



Proposed Rio San Jose Water Rights Settlement Agreement



April 2024

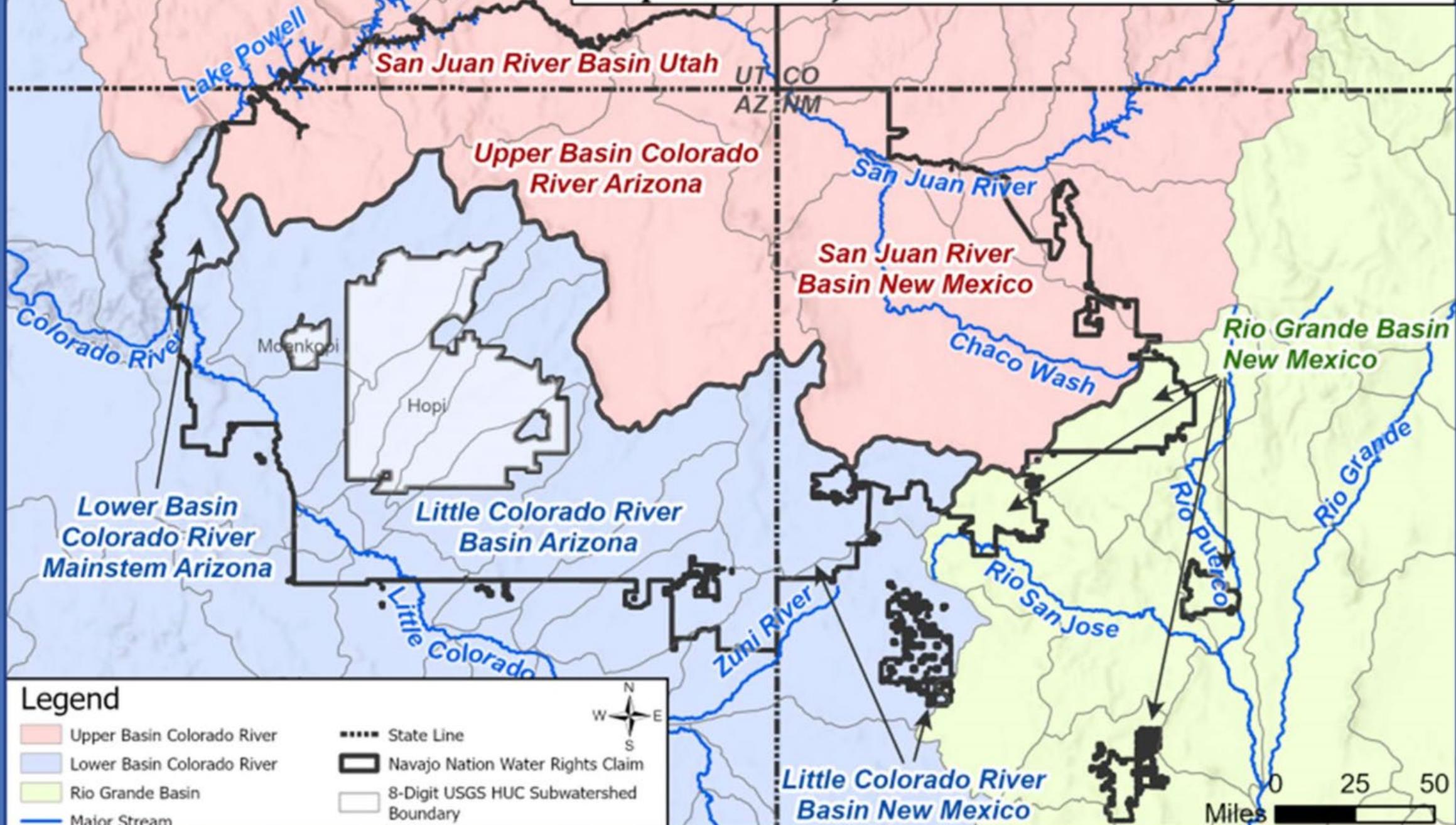
For Public Discussion Purposes

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.



Map of Navajo Nation Water Rights Claims



Legend

- Upper Basin Colorado River
- Lower Basin Colorado River
- Rio Grande Basin
- Major Stream
- State Line
- Navajo Nation Water Rights Claim
- 8-Digit USGS HUC Subwatershed Boundary

Rio San Jose Adjudication. (State of New Mexico, ex rel. Eluid L. Martinez, State Engineer v. Kerr-McGee, et al., Nos. CB-83-190-CV, Thirteenth District, Cibola County, New Mexico).

- The general stream adjudication was initiated in 1983, and a previously filed federal action to determine the rights of the Pueblos of Laguna and Acoma was dismissed.
- The Navajo statement of claims was filed in 1987.
- Negotiations regarding a potential settlement of the Pueblos' water rights claims have been ongoing since 1993, when the United States established teams to negotiate comprehensive settlements of Navajo and Pueblo of Acoma and Laguna water rights.

