

# Proposed Settlement Summary Northeastern Arizona Indian Water Rights Settlement Agreement

For Public Discussion Purposes

MARCH 2024



# Water is Life – *Tó éí iiná áté*

- Dine creation stories talk about Tóyiisdzáán – Sacred Water Woman – controls all water on earth and sky. Our stories include Male and female Rivers. Water is sacred.
- Our sacred mountains like San Francisco Peaks and Mt. Hesperus are female mountains and it is believed that Mt. Hesperus gave birth to our four sacred rivers – one of them is the powerful Colorado River.
- Since Navajo creation, water has served as a fundamental element to Navajo life. *Tó éí iiná at'é* (water is life), and it is elemental to *Hózhó*, the Navajo Way of Life.
- We pray to these sacred waters. We use our *tadidíin* and make offerings. We pray to *Diyin Dine'é* to bring us rain and fill our rivers so our crops, animals, land, and people can grow and thrive.
- We need water to survive, clean and bathe, feed our animals, grow our crops – we need water to live a sustainable life – like our ancestors did.





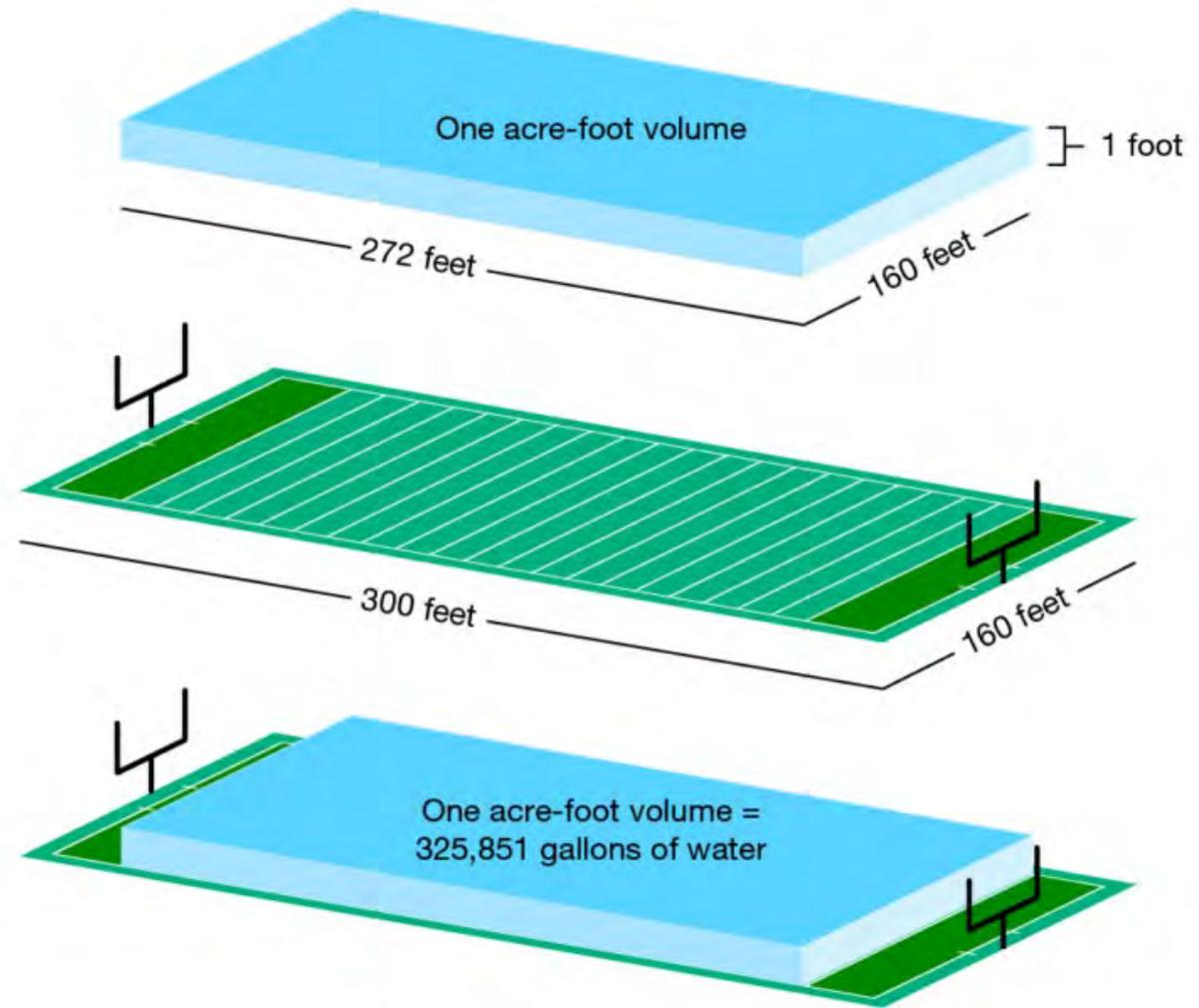
# Colorado River Compact Terms

---

- The States divided the Colorado River into an Upper Basin and the Lower Basin
- Each Basin was **apportioned 7,500,000 AFY** in perpetuity from the **Colorado River System**
- US Mexican Treaty gave 1,500,000 AFY to Mexico
- The Upper Basin States **shall not deplete the flow at Lee Ferry below 75,000,000 AF for any 10-year period**

