

Public Education – NAIWRS January 2025 Update

Happy New Year! The Navajo Nation continues to work tirelessly on securing water rights in the Colorado River Basin and the Rio Grande Basin for the benefit of the Navajo Nation. In the Colorado River Basin, three water rights-related bills were introduced in the 118th U.S. Congress, namely the Northeastern Arizona Indian Water Rights Settlement Act (NAIWRSA) of 2024, S.4633 & H.R.8940, Navajo-Gallup Water Supply Project (NGWSP) Amendments Act of 2023, S.1898 & H.R.3977, and Technical Corrections to the Northwestern New Mexico Rural Water Projects Act, Taos Pueblo Water Rights Settlement Act, and Aamodt Litigation Settlement Act, S.3406 & H.R.6599. In the Rio Grande Basin, one water rights-related bill was introduced, specifically the Navajo Nation Rio San José Stream System Water Rights Settlement Act of 2024, S.4998 & H.R.8945 (RSJSSWRSA).

What happened with the four Navajo Nation’s water rights-related bills in the 118th United States (U.S.) Congress?

- While 12 Tribal water rights bills were introduced in the 118th U.S. Congress, none of the tribal water rights bills, including the 4 Navajo Nation bills were approved by the 118th U.S. Congress, with the exception of a one-year extension and an increase in the “cost ceiling” level for the Navajo-Gallup Water Supply Project (NGWSP). The one-year extension and cost ceiling increase will allow the Bureau of Reclamation to continue constructing the NGWSP unimpeded. In the meantime, we will work with the 119th Congress to pass the full NGWSP Amendments Act.
- The other three Navajo Nation water rights bills introduced but not approved in the 118th U.S. Congress were the following:
 - The Northeastern Arizona Indian Water Rights Settlement Act of 2024, S.4633 & H.R.8940. However, the Northeastern Arizona Water Rights Settlement Agreement which would have been ratified by the legislation was fully executed with the signing of Governor Hobbs on November 19, 2024, making the settlement agreement effective. The Navajo Nation is seeking a consensus letter from the seven Colorado River Basin States to move the settlement agreement forward in the 119th U.S. Congress.
 - The Navajo Nation Rio San José Stream System Water Rights Settlement Act of 2024 S.4998 & H.R.8945. The Governor of New Mexico signed the settlement agreement underlying this legislation on July 2, 2024, and all the parties to this settlement will join the Navajo Nation in seeking passage in this Congress.
 - The Technical Corrections to the Northwestern New Mexico Rural Water Projects Act, Taos Pueblo Water Rights Settlement Act, and Aamodt Litigation Settlement Act, S.3406 & H.R.6599.

The Navajo Nation will reintroduce its four water rights-related legislative bills, namely the Northeastern Arizona Indian Water Rights Settlement Act, the Navajo-Gallup Water Supply Project Amendments Act, the Navajo Nation Rio San José Stream System Water Rights Settlement Act, and the Technical Corrections to the Northwestern New Mexico Rural Water Projects Act in the 119th U.S. Congress.

- The Navajo Nation NAIWRSA Legal and Technical Team is actively involved in revising the legislative language and reintroducing NAIWRSA in the 119th U.S. Congress. Importantly, the Team continues to work on obtaining a consensus letter from the seven Colorado River Basin States' Representatives and this letter is necessary in order for Congress to act on NAIWRSA.
- The NGWSP Amendments Act, Navajo Nation RSJSSWRSA, and Technical Corrections to the Northwestern New Mexico Rural Water Projects Act legislation are being prepared to be reintroduced to the 119th U.S. Congress.

Navajo Utah Water Rights Settlement Decree

- The State of Utah is in the final stage of adjudication and the Utah Office of the Attorney General filed a Motion for Interlocutory Decree on the Proposed Determination with resolution of the objections filed. The Motion leads to the final action for a Utah decree. A Utah State Court decree will include 81,500 AFY for the Navajo Nation which is expected to be completed in early 2025. Additionally, the State of Utah will be transferring the last third of the \$8 million to the Bureau of Indian Affairs Trust Fund.

The Navajo Nation Department of Justice, the Water Rights Commission, and the Department of Water Resources will continue to work with the Office of the President and Vice President and the 25th Navajo Nation Council to continue to provide water rights-related public education to members of the Navajo Nation and its allies, as the Nation continues to pursue water rights and will communicate how members and allies of the Nation can support the Nation in these efforts.