Settlement is better for the Navajo Nation than Litigation

LITIGATION

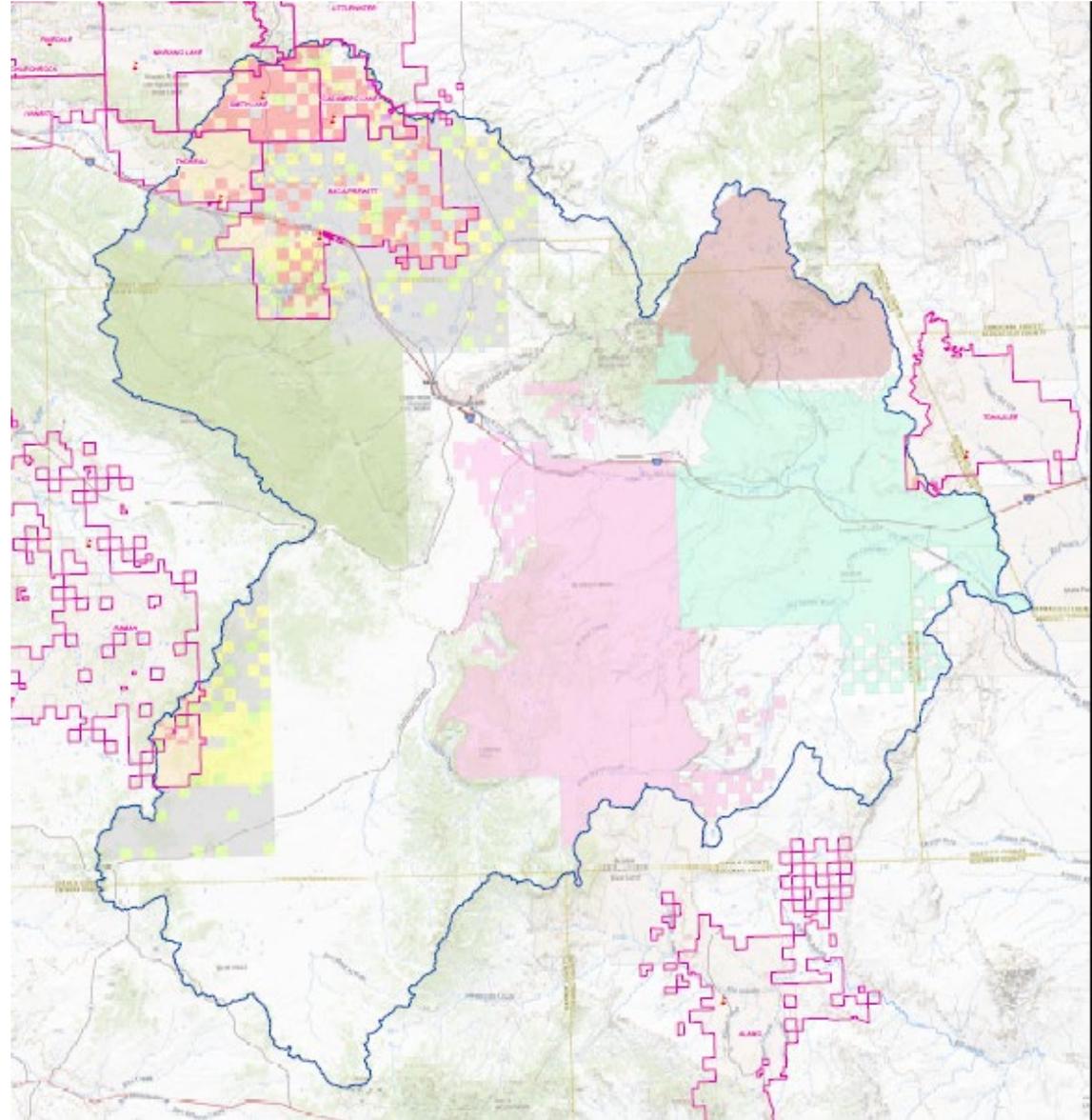
- Based on minimal need
- Paper decree only
- No funding for infrastructure
- Resources appurtenant to the reservation
- Adversarial
- Lengthy
- Costly

