

SENATE RULES COMMITTEE SUBSTITUTE FOR
SENATE JOINT MEMORIAL 62

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

A JOINT MEMORIAL

REQUESTING THAT THE STATE ENGINEER AND THE INTERSTATE STREAM
COMMISSION INVOLVE MUNICIPAL, INDUSTRIAL AND AGRICULTURAL
STAKEHOLDERS IN THE SAN JUAN RIVER BASIN IN DISCUSSIONS TO
ADDRESS WATER ISSUES.

WHEREAS, the state engineer has statutory responsibility
for general supervision and the measurement, appropriation and
distribution of the state's waters and, therefore, filed an
adjudication suit in 1976 to define all water rights within the
San Juan river basin; and

WHEREAS, final determination of all water rights will
relieve economic and social uncertainty to water stakeholders
within the basin; and

WHEREAS, the state engineer is currently negotiating a
settlement with the Navajo Nation to define the extent and

1 nature of the Navajo Nation's water rights, which may save the
2 state the financial burden of litigation, including saving tax
3 dollars; and

4 WHEREAS, it is in the best interest of New Mexico to
5 negotiate structured water rights settlements with Indian
6 nations, tribes and pueblos whenever possible because
7 uncertainty by water users about water rights leads to
8 substantial litigation costs, jeopardizes economic development
9 and promotes dissension within communities; and

10 WHEREAS, considering the length of time it takes to
11 introduce and pass federal water legislation, it is important
12 that the proposed settlement agreement and its companion
13 federal legislation be introduced in 2004; and

14 WHEREAS, the state engineer and the Navajo Nation have
15 developed a completion schedule for settlement of the Navajo
16 Nation's water rights that includes a settlement approved by
17 congress that will be enacted into law by October 2006 and the
18 partial final decree entered; and

19 WHEREAS, the proposed Navajo settlement authorizes the
20 United States to fund the construction of a pipeline to provide
21 drinking water to areas of the Navajo Nation that lack a
22 drinking water source; and

23 WHEREAS, the settlement provides that over a ten-year
24 period New Mexico will contribute at least twenty-five million
25 dollars (\$25,000,000) to a dedicated Navajo Nation water

1 development trust fund through its share of settlement
 2 implementation costs; and

3 WHEREAS, San Juan river basin water users want to
 4 understand the relationship of the total maximum depletions
 5 resulting from the proposed settlement, final adjudication of
 6 water rights, anticipated water supply availability and the
 7 Upper Colorado River Basin Compact; and

8 WHEREAS, the available surface flow has been affected by
 9 several years of drought within the San Juan river basin, and
 10 in response to the continuing drought, the state engineer
 11 established an ad hoc committee to provide a forum for
 12 discussion and negotiation of short-term shortage sharing
 13 agreements; an agreement was reached and implemented in 2003;
 14 and

15 WHEREAS, the state engineer is drafting active water
 16 resource management regulations to establish and organize water
 17 districts, to appoint water masters and to authorize the
 18 development of water master manuals designed to meet the unique
 19 needs of a river system; and

20 WHEREAS, to the extent resources are available, the state
 21 engineer could expedite the San Juan river water rights
 22 adjudication by involving municipal, industrial and
 23 agricultural water users in the San Juan river basin, which
 24 would aid in the settlement process and in the administration
 25 of water rights within the stream system; and

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1 WHEREAS, representatives of the Navajo Nation are willing
2 to meet with and listen to the concerns of non-Navajo water
3 users; and

4 WHEREAS, the proposed settlement would give Gallup the
5 opportunity to address its water rights needs, and the mayor of
6 Gallup supports the proposed settlement;

7 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
8 STATE OF NEW MEXICO that the state engineer be requested to
9 begin informal processes that involve municipal, industrial and
10 agriculture users to address, to the extent possible, water
11 issues such as diversion and consumptive use quantities,
12 priority and other elements that define a water right; and

13 BE IT FURTHER RESOLVED that the state engineer release all
14 proposed active water resource management regulations relating
15 to the San Juan river basin as soon as possible to allow
16 stakeholders to become familiar with the future scheme for
17 managing the San Juan river basin; and

18 BE IT FURTHER RESOLVED that the ad hoc committee continue
19 efforts to develop short-term shortage sharing policies and
20 agreements during the state's continued period of drought; and

21 BE IT FURTHER RESOLVED that the state legislature approve
22 the funding commitment required for settlement of the Navajo
23 Nation water rights prior to the submission of the proposed
24 settlement to the adjudication court for its approval; and

25 BE IT FURTHER RESOLVED that the state engineer and the

1 interstate stream commission report back to the appropriate
2 interim legislative committee prior to the next regular session
3 on the status of the San Juan river water rights adjudication;
4 and

5 BE IT FURTHER RESOLVED that copies of this memorial be
6 transmitted to the state engineer and the interstate stream
7 commi ssi on.

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