# Haz'á Acre Feet per Year (AFY)

1 acre-foot =  
325,851 gallons



# Colorado River Upper Basin Lower Basin

1. Wyoming
2. Utah
3. Colorado
4. New Mexico
5. Arizona
6. Nevada
7. California



# Colorado River State Water Appropriation: Upper Basin, Lower Basin



## Upper Basin States 7.5 Million AFY

New Mexico	11.25%
Wyoming	14%
Colorado	51.75%
Utah	23%
Arizona	50,000 AFY*

## Lower Basin States 7.5 Million AFY

Arizona	2.8 Million AFY*
Nevada	300,000 AFY
California	4.6 Million AFY

# Colorado River Compact – 1922

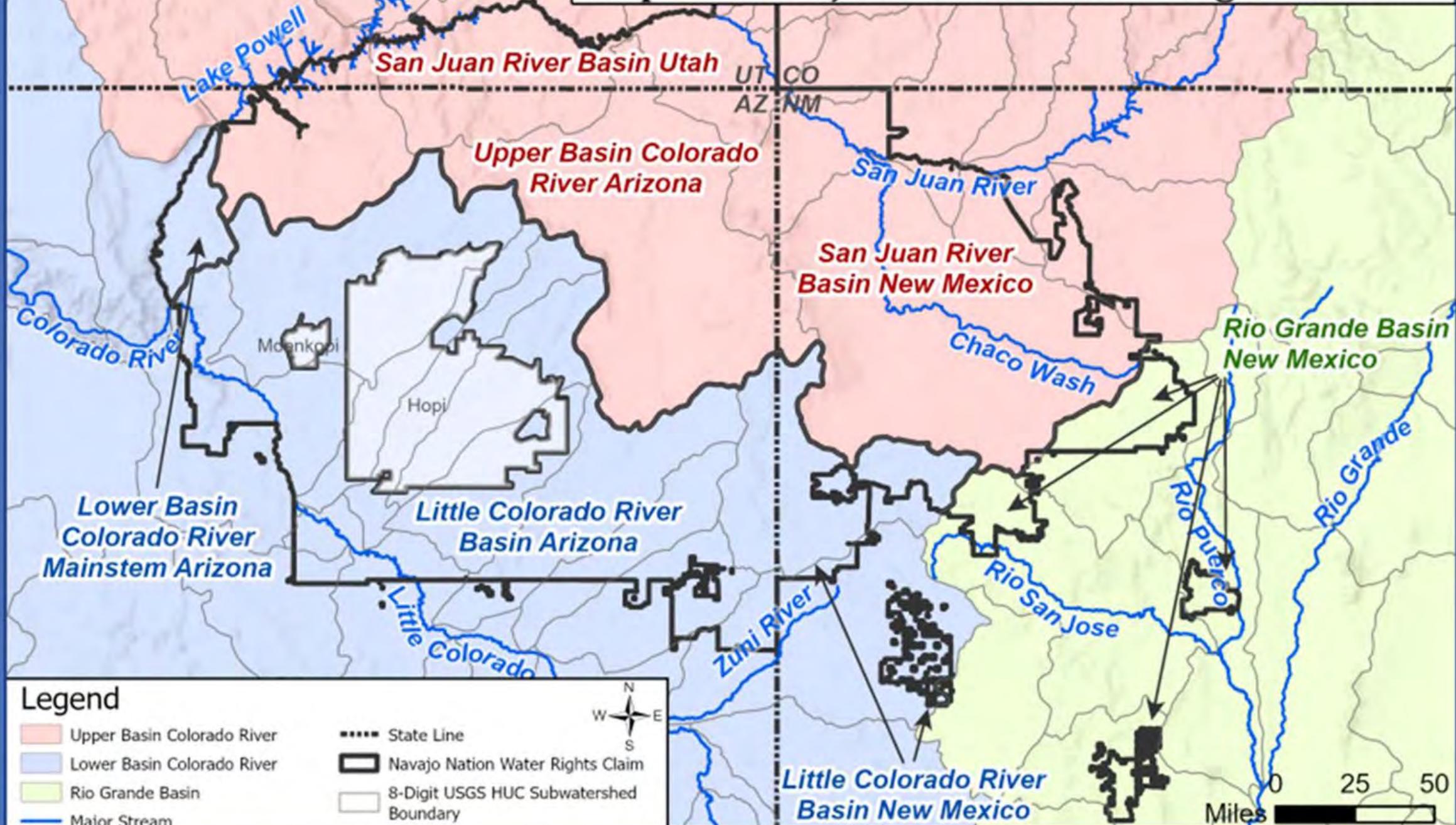
## Major provisions affecting Indian tribes

---

- Apportionment of Colorado River water is among the States
- The water rights for Federal lands, including Indian reservations, must come out of the allocation for each state under the Compacts
- “Compact shall not be construed to affect the obligation of the United States to Indian Tribes.”



# Map of Navajo Nation Water Rights Claims



# Navajo is currently engaged in 2 methods for its water rights in Arizona

---

## ADJUDICATION (LITIGATION)

- McCarran Amendment outlines that tribal water rights are decreed in State courts.
- Little Colorado River water rights only

## SETTLEMENT

- Settlement agreements are submitted to State courts for a Decree of Water Rights
- Comprehensive water rights for
  - Upper Basin Colorado River
  - Lower Basin Colorado River
  - Little Colorado River



# General Stream Adjudication Update





# Hopi Claims vs. Special Master Hopi Recommendation

---

## Future Population

- Hopi: in 2110, Hopi will have a population of 52,016
- The Special Master agreed with Flagstaff's expert and set the future Hopi population of 18,555.

## Water Claims

- Hopi: 90,000 +/- afy
- Special Master: 29,000 +/- afy



# Phase 1 Only – Navajo Claims: Population and Water

---

## Future Population

- In 2110 the Navajo Nation population will be 340,000
- Special Master Recommendation ?

## Water Claims

- 85,000 AFY
- Special Master Recommendation ?



# Next Steps for LCR Adjudication

---

## Phase I

- Claims: **Domestic, Commercial, Municipal, Light Industrial (DCMI), Stock and Wildlife watering**
- Water Features: **Wells, Springs & Impoundments**
- 4/24/23-8/3/23 Hearings
- 3/15/24 Final Brief
- 4/16-17/24 Closing Arguments

## Phase II

- Claims: **cultural, unique tribal, recreational, fish, wildlife/conservation, mining, heavy industrial/commercial and irrigation uses**
- 7/28/23 ADWR Preliminary HSR
- 7/25/24 Final HSR
  
- 9/20/27 Trial scheduled to begin



# Settlement Elements





# Settling Parties to the Northeastern Arizona Indian Water Rights Settlement Agreement

---

1. Navajo Nation
2. Hopi Tribe
3. San Juan Southern Paiute
4. Department of the Interior
5. State of Arizona
6. Arizona Department of Water Resources
7. Arizona State Land Department
8. Salt River Project
9. City of Flagstaff
10. LCR Coalition

