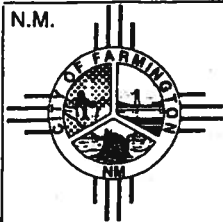


UTAH COLO.
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CITY OF FARMINGTON

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*SJ-
Farmington
SJ-17
Navajo Settlement*

February 10, 2005

State Engineer John R. D'Antonio, Jr., P.E.
Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102

Re: Proposed Navajo Water Rights Settlement

John
Dear Mr. D'Antonio:

For your information and use, I am enclosing a certified copy of City of Farmington Resolution No. 2005-1132 entitled "A Resolution Endorsing and Supporting the Proposed Navajo Water Rights Settlement."

If I can answer any questions or supply any further information in regard to the Resolution, please let me know.

Sincerely,

Jay B. Burnham
Jay B. Burnham
City Attorney

Enclosure

cc: John Whipple, ISC

CITY ATTORNEY

A RESOLUTION ENDORSING AND SUPPORTING THE PROPOSED NAVAJO
WATER RIGHTS SETTLEMENT

WHEREAS, representatives of the Navajo Nation and State of New Mexico have conducted extensive negotiations that have resulted in a proposed settlement of the Navajo Nation's claims to water rights in the San Juan River Basin in New Mexico; and

WHEREAS, the State and Navajo Nation have accepted comments from various interested parties, including the City of Farmington, regarding the proposed settlement documents and made revisions to the draft documents in an effort to address as many of the concerns of those interested parties as possible; and

WHEREAS, many of the revisions to the proposed settlement documents have resulted in additional protections to non-Indian water users within the basin, including the City of Farmington; and

WHEREAS, the proposed settlement has been approved by the Navajo Nation Council on December 29, 2004 and the New Mexico Interstate Stream Commission on January 12, 2005, and will soon be considered for approval by the Attorney General and Governor of the State of New Mexico; and

WHEREAS, if approved by the Attorney General and the Governor, the proposed settlement will need to be approved, authorized and funded by the United States Senate and House of Representatives; and

WHEREAS, City of Farmington representatives have entered into discussions with representatives of the State and the Navajo Nation regarding the City's water rights and how the City would be affected by the proposed Navajo water rights settlement; and

WHEREAS, as a result of the those discussions, the City, the State and the Navajo Nation have reached an agreement concerning several of the City's major water rights and how they would be presented to the water rights adjudication court and administered by the State; and

WHEREAS, members of the City staff have conducted an analysis of the City's water rights and determined that with the agreement in place regarding the City's major water rights, the City has sufficient rights to satisfy its needs for the future pursuant to the City's Forty Year Water Plan; and

WHEREAS, the proposed settlement, if approved and implemented, will result in the removal of the uncertainties associated with having the large claims of the Navajo Nation unresolved and will allow all parties, including the City, to move forward with water rights and water use planning with confidence and certainty; and

WHEREAS, after considering the benefits to the City of Farmington of having these assurances in place, the City Council has determined that it is in the best interest of the City of Farmington and its citizens and water utility customers to support the proposed Navajo Water Rights Settlement; and

WHEREAS, the agreement between the City, the State and the Navajo Nation concerning the City's major water rights is contingent on the City Council adopting a resolution indicating the City's support for the Navajo Water Rights Settlement.

NOW, THEREFORE, BE IT RESOLVED by the City of Farmington that the City endorses and supports the proposed settlement between the State of New Mexico and the Navajo Nation concerning the Navajo Nation's claims to water rights in the San Juan River Basin in New Mexico as set forth in documents issued by the Office of the State Engineer and the Interstate Stream Commission on December 10, 2004; and

BE IT FURTHER RESOLVED that City staff is directed to distribute copies of this resolution to the appropriate officials with the State and the Navajo Nation, and to all members of New Mexico's Congressional delegation.

PASSED, APPROVED, SIGNED AND ADOPTED this 8th day of February, 2005.


William E. Standley, Mayor

SEAL

ATTEST:


Dianne Fuhrman, Deputy City Clerk