Water Rights Settlements with New Mexico’s Pueblos, Tribes, and Nations

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6 Pueblos, Tribes, and Nations (PTN) have reached final settlement agreements, Congressional Act passed, funding approved by Congress and State Legislature:

- Taos Pueblo (Rio Pueblo de Taos/Rio Hondo Stream System)
- Navajo Nation (San Juan Stream System)
- Nambé Pueblo (Nambé, Pojoaque, Tesuque Stream System/Basin)
- Pojoaque Pueblo (Nambé, Pojoaque, Tesuque Stream System/Basin)
- Tesuque Pueblo (Nambé, Pojoaque, Tesuque Stream System/Basin)
- San Ildefonso Pueblo (Nambé, Pojoaque, Tesuque Stream System/Basin)

1 PTN litigated its water rights (Mescalero Apache, Rio Hondo/Pecos River Stream System/Basin)

7 PTN have federal assessment teams appointed:

- Ute Mountain Ute Tribe (San Juan Stream System)
- Cochiti Pueblo (Middle Rio Grande Stream System)
- Isleta Pueblo (Middle Rio Grande Stream System)
- San Felipe Pueblo (Middle Rio Grande Stream System)
- Sandia Pueblo (Middle Rio Grande Stream System)
- Santa Ana Pueblo (Middle Rio Grande Stream System)
- Santo Domingo/Kewa Pueblo (Middle Rio Grande Stream System)
Overview of Water Rights Settlements with Pueblos, Tribes, & Nations

➢ 8 PTN are in active negotiations with a federal negotiation team:
  ➢ 4 PTN have signed local settlement agreements and have federal legislation introduced in Congress
    ➢ Acoma Pueblo (Rio San Jose Stream System)
    ➢ Laguna Pueblo (Rio San Jose Stream System)
    ➢ Jemez Pueblo (Jemez River Stream System)
    ➢ Zia Pueblo (Jemez River Stream System)

➢ 2 PTN have signed local settlement agreements and are working on federal legislation for introduction in Congress
  ➢ Zuni Pueblo (Zuni River Stream System)
  ➢ Ohkay Owingeh (Chama River Stream System)

➢ 3 PTN are in negotiation phase
  ➢ Navajo Nation (Zuni Stream System, San Jose Stream System)
  ➢ Santa Clara Pueblo (Santa Cruz/Truchas Stream System)
  ➢ Ohkay Owingeh (Santa Cruz/Truchas Stream System)

➢ 1 PTN is in litigation:
  ➢ Santa Ana Pueblo (Jemez River Stream System)
New Mexico’s Goals in Water Rights Settlements:

1. Defining the Elements of Water Rights

2. Reducing or Eliminating Uncertainty Regarding the Administration of Water Rights

3. Avoiding or Mitigating Adverse Impacts on non-Pueblo users from Increased Pueblo/Tribal Uses of Water

4. Avoiding Interstate Compact Challenges Associated with Increased Pueblo/Tribal Uses of Water

4. Securing Federal Funds for NM Infrastructure Projects

5. Overall goal: Securing a reliable water future for all water users in the face of a diminishing supply, and ensuring that any necessary reductions in use are just, equitable, and predictable.
Major Issues With New Mexico Settlement Agreements:

1. Administration Within and Outside of Tribal Boundaries
   a. Cooperative Shortage Sharing
   b. Administration within Pueblo/Tribe/Nation jurisdiction
   c. Protection of State Based Water Rights outside of Pueblo/Tribe/Nation jurisdiction

2. Project Based → Fund Based Settlements

3. Claims Falling Within Multiple Adjudications

4. Protection and Restoration of Sacred Places/Recognition of Cultural Practices
Thank you

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