



NAVAJO NATION DEPARTMENT OF JUSTICE OFFICE OF THE ATTORNEY GENERAL

ETHEL BRANCH
Attorney General

HEATHER CLAH
Deputy Attorney General

Delivered by email to Navajo Nation Arizona Chapter Officials

May 3, 2024

Re: Request for Support for Northeastern Arizona Indian Water Rights Settlement Agreement

Yá'át'ééh shinaat'áanii,

Ethel Branch yinishyé. Shí éí Diné bi wáshindoon bi aghadit'ahi tso shi naanish. As the Navajo Nation Attorney General I serve as the Chief Legal Officer of the Navajo Nation and oversee all of the Navajo Nation's legal matters, including our efforts to secure and protect the Nation's water rights.

I am pleased to share with you that the Navajo Nation is close to reaching an historic comprehensive water rights settlement relating to our claims in the State of Arizona. If authorized and funded by the United States Congress, this settlement will provide billions of dollars' worth of water infrastructure and development for Navajo communities in Arizona. As you know, our Navajo communities have endured great hardship for many decades due to our severe water infrastructure deficiencies that negatively affect our peoples' health, longevity, financial well-being, and general welfare.

The proposed Northeastern Arizona Indian Water Rights Settlement Agreement ("Settlement Agreement") offers us the opportunity to ensure that certain water sources will continue to be available to protect the Navajo people and sustain life on Navajo lands – forever.

In the settlement negotiations, the Navajo Nation was represented by an all-Navajo team including the Speaker of the 25th Navajo Nation Council, a number of Navajo Nation Council Delegates, Chief Legal Counsel to President Buu Nygren, Navajo Nation Department of Justice Water Rights Unit Attorneys, Department of Water Resources Water Management Branch Hydrologists, and myself. Many of us grew up without running water and know on a personal level the daily hardship our Navajo people face in gaining access to the most basic of human needs, and how hard it is to support a traditional Diné livestock raising and farming way of life. Our all-Navajo team, with the assistance of expert outside counsel and technical staff, has fiercely protected and defended the rights of our Navajo people to water throughout these negotiations. Today we arrived at a final settlement we believe you will be pleased with.

Next week legislation to approve the Settlement Agreement will be introduced before the 25th Navajo Nation Council. **I now ask for your Chapter's support through either a Chapter Resolution, a Letter of Support, or both. Attached are templates to assist you in the drafting of a Resolution and/or a Letter of Support.**

RE: Request for Support for Northeastern Arizona Indian Water Rights Settlement

May 3, 2024

Page 2

Once the proposed settlement is authorized and executed by the Navajo Nation and the United States, it will fund water infrastructure that will bring water to multitudes of Navajo families in Arizona whose homes currently lack access to piped water. This will include the iiná bá – paa tuwaq’atsi pipeline (formerly known as the Western Navajo Pipeline), the Four Corners Project, the Southwest Regional Groundwater Project, the Ganado Regional Groundwater Project, the Black Mesa Regional Groundwater Project, the Lupton Area Project, the Kayenta Aquifer Storage and Recovery Project, the Code Talker Lateral Extension, and more.

These projects will bring real water to our Navajo Peoples’ homes – now. These projects are also vital to us achieving the goal of developing a dynamic and adaptive global water supply system for the Nation that will meet our needs 100 years out – and beyond.

This settlement will also allow the Navajo Nation the flexibility we need to get water to all of our Arizona communities, regardless of what state the water is diverted in, or what basin the water is serving. Specifically, the settlement will authorize the Navajo Nation to divert Arizona water in Utah and New Mexico for delivery in Arizona Navajo communities. This means, for example, that Arizona water diverted in New Mexico can be piped through the Navajo-Gallup Water Supply Project to serve Navajo communities in Lupton and Ganado. It also means that Arizona water diverted in Utah at Halchita can be piped to homes in Kayenta, as a further example.

This settlement will also allow the Nation to use Arizona Upper Basin Colorado River water in Arizona Navajo communities in the Lower Basin of the Colorado River, and vice-versa. So, for example, we will be able to use water diverted from Lake Powell in Tuba City and Cameron (this is currently not lawful because Lake Powell is in the Upper Basin of the Colorado River and Tuba City and Cameron are in the Lower Basin of the Colorado River). This flexibility to move water between basins and to divert Arizona water in other states will provide the Nation with the water security we need to protect our future generations.

Based on my experience and expertise, I firmly believe that the benefits of this Settlement far outweigh what the Nation could gain through continued, protracted, and multimillion-dollar litigation with respect to our Arizona water rights. For example, settlement offers us immediate and meaningful access to the firmest Colorado River water in Arizona, and offers us billions of dollars’ worth of funding to develop the infrastructure we need to meet the currently unmet existing needs of our Navajo people, as well as our future needs. It offers us the opportunity for growth and economic prosperity, and a pathway home for our children and our grandchildren, and generations to come.

This settlement will deliver on the bargain that our revered leaders made over a hundred years ago at Bosque Redondo. It is now up to us to do our part to ensure that our beloved Navajo people may remain in our homeland from time immemorial and thereafter – forever.

Over the past few months, the Navajo Nation Water Rights Commission has hosted numerous public education sessions on the proposed settlement at most of the affected Navajo Nation Chapters. There have also been weekly forums on KTNN Radio sharing information about the Settlement and answering questions about the proposed Agreement. The meetings and events were delivered in both English and Diné Bizaad. Please visit the Navajo Nation Water Rights Commission website to find recordings of those presentations and to find additional resources such

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May 3, 2024

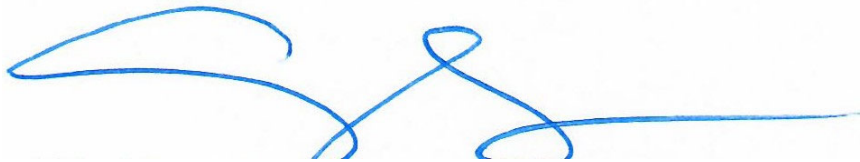
Page 3

as maps and handouts on Navajo water rights and information related to the Upper and Lower Basins of the Colorado River – <https://nnwrc.navajo-nsn.gov/>. With introduction of Navajo Nation Council legislation to approve this settlement we will offer additional public education meetings over the next few weeks.

For questions, and to submit your Resolutions and/or Letters of Support, please email Assistant Attorney General Michelle Espino at myazzie@nndoj.org and cc my Assistant Kahia Lamothe at klamothe@nndoj.org.

We will forward the final Settlement Agreement to you once legislation drops to approve the settlement next week.

Ahéhee' nitsaago,

A handwritten signature in blue ink, consisting of a large, sweeping initial 'E' followed by a series of loops and a long horizontal stroke extending to the right.

Ethel Branch
Attorney General, The Navajo Nation