

Northeastern Arizona Indian Water Rights Settlement Agreement

For Public Education Purposes

MAY 2024



Water is Life – *Tó éí iiná áté*

- Water is sacred. Diné creation stories feature Tóyiisdzáán – Sacred Water Woman – who controls all water on earth and sky. Our stories include Male and Female Rivers.
- Our sacred mountains, Dook’o’oosłííd (San Francisco Peaks) and Dibé Nitsaa (Mt. Hesperus), are female mountains. It is believed that Dibé Nitsaa gave birth to our four sacred rivers – including the powerful Bits’íís Nineez (River of Long Life Span – the Colorado River).
- Since Navajo creation, water has served as a fundamental element to Navajo life. Tó béí da’ iiná, (with water, there is life), and it is elemental to Hózhóogo Oodááł (the Navajo Way of Life).
- We pray to these sacred waters. We use our tadidíín 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.



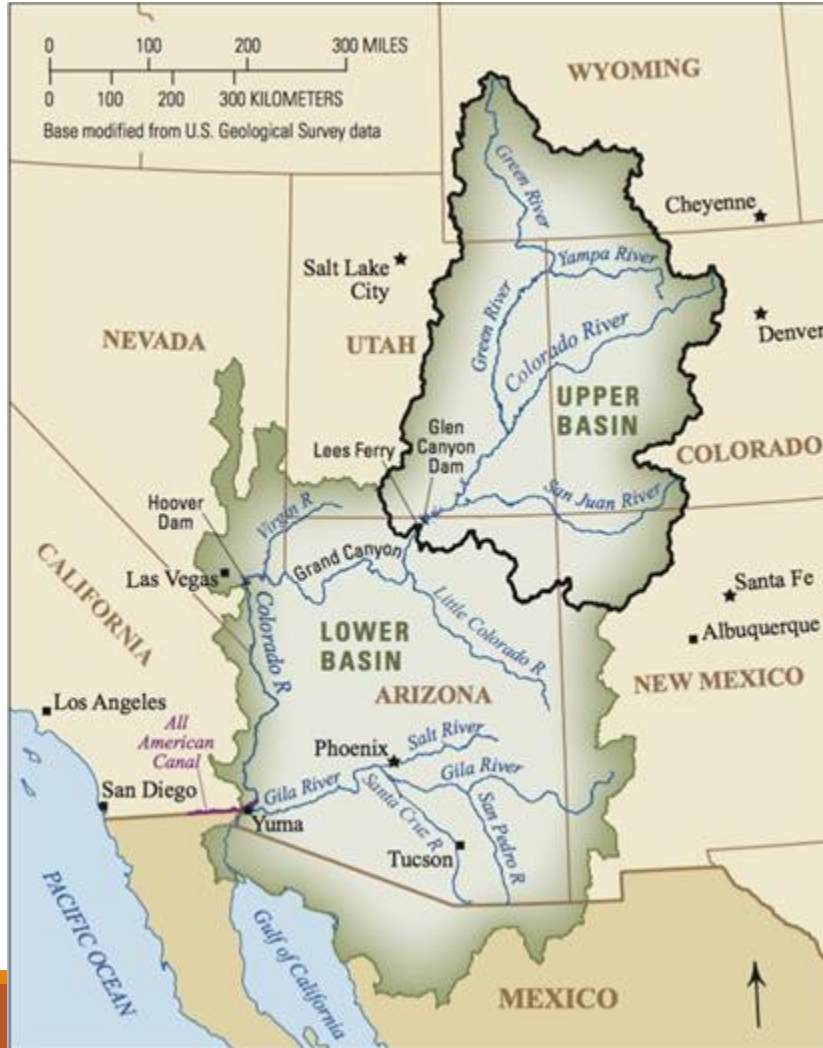
Colorado River Upper Basin & Lower Basin

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



1922 Colorado River Compact

Upper Basin & Lower Basin Allocations



Upper Basin States 7.5 Million AFY

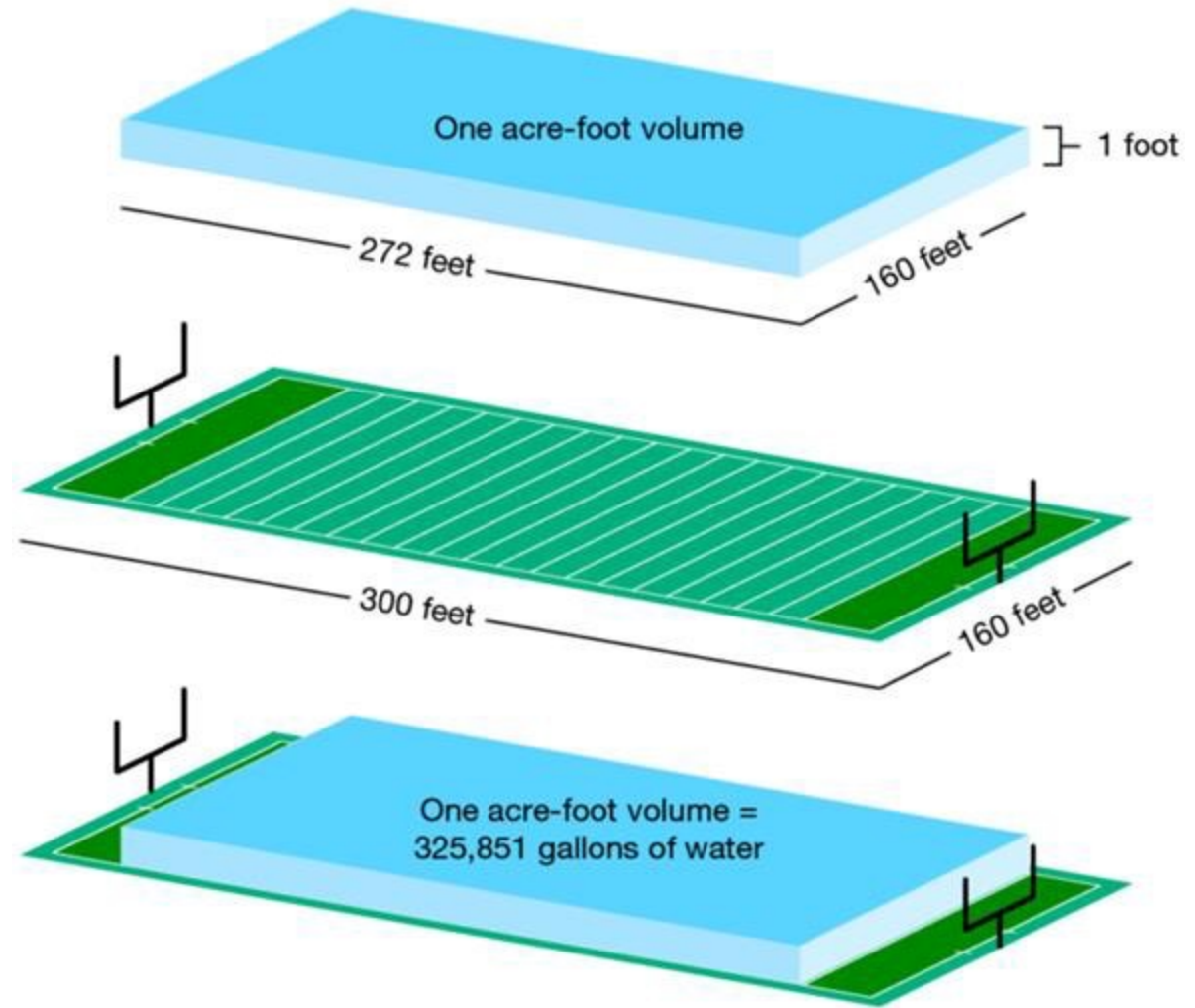
New Mexico	11.25%
Wyoming	14%
Colorado	51.75%
Utah	23%
Arizona	50,000 AFY*

Lower Basin States 7.5 Million AFY

Arizona	2.8 million AFY*
Nevada	300,000 AFY
California	4.4 million AFY

Acre Feet per Year (AFY)

