

Briefing Sheet for Legislation No. 0109-24 – NAIWRSA Approving Legislation

Summary of Settlement

- Addresses all of the Navajo Nation's claims to water in the State of Arizona
- Includes claims to the Upper Basin of the Colorado River, Lower Basin of the Colorado River, the Little Colorado River Basin, and the Gila River Basin
- Our current litigation on water rights in Arizona only addresses the Nation's claims in the LCR Basin; Hopi's claim there has been recommended to be less than 1/3 of what they asked for
- Settlement offers 6 important things that litigation does not:
 - Access to meaningful and reliable Upper Basin Colorado River Water
 - Access to Fourth Priority Lower Basin Colorado River Water
 - The ability to access our Arizona water in New Mexico and Utah and move it to Arizona for use
 - The ability to use Upper Basin Colorado River Water in the Nation's Lower Basin communities, and vice versa
 - Almost \$5 billion in water delivery infrastructure
 - An alternative source to clean drinking water in our Arizona communities that are currently almost entirely reliant on groundwater
- Our Negotiation Team has provided over 40 public meetings relating to the Nation's Arizona water rights and the proposed Northeastern Arizona Indian Water Rights Settlement
- The Western Agency Council, the Fort Defiance Agency Council, the Northern Agency Council, the Navajo Utah Commission, and 19 Chapters have passed resolutions of support for the settlement

Talking Points

- To ensure a permanent homeland for our people and the Navajo way of life, in April of last year, the Navajo Nation Government initiated settlement negotiations 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 complete and is now before the Naabik'íyáti' Subcommittee of the 25th Navajo Nation Council as Legislation 0109-24.
- 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 water access equity gap that exists in our community and offers the promise of a healthy and vibrant future for our people.
- This settlement will affirm and quantify substantial and meaningful enforceable rights to water in Arizona for the Navajo Nation:
 - 44,700 AFY (acre-feet per year) of the Arizona allocation of Upper Basin Colorado River Water; this is 90% of Arizona's Upper Basin allocation
 - 3,600 AFY of Fourth Priority Lower Basin Colorado River Water
 - All the LCR water that reaches the Navajo Reservation (historic flows are estimated to be 122,000 AFY)
 - All the Navajo Aquifer that underlies the Navajo Reservation with a limit on pumping up to 8,400 AFY
 - All the Coconino Aquifer that underlies the Navajo Reservation

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- This settlement will also secure \$5 billion in funding to build substantial and much needed water delivery infrastructure, mostly on the Navajo Nation. Including:
 1. The iiná bá – paa tuwaqat’si pipeline that will bring Colorado River water from Lake Powell to LeChee, Coppermine, Bitter Springs, Cedar Ridge, Bodaway/Gap, Tuba City, Coal Mine Mesa, Cameron, and Grey Mountain
 2. The Southwest Navajo Regional Project that will extend the Leupp-Dilkon Project to deliver C-Aquifer water to Leupp, Bird Springs, Tolani Lake, Teesto, Dilkon, and Indian Wells.
 3. The Ganado Area Project that will develop and expand public water systems to deliver C-Aquifer and Lower Basin Colorado River Water to Kinlichee, Ganado, Cornfields, Lower Greasewood, Jeddito, and Steamboat.
 4. The Code Talker Lateral that will extend the Code Talker Lateral waterline and expand public water systems and deliver Groundwater and Lower Basin Colorado River Water to Fort Defiance, Red Lake, and Saint Michaels, with an intertie to the Ganado Area Project.
 5. The Black Mesa Project that will develop and expand public water systems to deliver N-Aquifer water to Black Mesa, Forest Lake, Pinon, and Shonto.
 6. The Four-Corners Project that will develop and expand public water systems to deliver Upper Basin Colorado River Water to Chinle, Many Farms, Rock Point, Rough Rock, Round Rock, Sweetwater, Teec Nos Pos, and Tsaile/Wheatfields/Blackrock.
 7. The Kayenta Area Project that will develop and expand public water systems to deliver N-Aquifer and Upper Basin Colorado River Water to Chilchinbeto, Rough Rock, Kayenta, and Oljato.
 8. The Lupton Area Project that will develop and expand public water systems to deliver Alluvial Aquifer and Lower Basin Colorado River Water to Houck, Lupton and Nahata’Dziil.
 9. Local Groundwater Projects that will develop and expand public water systems to deliver additional water to local communities.
- The \$5 billion will also fund:
 - Renewable energy projects to power the delivery of water through the new pipelines and infrastructure projects in the amount of \$40 million
 - A Navajo Nation Agricultural Conservation Fund in the amount of \$80 million to support historically irrigated acreage by implementing modernized irrigation infrastructure, and including replacement and development of livestock wells and impoundments.
 - Navajo Nation OM&R (Operation, Maintenance & Replacement) in the amount of \$230 million.
 - A Navajo Nation Lower Basin Colorado River Water Acquisition Fund in the amount of \$28 million to purchase land with senior water rights with the intention to use those water rights on the Navajo Nation.
- This settlement agreement was negotiated by a Settlement Negotiation Team appointed by the Navajo Nation Water Rights Commission and comprised of:
 - Council Delegates from affected Arizona communities

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- A Legal & Technical Team that includes the Attorney General, attorneys from the Department of Justice Water Rights Unit, Chief Legal Counsel to the President and Vice-President, hydrologists from the Navajo Department of Water Resources
- The Settlement Negotiation Team was assisted by outside counsel and additional technical experts.
- There are four phases in the approval of this settlement: (1) approval of the settlement agreement by the parties, (2) approval of the settlement and authorization of funding by Congress, (3) conformance of the settlement agreement to match the terms authorized by Congress, and (4) entry of a final decree by the court.
- We are here today to take the first step in this process on behalf of the Navajo Nation.