# Navajo Water Sources Claims to Settle

---

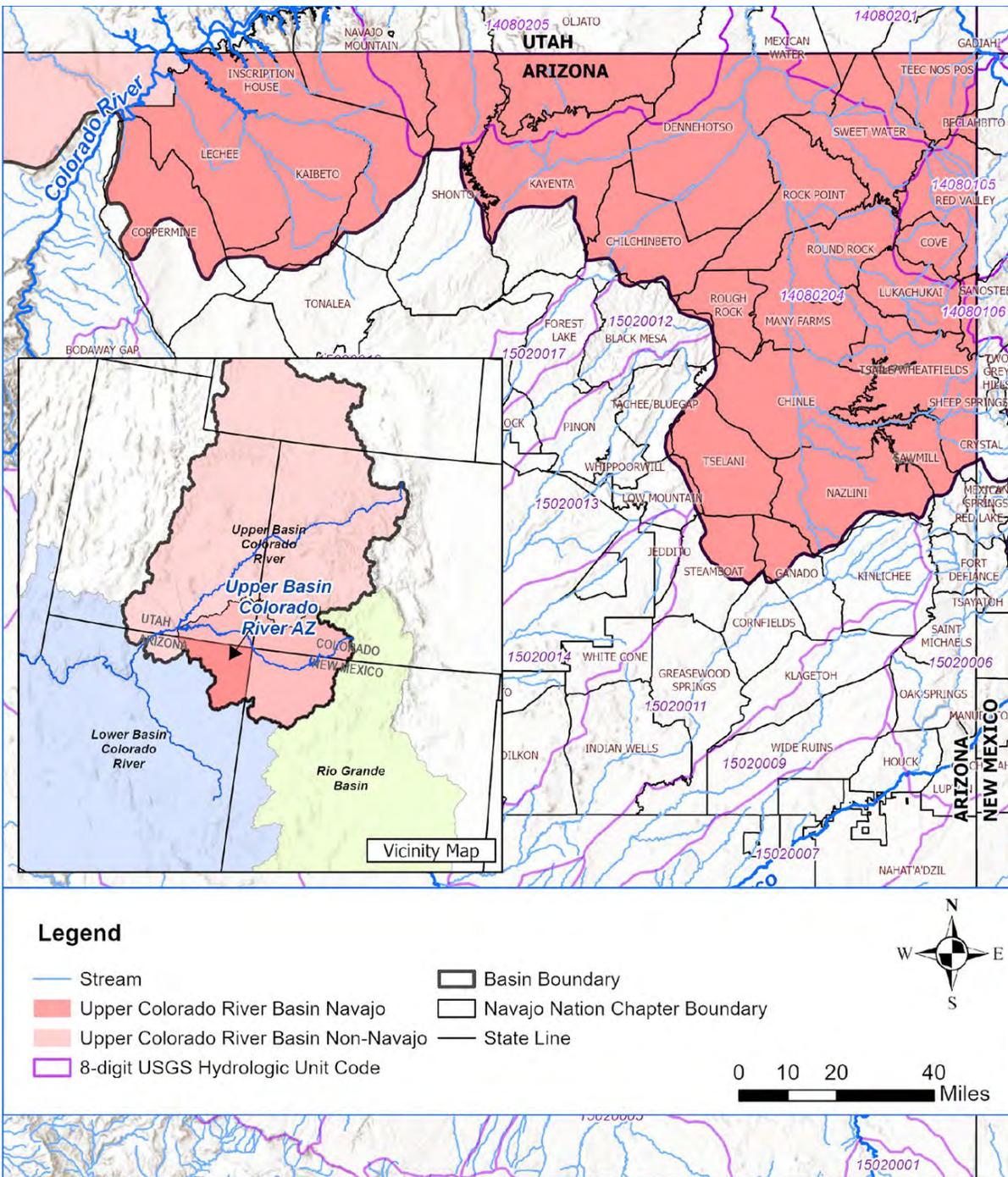


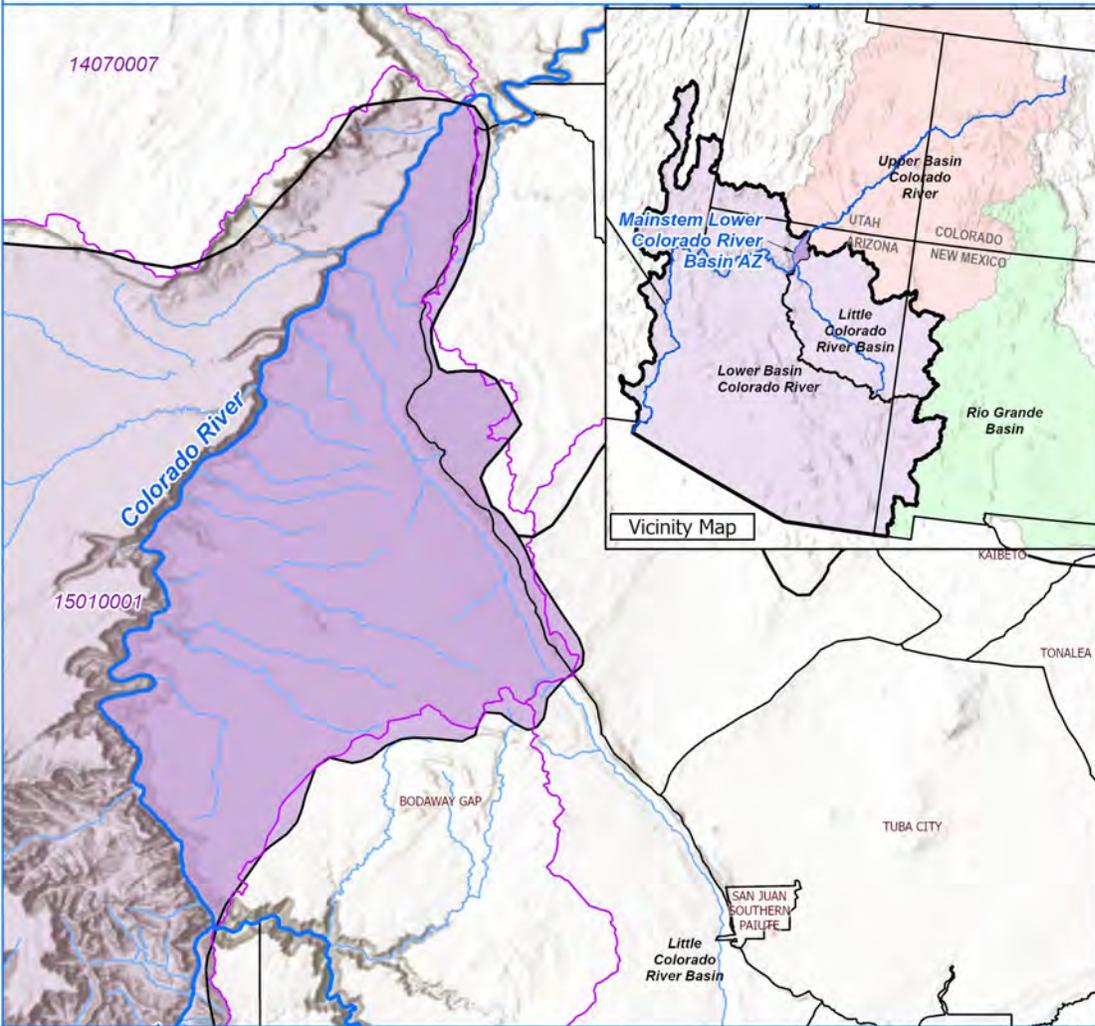
Grand Falls

- Upper Basin Colorado River water
- Little Colorado River mainstream and tributary water
- 4th priority Lower Basin Colorado River water
- Cibola Lower Basin Colorado River water
- Groundwater
- Effluent
- Big Boquillas Ranch

# Upper Colorado River Basin

- 44,700 AFY (acre-feet per year) of the Arizona Upper Basin allocation



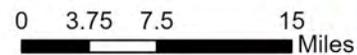


# Mainstem Lower Colorado River Basin

- 4th priority Lower Basin Colorado River Water
- 3,600 AFY (including 100 AFY of Cibola Lower Basin Water)

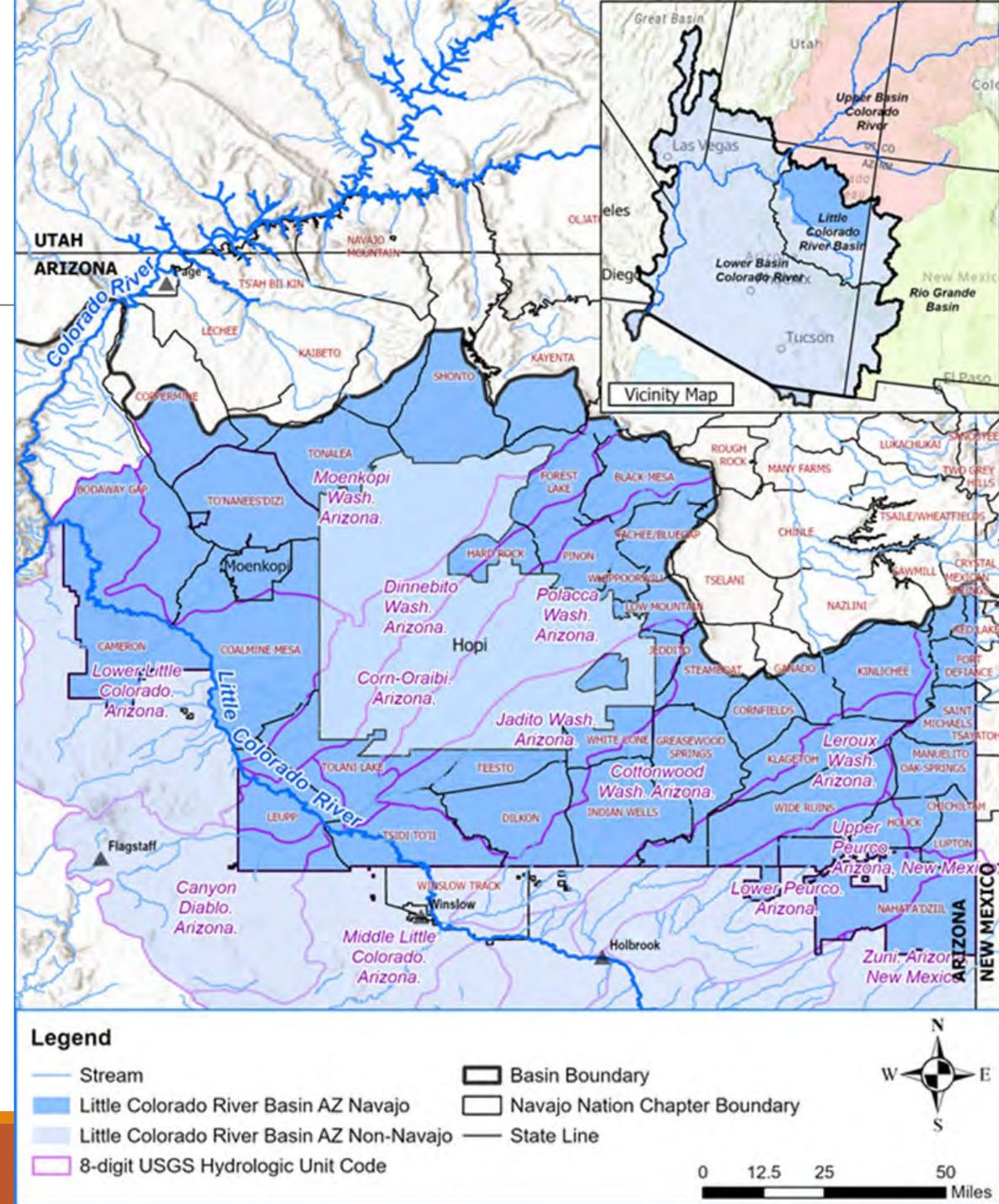
## Legend

- Stream
- Mainstem Lower Colorado River Basin Navajo
- Mainstem Lower Colorado River Basin AZ Non-Navajo
- 8-Digit USGS Hydrologic Unit Code
- Basin Boundary
- Navajo Nation Chapter Boundary
- State Line