SETTLEMENT

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

Settlement Parties

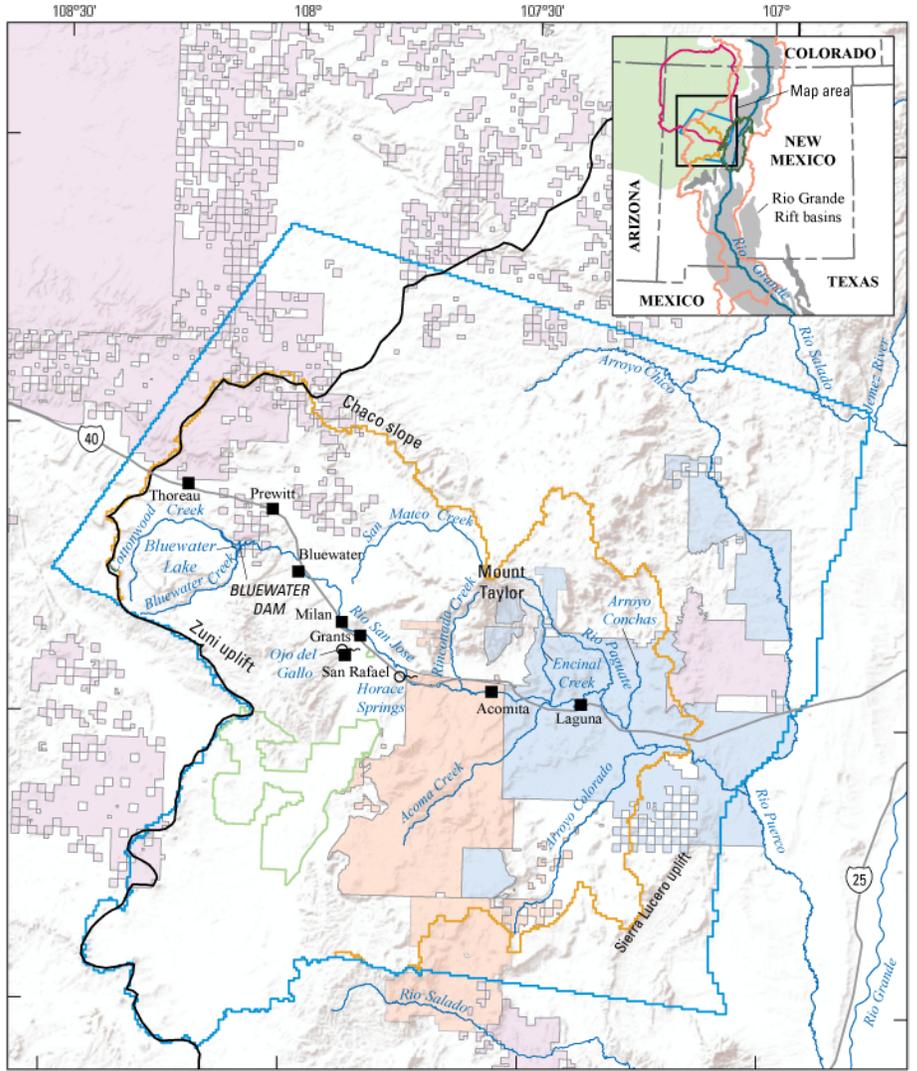
- **Navajo Nation (trust land)**
- Pueblo of Acoma
- Pueblo of Laguna
- United States of America
- State of New Mexico
- City of Grants
- Village of Milan
- Nine individual acequias and community ditches



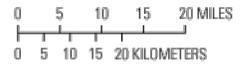


Navajo Allotments

The United States will settle these claims in the future. These water rights will not be a part of the proposed Rio San Jose Water Rights Settlement.



Base from U.S. Geological Survey digital data
 Map image is intellectual property of Esri and is used herein under license. Copyright 2020 Esri and its licensors. All rights reserved
 Universal Transverse Mercator projection, zone 13N
 North American Datum of 1983



