Indian Water Rights Litigation and Settlements

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Elizabeth K. Anderson, P.E.
New Mexico State Engineer
Hannah Riseley-White
Director, ISC
Nat Chakeres
General Counsel, OSE

Steps to Reaching a Final Settlement Agreement



- Federal Assessment Team
- Federal Negotiation Team
- Negotiations with Pueblo/Tribe/Nation, United States and State
- Negotiations expanded to include local entities, acequias, irrigation districts, municipalities, cities, etc.
- Local Settlement Agreement signed by all Parties but for United States
- Parties draft Federal Legislation
- Review by Working Group and SIWRO
- Federal Legislation - introduced in House and Senate; Congressional Hearings
- Once passed by Congress – parties conform the Settlement Agreement
- Approval and signing of conformed Settlement Agreement by DOI
- Regular court adjudication process for entry of a Partial Final Judgment and Decree adjudicating the water rights within a stream system/basin and accepting the Settlement Agreement (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)

Recent Settlements Awaiting Congressional Action

- **Rio San José Stream System**
  - Acoma Pueblo
  - Laguna Pueblo
  - Navajo Nation
- **Jemez River Stream System**
  - Zia Pueblo
  - Jemez Pueblo
- **Rio Chama Stream System** (Ohkay Owingeh)
- **Zuni River Stream System** (Zuni Pueblo)

Status of Federal & State Future Funding Commitments

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 Hearing in Senate Committee on Indian Affairs; ordered to be reported without amendment favorably; **pending Senate floor action** **H.R. 1322** – 2025/02/21 Introduced and referred to the House Natural Resources – Water, Fisheries, & Wildlife Subcommittee
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 (Pending)	**S. 562** – 2025/03/05 Hearing in Senate Committee on Indian Affairs; ordered to be reported without amendment favorably; **pending Senate floor action** **H.R. 1322** – 2025/02/21 Introduced and referred to the House Natural Resources – Water, Fisheries, & Wildlife Subcommittee
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 Hearing in Senate Committee on Indian Affairs. ordered to be reported without amendment favorably; **pending Senate floor action** **H.R. 1324** – 2025/02/13 Introduced and referred to the House Natural Resources – Water, Fisheries, & Wildlife Subcommittee
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	**S. 564** – Reported out of committee on 2026/06/04 and placed on Senate floor calendar; **pending Senate floor action** **H.R. 1444** – 2025/02/18 Introduced and referred to the House Natural Resources – Water, Fisheries, & Wildlife Subcommittee
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	$8,758,800 - Rio Chama Acequias & City of Española (Pending)	**S. 563** – 2026/06/04 Reported out of committee on 2026/06/04 and placed on Senate floor calendar; **pending Senate floor action** **H.R. 1323** – 2025/02/13 Introduced and referred to the House Natural Resources – Water, Fisheries, & Wildlife Subcommittee
Taos Pueblo Indian Water Rights Settlement Amendments Act	***$336,000,000***	***$293,000,000*** *-$129 mil Mut. Ben. (75%)* *-$152 mil GW Project* *-$12 mil SW Project*	***$43,000,000*** *-Mut. Ben. (25%)*	$16,400,000	**S. 3242** – 2025/11/20 Introduced & referred to the Senate Committee on Indian Affairs **H.R. 6205** – 2025/11/20 Introduced & referred to House Natural Resources – Water, Fisheries, & Wildlife Subcommittee
TOTAL	**$3,520,580,000**	**$3,286,271,000**	**$234,309,000**	**$26,158,800**	

Status of Bills Relating to Previous Settlements

Navajo-Gallup Project Amendments Act of 2025 (Navajo & Jicarilla Apache)	**$1,582,000,000** (No State Contribution) -$1.312 billion – NGWSP -$32 million – NN OM&R -$10 million – Jicarilla OM&R	**S. 637** –2025/03/05 Passed Committee on Indian Affairs. Ordered to be reported without amendment favorably **H.R. 1482** – 02/21/2025 Referred to the House Committee on Natural Resources
Technical Corrections to Amend the Claims Resolution Act of 2010 (Nambe, Pojoaque, Tesuque, San Ildefonso; Taos; Navajo)	**$18,466,681.16** (No State Contribution) -Navajo Nation -$6,357,674.46 -Taos Pueblo -$7,794,297.52 -Pojoaque River Basin Pueblos -$4,314,709.18	**S. 640** – 2025/12/11 Passed Senate with an amendment by unanimous consent –2025/12/15 Message on Senate action sent to House. Received in the House. Held at the desk. **H.R. 4598** – 2026/09/15 Passed Committee on Natural Resources. Ordered to be reported in the nature of a substitute by unanimous consent.
Modify Aamodt Litigation Settlement Amendment Act	**No Federal Cost** (No State Contribution)	**S.3573** – 2025/12/18 Introduced and referred to the Senate Committee on Indian Affairs; hearing held on 2026/07/29; committee action pending **H.R. 6869** – 2026/09/10 Introduced and referred to House Natural Resources – Water, Fisheries, & Wildlife Subcommittee