1 acre-foot =
325,851 gallons

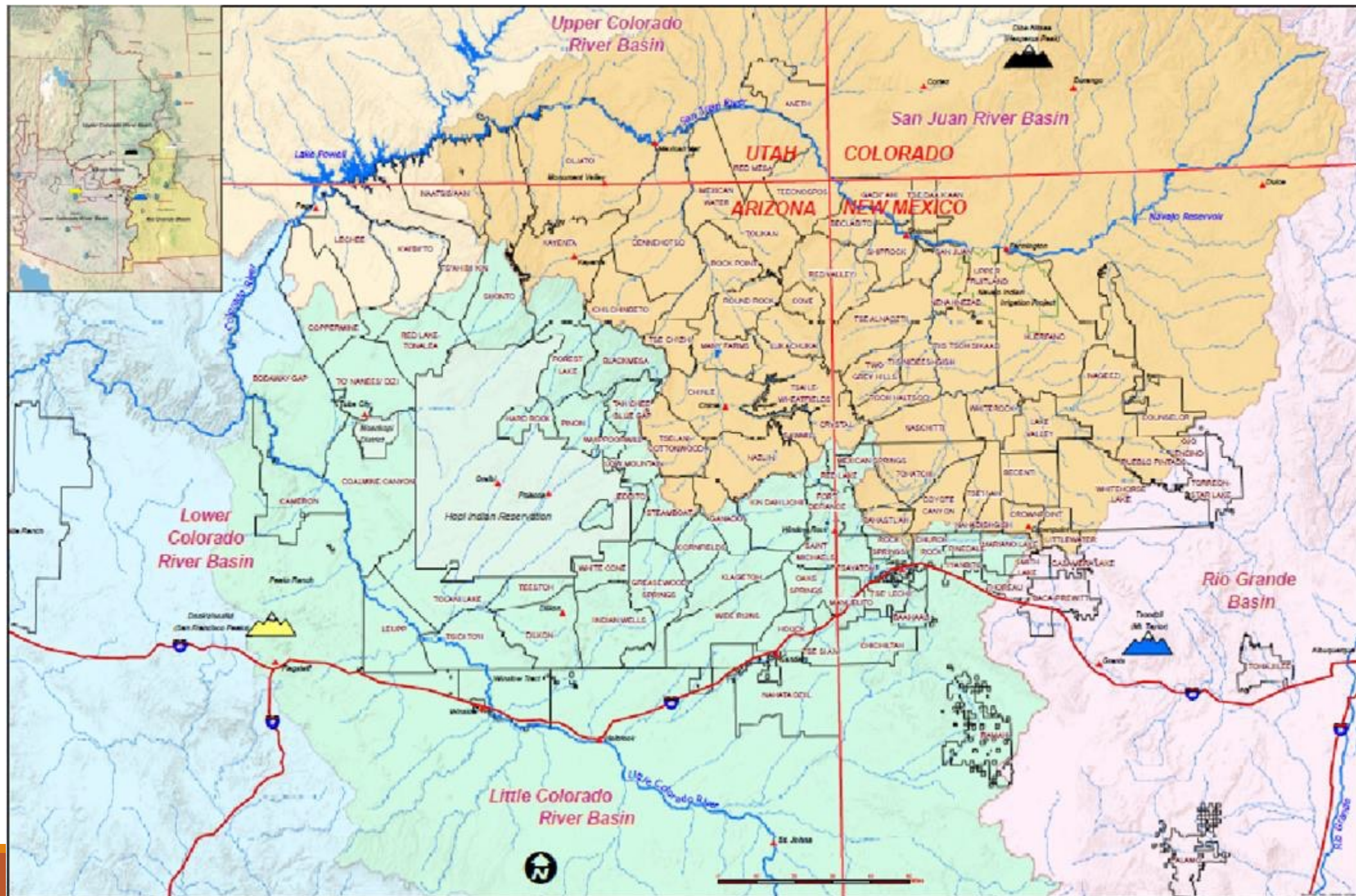


1922 Colorado River Compact

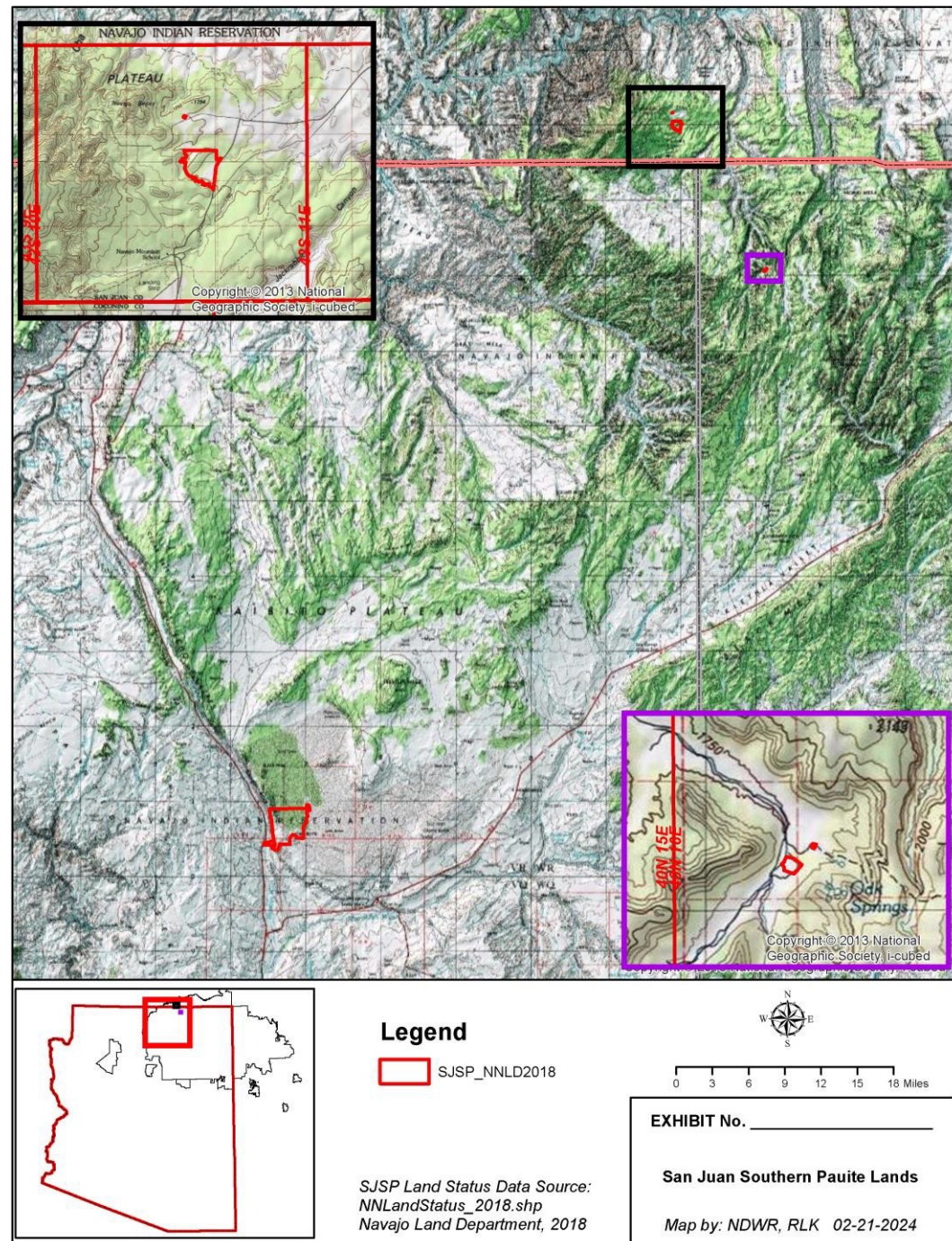
Major Provisions Affecting Indian Nations

- 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.”





San Juan Southern Paiute Tribe Reservations



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

Hopi Future Water Claim v. Special Master Recommended Hopi Decree

Type of Use	Hopi Future Claim	Recommended Hopi Decree
DCMI	9,322 AFA	3,069.3 AFA
Stockponds	3,576 AFA	3,572 AFA
Stock and Wildlife	1,123 AFA	824 AFA
Agriculture (Irrigation)	26,687 AFA	18,898 AFA
C&S Gardens	9,471	0
Livestock Value Chain Operations /Alfalfa fields	12,215	0
Coal liquefaction	20,600 AFA	0
Hybrid Coal-fired and solar electrical power generating plant	6,500 AFA	2,300
Keams Canyon Recreational Area	8.3 (Storage) 17.7 (Evaporation)	26 AFA
Pasture Canyon (Riparian)	317	286.8
White Ruins Canyon (Riparian)	12.39	12.39



Navajo Nation 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 Trial
 - 3/15/24 Final Brief
 - 4/16-17/24 Closing Arguments
- Continued

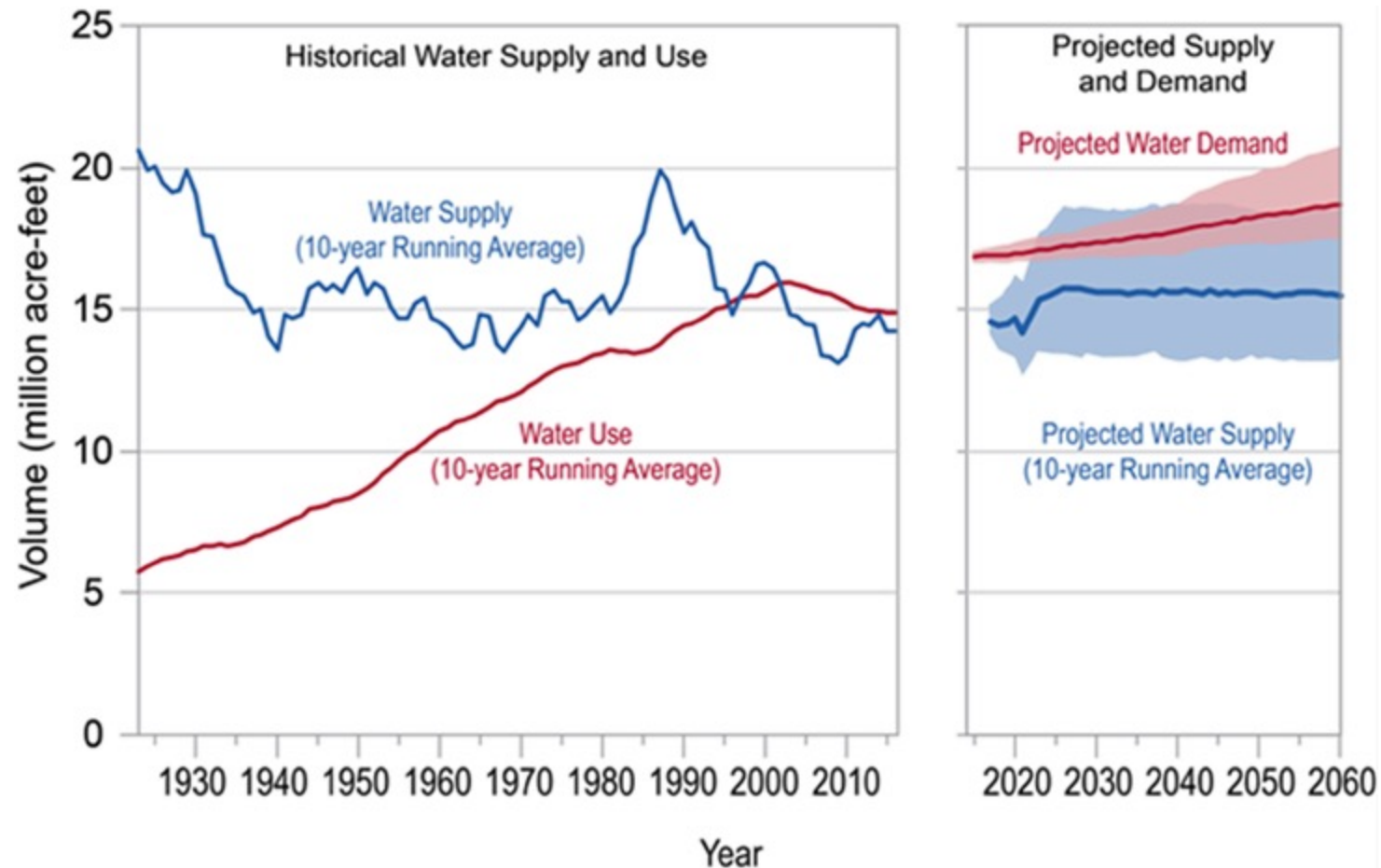
Phase II

- 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

State of the Colorado River



Colorado River's water demand and water supply



Settlement Elements

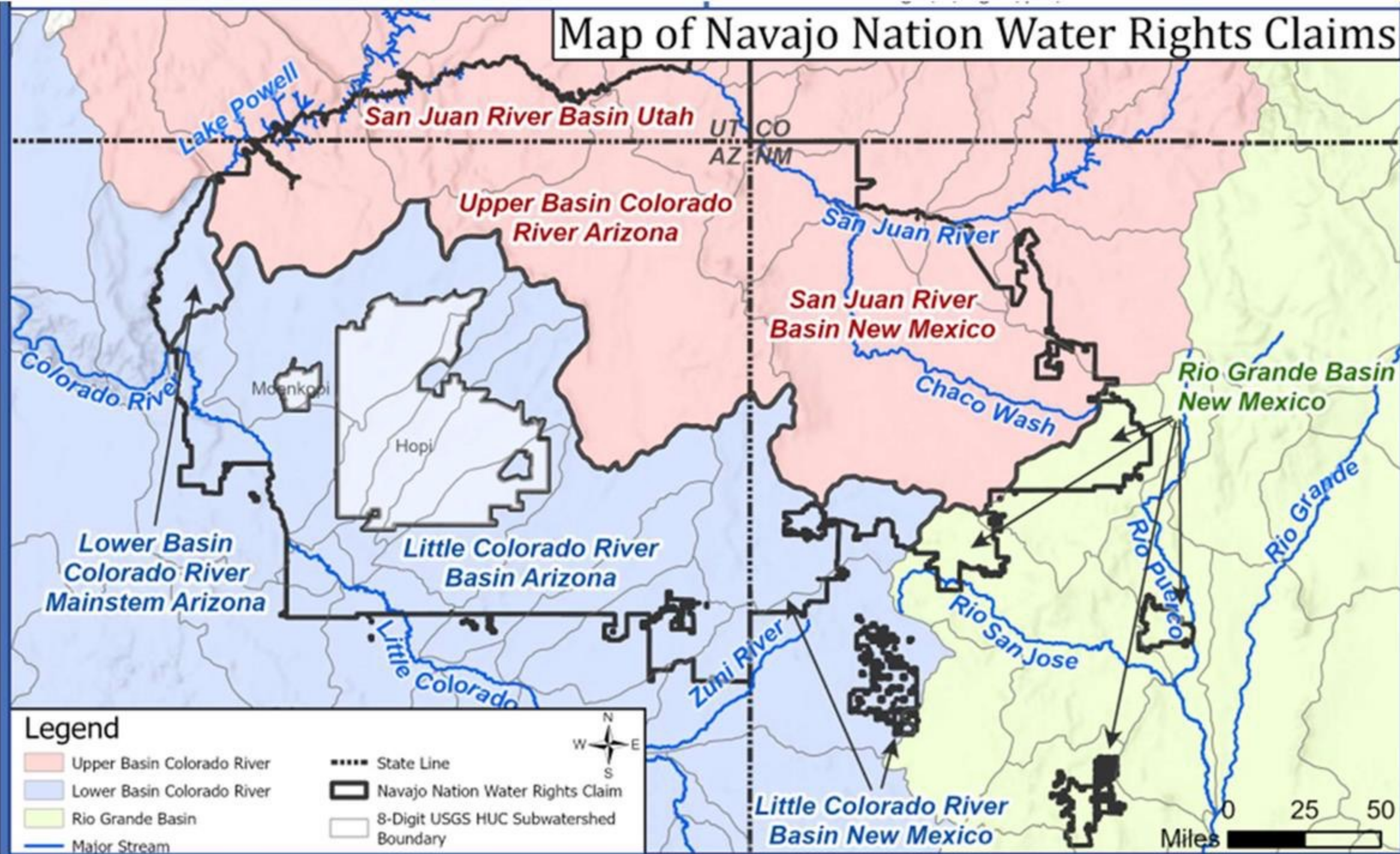


Settling Parties to the Northeastern Arizona Indian Water Rights Settlement Agreement