# Little Colorado River

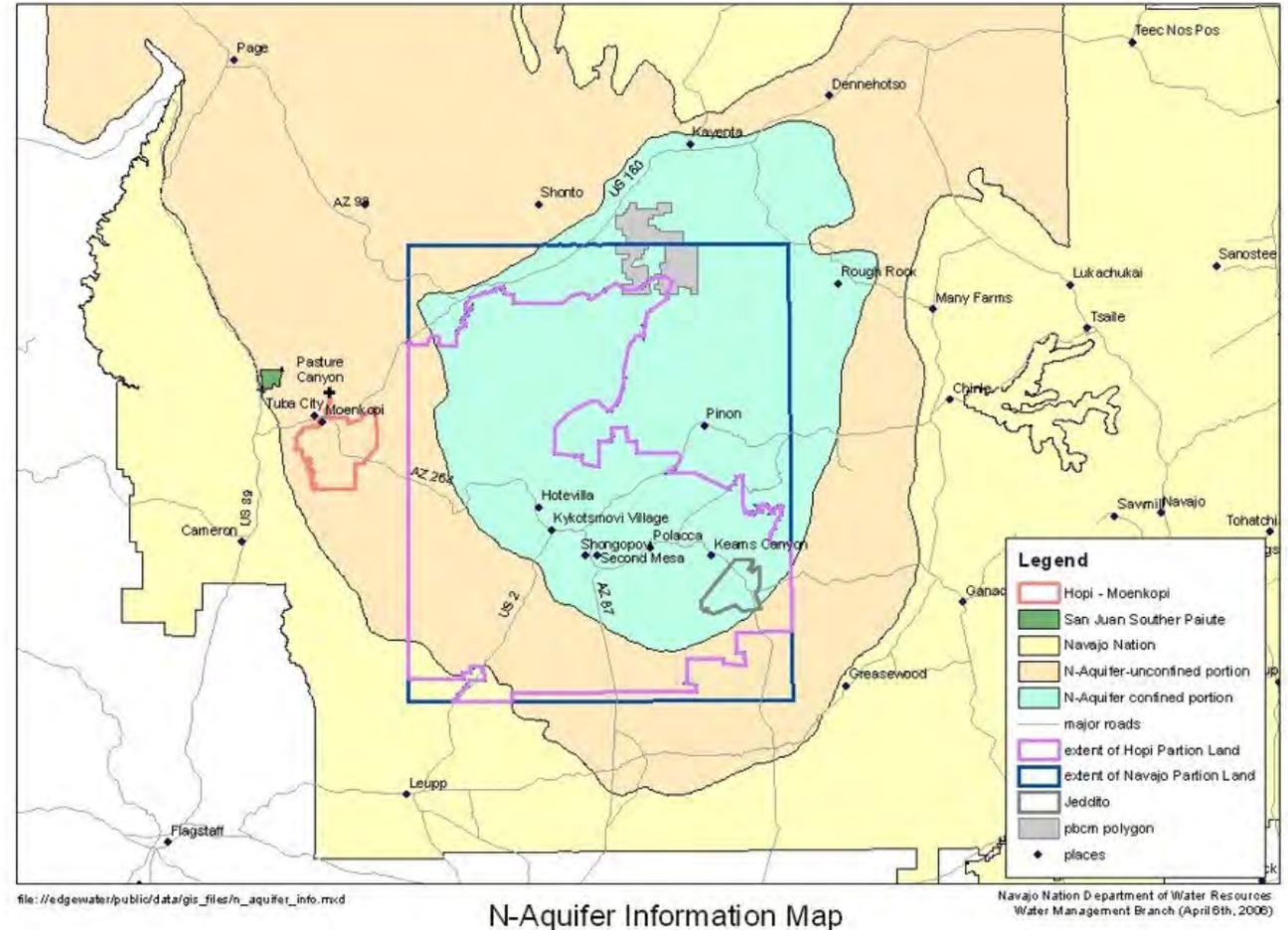
- Little Colorado River Mainstem Water:
- All the Little Colorado River mainstem water that reaches the Navajo Reservation
- (historic flows are estimated to be 122,000 AFY). Includes quantified amounts and priority dates for specific historic Navajo irrigation projects
- Little Colorado River Tributary Water: All tributary water that reaches the Navajo Reservation



# Groundwater

## ■ Navajo Aquifer

- All that underlies the Navajo Reservation subject to an agreement between the Navajo Nation and the Hopi Tribe
- Limits Navajo pumping to 8,400 AFY (2,000 AFY may be used for industrial purposes)
- Limits Hopi pumping to 5,600 AFY (2,000 AFY may be used for industrial purposes)



# Groundwater

- Coconino Aquifer
- All that underlies the Navajo Reservation
- Established protection zones and pumping limitations with:
  - Hopi
  - Arizona State Land Department
  - Flagstaff
  - Bar T Bar

