

A JOINT MEMORIAL

REQUESTING CONGRESS TO CONTINUE FUNDING ITS APPROPRIATE SHARE OF THE COSTS ASSOCIATED WITH THE BENEFITS RECEIVED BY INDIAN TRIBES AND THE UNITED STATES, AS TRUSTEE, FROM SETTling INDIAN WATER RIGHTS DISPUTES.

WHEREAS, the United States government has a trust responsibility to American Indians established through treaties and agreements with Indian tribes and affirmed by the United States supreme court; and

WHEREAS, Indian tribes gave up lands in return for goods, money and other resources promised by the United States government; and

WHEREAS, in exchange for taking Indian land and Indian resources, the United States made binding legal agreements that tribes would exercise sovereign authority within their reservation boundaries and be funded in perpetuity by the United States government; and

WHEREAS, pursuant to the trust responsibility, the United States has a legal obligation to protect Indian tribes' assets and provide needed services to Indian people; and

WHEREAS, the United States supreme court, in *Winters v. United States*, established that, when the United States government established reservations for Indian tribes, it also, by implication, reserved appurtenant water, then

unappropriated, to the extent needed to satisfy both present and future needs of the reservations; and

WHEREAS, the United States government has supported settlement negotiations that are consistent with its trust responsibilities to Indian tribes in the Aamodt, Taos and Navajo Nation water rights settlements; and

WHEREAS, the Aamodt, Taos and Navajo Nation water rights settlements contain appropriate funding and cost-sharing by the United States government proportionate to the benefits received by all parties benefiting from the settlements; and

WHEREAS, continuing to provide adequate funding for pending Indian water rights disputes in the same cost-sharing proportions as past Indian water rights settlements provides certainty for all stakeholders; and

WHEREAS, the New Mexico legislature created the Indian water rights settlement fund to aid the implementation of the state's portion of Indian water rights settlements based on the cost-sharing proportions of the Aamodt, Taos and Navajo Nation water rights settlements; and

WHEREAS, the fund is used to pay the state's portion of the cost necessary to implement Indian water rights settlements approved by the legislature and the United States congress; and

WHEREAS, there are still pending Indian water rights disputes in New Mexico that need to be settled to satisfy both

present and future water needs of the Indian tribes, nations and pueblos of New Mexico; and

WHEREAS, the New Mexico legislature requires continued full funding and cost-sharing by the United States government to reach settlements in the pending Indian water rights disputes in New Mexico;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that congress be requested to provide full funding to cover the costs associated with the benefits received by Indian tribes and the United States, as trustee, in the same cost-sharing proportions as the Aamodt, Taos and Navajo Nation water rights settlements; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the speaker of the United States house of representatives, the president pro tempore of the United States senate, the New Mexico congressional delegation, the assistant secretary for Indian affairs of the department of the interior and the state engineer.