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 (SRP)
9. City of Flagstaff
10. LCR Coalition (9 towns + more)



Map of Navajo Nation Water Rights Claims



Navajo Water Sources Claims in the Settlement Agreement



Grand Falls

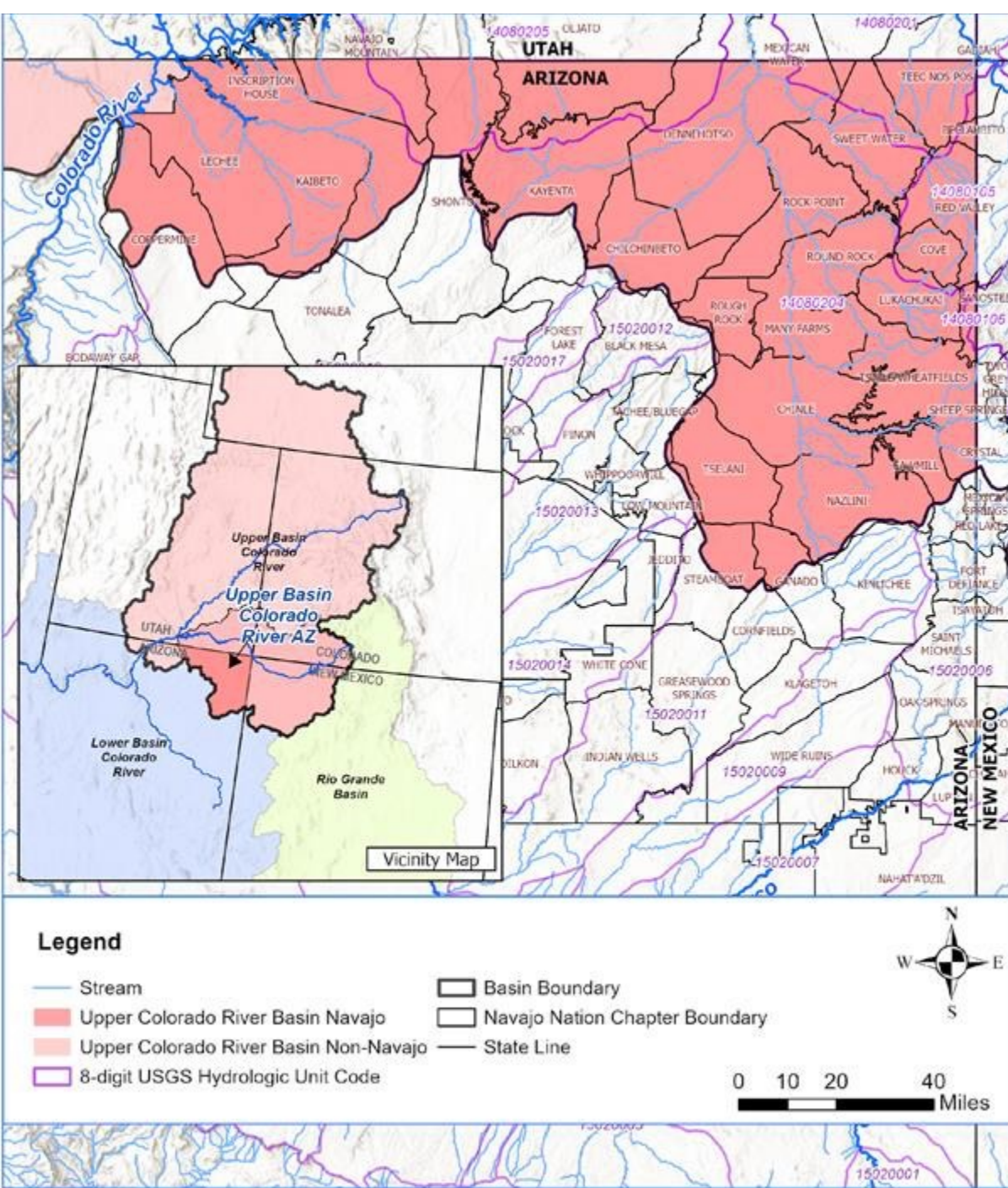
- Upper Basin Colorado River Water
- Little Colorado River Water
 - Mainstream
 - Tributary
- Lower Basin Colorado River Water
 - 4th Priority
 - Cibola Water
- Groundwater
 - C-Aquifer
 - N-Aquifer
- Effluent
- Big Boquillas Ranch

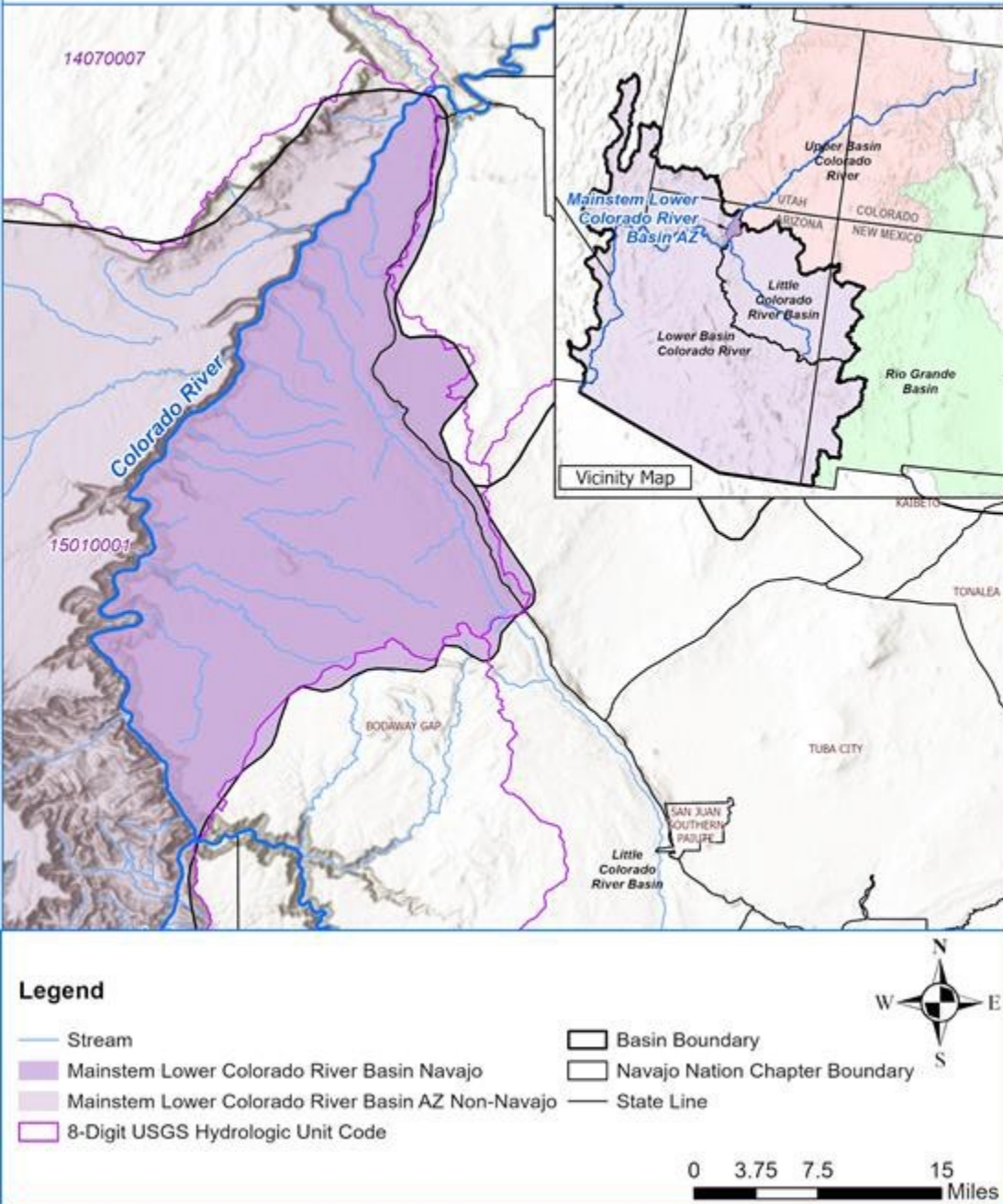
Upper Basin Colorado River

44,700 AFY (acre-feet per year) (90%) of the Arizona Upper Basin allocation



Lake Powell





Mainstem Lower Basin Colorado River

3,500 AFY of Fourth Priority Lower Basin
Colorado River Water

100 AFY of Hopi Cibola Lower Basin Water

Little Colorado River

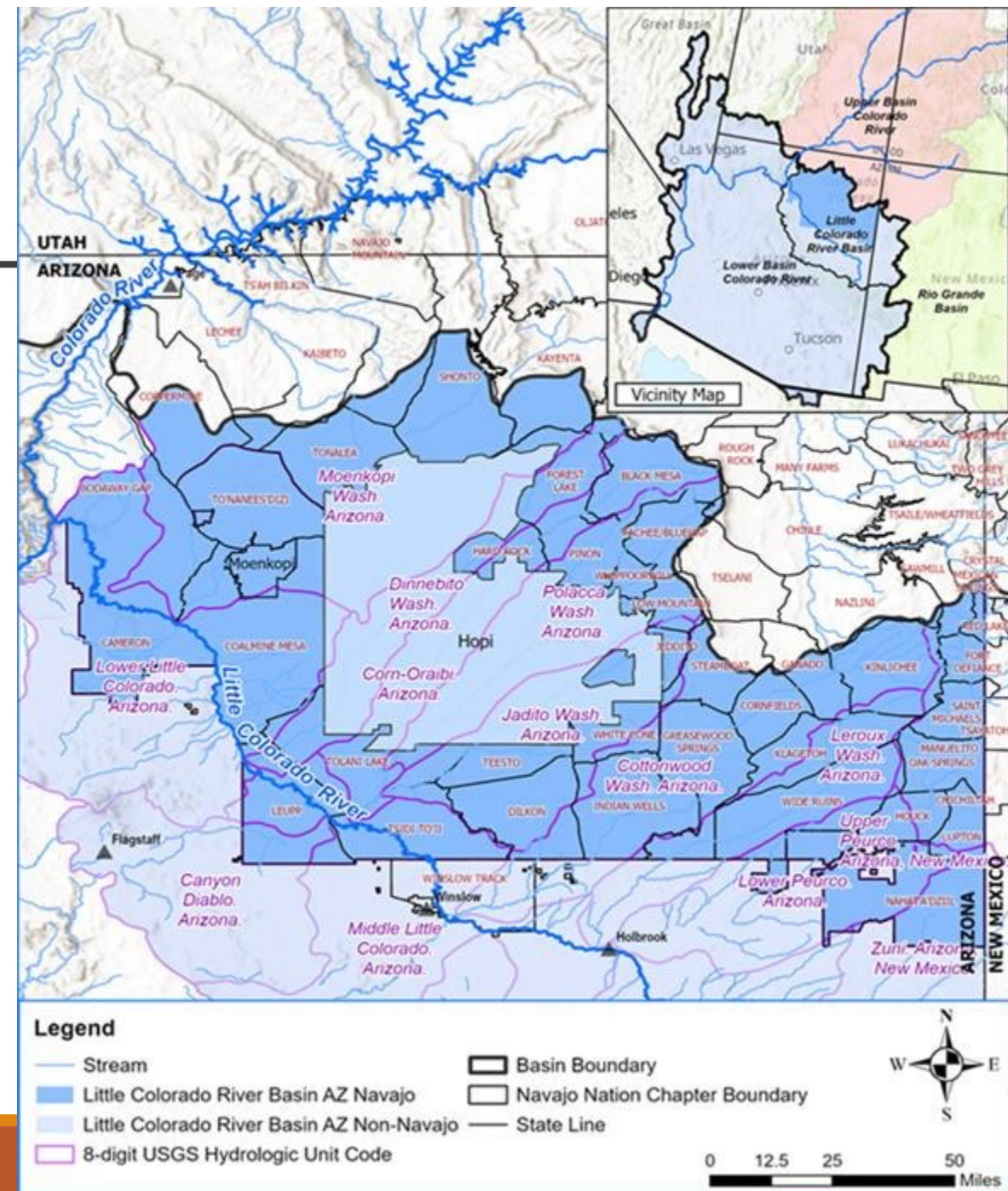
All the LCR Mainstem Water that reaches the Navajo Reservation