EXPLANATION

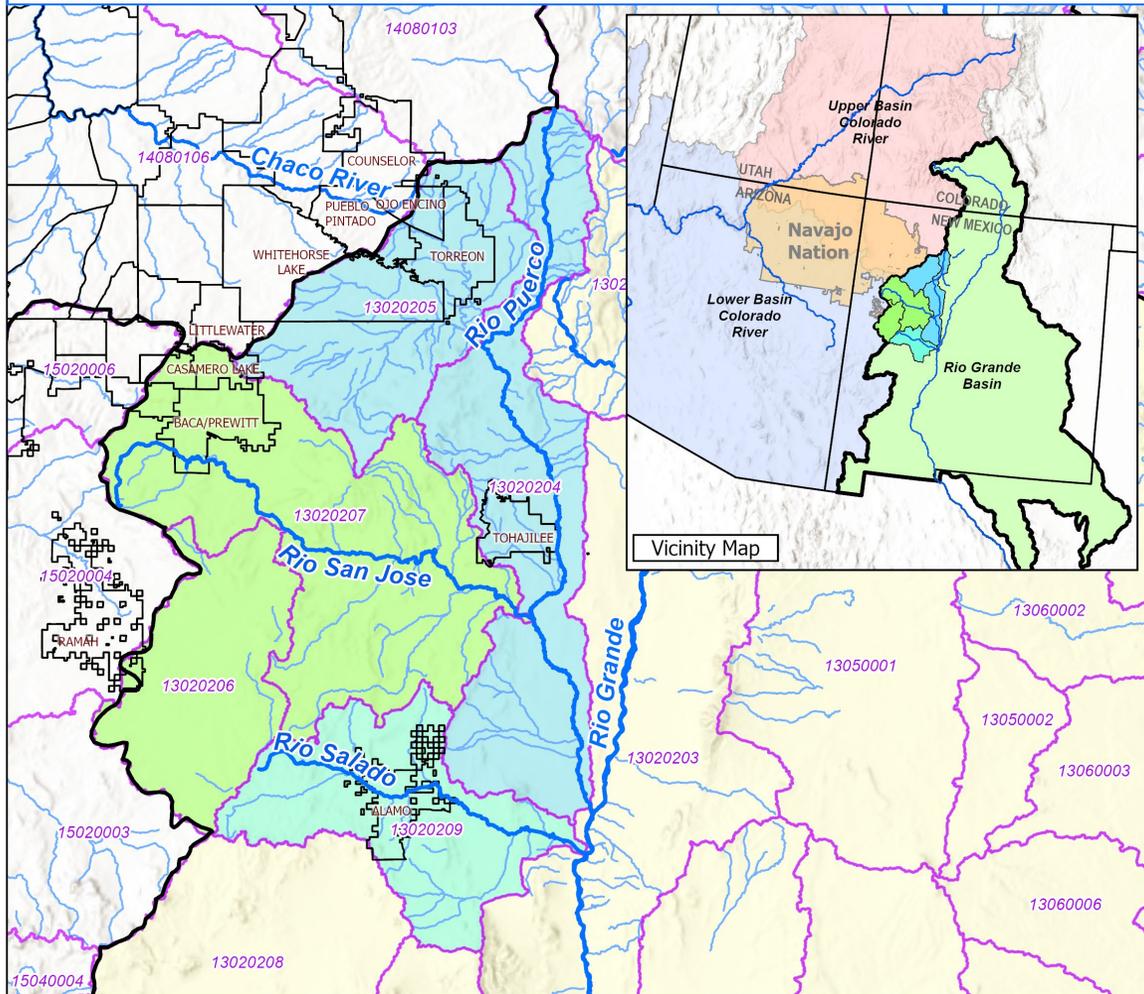
- El Malpais National Monument
- Native American Tribal Land
- Acoma Pueblo
- Laguna Pueblo
- Navajo Nation
- Colorado Plateaus physiographic province
- Rio San Jose Basin boundary (defined in this report as the surface-water drainage basin; active Precipitation-Runoff Modeling System area)
- Active MODFLOW-NWT area boundary
- Upper Rio Grande Basin boundary
- Middle Rio Grande Basin boundary
- San Juan structural basin boundary
- Continental Divide
- Select spring location discussed in report

In 2022, Acoma and Laguna Pueblos, the State of New Mexico, and non-Indian water users executed a settlement agreement, quantifying the water rights of the two Pueblos in the Rio San Jose and Rio Puerco Basins.

The proposed Navajo RSJ Settlement with the Navajo Nation and other mentioned parties would fairly and finally settle water rights claims of the Nation, and the United States acting as trustee for the Navajo Nation, in the general stream adjudication of the Rio San Jose Stream System.

If approved by all parties, the Navajo RSJ Settlement would be added as an addendum to the Pueblos' settlement.

RIO GRANDE BASIN NEW MEXICO MAP



Legend

- Stream
- Rio San Jose Subbasin
- Rio Puerco Subbasin
- Rio Salado Subbasin
- Rio Grande Basin
- 8-digit USGS Hydrologic Unit Code
- Navajo Nation Chapter Boundary



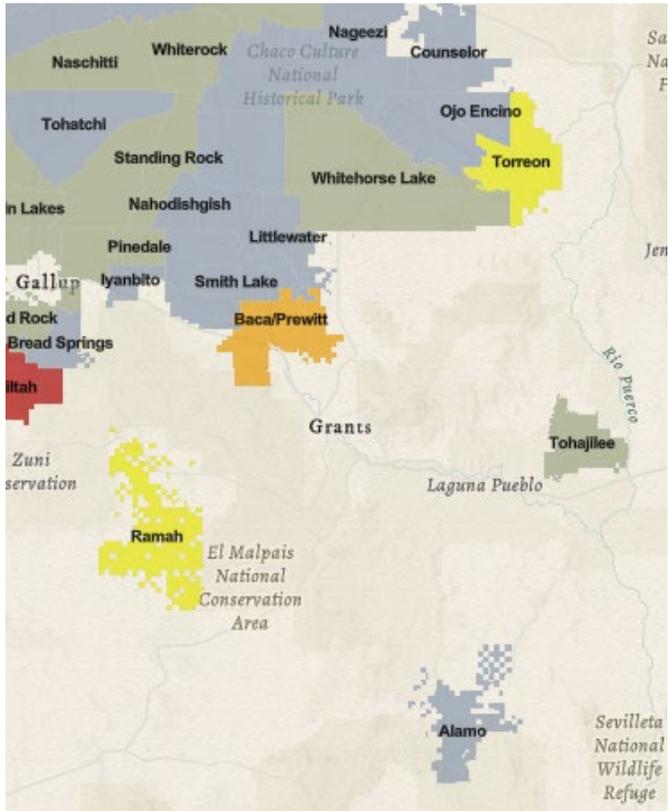
Rio San Jose & Rio Puerco Basins

9 chapter communities are located within the Rio San Jose Basin (RSJB)

- Baca/Prewitt
- Casamero Lake
- Crownpoint
- Littlewater
- Mariano Lake
- Ramah
- Smith Lake
- Thoreau
- Tóhajiilee

