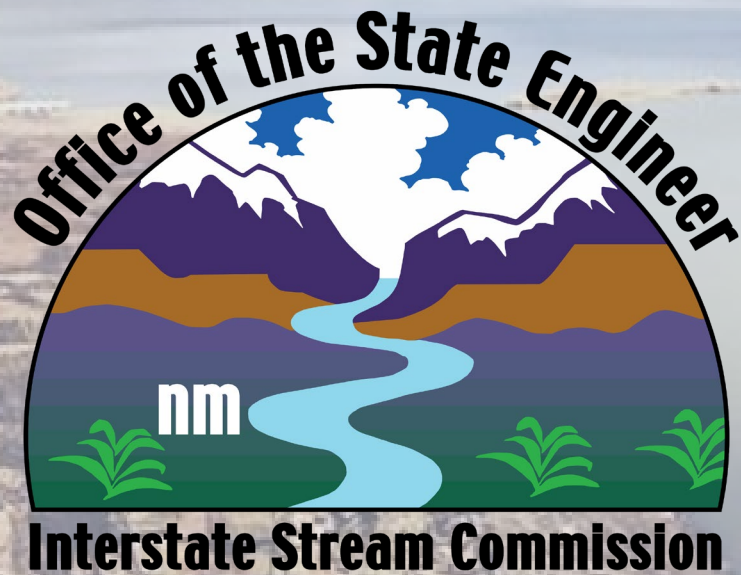


# Tribal Water Rights Adjudication and Settlements

November 13, 2025



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# Steps to Reaching a Final Settlement Agreement

## Negotiation Process:

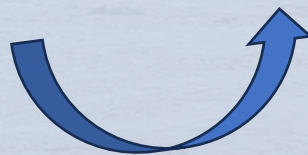
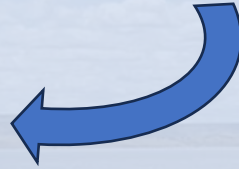
- **Federal Assessment/Negotiation Team**
- **Pueblo/Tribe/Nation, Federal Team and New Mexico evaluate Tribal water rights claims**
- **Negotiations expand to include administrative issues and local entities, acequias, irrigation districts, municipalities, cities, etc.**
- **Local Settlement Agreement signed by all Parties, except the United States which requires Congressional authorization**

## Congressional Approval Process:

- **Federal Legislation drafted**
- **Bill Introduced in House & Senate**
- **Committee Hearings and final votes in House & Senate**
- **Funding Mechanisms/Sources identified**
- **Signed by POTUS**
- **Local Settlement Agreement must be amended to conform to final Federal Legislation**

## State Court Process:

- **Court Adjudication → Entry of Partial Final Judgment & Decree adjudicating water rights within a stream system/basin (includes inter se)**
- **State funding process - Indian Water Rights Settlement Fund**







# Overview of Water Rights Settlements with Pueblos, Tribes, and Nations

## **7 Pueblos, Tribes, and Nations have reached final settlements with Congressional, State, and Judicial Approval:**

- Jicarilla Apache Water Rights Settlement
- Taos/Abeyta Settlement Agreement
- Navajo San Juan Settlement Agreement
- Aamodt Settlement Agreement (Nambé, Pojoaque, Tesuque, San Ildefonso Pueblos)

## **One Tribal Water Right Claim Was Litigated to Final Judgment:**

- Mescalero Apache Tribe (Rio Hondo/Pecos River Stream System)



# Implementing Existing Settlements

## Taos/Abeyta Settlement Agreement

- Original funding for mutual benefits projects was not indexed
- The shortfall is approximately \$220 million
- With a 75/25 federal/state cost share breakdown, the state share is ~ \$43 million
- OSE special appropriations and other state funding will cover approximately \$15.6 million, leaving a need to fill an additional \$27.4 million.
- Parties are working with Congressional delegation to obtain needed federal funding
- Parties are seeking introduction of federal legislation to amend the 2010 Claims Act to supplement federal funding needed to continue ongoing project construction

## Aamodt Settlement Agreement

- Construction on water supply project is underway
- Reclamation has alerted parties to likely significant cost increases – *parties are working with Reclamation on review of indexing for the project to determine actual amounts*
- Parties deciding on modified plan to keep project construction moving

## Navajo San Juan Settlement

- Portion of project is operational, construction on remaining portion is underway
- Parties are working with Congressional delegation to secure passage of act to make needed amendments to authorizing legislation
- OSE/ISC working with City of Gallup on additional groundwater wells to bridge supply gap



# Recent Settlements During the Lujan Grisham Administration

**5 Local settlement agreements have been signed since 2022. Federal legislation has been introduced in Congress for each settlement:**

