

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

INTRODUCED BY

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A JOINT MEMORIAL

REQUESTING THE LEGISLATIVE FINANCE COMMITTEE TO INVESTIGATE
AND REPORT ON THE NECESSITY, PRACTICABILITY AND APPROPRIATE
STRATEGY FOR CREATING A TRUST FUND TO SUPPORT NEGOTIATION AND
SETTLEMENT OF INDIAN WATER RIGHTS CLAIMS IN NEW MEXICO.

WHEREAS, the state of New Mexico is home to many Indian
pueblos and tribes, with substantial Indian populations; and

WHEREAS, many of these Indian pueblos and tribes have
made, and others will make, claims of rights to the use of
waters in New Mexico rivers and river basins; and

WHEREAS, the judicial adjudication of the water rights
claims that have been heard to date has been a decades-long
and highly expensive process for the state and all concerned
litigants; and

WHEREAS, the state of New Mexico desires to negotiate
and settle as many Indian water rights claims as possible,

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1 and thus avoid the uncertainty, delay and expense of further
2 judicial proceedings; and

3 WHEREAS, the governor and attorney general of New Mexico
4 have agreed with the governors of the nineteen pueblos
5 located within New Mexico and the presidents of the Jicarilla
6 and Mescalero Apache tribes and the Navajo nation, in a
7 statement of principles and policy dated July 8, 1996, that
8 issues of mutual concern to their respective governments,
9 including Indian water rights claims, shall be addressed
10 through structured negotiations; and

11 WHEREAS, the above policy of negotiation and settlement
12 of Indian water rights claims will be strengthened by a
13 formal expression of the legislature's concurrence in and
14 support for that policy; and

15 WHEREAS, the state and its citizens have a strong
16 interest in the successful negotiation and settlement of
17 these Indian water rights claims outside the judicial
18 process; and

19 WHEREAS, the state must be prepared to commit resources
20 as a serious partner in any such negotiations;

21 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
22 STATE OF NEW MEXICO that it provide for such planning and
23 resource availability as will enable it, as a serious
24 negotiating partner, to practicably move forward with the
25 negotiation and settlement of Indian water rights claims in
New Mexico; and

BE IT FURTHER RESOLVED that the legislative finance

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1 committee be requested to investigate and report to the
2 legislature on the necessity, practicability and most
3 appropriate strategy for implementing and funding an Indian
4 water rights trust fund for the settlement of Indian water
5 rights claims in New Mexico.

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