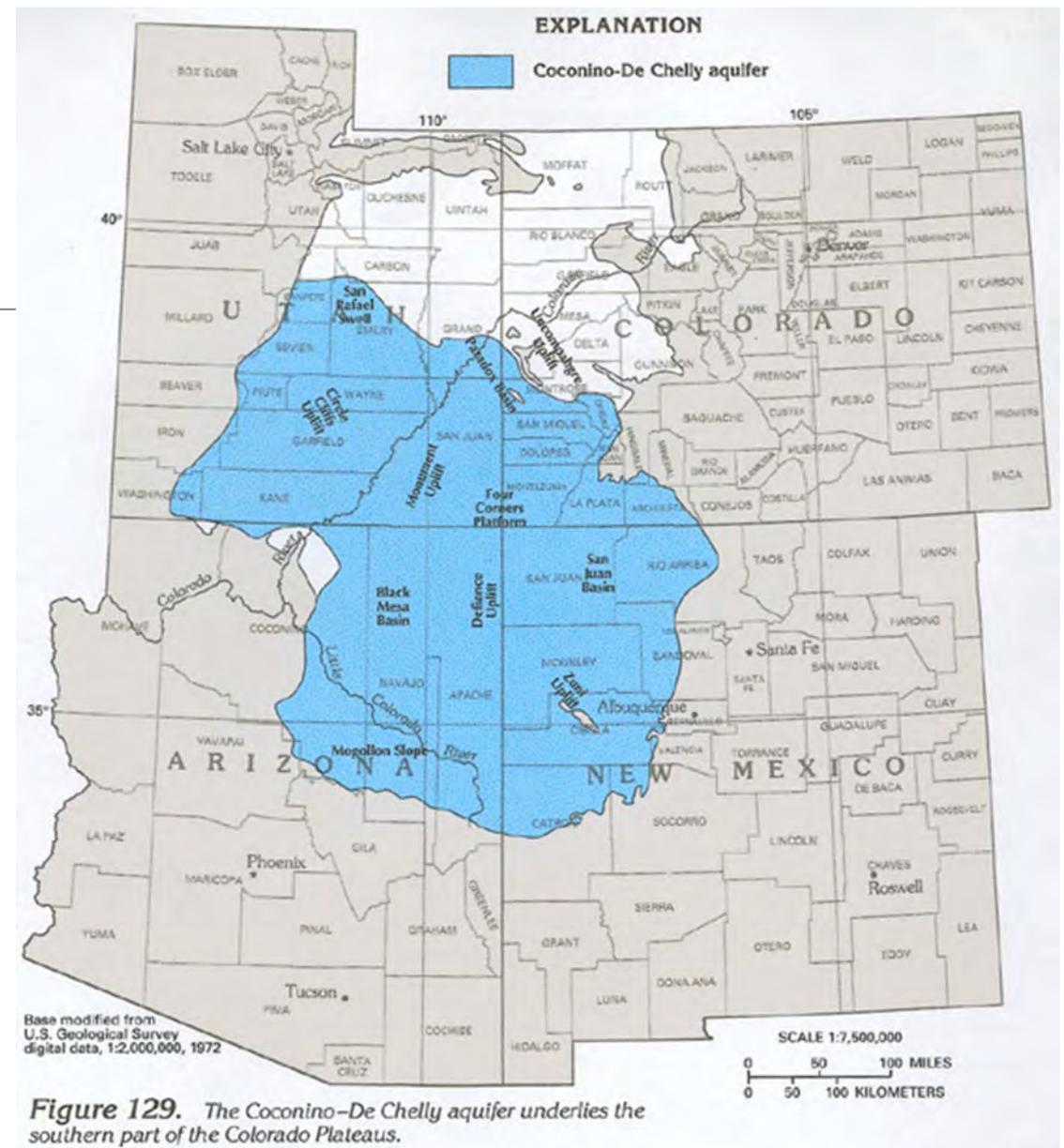


Figure 129. The Coconino-De Chelly aquifer underlies the southern part of the Colorado Plateaus.

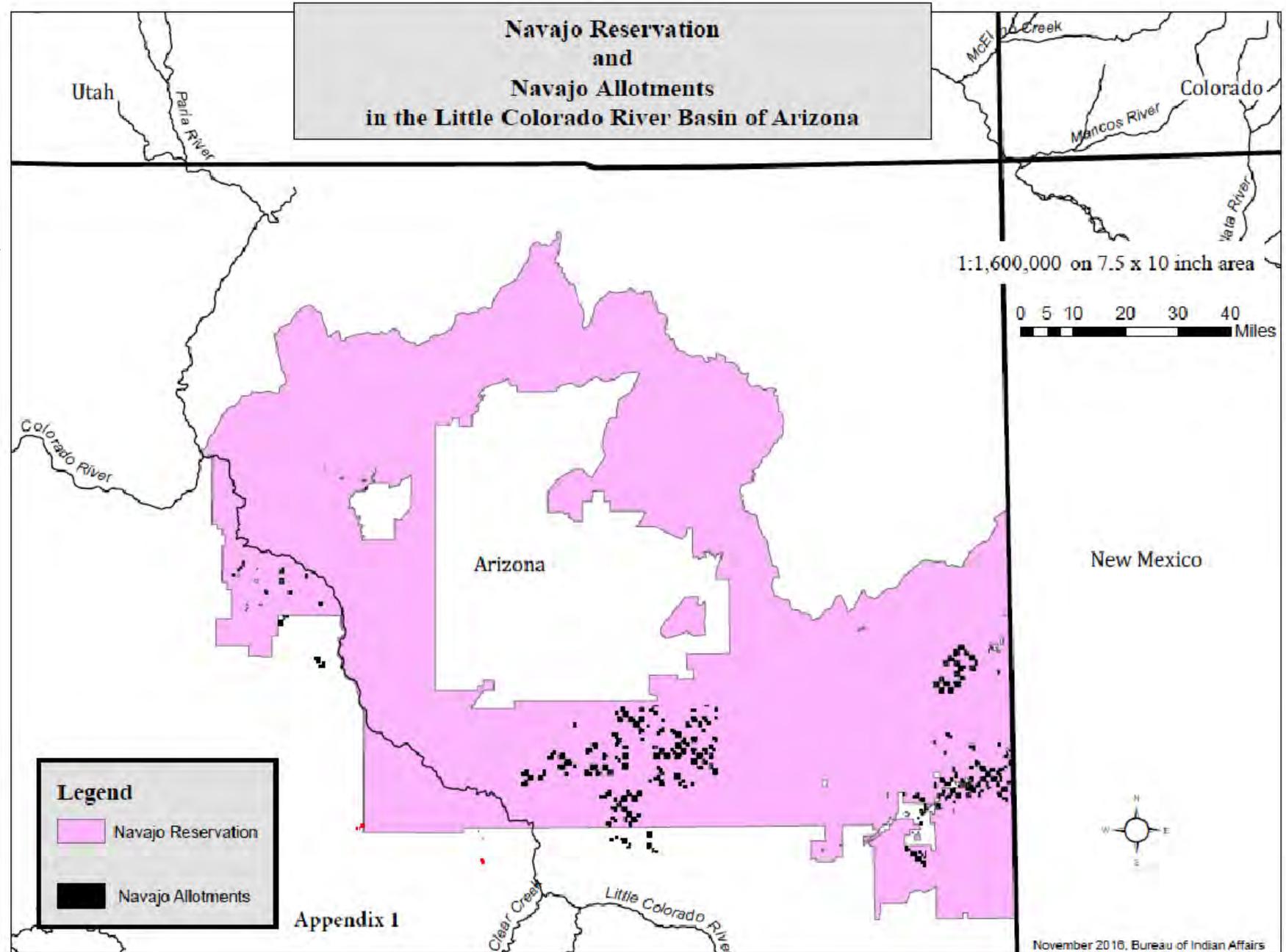


# Allotments

## Navajo Section 1 Allotments

### On-Reservation

The United States will settle these claims. Navajo Section 1 Allottees will be served with Navajo Nation water.



# Settlement is better for the Navajo Nation than Litigation

---

## LITIGATION

- Based on minimal need
- Paper decree only
- No funding for infrastructure
- Resources appurtenant to the reservation
- Adversarial
- Lengthy
- Costly

## SETTLEMENT

- Certainty
- Funding for wet water development
- Better tools for water management
- Authorizations for water diversions & movement between states and basins
- Negotiated