Historic LCR Mainstem flows are estimated to be 122,000 AFY

Includes quantified amounts and priority dates for specific historic Navajo irrigation projects

All LCR Tributary water that reaches the Navajo Reservation

Grandfathers existing uses



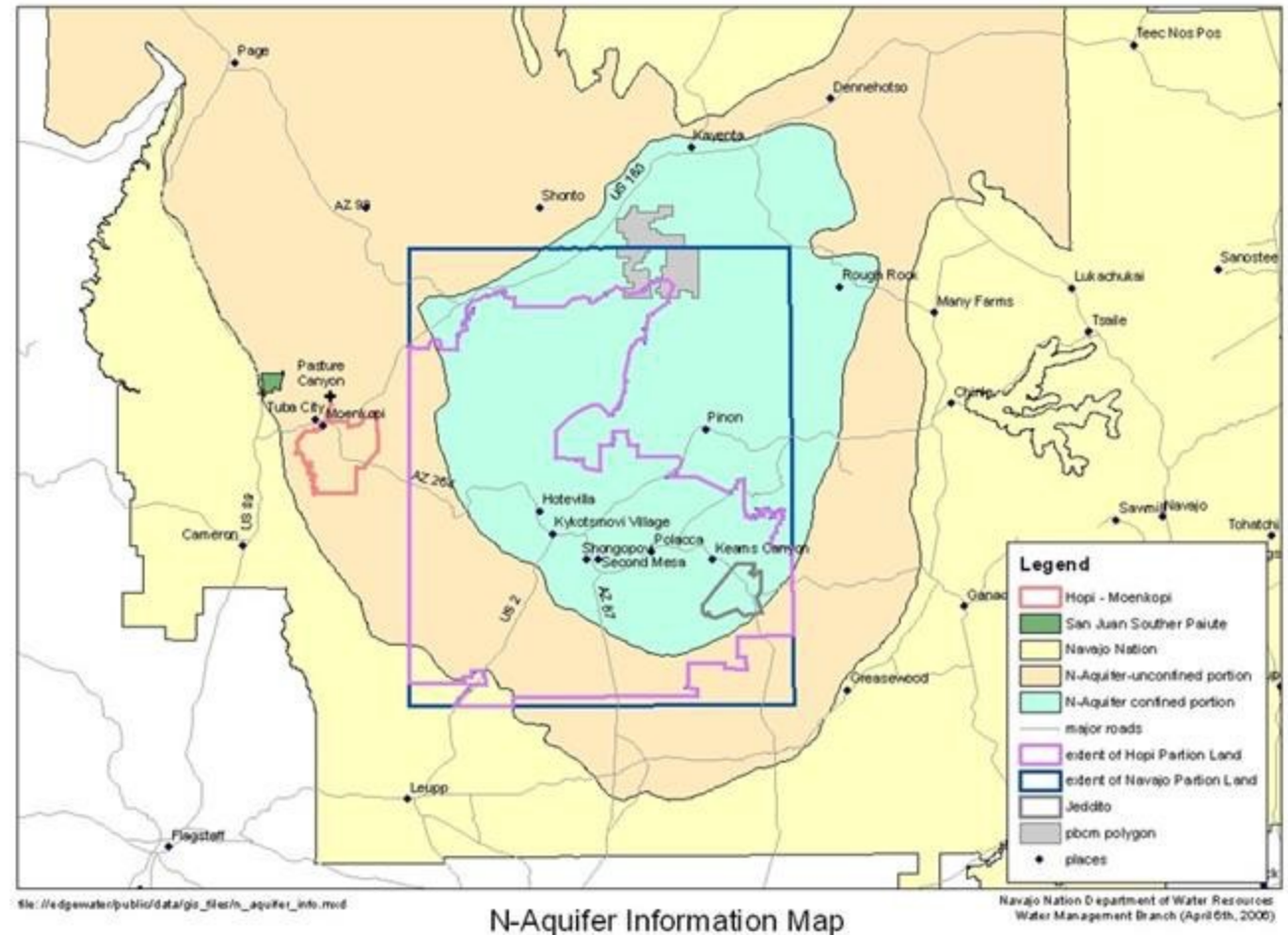
Navajo Aquifer

All that underlies the Navajo Reservation up to 8,400 AFY

Up to 2,000 AFY may be used for industrial purposes

Subject to a shared management plan with Hopi Tribe

Hopi Tribe has right of up to 5,600 AFY (up to 2,000 AFY may be used for industrial purposes)

