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HOUSE JOINT MEMORIAL 43
46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY
Richard P. Cheney

A JOINT MEMORIAL
REQUESTING THE STATE ENGINEER AND THE INTERSTATE STREAM
COMMISSION TO INCLUDE ALL STAKEHOLDERS IN THE POTENTIAL
SETTLEMENT OF WATER RIGHTS OF THE NAVAJO NATION.

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

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

WHEREAS, the period of public comment has not allowed all
stakeholders to clearly understand the complexities of the
proposed settlement or to properly and fully express their
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.