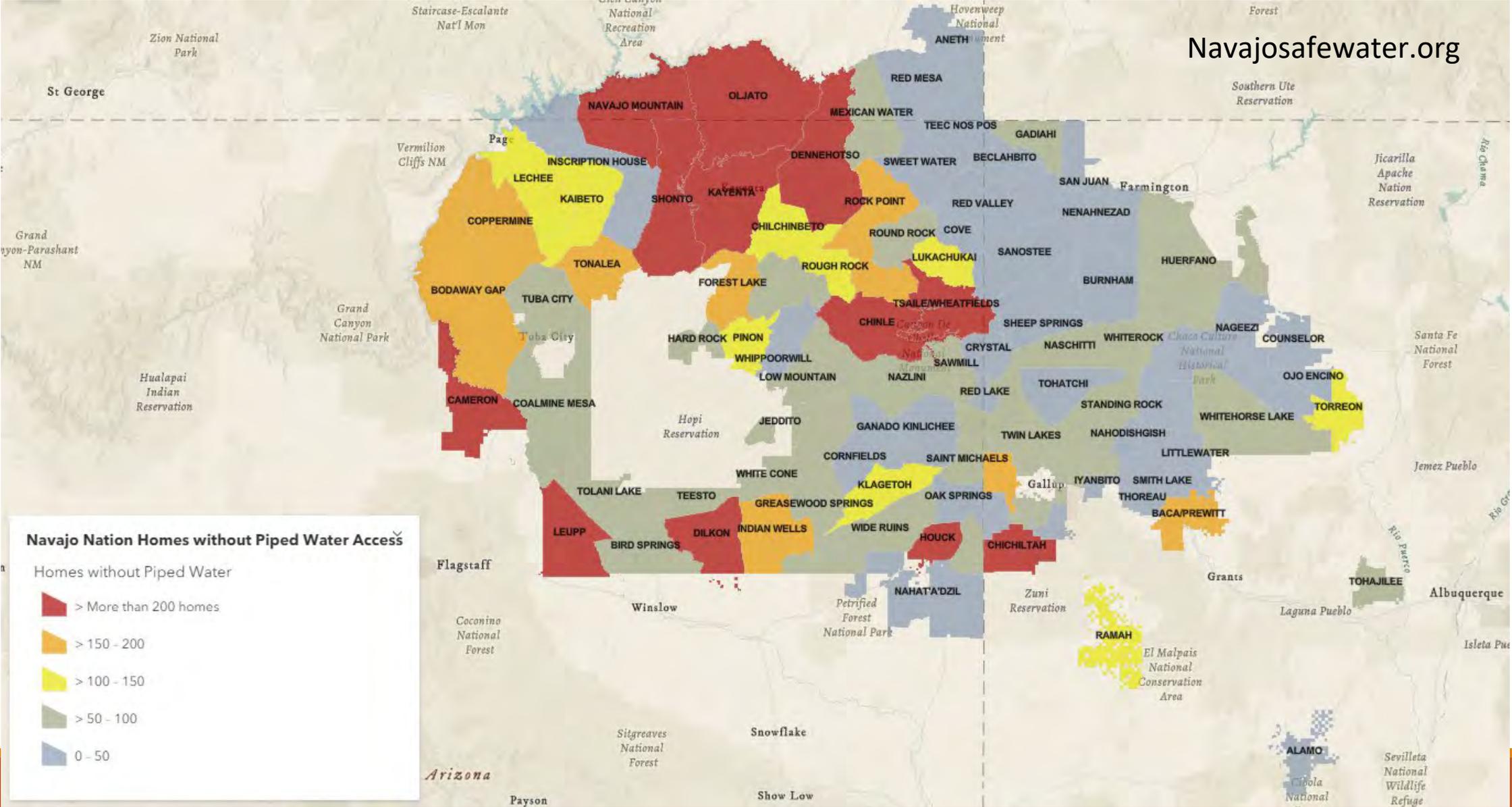


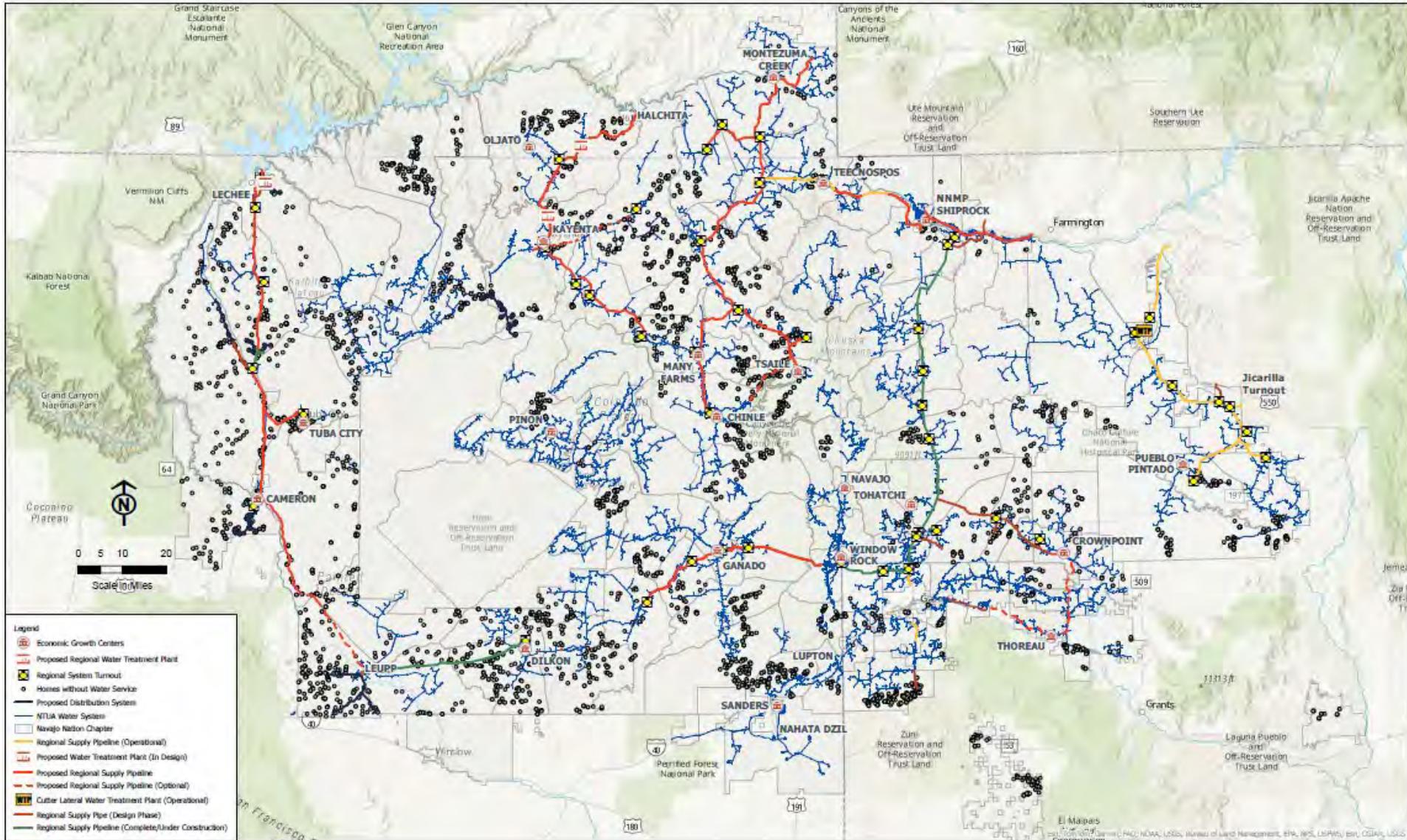
# Projects



# Navajo Nation Homes without Piped Water

Navajosafewater.org





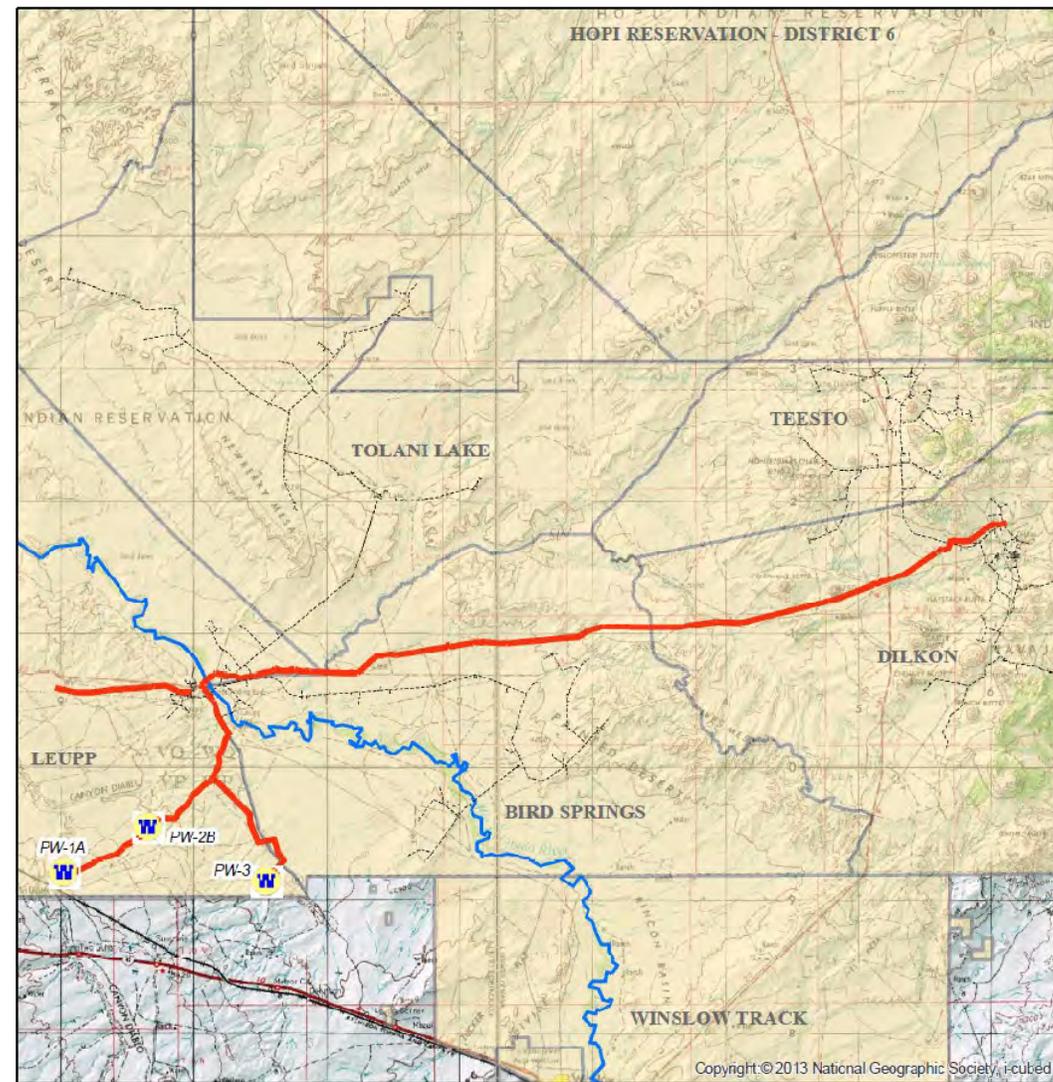
Last update: March 4, 2024

## Navajo Tribal Utility Authority Global Water Map

Homes without Water Services on the Navajo Nation

# Southwest Navajo Regional Project

extend the Leupp-Dilkon Project;  
benefiting Leupp,  
Bird Springs, Tolani  
Lake, Dilkon,  
Teesto, Dilkon,  
Indian Wells, White  
Cone, and  
Greasewood



- Legend**
- C-Aquifer Wells
  - Leupp Dilkon Regional GW Project
  - Existing Waterlines
  - Chapter Boundary 2018
- NN Chapter Boundary, Navajo Land Department, 2018  
NT11A Main, NT11A Pressurized Main 2022

EXHIBIT No. \_\_\_\_\_

**Navajo Water Projects  
Leupp-Dilkon Regional  
Groundwater Project**

Map by: NDWR, RLK 02-20-2024

# Infrastructure, Projects, and Requested Funding

Note: There is no guarantee that Congress will provide all the funding identified in this table. We will learn what Congress can fund as we work through the Congressional legislative process over the summer and fall of 2024

NAVAJO - HOPI PIPELINE: divert water from Lake Powell, benefiting Coppermine, Kaibeto, LeChee, Bodaway/Gap, Cameron, and Tuba City

## NAVAJO PROJECTS:

Ganado Area Project: develop and expand the public water systems; benefiting Kinlichee, Ganado, Klagetoh, Cornfields, Wide Ruins, Jeddito, and Steamboat

Code Talker Lateral: extend the Code Talker Lateral waterline and expand public water systems; benefiting Fort Defiance, Red Lake, Saint Michaels, and Sawmill and intertie to the Ganado regional water system

Four-Corners Project: develop and expand the public water systems; benefiting Chinle, Many Farms, Nazlini, Rock Point, Rough Rock, Round Rock, Sweetwater, Teec Nos Pos, and Tsaile/Wheatfields/Blackrock.

# Infrastructure, Projects, and Requested Funding

Note: There is no guarantee that Congress will provide all the funding identified in this table. We will learn what Congress can fund as we work through the Congressional legislative process over the summer and fall of 2024

Black Mesa Project: develop and expand the public water systems; benefiting Black Mesa, Forest Lake, Hard Rock, Low Mountain, Pinon, Blue Gap/Tachee, and Whippoorwill

Lupton Area Project: develop and expand the public water systems; benefiting Houck, Lupton, Nahata'Dziil, and Oak Springs

Local N-Aquifer and C-Aquifer Projects: develop and expand the public water systems, Inscription House, Navajo Mountain, Coalmine Mesa, Shonto, Tonalea, and other chapters.

Kayenta Area Project: develop and expand the public water systems, benefiting Chilchinbeto, Dennehotso, and Kayenta

