

1 SENATE JOINT MEMORIAL 62

2 **46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004**

3 INTRODUCED BY

4 Raymond L. Kysar

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10 A JOINT MEMORIAL

11 REQUESTING THE STATE ENGINEER AND THE INTERSTATE STREAM  
12 COMMISSION TO INCLUDE ALL STAKEHOLDERS IN THE POTENTIAL  
13 SETTLEMENT OF WATER RIGHTS OF THE NAVAJO NATION.

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15 WHEREAS, the state engineer and the interstate stream  
16 commission filed an adjudication in 1976 to define all water  
17 rights for Indians and non-Indians within the San Juan river  
18 basin to comply with statutory responsibilities; and

19 WHEREAS, primary discussions have been held between  
20 representatives of the state engineer, the interstate stream  
21 commission and the Navajo Nation; and

22 WHEREAS, the period of public comment has not allowed all  
23 stakeholders to clearly understand the complexities of the  
24 proposed settlement or to properly and fully express their  
25 concerns; and

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1           WHEREAS, the San Juan river adjudication court will define  
2 the final nature and extent of the Navajo Nation's water  
3 rights, and all stakeholders will be directly affected by the  
4 court's decision; and

5           WHEREAS, Indian and non-Indian water users have expressed  
6 concerns about the proposed settlement and would like to obtain  
7 additional information about how the settlement will affect  
8 their use of water; and

9           WHEREAS, the proposed settlement will require the support  
10 of the New Mexico congressional delegation, congressional  
11 approval and significant federal funds; and

12           WHEREAS, it is vital that the majority of stakeholders and  
13 citizens in the San Juan river basin understand, support and  
14 benefit from the proposed settlement between the state of New  
15 Mexico and the Navajo Nation; and

16           WHEREAS, the proposed settlement will cost the state of  
17 New Mexico as much as thirty million dollars (\$30,000,000); and

18           WHEREAS, the magnitude of the amounts of water in the  
19 proposed settlement and other diversions within the San Juan  
20 river basin require the state engineer to develop a detailed  
21 management plan for all waters in the San Juan river system;

22           NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
23 STATE OF NEW MEXICO that the state engineer be requested to  
24 investigate and analyze how the proposed settlement with the  
25 Navajo Nation will affect all stakeholders in the San Juan

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1 basin; and

2 BE IT FURTHER RESOLVED that the state engineer and the  
3 interstate stream commission develop a comprehensive water  
4 management plan to ensure equitable distribution of all Indian  
5 and non-Indian waters within the San Juan basin; and

6 BE IT FURTHER RESOLVED that the state engineer delay the  
7 implementation of the proposed settlement for at least six  
8 months so stakeholders can obtain all necessary information  
9 they need from the state engineer and the interstate stream  
10 commission to analyze the proposed settlement's effect on  
11 existing water rights; and

12 BE IT FURTHER RESOLVED that the state engineer and the  
13 interstate stream commission report progress and status to the  
14 appropriate interim committee by August 30, 2004; and

15 BE IT FURTHER RESOLVED that copies of this memorial be  
16 transmitted to the state engineer, the interstate stream  
17 commission and members of the New Mexico congressional  
18 delegation.

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