

United States Senate

July 12, 2006

The Honorable Dirk Kempthorne
Secretary of the Interior
1849 C Street, N.W.
Washington, DC 20240

Dear Secretary Kempthorne:

As Secretary of the Interior, you are provided a great opportunity to help resolve a number of issues that have long affected many communities. In the arid West, one such set of issues involves unresolved Indian water rights claims. In New Mexico, such claims hinder the ability of tribes to address present and future water needs, and impact the State's ability to manage water in a manner that promotes local economic stability.

The issue of Indian water rights settlements is a matter I asked you to address during the confirmation process. I was pleased with your commitment to addressing these issues in general, and to specifically work with the New Mexico congressional delegation towards a resolution of settlements currently pending in our state. Right now, your help is needed to maintain progress towards the settlement of the Navajo Nation's water rights claims in the San Juan River basin.

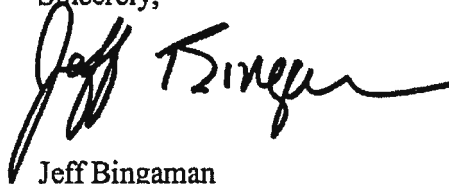
On April 19, 2005, the Navajo Nation and the State signed a settlement agreement relating to the Navajo Nation's claims to water in the San Juan basin in New Mexico. The agreement would resolve the Nation's water rights and provide for associated water infrastructure, including the Navajo-Gallup Water Supply Project, in exchange for a release of its claims that might otherwise displace non-Navajo water uses in the basin. In addition to the benefits for water management in the basin, the settlement will help address the inequitable living conditions on much of the Navajo Reservation. Over 40% of Navajo families have income below the poverty level compared with less than 10% nationwide. Moreover, approximately 40% of the Reservation's residents must haul water for use in their homes. This settlement is key to providing the foundation for the economic activity and quality of life needs that will benefit everyone in the region.

The Department is currently working on two key elements of the settlement. The first is the draft Environmental Impact Statement for the Navajo-Gallup Project. It is my understanding that a draft has been completed by the Bureau of Reclamation and is currently being reviewed by the Department staff in Washington DC. I urge you to finalize the review as soon as possible and release the draft for public input. The second item involves completion of the hydrologic investigation required by section 11(a) of Public Law 87-483 for the issuance of long-term contracts for the delivery of water stored in Navajo Reservoir. The Bureau of Reclamation has completed a draft of the determination and it is currently under review in the Department,

awaiting your approval. The May 2006 draft hydrologic determination establishes that through 2060, a sufficient amount of water is reasonably likely to be available from New Mexico's Upper Colorado River Compact apportionment to fulfill a contract which supplies water from the Navajo Reservoir to the Navajo-Gallup Project. Significantly, on June 5, 2006, the Upper Colorado River Compact Commission, with representatives from Colorado, New Mexico, Utah, Wyoming, and the Federal government, unanimously adopted a resolution supporting the Navajo-San Juan water rights settlement and the draft hydrologic determination's findings as to the water available in New Mexico to supply the settlement projects. Consistent with the Commission's action, we urge you to act as soon as possible to approve the hydrologic determination developed by the Bureau of Reclamation.

Thank you again for your willingness to work on these items which are critical to New Mexico. I look forward to you taking action in the above-mentioned matters in the very near future.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Bingaman", with a long horizontal flourish extending to the right.

Jeff Bingaman
United States Senator