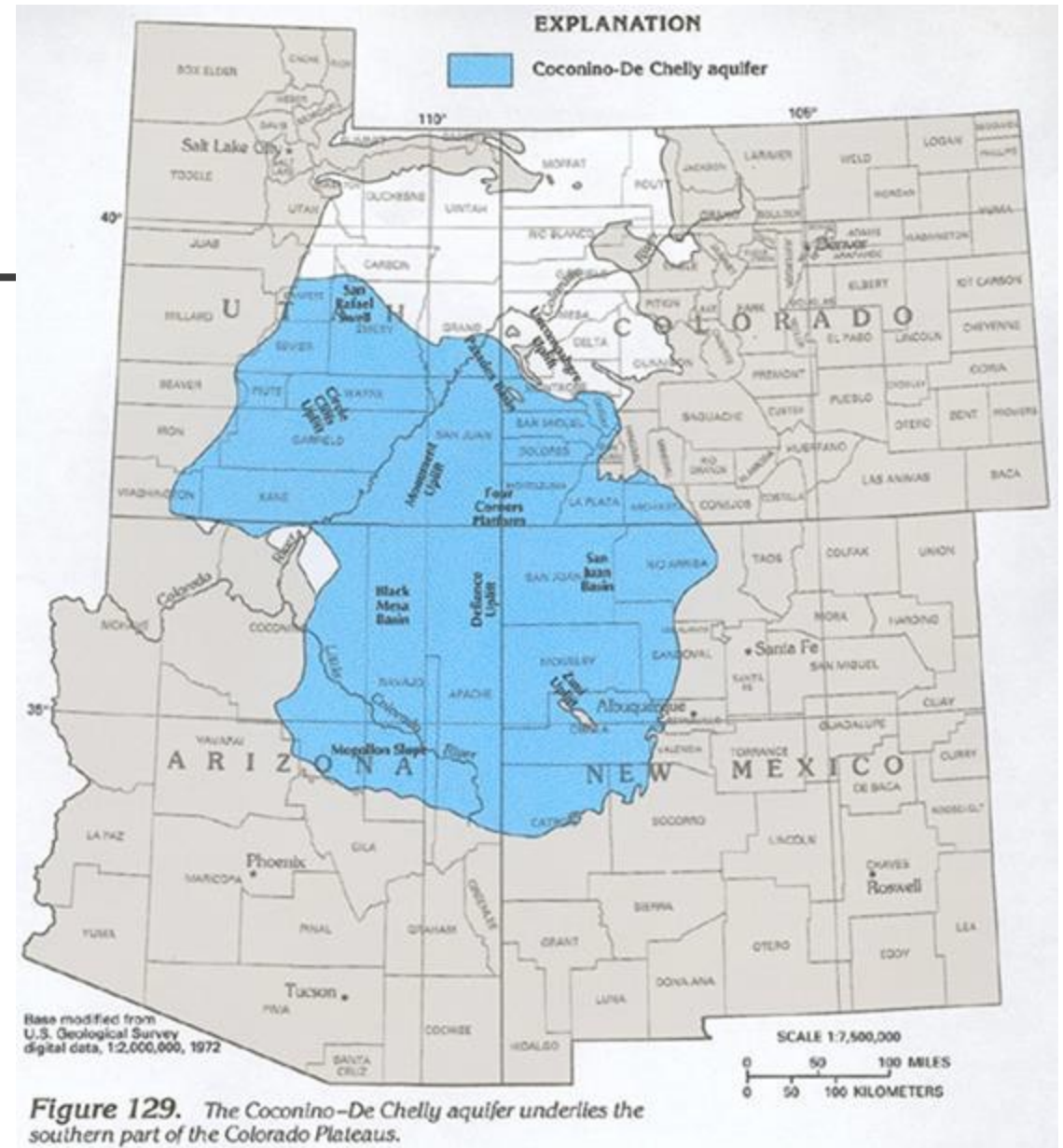


Coconino Aquifer

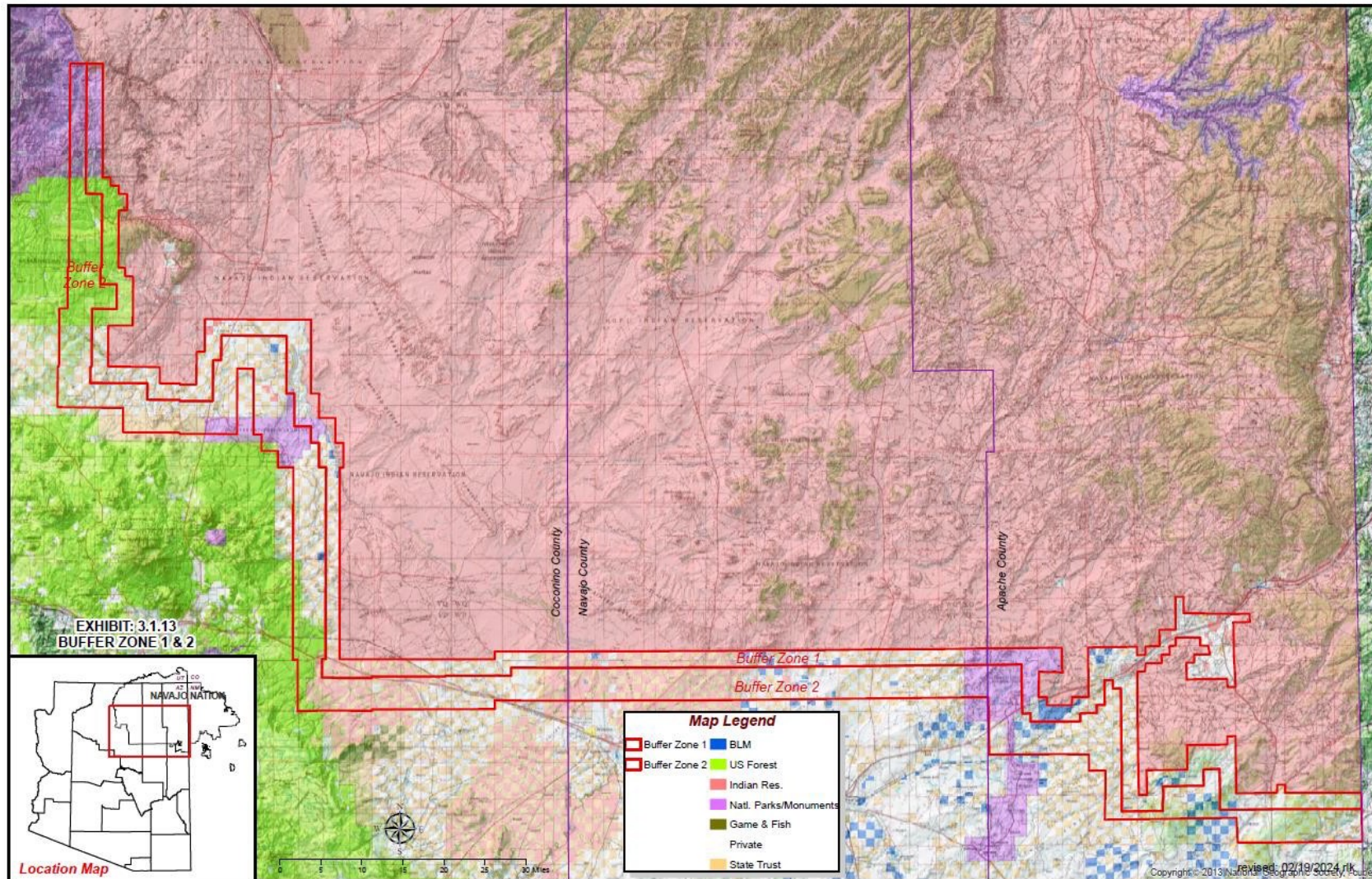
All that underlies the Navajo Reservation

Protected by Buffer Zone 1,
Buffer Zone 2 & Well Spacing
Configuration

Protected by Side Agreement
with Hopi, Bar T Bar Ranch,
Arizona State Land Department,
United States



Buffer Zones 1 & 2



C-Aquifer Pumping Restriction Area

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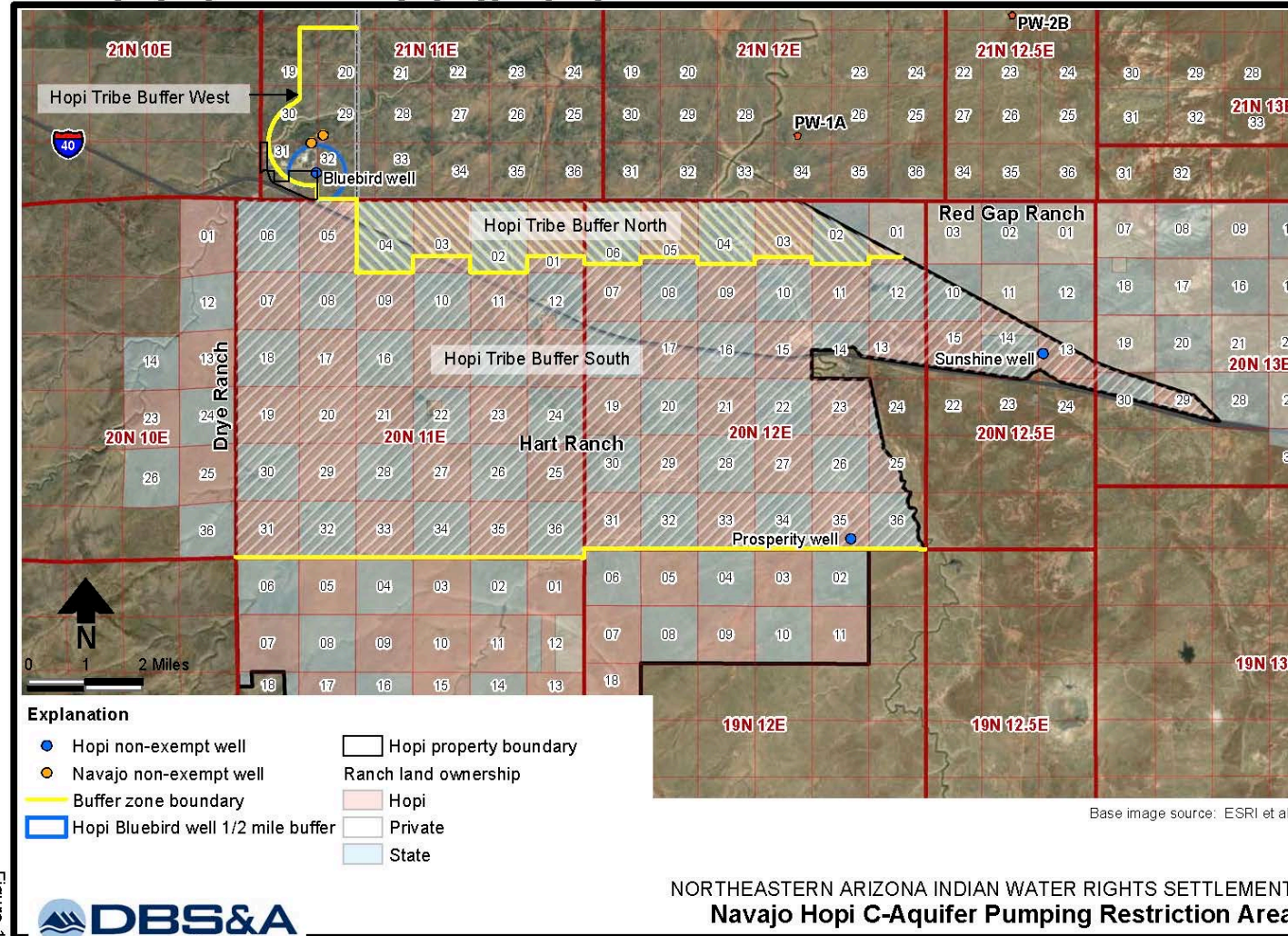


Figure 1

Twin Arrows Buffer Zones

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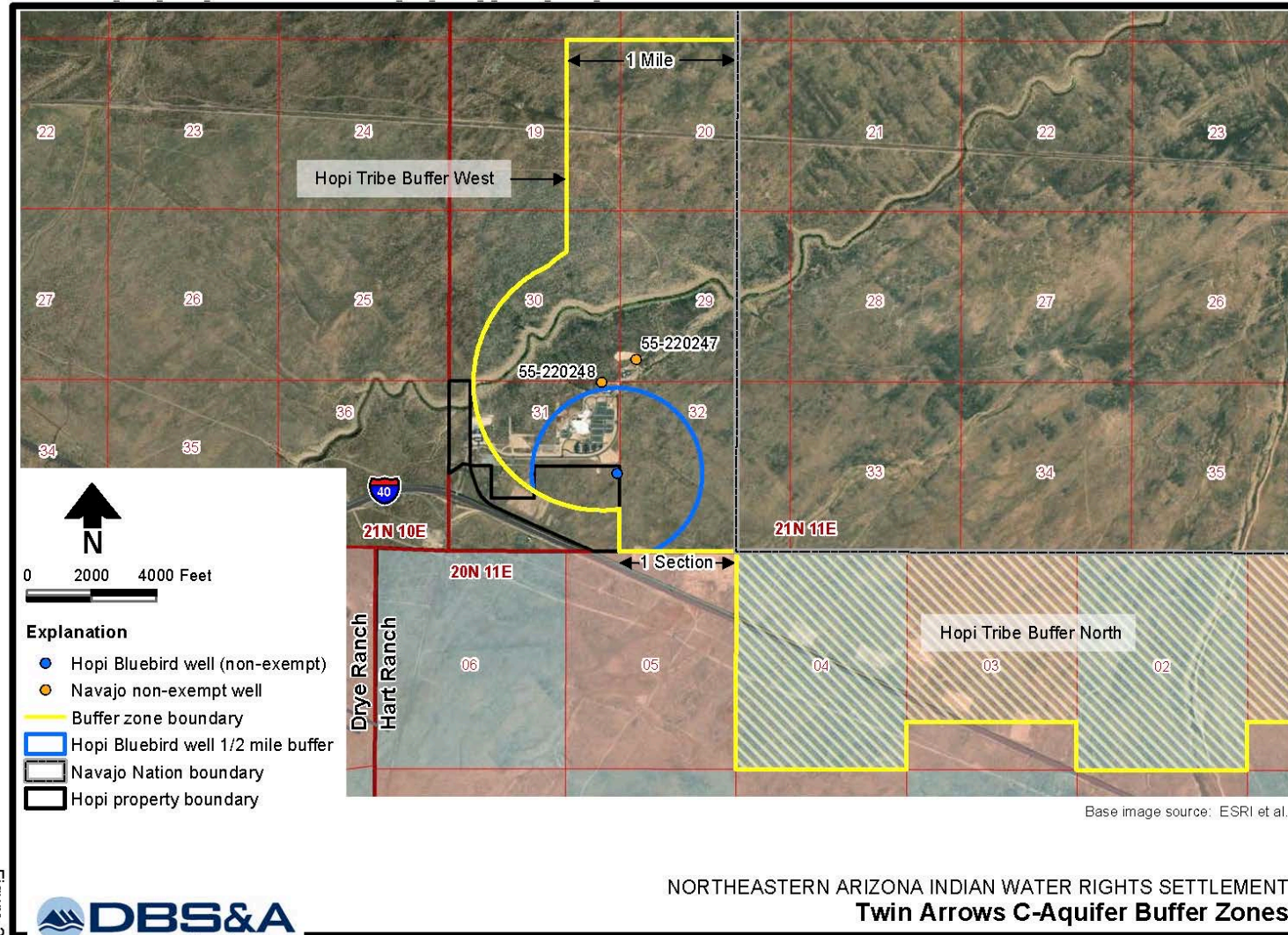
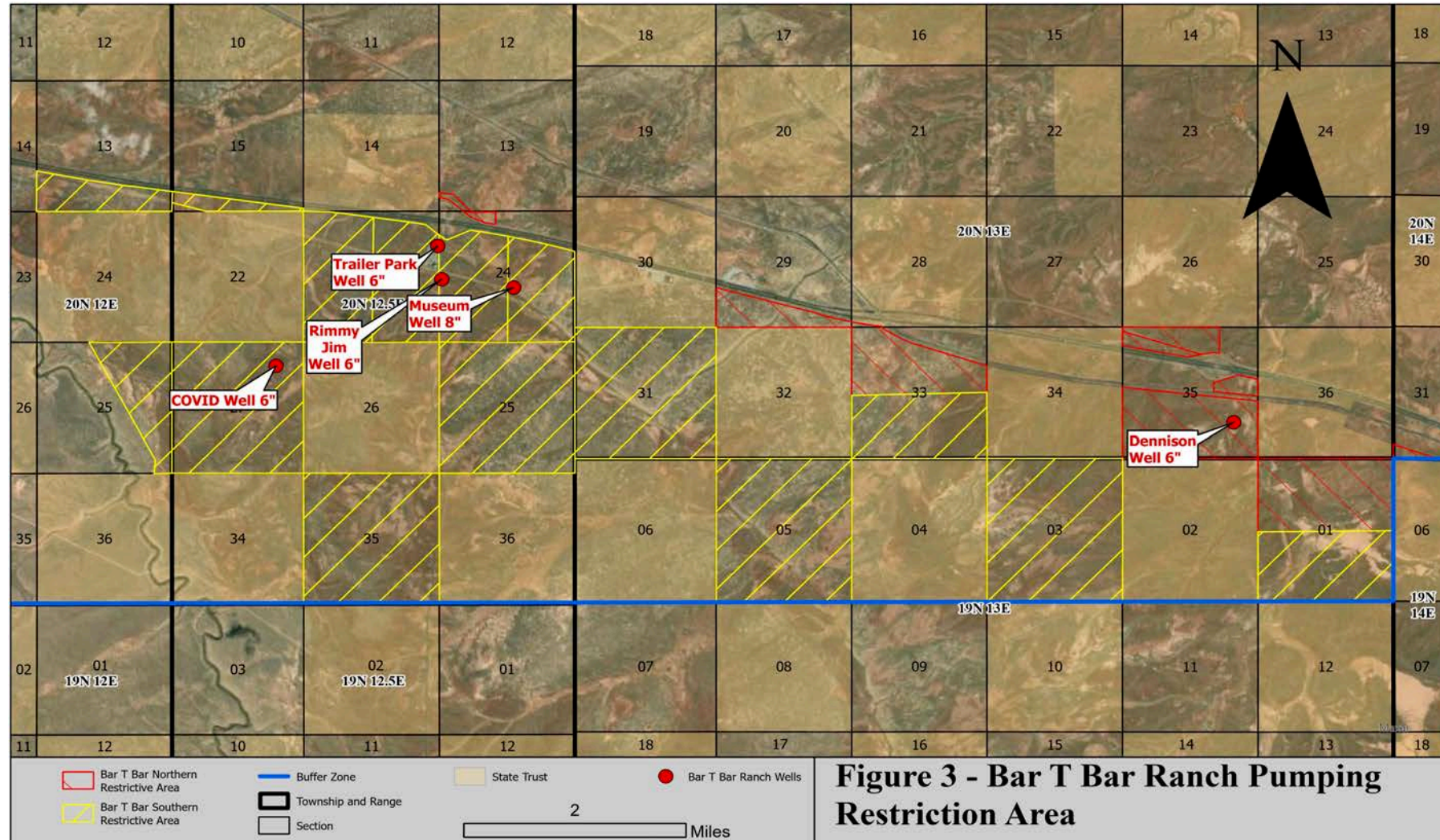