# Navajo Renewable Energy Project

---



- Help Navajo water development projects with energy needs

# Funds



## Navajo Operation, Maintenance & Replacement Fund

- Will cover a portion of the costs for operation, maintenance, and repair during the early years
- Form the basis of the replacement reserve and emergency fund in the event the projects face major repairs or emergencies in the future

## Navajo Agricultural Conservation Fund

- Intended to improve historically irrigated Navajo farmland
- Includes repair of stock ponds, windmills, and wells maintenance and repair

## Water Acquisition Fund



# Community Public Education Meetings in AZ

- Presentations from Navajo DOJ Water Rights Unit, Navajo Nation Water Rights Commission, and Navajo Department of Water Resources
- Community opportunity to ask questions and share comments
- Community members, leaders, elders, and youth are encouraged to attend
- Handout available at meeting & on NNWRC website, social media channels

**SAVE THE DATE**  
PUBLIC EDUCATION MEETINGS REGARDING THE



# NORTHEASTERN ARIZONA



# INDIAN WATER RIGHTS SETTLEMENT AGREEMENT

Navajo Nation Water Rights Commission and Navajo Department of Justice's Water Rights Unit Community Public Education Meetings

DATE	TIME	LOCATION*
Saturday, March 2, 2024	10:00 am - 3:00 pm	Ft. Defiance, Arizona
Sunday, March 3, 2024	1:00 pm - 6:00 pm	Many Farms, Arizona
Monday, March 4, 2024	10:00 am - 3:00 pm	Kayenta, Arizona
Tuesday, March 5, 2024	10:00 am - 3:00 pm	Black Mesa, Arizona
Wednesday, March 6, 2024	10:00 am - 3:00 pm	Dilkon, Arizona
Thursday, March 7, 2024	10:00 am - 3:00 pm	Oljato, Utah
Friday, March 8, 2024	2:00 pm - 6:00 pm	Red Mesa, Arizona
Saturday, March 9, 2024	10:00 am - 3:00 pm	Leupp, Arizona
Sunday, March 10, 2024	10:00 am - 3:00 pm	Cove, Arizona
Monday, March 11, 2024	9:00 am - 1:00 pm 2:00 pm - 6:00 pm	Cameron, Arizona Tuba City, Arizona
Tuesday, March 12, 2024	10:00 am - 3:00 pm	Lupton, Arizona
Wednesday, March 13, 2024	10:00 am - 3:00 pm	Ganado, Arizona

- Lunch will be provided by the Navajo Nation Water Rights Commission -

\*Check the Navajo Nation Water Rights Commission's website and Navajo Water Rights on Facebook for updates on venues/locations: [\\*nnwrc.navajo-nsn.gov\\*](http://nnwrc.navajo-nsn.gov)

**WHO SHOULD ATTEND:** All community members and leaders, elders, youth organizers, relatives living in the Upper Basin and Lower Basin of the Colorado River and the Little Colorado River.

**DISCUSSION TOPICS:** Indian Water Rights Law; the Little Colorado River Adjudication; and the Navajo Nation's involvement in a proposed comprehensive water rights settlement with the United States, the State of Arizona, the Hopi Tribe and other parties.