Taos Pueblo/*Abeyta* Settlement Supplemental Funding Request

Source of Funding	Funding Amount	Awarded	Remaining
Federal Groundwater Development Contribution	$ 152,000,000	-	$ 152,000,000
Federal Surface Water-Sharing Contribution	$ 12,000,000	-	$ 12,000,000
Federal Mutual Benefit Project Contribution (75%)	$ 129,000,000	-	$ 129,000,000
State Mutual Benefit Project Contribution (25%)	$ 43,000,000	$ 16,400,000	$ 27,000,000
Total	$ 336,000,000	$ 16,400,000	$ 320,000,000

2024 Special Appropriation Early Settlement Funding Awards

Settlement and Project	Funded Amount	Expended Amount	Remaining Amount
Taos Pueblo-*Abeyta* Settlement El Prado Water and Sanitation District SAP24-01 – Midway Wells	$ 2,200,000	$ 2,038,102	$ 161,898
Taos Pueblo-*Abeyta* Settlement El Prado Water and Sanitation District SAP24-04 – Upper Ranchitos Mitigation Well B	$ 3,100,000	$ 22,912	$ 3,077,088
Taos Pueblo-*Abeyta* Settlement El Prado Water and Sanitation District SAP24-07 – Midway Wells and Rio Grande Well	$ 2,800,000	$ 500,000	$ 2,300,000
Taos Pueblo-*Abeyta* Settlement Llano Quemado MDWCA SAP24-02 – Mitigation Well D	$ 1,600,000	$ 1,445,227	$ 154,773
Taos Pueblo-*Abeyta* Settlement Llano Quemado MDWCA SAP24-05 – Mitigation Well D	$ 3,200,000	-	$ 3,200,000
Taos Pueblo-*Abeyta* Settlement Acequia del Monte del Rio Chiquito SAP24-03 – Mitigation Well E	$ 3,500,000	$ 2,199	$ 3,497,801
Ohkay Owingeh – *Aragon* Settlement[6] City of Española	$ 1,758,800	-	$ 1,758,800
Totals	**$ 18,158,800**	**$ 4,008,440**	**$ 14,150,360**

2025 Special Appropriation Early Settlement Funding Awards

Settlement and Project	Funded Amount	Expended Amount	Remaining Amount
Zuni Pueblo – *Zuni* Settlement Zuni River Basin and Zuni Salt Lake Monitoring GGI/GZA – Prof. Serv. Agr. - Contract ID: 25162	$ 232,590	$ 232,590	-
Acéquias Norteñas – *Aragon* Settlement Planning and Engineering Studies for Infrastructure & Ditch Improvements, including Storage Impoundments	$ 1,400,000	-	$ 1,400,000
Rio Chama Acéquia Association – *Aragon* Settlement Engineering Studies for diversion structure and ditch improvements, for water and water rights, storage acquisition, and associated administrative costs for technical, legal and auditing needs	$ 2,800,000	-	$ 2,800,000
La Asociación de las Acéquias del Rio Vallecitos, Tusas y Ojo Caliente – *Aragon* Settlement Planning and Engineering Studies for Infrastructure and Ditch Improvements	$ 1,400,000	-	$ 1,400,000
El Rito Ditch Association – *Aragon* Settlement Planning and Engineering Studies for Infrastructure & Ditch Improvements, including Storage Impoundments	$ 1,400,000	-	$ 1,400,000
Association of Community Ditches of Rio San Jose – *Kerr McGee* Settlement Hydrologic Needs Assessment	$ 250,000	-	$ 250,000
Total	$ 7,482,590	$232,590	$ 7,250,000