Figure 2

Bar T Bar Ranch Restriction Area



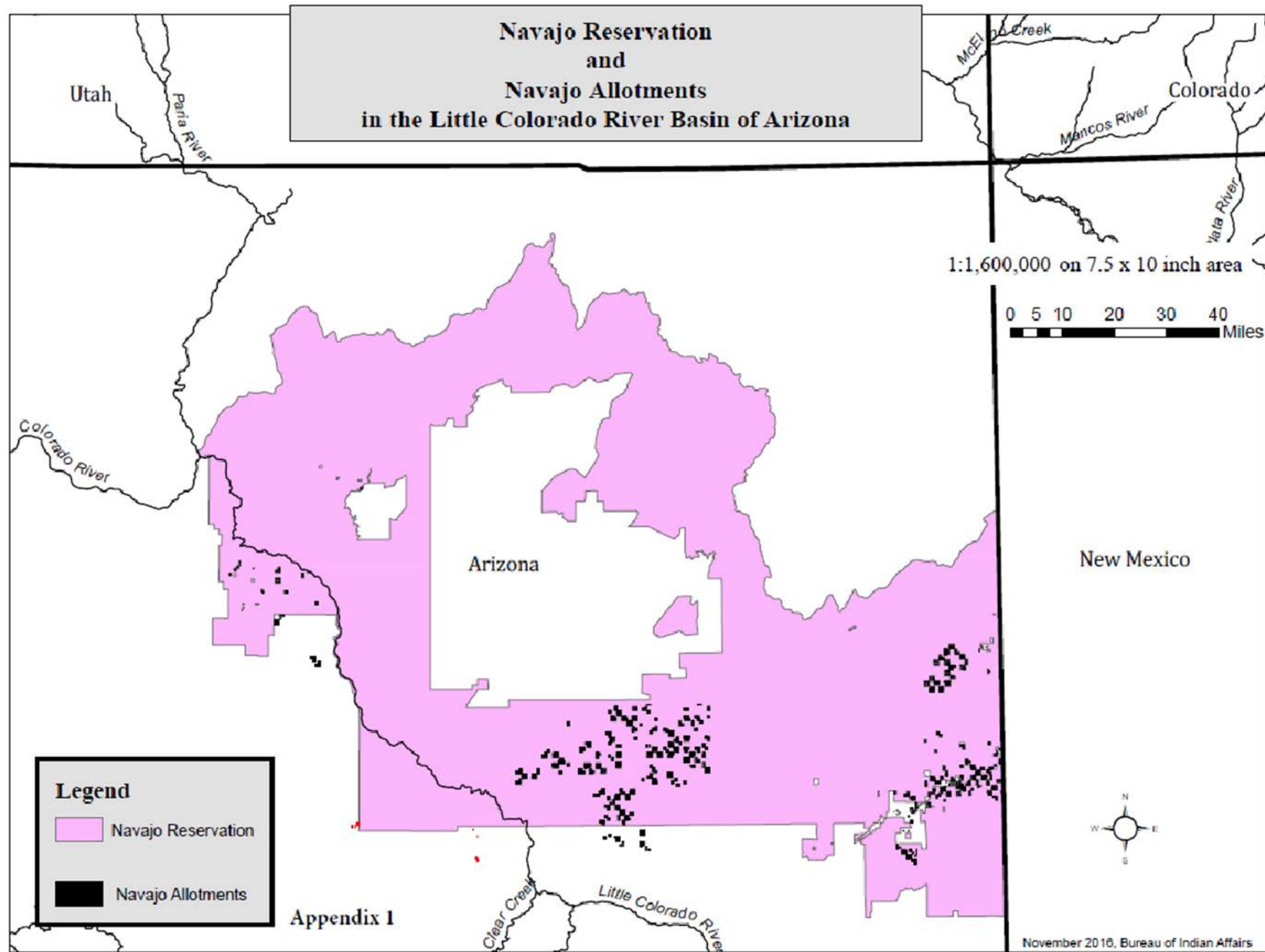


Allotments

Navajo Section 1 On-Reservation

The United States will settle these claims.

Navajo Section 1
Allottees will be served
with Navajo Nation
water.



Key Benefits of the Settlement

- Navajo Nation Council Resolution on APPROVING THE NORTHEASTERN ARIZONA INDIAN WATER RIGHTS SETTLEMENT AGREEMENT
- Find Settlement Agreement & other supporting documents on the NNWRC website - <https://nnwrc.navajo-nsn.gov/>
- Real water in Navajo peoples' homes
- Substantial actualization of the Nation's vision for a global Navajo water supply system
- Water security from a dynamic and adaptive global Navajo water supply system
 - Ability to divert Arizona water in all 3 states
 - Ability to move water across basins in Arizona
- Meaningful access to the firmest Colorado River water in Arizona
- An opportunity for growth and opportunity
- A pathway home for our people
- Insurance that we can remain in our homeland from time immemorial and, thereafter, forever

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

Opportunity to Express Support and Comments

- Comments are accepted up until the Navajo Nation Council hears the legislation during an in-person session.



