

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE MEMORIAL 64

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

George K. Munoz

A MEMORIAL

REQUESTING CONTINUED FUNDING FOR NATIVE AMERICAN WATER RIGHTS SETTLEMENTS.

WHEREAS, the Indian water rights settlement fund was created by the legislature in 2005 to facilitate the implementation of the state's portion of Indian water rights settlements; and

WHEREAS, on April 19, 2005, the Navajo Nation and the state of New Mexico executed a settlement agreement resolving the claims of the Navajo Nation for the use of the waters in the San Juan river basin in New Mexico; and

WHEREAS, the implementation of the settlement with the Navajo Nation will provide for the construction of the Navajo-Gallup water supply project, which will supply water to Navajo Nation communities and the Gallup area; and

.178121.1

underscored material = new
~~[bracketed material] = delete~~

underscored material = new
[bracketed material] = delete

1 WHEREAS, on May 3, 2006, the Pueblos of Nambe, Tesuque,
2 Pojoaque and San Ildefonso, the county of Santa Fe, the city of
3 Santa Fe and the state executed a settlement agreement
4 resolving the claims of the four pueblos to the use of the
5 waters in the Nambe-Pojoaque-Tesuque stream system in the
6 *Aamodt* case; and

7 WHEREAS, the *Aamodt* settlement will provide for the
8 construction of a pipeline to deliver potable water to pueblo
9 and non-pueblo water users in the basin that opt to hook up to
10 the pipeline; and

11 WHEREAS, on May 30, 2006, the Pueblo of Taos, the state
12 and several Taos-area water rights owning parties executed a
13 settlement agreement resolving the pueblo's claims to the
14 waters in the Rio Pueblo de Taos and Rio Hondo stream systems
15 in the *Abeyta* case; and

16 WHEREAS, the *Abeyta* settlement will provide for mutually
17 beneficial water utilization projects and allow for development
18 of water rights for pueblo and non-pueblo water rights owners
19 in the basin; and

20 WHEREAS, federal legislation authorizing the *Navajo*
21 settlement is pending in congress and federal legislation
22 authorizing the *Aamodt* and *Abeyta* settlements is expected to be
23 introduced in congress in the near future; and

24 WHEREAS, the office of the state engineer and interstate
25 stream commission have estimated that the state's share of the

.178121.1

underscored material = new
[bracketed material] = delete

1 cost of the three pending settlements will be approximately one
2 hundred fifteen million dollars (\$115,000,000); and

3 WHEREAS, the federal share of the cost of the three
4 pending settlements will be in excess of one billion dollars
5 (\$1,000,000,000); and

6 WHEREAS, in 2007, ten million dollars (\$10,000,000) was
7 appropriated to the Indian water rights settlement fund and
8 that appropriation was reauthorized in 2009; and

9 WHEREAS, full funding of the Indian water rights
10 settlement fund will demonstrate the state's commitment to
11 implement the settlement of disputes regarding Indian water
12 rights for the benefit of all the state's residents, Indian and
13 non-Indian alike;

14 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
15 OF NEW MEXICO that the governor and legislature be requested to
16 continue to support funding for the Indian water rights
17 settlements through contributions to the Indian water rights
18 settlement fund; and

19 BE IT FURTHER RESOLVED that New Mexico's congressional
20 delegation be requested to support full federal funding for the
21 settlements; and

22 BE IT FURTHER RESOLVED that copies of this memorial be
23 transmitted to the members of New Mexico's congressional
24 delegation, the governor, the state engineer, the interstate
25 stream commission, the president of the Navajo Nation and the

.178121.1

underscored material = new
[bracketed material] = delete

1 governors of the Pueblos of Taos, Nambe, Tesuque, Pojoaque and
2 San Ildefonso.

3 - 4 -
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

.178121.1