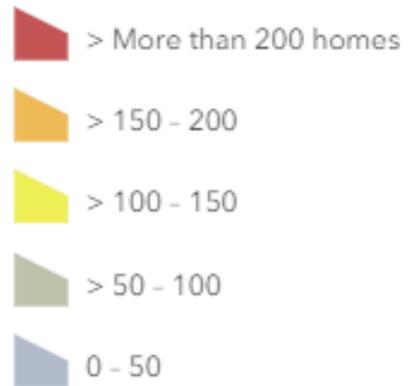
7 chapter communities located within the Rio Puerco Basin (RPB)

- Tóhajiilee
- Torreon
- Ojo Encino
- Pueblo Pintado
- Whitehorse Lake
- Counselor
- Littlewater



Navajo Nation Homes without Piped Water Access

Homes without Piped Water



Water Supply Conditions

Existing groundwater supplies are limited and are of poor quality

More than 200 Navajo households in the RSJB & RPB do not have running water and rely on water hauling to meet daily water needs

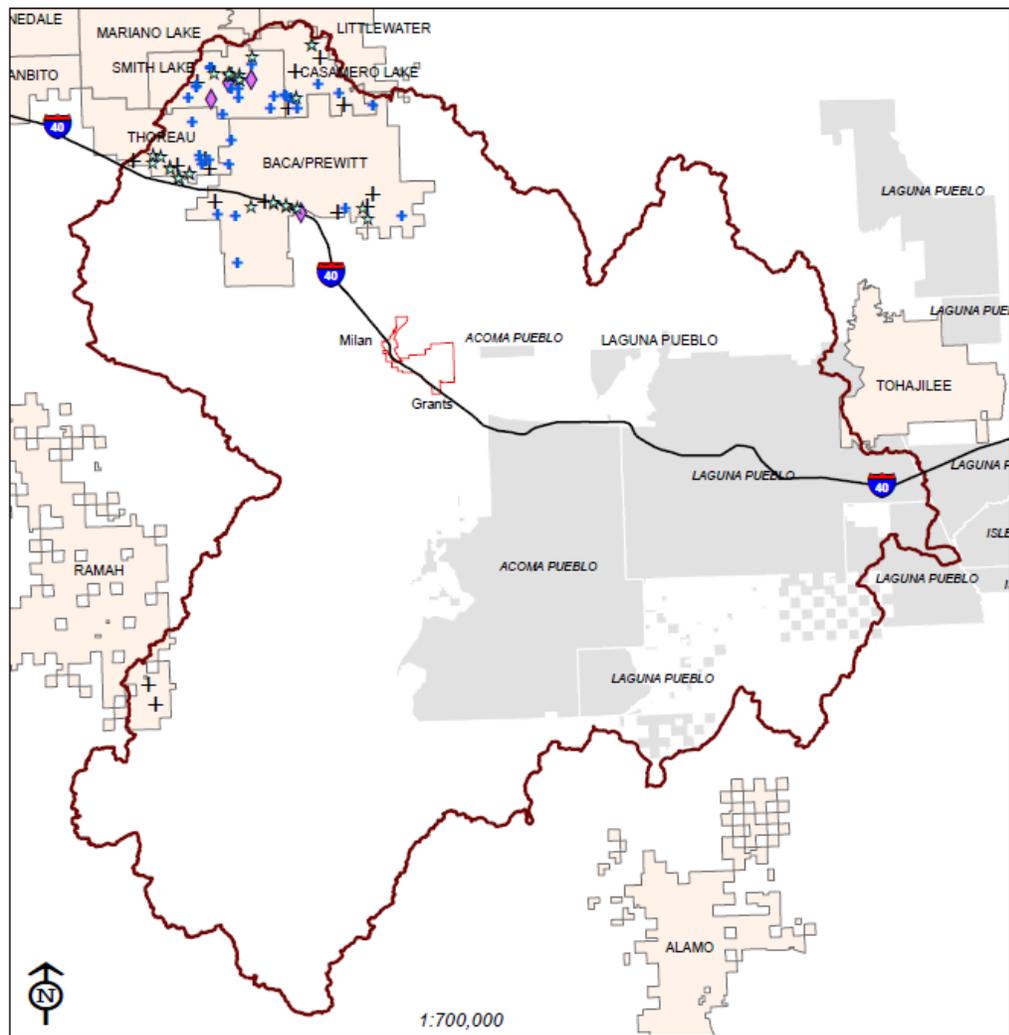
Drought conditions have impacted available water supplies



Navajo Nation

Past and Present Water Uses in the Rio San Jose and Rio Puerco Basins

- Domestic, Commercial, Municipal, Industrial Wells
- Stock Wells
- Livestock Consumptive Use
- Stock Ponds Storage Right
- Stock Ponds Consumptive Use Right