**ARIZONA & NEW MEXICO
INDIAN WATER RIGHTS
SETTLEMENT AGREEMENT LEGISLATION**

Public Comment Period Now Open



**YOUR VOICE MATTERS!
YOUR INPUT MATTERS!**
We are accepting comments until
May 23, 2024.

Email, mail, or fax your comments

Email: comments@navajo-nsn.gov
general@nndoj.org

Mail: Office of Legislative Services
P.O. BOX 3390
Window Rock, AZ 86515

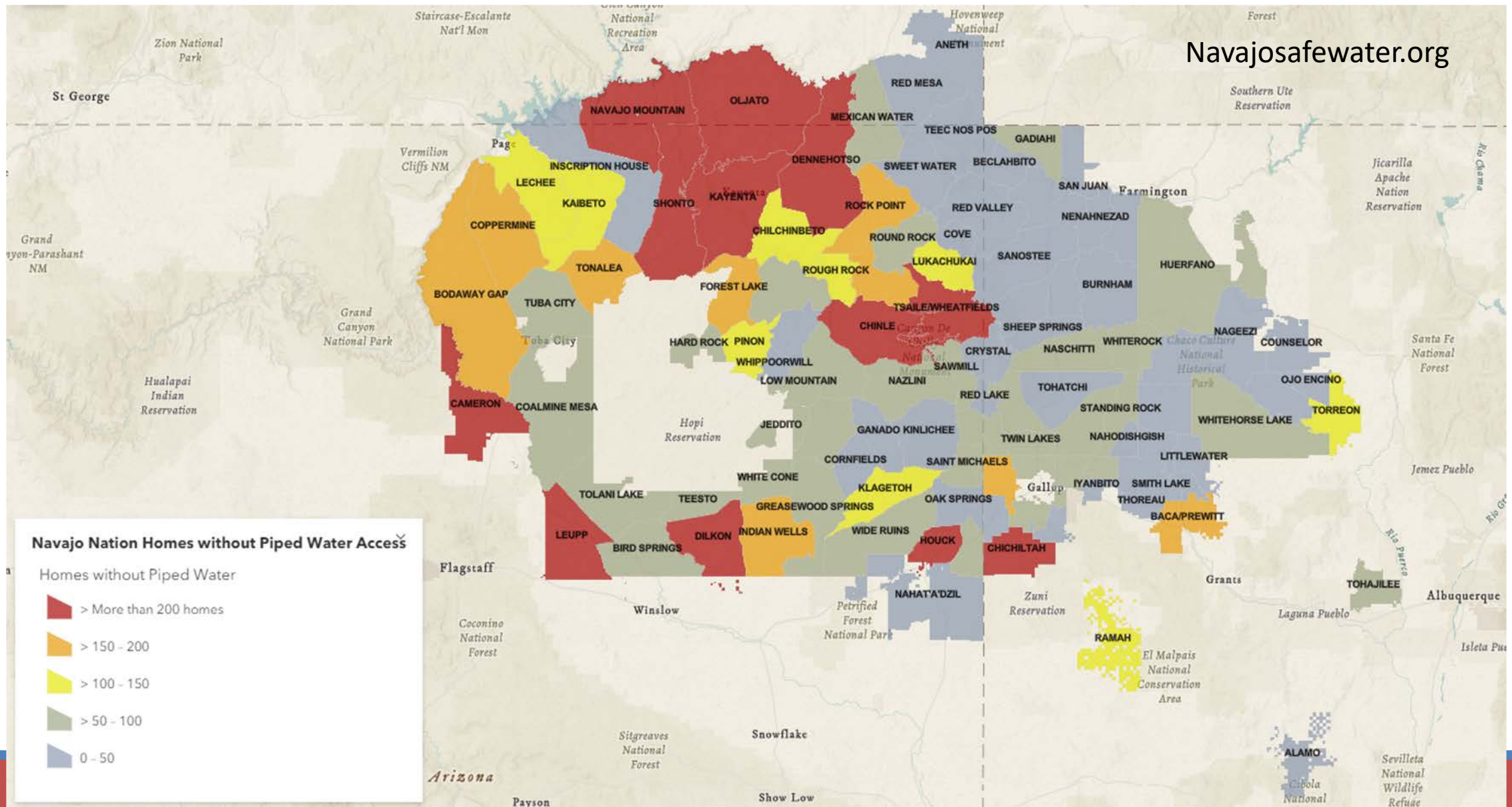
Fax: (928) 871-7259

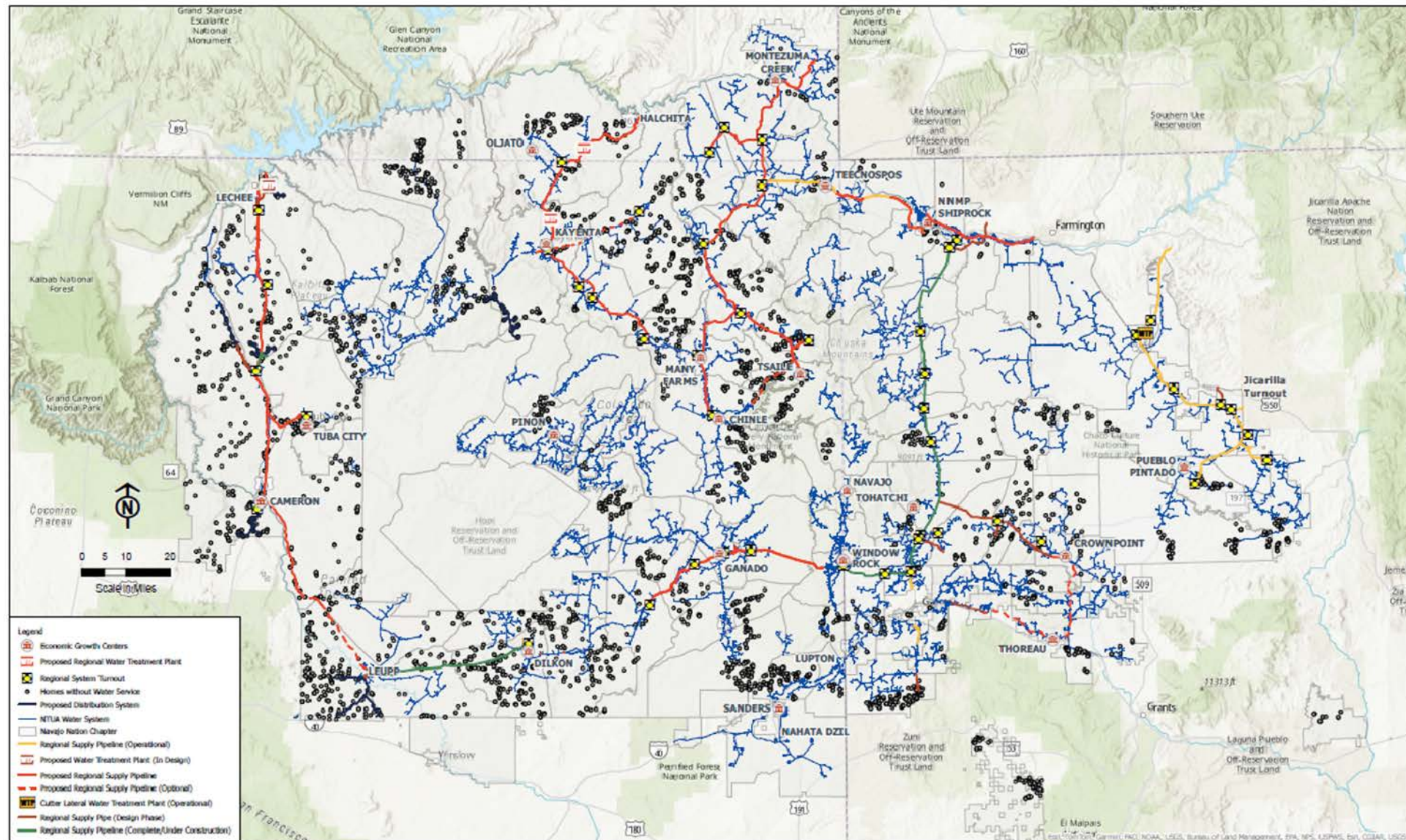
For assistance or questions, call Kahia Lamothe, Office of the Attorney General, at 928-871-6345