**SCAN HERE**

\*Dates are subject to change. For more information: (928) 871-7510 or [ahalepr@gmail.com](mailto:ahalepr@gmail.com)

# Settlement Summary

<https://nnwrc.navajo-nsn.gov/>

## Summary of the Proposed Northeastern Arizona Indian Water Rights Settlement Agreement for Public Discussion Purposes

### Introduction

The Navajo Nation is currently in negotiations to settle all of the Nation's water rights claims in the State of Arizona, including with respect to *Tólchíí' Koooh* (Red Water Wash – the Little Colorado River) and *Bits'íis Níneeé* (River of Long Life Span – the Colorado River). These rivers are protectors for the Navajo people born from *Dibé Ntsaa*, our northern mountain, and are two of the four sacred rivers that set the boundaries for *Diné'tah* (Navajoland). In these negotiations, the Nation is seeking to ensure that these rivers will continue to protect our people and sustain life on our lands – forever.

Since Navajo creation, water has served as a fundamental element to Navajo life. *Tó'ei'íimá at'e* (water is life), and it is elemental to *Hózhó*, the Navajo Way of Life. We pray and make offerings for rain to fill our rivers so our animals, crops, land, and people can grow and thrive. In the *Hózhóóji* (Blessingway Ceremony), we cleanse our bodies with water and wash our hair to restore harmony to our lives. Many Navajo people are connected to water through our clan names.

To ensure a permanent homeland for our people and the Navajo way of life, the Navajo Nation Government continues to advocate for the Nation's water rights in the State of Arizona. A settlement agreement with the State of Arizona, the United States, and parties to the Little Colorado River adjudication is close to completion and will be presented to the Navajo Nation Council and the Navajo Nation President for consideration and approval in the coming days.

Navajo Nation President Dr. Buu Nygren, Navajo Nation Vice-President Richelle Montoya, Speaker Crystalyne Curley, and the entire 25<sup>th</sup> Navajo Nation Council support transparency in Navajo Nation Government. To that end, we are providing the following chart summarizing the proposed Northeastern Arizona Indian Water Rights Settlement Agreement. This Summary will allow the Navajo people additional time to learn about the key elements of the settlement while the Negotiation Team finalizes the settlement agreement. Once the settlement agreement is final, legislation to approve the agreement will be introduced before the Navajo Nation Council and a public comment period will begin. At that time, the settlement legislation will be published and the Navajo public can submit comments to [comments@navajo-nsn.gov](mailto:comments@navajo-nsn.gov) in order to be heard and participate in the Nation's legislative process.

The Navajo Nation has participated in water rights settlement negotiations in Arizona on at least four other occasions over the past six decades. In the arid west, water rights agreements are challenging. A settlement agreement represents what the participating parties agree to and is designed to meet the needs of all involved. The Nation's primary objective with this settlement is to affirm and quantify the Nation's enforceable rights to water in Arizona and to secure funding to build much needed water delivery infrastructure on the Navajo Nation. The past few years taught us the high price of not having access to clean drinking water in our homes. This settlement offers a path forward in closing the severe



[Home](#)

[Basin Updates](#)

[Public Education](#)

[News & Public Meetings](#)

[About NNWRC](#)



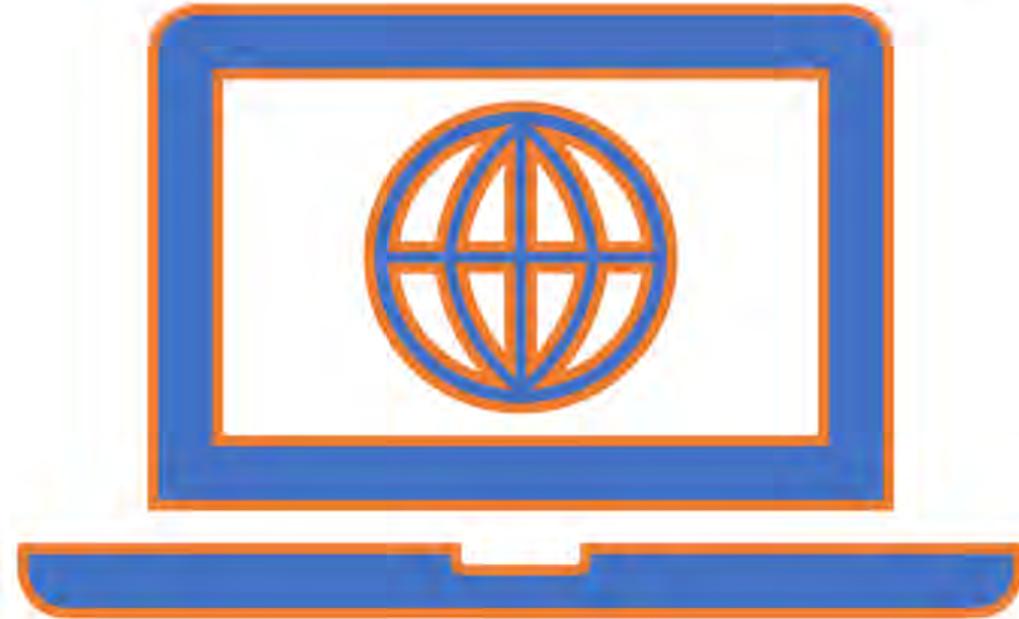
**NAVAJO NATION WATER RIGHTS COMMISSION**

**SUPPORTING NAVAJO WATER RIGHTS  
THROUGH PUBLIC ADVOCACY**

# Learn more at...

---

- Weekly Facebook Live updates
  - Posted on Facebook and soon on YouTube and WRU website
- Water Rights Commission monthly meetings
- Water Rights Commission website
- Press releases
- Upcoming public education meetings and events
- Presentations by WRC, WRU, and the Department of Water Resources/ Water Management Branch





<https://nndoj.navajo-nsn.gov/Public-Education>

CONTACT US!

NAVAJO DEPARTMENT OF JUSTICE (DOJ)  
WATER RIGHTS UNIT (WRU)

Michelle Espino, Assistant Attorney General  
[myazzie@nndoj.org](mailto:myazzie@nndoj.org)

Dwight Witherspoon, Attorney  
[dwitherspoon@nndoj.org](mailto:dwitherspoon@nndoj.org)

MacArthur Stant, Attorney  
[mcstant@nndoj.org](mailto:mcstant@nndoj.org)



# NAVAJO NATION WATER RIGHTS COMMISSION

Joelynn Ashley, Chair & Western Agency Commissioner  
[Joelynn.Ashley@navajo-nsn.gov](mailto:Joelynn.Ashley@navajo-nsn.gov)

Earl Tulley, Vice-Chair & Chinle Agency Commissioner  
[ETulley@navajo-nsn.gov](mailto:ETulley@navajo-nsn.gov)

Lorenzo Bates, Northern Agency Commissioner  
[Lorenzo.Bates@navajo-nsn.gov](mailto:Lorenzo.Bates@navajo-nsn.gov)

Lani Tsinnajinnie, Eastern Agency Commissioner  
[Lanitsinnajinnie@navajo-nsn.gov](mailto:Lanitsinnajinnie@navajo-nsn.gov)

<https://nnwrc.navajo-nsn.gov/>



<https://nndwr.navajo-nsn.gov/>

# NAVAJO NATION DEPARTMENT OF WATER RESOURCES

Jason John, Director

[jasonjohn@navajo-nsn.gov](mailto:jasonjohn@navajo-nsn.gov)

Robert Kirk, Hydrologist

[robertkirk@navajo-nsn.gov](mailto:robertkirk@navajo-nsn.gov)

Dr. Crystal Tulley-Cordova, Principal  
Hydrologist

[tulley-cordova@navajo-nsn.gov](mailto:tulley-cordova@navajo-nsn.gov)



Ahéhee.  
Thank you for joining us.

# The Navajo Nation's Arizona Water Rights