Legend

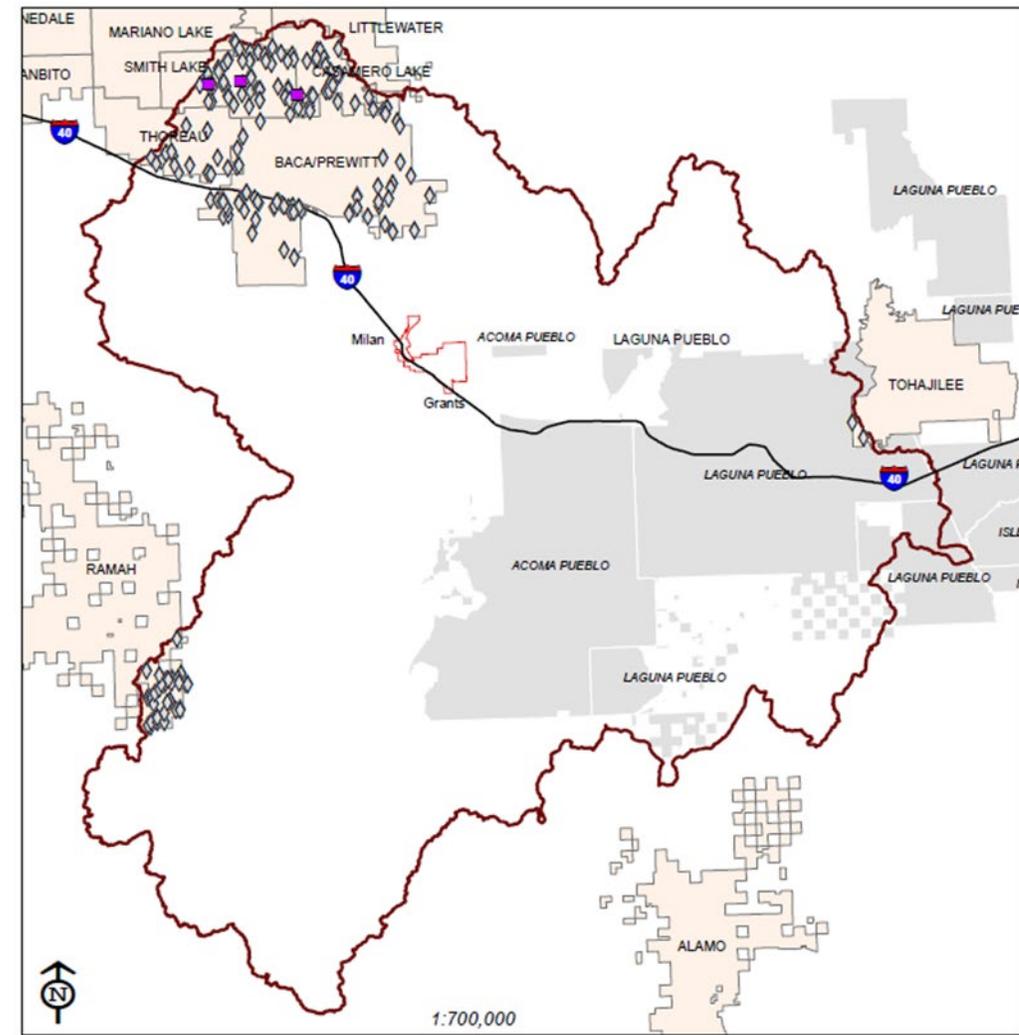
- ☆ Municipal Wells
- + Domestic and Springs Wells
- + Livestock Wells
- ◆ Industrial Wells
- City Boundaries
- Chapter Boundary 2018
- Reservations

Exhibit 1A

Navajo Nation Well Claims in the Rio San Jose Basin New Mexico

RSJ_Claims_Map04202022w.mxd, April 21, 2022, RLK

LOCATIONAL MAP



Legend

- Recreational Impoundments
- ◆ Stock Ponds
- City Boundaries Navajo
- Chapter Boundary 2018
- Reservations

Exhibit 1B

Navajo Nation Stock Ponds/Impoundments/Lakes Claims in the Rio San Jose Basin New Mexico

RSJ_Claims_Map04202022w.mxd, April 21, 2022, RLK

LOCATIONAL MAP

Navajo Nation Water Rights

- 2,444 AFY Groundwater for the two basins
- 417 AFY for livestock use for Rio San Jose Basin
- 493 AFY additional storage right for stock ponds for Rio San Jose Basin
- livestock water rights for the Rio Puerco Basin will be included
- The Settlement Agreement does not impact allottee water rights.