- **Rio San José Stream System**

(S.562/H.R.1322 and S. 565/H.R. 1322)

- Acoma Pueblo
- Laguna Pueblo
- Navajo Nation

- **Jemez River Stream System** (S.562/H.R.1322)

- Zia Pueblo
- Jemez Pueblo

- **Rio Chama Stream System** (S.563/H.R.1323)

- Ohkay Owingeh

- **Zuni River Stream System** (S.564/H.R.1444)

- Zuni Pueblo

**Each bill has passed the Senate Indian Affairs Committee and is currently awaiting hearing in the House Committee on Natural Resources, Subcommittee on Water, Wildlife, and Fisheries.**



# Status of Congressional Progress

## New Settlements:

### **S. 562/H.R. 1322 - Rio San José and Rio Jemez Water Settlements Act of 2025:**

**Title I: Pueblos of Acoma & Laguna in the Rio San Jose Stream System; and**

**Title II: Pueblos of Jemez & Zia in the Rio Jemez Stream System**

- S.652 Passed Senate Committee on Indian Affairs on 3/05/2025 and reported out favorably without amendment.
- H.R. 1322 Introduced in the House Committee on Natural Resources on 02/13/25 and referred to the Subcommittee on Water, Wildlife, & Fisheries hearing. No date set for hearing.

### **S. 565/H.R. 1324 - Navajo Nation Rio San José Stream System Water Rights Settlement Act of 2025**

- S.565 Passed Senate Committee on Indian Affairs on 3/05/2025 and reported out favorably without amendment.
- H.R. 1324 Introduced in the House Committee on Natural Resources on 02/13/25 and referred to the Subcommittee on Water, Wildlife, & Fisheries hearing. No date set for hearing.

### **S. 563/H.R. 1323 - Ohkay Owingeh Rio Chama Water Rights Settlement Act of 2025**

- S.563 Passed Senate Committee on Indian Affairs on 3/05/2025 and reported out favorably without amendment.
- H.R. 1323 Introduced in the House Committee on Natural Resources on 02/13/25 and referred to the Subcommittee on Water, Wildlife, & Fisheries hearing. No date set for hearing

### **S. 564/H.R. 1444 - Zuni Indian Tribe Water Rights Settlement Act of 2025**

- S.564 Passed Senate Committee on Indian Affairs on 3/05/2025 and reported out favorably without amendment.
- H.R. 1444 Introduced in the House Committee on Natural Resources on 02/18/25 and referred to the Subcommittee on Water, Wildlife, & Fisheries hearing. No date set for hearing



# Status of Congressional Progress

## Amendments to Existing Settlements:

### **S. 637/H.R. 1482 - Navajo-Gallup Water Supply Project Amendments Act of 2025**

- S.637 Passed Senate Committee on Indian Affairs on 3/05/2025 and reported out favorably without amendment.
- H.R. 1482 Introduced in the House Committee on Natural Resources on 07/22/25 and referred to the Subcommittee on Water, Wildlife, & Fisheries hearing. No date set for hearing.

### **S. 640/H.R. 4598 - Technical Corrections to the Northwestern New Mexico Rural Water Projects Act, Taos Pueblo Indian Water Rights Settlement Act, and Aamodt Litigation Settlement Act**

- S.640 Passed Senate Committee on Indian Affairs on 3/05/2025 and reported out favorably without amendment.
- H.R.4598 Introduced in the House Committee on Natural Resources on 07/22/25 and referred to the Subcommittee on Water, Wildlife, & Fisheries hearing. No date set for hearing.



