the funding commitment required for settlement of the Navajo Nation water rights prior to the submission of the proposed settlement to the adjudication court for its approval; and

BE IT FURTHER RESOLVED that the state engineer and the
interstate stream commission report back to the appropriate
interim legislative committee prior to the next regular session
on the status of the San Juan river water rights adjudication;
and

BE IT FURTHER RESOLVED that copies of this memorial be
transmitted to the state engineer and the interstate stream
commission.

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