Groundwater

Future Water Demands

Quantity

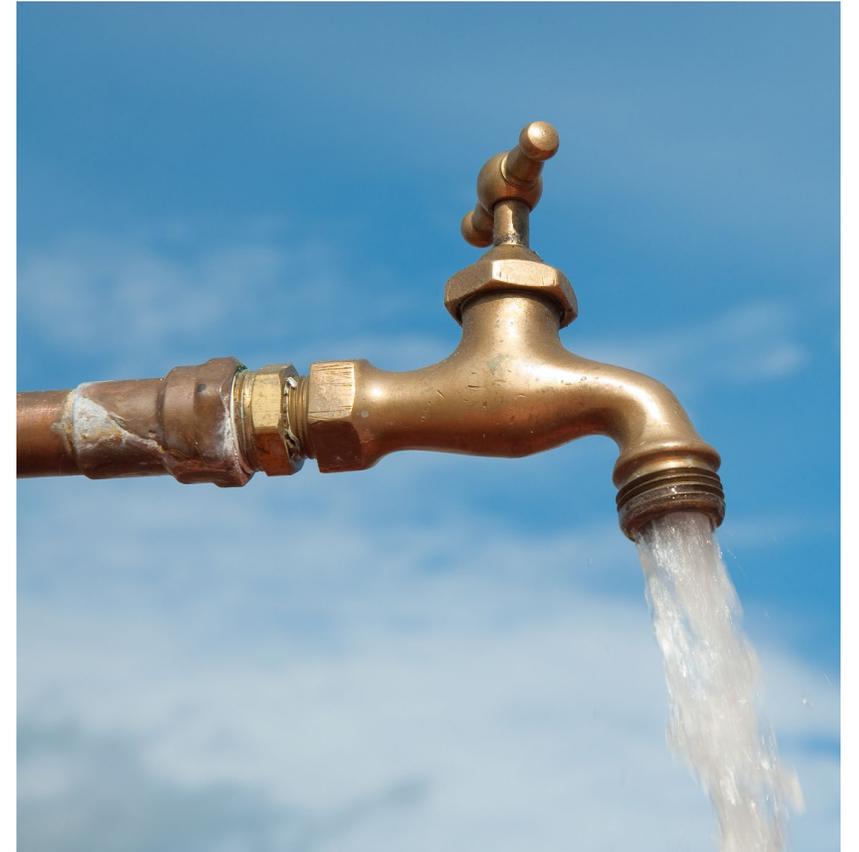
- Navajo Nation, Right to divert and consume 1,300 AFY

◦ Purpose of Use

- Additional groundwater rights shall be domestic, commercial, municipal, and industrial

◦ Places of Use

- Navajo Nation, Rio San Jose, and Rio Puerco Basins



Traditional Navajo Agricultural Water Use Practices

- Adoption of 2015 Stipulation Provisions. The Navajo Nation and its members have the right on Navajo Nation Lands to engage in the practices of Seasonal Works Farming and Soil Conservation as defined and consistent with the Stipulation Concerning Certain Traditional Agricultural Water Use Practices of the Pueblos of Acoma and Laguna filed with the Court on May 12, 2015, and the Court Order Adopting Stipulation and Dismissing Certain Claims of the United States...

Proposed Settlement Fund \$243,271,000

Regional Transmission Waterline & Navajo communities' connections

Wastewater Development

Chlorination Station

Water Hauling Stations

Operation and Maintenance Trust Fund

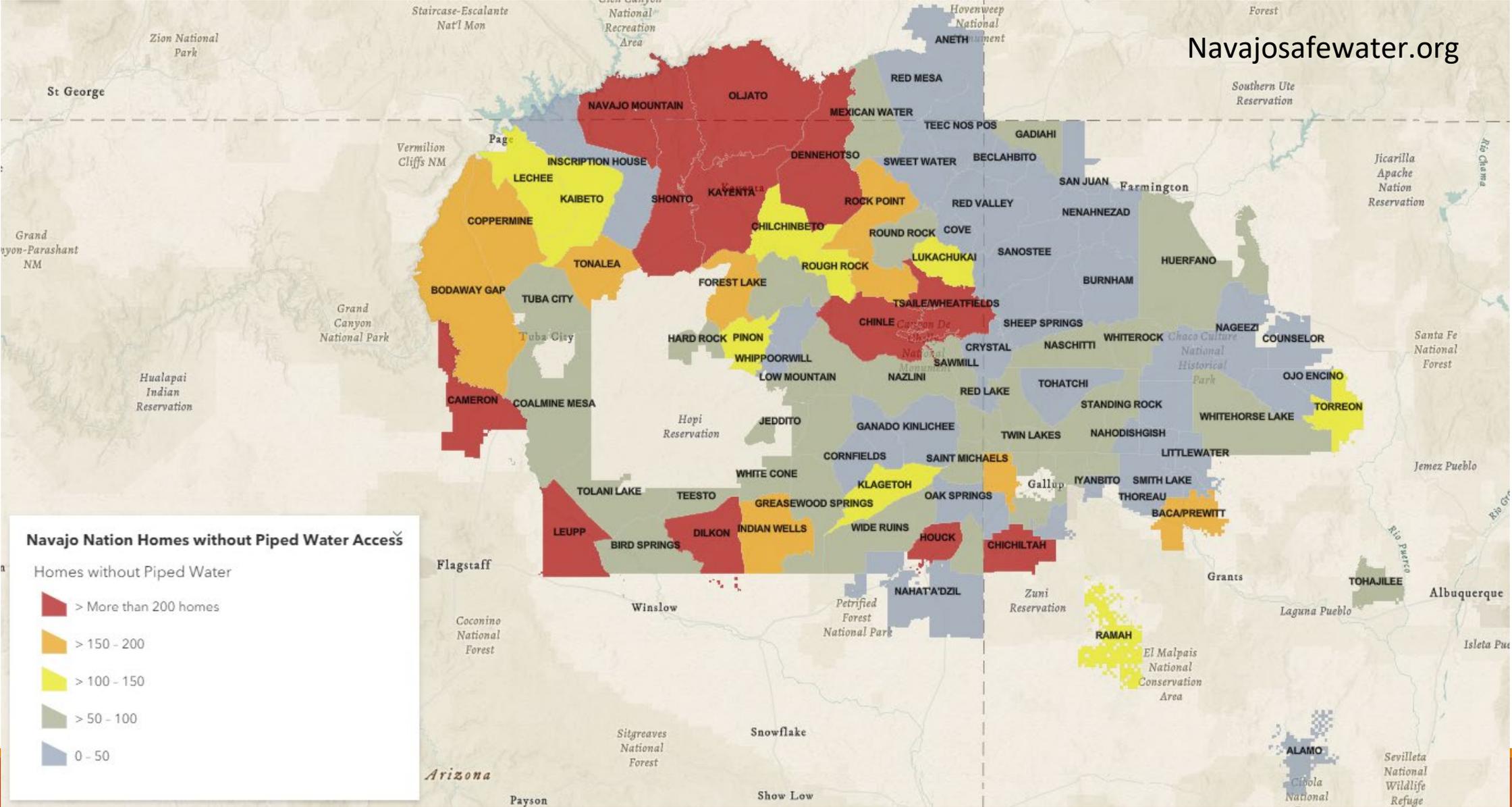
Waterline Extension & Bathroom Additions