Settlement Agreement	Total Funding (State & Fed)	Federal Funding	State Funding	Early State Funding	Status of Congressional Approval
The Pueblos of Jemez and Zia Rio Jemez Water Rights Settlement	\$510,059,000	\$490,000,000 - Jemez \$290 mil - Zia \$200 mil	\$20,059,000 - San Ysidro Community Ditch Association \$3.4 mil - 11 Acequias \$16,159,000 - Impairment Fund \$500k		S. 562 – 2025/03/05 Passed Committee on Indian Affairs. Ordered to be reported without amendment favorably; H.R. 1322 – 2025/02/13 Referred to the House Committee on Natural Resources
The Pueblos of Acoma Laguna Rio San Jose Stream System Water Rights Settlement	\$886,000,000	\$850,000,000 - Acoma \$311,750,000 - Laguna \$493,250,000 - Acomita Fund \$45 mil	\$36,000,000 - City of Grants \$12.5 mil - Village of Milan \$11 mil - RSJ Acequia Assoc \$12 mil - Impairment Fund \$500k	\$250,000 - Acequias (Complete)	S. 562 – 2025/03/05 Passed Committee on Indian Affairs. Ordered to be reported without amendment favorably; H.R. 1322 – 2025/02/13 Referred to the House Committee on Natural Resources
Navajo Nation Rio San Jose Water Rights Settlement Agreement	\$226,271,000	\$223,271,000	\$3,000,000 - RSJ Acequias (Bluewater Toltec Irrigation District & Acequia Madre del Ojo del Gallo)		S. 565 – 2025/03/05 Passed Committee on Indian Affairs. Ordered to be reported without amendment favorably; H.R. 1324 – 2025/02/13 Referred to the House Committee on Natural Resources
Settlement Agreement to Quantify Water Rights of the Zuni Indian Tribe, Protect Zuni Salt Lake	\$686,250,000	\$685,000,000	\$1,250,000 - Monitoring Critical Protection Areas & Zuni Salt Lake \$750k - Impairment Fund \$500k	\$750,000 - Monitoring (Pending)	S. 564 – 2025/03/05 Passed Committee on Indian Affairs. Ordered to be reported without amendment favorably; H.R. 1444 – 2025/02/18 Referred to the House Committee on Natural Resources
Ohkay Owingeh Rio Chama Water Rights Settlement	\$876,000,000	\$745,000,000 - WR Claims - Bosque Takings vs. U.S.	\$131,000,000 - Acequias \$98.5 mil - City of Espanola \$32 mil - Impairment Fund \$500k	\$7,000,000 - Rio Chama Acequias (Pending)	S. 563 – 2025/03/05 Passed Committee on Indian Affairs. Ordered to be reported without amendment favorably; H.R. 1323 – 2025/02/13 Referred to the House Committee on Natural Resources
Taos Pueblo Indian Water Rights Settlement Amendments Act (Pending Introduction)	\$319,323,211	\$281,230,408 -\$129,230,408 (75% Mutual Benefit Projects) -\$152 mil GW Project	\$43,076,803 - 25% Mutual Benefit Projects		-Senate Counsel has provided a legislative draft of the bill; -State is currently funding this amount with 2024 OSE Special Appropriation.
<b>TOTAL</b>	<b>\$3,509,903,211*</b> [\$3,184,580,000**]	<b>\$3,274,501*</b> [2,993,271,000**]	<b>\$234,385,803*</b> [\$191,309,000**]	<b>\$8,000,000</b>	*Includes Taos/Abeyta Amendment for Supplemental Funding **Includes only bills introduced in 2025



# Current Indian Water Rights Negotiations

## **Santa Cruz/Truchas Stream System**

- Ohkay Owingeh
- Santa Clara Pueblo
- (Pueblos of San Ildefonso & Nambé)

## **Middle Rio Grande**

- Cochiti Pueblo
- Santo Domingo/Kewa Pueblo
- San Felipe Pueblo
- Santa Ana Pueblo
- Sandia Pueblo
- Isleta Pueblo

## **San Juan Stream System**

- Ute Mountain Ute Tribe

## **Zuni River Stream System**

- Navajo Nation





# Regional Water Planning: Water Security Planning Act Implementation



Passage of the Act  
Public & Tribal Input  
Convene the Water  
Security Tribal  
Advisory Council  
(WSTAC)

Finalize Rules and  
Guidelines Based  
on Public and  
Tribal Input  
WSTAC Ongoing

Initiate Regional  
Planning in All  
Future Regions  
WSTAC Ongoing

Ongoing, Iterative,  
Regional Water  
Planning  
WSTAC Ongoing



# Thank you!

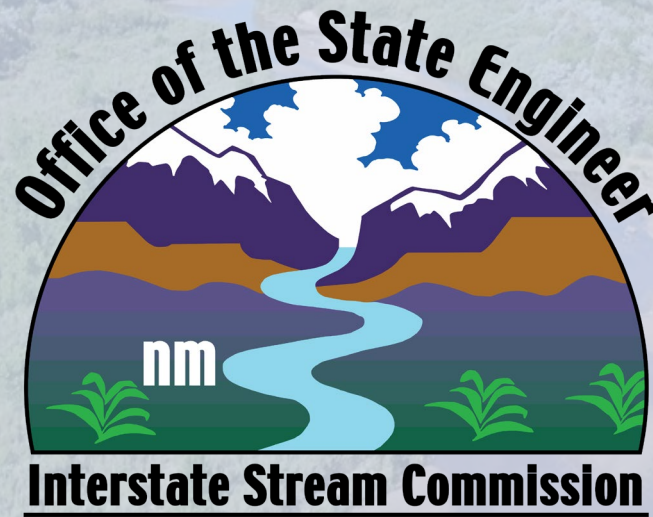
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