Projects



Navajo Nation Homes without Piped Water



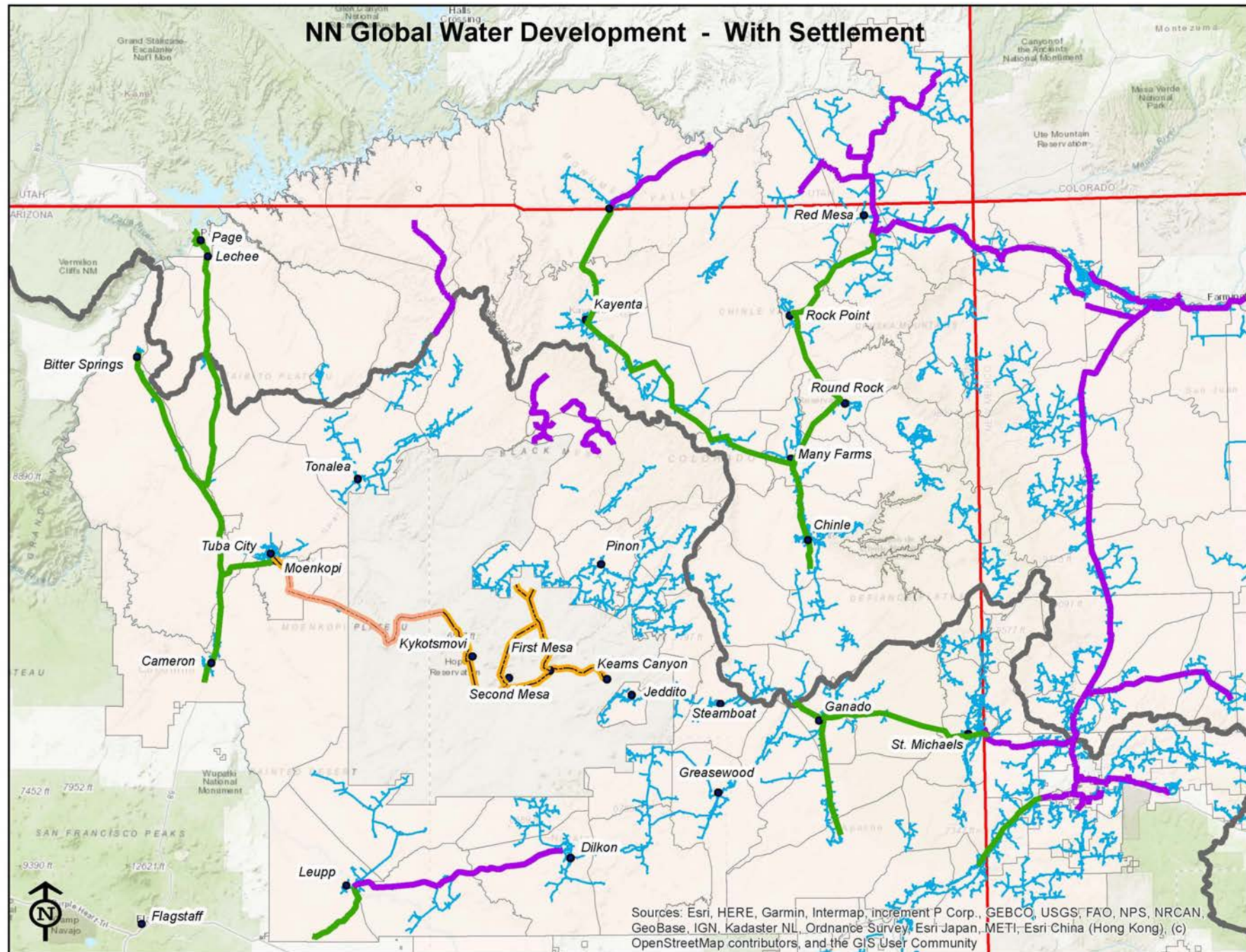


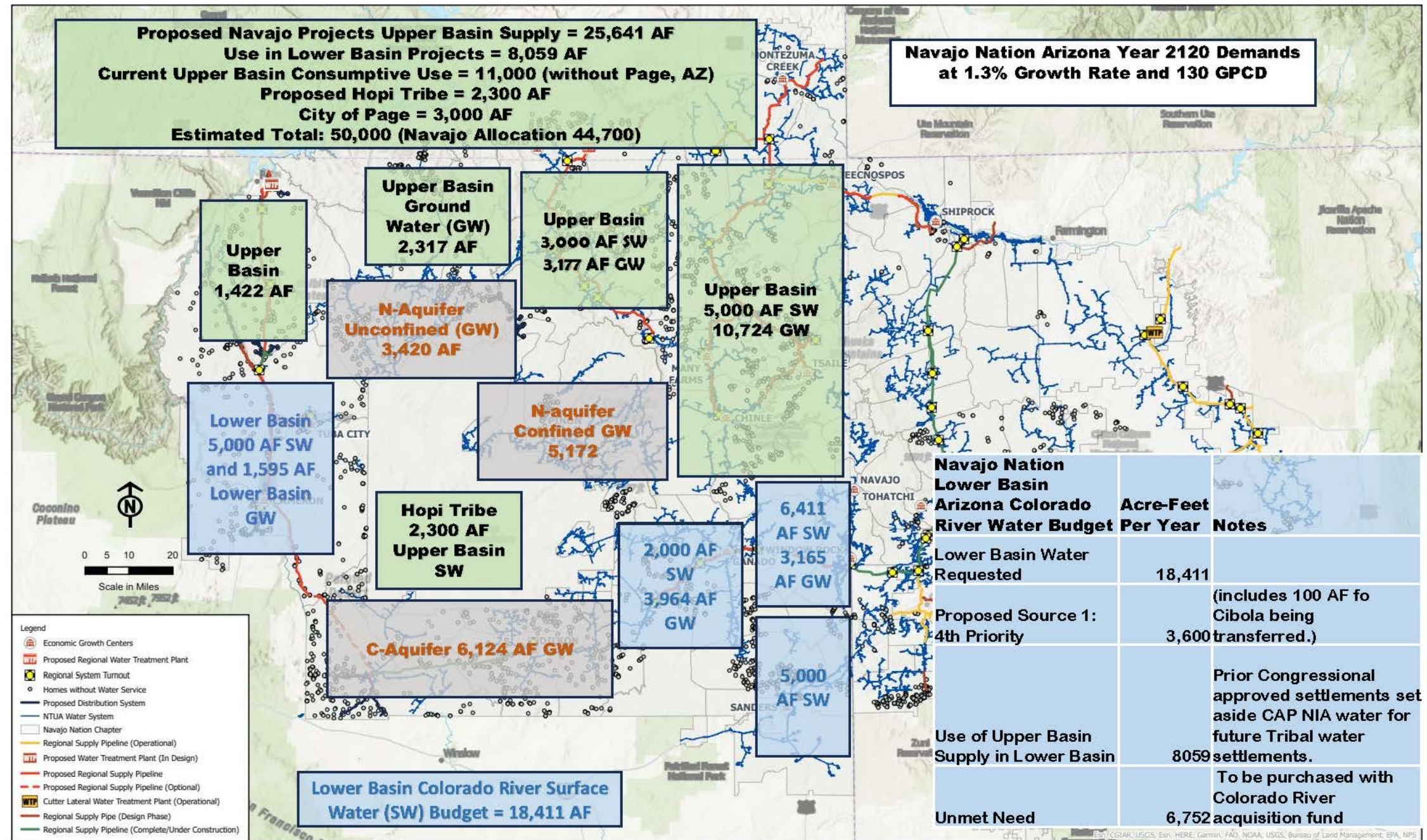
Last update: March 4, 2024

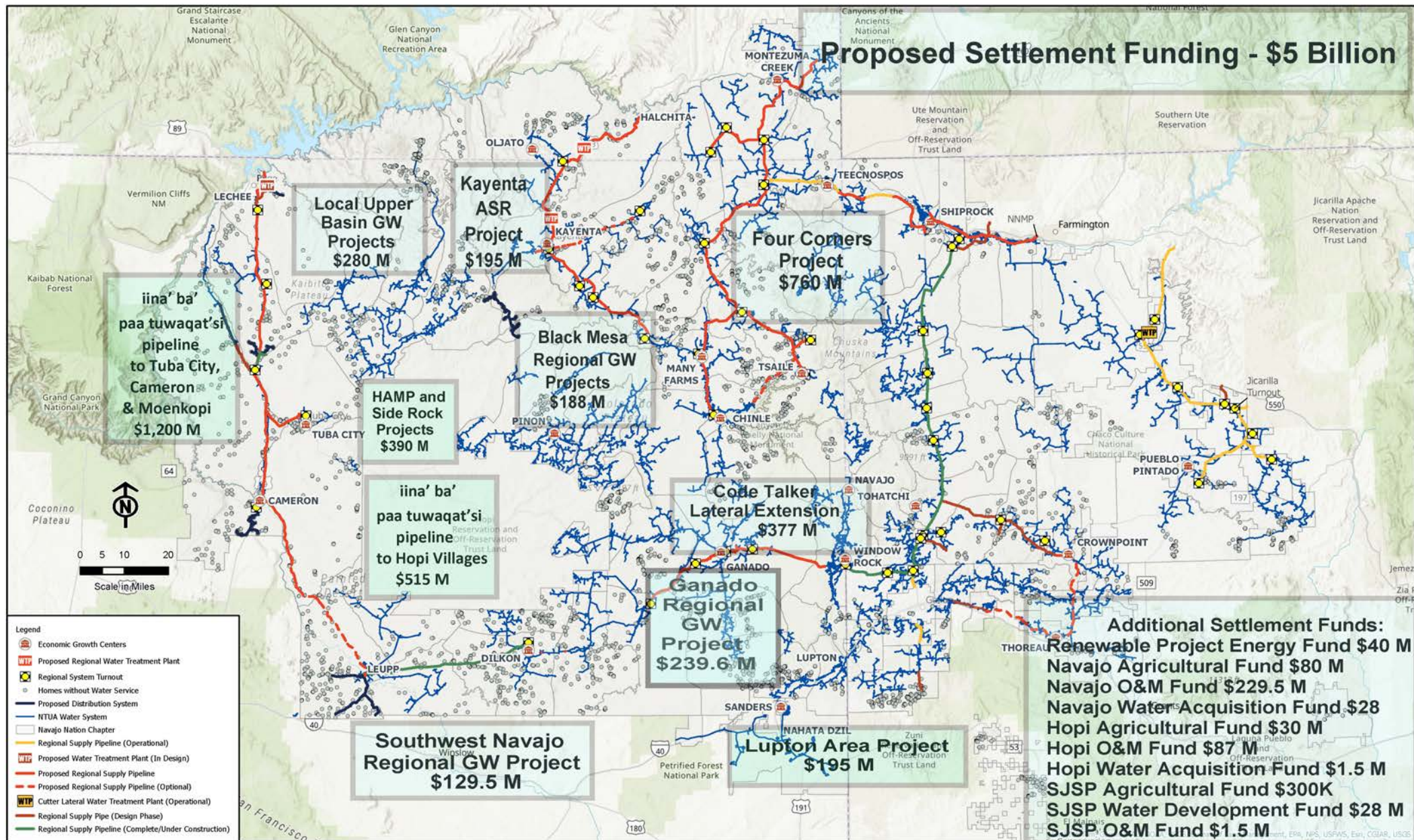
Navajo Tribal Utility Authority Global Water Map

Homes without Water Services on the Navajo Nation

NN Global Water Development - With Settlement







Last update: January 18, 2024



Navajo Tribal Utility Authority Global Water Map

Homes without Water Services on the Navajo Nation

Navajo Renewable Energy Project



- Helps Navajo water development projects with energy needs

Funds



Navajo Operation, Maintenance & Replacement Fund = \$230 million

- Covers 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 = \$80 million

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

Water Acquisition Fund = \$28.8 million



Process & Timeline



Timeline

- Navajo chapters, agency councils, and organizations can support the settlement through resolutions and/or letters of support
- Comments may be submitted up until the time the Navajo Nation Council convenes for a session to hear the Settlement legislation.





Public Education



Public Education Meetings on Arizona & New Mexico Settlements

- Several ways to learn more about the Arizona & New Mexico settlements
- In-person community meetings at chapter houses – lunch is served!
- Radio forums on KTNN – opportunity to text questions & comments
- Social media livestreams on NNWRC Facebook, OPVP FB & YouTube, NN Council Facebook & YouTube, NN Attorney General's FB



Navajo Nation Water Rights Commission

Learn about Navajo Nation Council Legislation on Arizona & New Mexico Water Rights Settlements

RADIO - SOCIAL LIVESTREAMS - COMMUNITY MEETINGS

DATE	TIME	LOCATION
Friday, May 10	12:00 PM	President Nygren's Lunch & Learn - AZ Water Settlement
Saturday, May 11	1:00 PM - 5:00 PM	Sawmill Community Meeting
Sunday, May 12	1:00 PM - 5:00 PM	Leupp Community Meeting
Monday, May 13	1:00 PM - 5:00 PM	Chinle, Lukachukai & Tuba City Community Meetings
Monday, May 13	6:00 PM - 8:00 PM	KTNN Radio Forum & Social Livestream - AZ Water Settlement
Tuesday, May 14	1:00 PM - 5:00 PM	LeChee Community Meeting
Tuesday, May 14	6:00 PM - 8:00 PM	KTNN Radio Forum & Social Livestream - NM Water Settlement
Wednesday, May 15	1:00 PM - 5:00 PM	Greasewood Community Meeting
Thursday, May 16	1:00 PM - 5:00 PM	Pinon, Lupton & Thoreau Community Meetings
Friday, May 17	12:00 PM	President Nygren's Lunch & Learn - NM Water Settlement
Friday, May 17	1:00 PM - 5:00 PM	Kayenta, Teec Nos Pos & Oak Springs (Houck) Community Meetings
Saturday, May 18	TBA	Agency Council Special Meetings on Settlements
Sunday, May 19	TBA	Agency Council Special Meetings on Settlements

Social media livestreams will appear on Facebook, YouTube & Instagram

Schedule subject to change.

Check NNWRC Facebook & Instagram for updates.



**ALL COMMUNITY MEETINGS ARE IN-PERSON
AND AT THE CHAPTER HOUSE**

Lunch provided at all Community Meetings!

For more information, contact Kahia Lamothe, klamothe@nndoj.org





Previous Public Education Meetings

PHASE 1	PHASE 2	PHASE 3
January 29-February 16	March 2-13	March 22-29
10 communities visited	14 communities visited	7 communities visited
Ft. Defiance, Ganado, Chinle, Kayenta, Tuba City, Dilkon, Leupp, Rough Rock, Pinon, Coppermine	Fort Defiance, Many Farms, Kayenta, Black Mesa, Dilkon, Oljato, Red Mesa, Tsaile, Leupp, Cove, Cameron, Tuba City, Lupton, Ganado	LeChee, Inscription House, Shonto, Forest Lake, Round Rock, Red Valley, Chinle
290 community members attended	307 community members attended	136 community members attended

Radio Forums & Social Livestreams Available for Viewing

- Live KTNN radio forums & social livestreams took place on February 21, 28 and March 6, 13, 20, 27
- Social media livestreams are posted on the NNWRC Facebook page - <https://www.facebook.com/navajo.waterrights/videos>
- Presentations were in Dine bizaad and English
- Presenters included attorneys from Navajo DOJ Water Rights Unit, Navajo Nation Water Rights Commission, and technical experts from the Department of Water Resources



Radio Forums & Social Media Livestreams

- Tune in to KTNN at 660 AM or www.ktnnonline.com
- Social media livestreams on multiple platforms
- Presentations in Diné bizaad & English
- Remarks from President Nygren, Speaker Curley & Attorney General Branch
- Presenters include attorneys from Navajo DOJ Water Rights Unit, Navajo Nation Water Rights Commission, and technical experts from the Department of Water Resources

RADIO FORUM & SOCIAL MEDIA LIVESTREAM ON

Arizona

INDIAN WATER RIGHTS SETTLEMENT

KTNN RADIO FORUM & SOCIAL MEDIA LIVESTREAM

» LEARN ABOUT NAVAJO NATION COUNCIL LEGISLATION TO APPROVE THE ARIZONA WATER RIGHTS SETTLEMENT «

MONDAY, MAY 13, 2024 @ 6:00 PM - 8:00 PM (MDT)

KTNN: 660 AM & 101.5 FM or WWW.KTNNONLINE.COM

- f NNWRC Facebook: @navajowaterrights
- f President/Vice President Facebook: @PresidentNygren
- ▶ President/Vice President YouTube: @PresidentBuuNygren
- f NNC Facebook: @navajonationcouncil
- ▶ NNC YouTube: @NavajoNationCouncil
- f Attorney General Facebook: @navajoagbranch

Text questions & comments to: (928) 288 - 0567



RADIO FORUM & SOCIAL MEDIA LIVESTREAM ON

New Mexico

INDIAN WATER RIGHTS SETTLEMENT

KTNN RADIO FORUM & SOCIAL MEDIA LIVESTREAM

» LEARN ABOUT NAVAJO NATION COUNCIL LEGISLATION TO APPROVE THE NEW MEXICO WATER RIGHTS SETTLEMENT «

TUESDAY, MAY 14, 2024 @ 6:00 PM - 8:00 PM (MDT)

KTNN: 660 AM & 101.5 FM or WWW.KTNNONLINE.COM

- f NNWRC Facebook: @navajowaterrights
- f President/Vice President Facebook: @PresidentNygren
- ▶ President/Vice President YouTube: @PresidentBuuNygren
- f NNC Facebook: @navajonationcouncil
- ▶ NNC YouTube: @NavajoNationCouncil
- f Attorney General Facebook: @navajoagbranch

Text questions & comments to: (928) 288 - 0567



Navajo Nation Water Rights Commission has More Information

- Visit NNWRC website for: Settlement documents, handouts on Navajo NM & AZ water, maps, PowerPoint presentations, event calendar, contact info - <https://nnwrc.navajo-nsn.gov/>
- View previous radio forums & social livestreams from February 21, 28 & March 6, 13, 20, 27 on NNWRC's Facebook page - <https://www.facebook.com/navajowaterrights/videos>
- Follow NNWRC on Facebook & Instagram – @navajowaterrights
- Join NNWRC monthly meetings on the 2nd Wednesday of each month at 1 pm MDT on Zoom

[Home](#)[Basin Updates](#)[Public Education](#)[News & Public Meetings](#)[About NNWRC](#)**FACEBOOK LIVE****NNWRC FACEBOOK****NNWRC INSTAGRAM**



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

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[https://nndoj.navajo-nsn.gov/Public-
Education](https://nndoj.navajo-nsn.gov/Public-Education)



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

NAVAJO NATION WATER RIGHTS COMMISSION

Joelynn Ashley, Chair & Western Agency Commissioner
Joelynn.Ashley@navajo-nsn.gov

Earl Tulley, Vice-Chair & Chinle Agency Commissioner
ETulley@navajo-nsn.gov

Lorenzo Bates, Northern Agency Commissioner
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Lani Tsinnajinnie, Eastern Agency Commissioner
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<https://nndwr.navajo-nsn.gov/>

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