

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

INTRODUCED BY  
Leonard Tsosie

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,

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

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

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

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.

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