



**For immediate release:**

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**Public Comment Sought on Proposed Water Rights Settlement Agreement by the State of New Mexico and the Navajo Nation for the San Juan River Basin**

**(SANTA FE, New Mexico)** – A proposed settlement agreement between the Navajo Nation and the State of New Mexico was made public on December 5, which potentially could resolve the claims of the Navajo Nation for the use of waters of the San Juan River Basin in northwestern New Mexico.

Officials of the Navajo Nation, the State of New Mexico, and the federal government have not approved the proposed settlement agreement. They will be reviewing it during the upcoming months. The New Mexico Congressional delegation also will be reviewing the settlement agreement.

Public meetings will be scheduled in December and January to solicit public input. The first public meeting is scheduled for **Monday, December 15** at the **Civic Center** in **Farmington, New Mexico** from **6:00 to 8:00 p.m.** A second meeting will be on **Monday, January 5** at the **Navajo Nation Shiprock Chapter House** in **Shiprock, New Mexico** from **6:00 to 8:00 p.m.**

The proposed settlement agreement is intended to adjudicate the Navajo Nation's water rights and provide associated water development projects for the benefit of the Navajo Nation in exchange for a release of claims to water that could potentially displace existing non-Navajo water users in the basin.

"This is an equitable settlement. A key to the settlement will be construction of the Navajo-Gallup Water Supply Project, which will serve well over 200,000 people, both within the Navajo Nation and the City of Gallup," said Navajo Nation Executive Director of the Division of Natural Resources Arvin Trujillo. "This project and other settlement water projects have been considered and discussed by San Juan Basin residents for decades. The implementation of these projects will benefit the Navajo Nation, the San Juan Basin, and the State of New Mexico."

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"Through the settlement agreement, we will continue to share a precious scarce resource with all of our neighbors," said Chairman of the Navajo Nation Water Rights Commission Albert A. Hale. "Water will bring life to our barren lands. The settlement agreement opens a new chapter in the relationship between the Navajo Nation and the State of New Mexico. The cooperation and good faith negotiation that enabled us to reach agreement will serve as a model for other states and Indian Nations."

"This proposed settlement agreement would determine what water rights the Navajo Nation owns and in what amount in the San Juan Basin in New Mexico," said State Engineer John D'Antonio. "It draws to a close water rights claims concerning the Navajo Nation, it protects existing uses of water, it allows for future growth into the middle of this century, and it does so within the amount of water apportioned to New Mexico by the Colorado River Compacts."

"I applaud this important settlement," said Attorney General Patricia Madrid. "This settlement shows that sovereign nations can work together to achieve a mutually beneficial agreement. There is little doubt that working together with mutual respect is preferable to meeting in court as adversaries."

The proposed settlement agreement and supporting documents are available for public review at the Office of the State Engineer's website at: [www.ose.state.nm.us](http://www.ose.state.nm.us)

The proposed settlement includes: a **settlement agreement**, a **partial final decree** for entry in the San Juan River Adjudication setting forth the rights of the Navajo Nation to use and administer waters of the San Juan River Basin in New Mexico; a **settlement act** for Congress to authorize the Navajo-Gallup Water Supply Project to secure a water supply to meet needs of the Nation and its members and to approve the settlement agreement; and a **contract** to provide for deliveries to the Navajo Nation under U.S. Bureau of Reclamation water projects including the Navajo Indian Irrigation Project and the Animas-La Plata Project. Also, the authorization would include facilities to provide municipal water supplies to Gallup and to an area in the southern portion of the Jicarilla Apache Reservation.

Continuing negotiations could result in execution of a settlement agreement by officials of the Navajo Nation and the State Of New Mexico as well as introduction of a settlement act to go before Congress by March 1, 2004.

Execution of the settlement agreement and the settlement contract by the U.S. Secretary of the Interior would be expected to occur upon passage of the settlement act into law. The Navajo Nation Department of Water Resources and the Interstate Stream Commission will take comments on the documents until January 15, 2004.

The proposed settlement agreement would specify that: the settlement act be enacted into law by October 31, 2006; that a joint hydrographic survey report be completed by September 30, 2008; that the partial final decree be entered by the court in the San Juan River Adjudication by December 31, 2010; and that the project construction and funding milestones be achieved by specified completion dates.

The Office of the State Engineer is charged with administering the state's water resources. The State Engineer has power over the supervision, measurement, appropriation, and distribution of all surface and groundwater in New Mexico, including streams and rivers that cross state boundaries. The State Engineer is also Secretary of the Interstate Stream Commission and oversees its staff.

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The Interstate Stream Commission is charged with separate duties including protecting New Mexico's right to water under eight interstate stream compacts, ensuring the state complies with each of those compacts, as well as water planning.

The Navajo Nation Department of Water Resources is charged with administering and managing the Nation's water resources.

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## **PROPOSED WATER RIGHTS SETTLEMENT AGREEMENT FOR THE SAN JUAN BASIN -- DOCUMENTS**

An **Executive Summary** is available, which outlines the facts and terms of the proposed settlement.

The proposed settlement agreement includes three appendix documents:

- 1) Proposed partial final decree** -- for entry in the San Juan River Adjudication setting forth the rights of the Navajo Nation to use and administer waters of the San Juan River Basin in New Mexico
- 2) Settlement act** -- for Congress to authorize water projects to secure to the Navajo Nation a water supply to meet the needs of the Nation and its members and to approve the settlement agreement
- 3) Contract** -- between the Secretary of the Interior and the Navajo Nation to provide for water deliveries to the Nation under U.S. Bureau of Reclamation water projects, namely the Navajo Indian Irrigation Project, the Navajo-Gallup Water Supply Project, and the Animas-La Plata Project.

*The proposed settlement agreement, the appendixes, and executive summary documents are available for public review at the Office of the State Engineer's website at: [www.ose.state.nm.us](http://www.ose.state.nm.us)*



# PROPOSED WATER RIGHTS SETTLEMENT AGREEMENT FOR THE SAN JUAN BASIN

## Timeline

- **December 5, 2003** -- Proposed agreement is made public and open for review by the public, the State of New Mexico, the Navajo Nation, and the Congressional delegation
- **December 15, 2003** -- Public meeting scheduled for Farmington, New Mexico
- **January 5, 2004** -- Public meeting scheduled for Shiprock, New Mexico
- **January 15, 2004** -- Deadline for accepting public comments
- **February 2004** -- Approval date for proposed settlement agreement
- **March 1, 2004** -- Settlement bill to go before Congress
- **October 31, 2006** -- Settlement bill would be enacted into law
- **September 30, 2008** -- Deadline for joint hydrographic survey report to be completed
- **December 31, 2010** -- Partial final decree to be entered by the court in the San Juan River Adjudication