Current Indian Water Rights Negotiations

Santa Cruz/Truchas Stream System

- Ohkay Owingeh
- Santa Clara Pueblo

Middle Rio Grande

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

San Juan Stream System

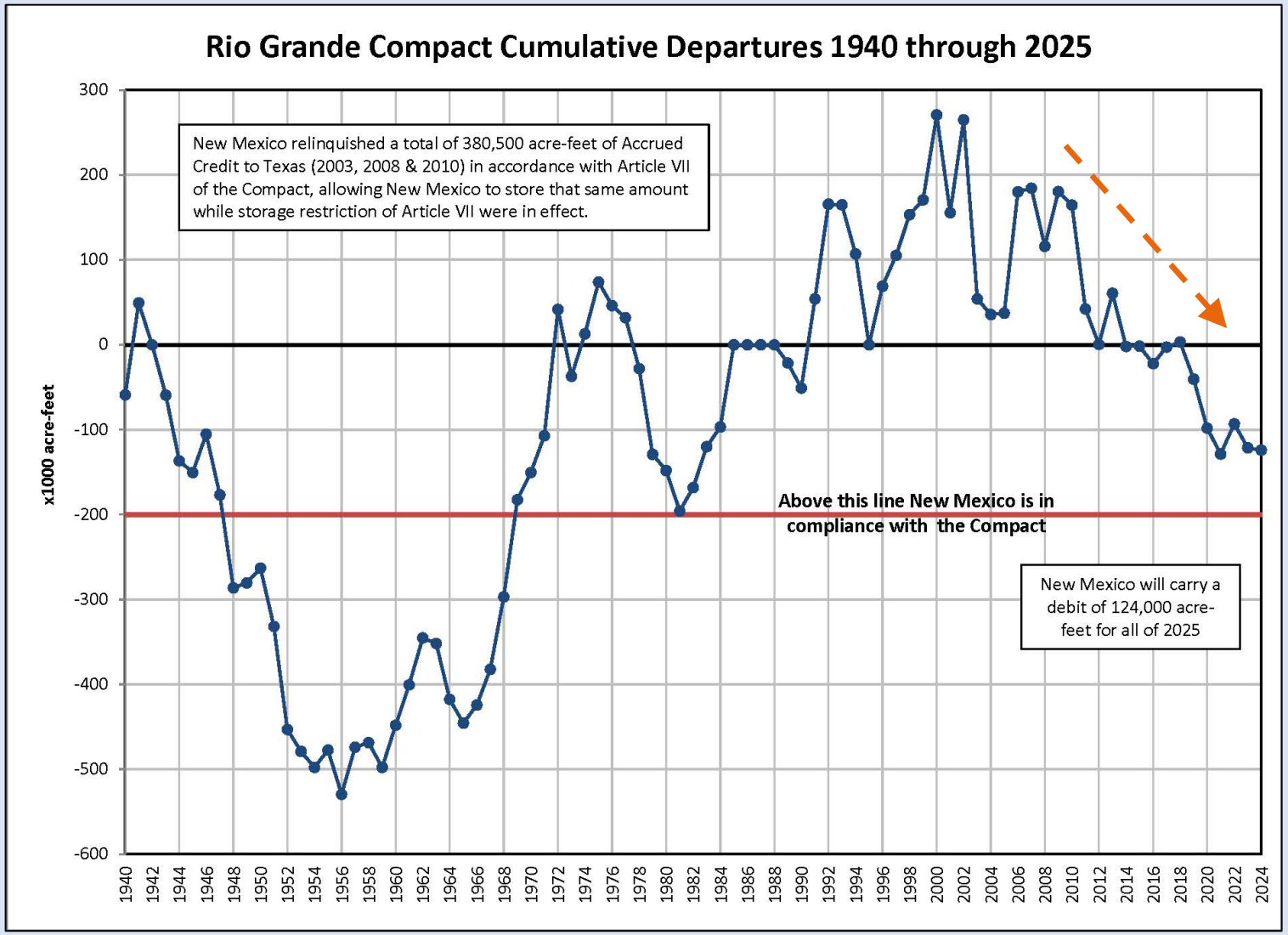
- Ute Mountain Ute Tribe

Zuni River Stream System

- Navajo Nation



Rio Grande Compact Status – Deliveries to Elephant Butte Reservoir



TX v NM Settlement ***does not change NM's obligation to deliver to Elephant Butte Reservoir****.*

In 2025 we increased our debit by ***8,000 acre-feet.***

Current compact status is -132,000 acre-feet.

New Mexico is in compliance. A compact violation occurs at ***-200,000 acre-feet.***

Thank you!

Office of the State Engineer
Bureau for Pueblos, Tribes, & Nations:
Nat Chakeres, General Counsel
Nathaniel.Chakeres@ose.nm.gov

Lara Katz, Deputy General Counsel
Lara.Katz@ose.nm.gov

Tomas Stockton, Technical Lead
Tomas.Stockton@ose.nm.gov

Miguel Munoz, Paralegal
Miguel.Munoz@ose.nm.gov

Interstate Stream Commission:
Hannah Riseley-White, Director
Hannah.Riseley-White@ose.nm.gov

Anne Maurer, Tribal Resources Technical Lead
Anne.Maurer@ose.nm.gov

Kathryn Becker, Assistant General Counsel
Kathryn.Becker@ose.nm.gov


Office of the State Engineer
nm
Interstate Stream Commission