Livestock Water Projects

Sanitation Projects

Water Acquisition Fund

Navajo Nation Homes without Piped Water



Public Education Meetings

Past Meetings

December 20, 2023 – Joint BBN9/Hwy 371/Cutter Lateral Chapters Workgroup, Iyanbito Chapter

January 12, 2024 – Tóhajiilee Chapter and Navajo Technical University, Crownpoint

January 26, 2024 – Eastern Agency Council, Thoreau Chapter

February 26, 2024 – Ramah Navajo Chapter

April 2, 2024 – Eastern Navajo Land Commission, Window Rock

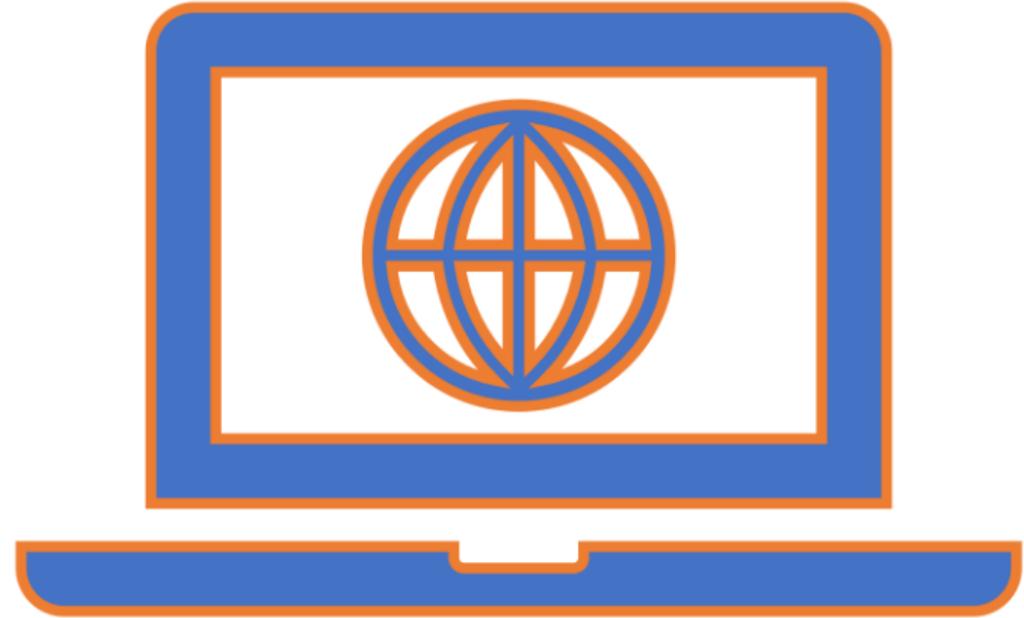
April 6, 2024 – Torreon/Star Lake Chapter

April 7, 2024 – Tóhajiilee Chapter

April 13, 2024 – Baca/Prewitt Chapter

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

Dwight Witherspoon, Attorney
dwitherspoon@nndoj.org

MacArthur Stant, Attorney
mcstant@nndoj.org



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
Lorenzo.Bates@navajo-nsn.gov

Lani Tsinnajinnie, Eastern Agency Commissioner
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

Robert Kirk, Hydrologist

robertkirk@navajo-nsn.gov

Dr. Crystal Tulley-Cordova, Principal
Hydrologist

tulley-cordova@navajo-nsn.gov