



The 21st Navajo Nation Council

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Navajo Nation Council approves Northeastern Arizona Indian Water Rights Settlement

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WINDOW ROCK, Ariz. – The 21st Navajo Nation Council convened for a special session today and approved the Northeastern Arizona Indian Water Rights Settlement on a vote of 51-24. The Council vote to approve the settlement is the first step towards securing the Navajo Nation's water rights to the Lower Basin of the Colorado River and Little Colorado River systems. The Navajo Nation's water rights are reserved water rights under the Winters Doctrine – to establish a permanent homeland for the Navajo Nation.

With the Council's approval, the Navajo Nation secures 31,000 acre feet per year of water from the main stem of the Lower Basin of the Colorado, un-appropriated water flows from the Little Colorado River and a nearly unlimited supply of ground water from the Coconino and Navajo aquifers, which are located under the Navajo Nation.

The settlement proposes to construct three water pipeline projects that will provide water to regions of the Navajo Nation with very little or no water supply. The Western Navajo Pipeline will convey 11,000 acre feet of Colorado River water for the communities of LeChee, Copper Mine, Bodaway-Gap, Cameron and Tuba City and 4,000 acre feet per year for the Hopi Tribe; the Leupp-Dilkon Project will supply 4,800 acre feet of water per year from the Coconino Aquifer to Leupp, Bird Springs, Tolani Lake, Teesto, Dilkon, Indian Wells, Lower Greasewood and White Cone and the Ganado Project will provide 5,600 acre feet of water per year from the Coconino Aquifer to Ganado, Kinlichee, Jeddito, Cornfields, Steamboat, Klagetoh and Wide Ruins.

In addition, the settlement also provides the delivery of 6,411 acre feet of water per year to Window Rock and surrounding communities through the Navajo-Gallup Water Supply Project, an \$870 million water pipeline project of the 2005 San Juan River Water Rights Settlement between the Navajo Nation and New Mexico. The San Juan River Water Rights Settlement was signed into law by President Obama on March 31, 2009, through the Omnibus Public Lands Management Act and would provide water to 80,000 Navajo families on the New Mexico side of the Navajo Nation, including the Window Rock area. To date, Congress has appropriated \$3 million to the Bureau of Reclamation for the Navajo-Gallup Water Supply Project and \$6 million to the Office of Special Trustee for the Navajo Nation Water Resources Development Trust Fund.

Most Council delegates representing Navajo communities, including those in the former Bennett Freeze Area, who endure life with limited water supplies and water contamination, favor the water settlement.

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"The water supply projects in the agreement will provide resources for community development such as addressing the Navajo Nation's highest health priorities: the construction of health care facilities, providing safe drinking water and the availability of sanitation," said Health and Social Services Committee Chair Thomas Walker (Bird Springs/Leupp/Tolani Lake), who advocates at the national level to improve the health status of Navajo people. "The Navajo Nation government is responsible for these pragmatic issues and the approval of the water settlement will help in protecting and improving the quality of life for our Navajo people."

Walker also said an Indian Health Services Report released in January revealed that 61,700 homes on the Navajo Nation are in need of water.

Leonard Chee, who also represents Bird Springs, Leupp and Tolani Lake, said two of the three chapters in his precinct support the settlement.

"The chapter voice guides the way the Navajo Nation Council votes," said Chee. "Leupp, Bird Springs and Tolani Lake will benefit the most from this settlement. Dilkon needs water and I support the water agreement as well."

However, some Council delegates, including Hope MacDonald Lone Tree, repeatedly voiced the same concerns as the grass roots and non-governmental entities, who presented their concerns during protests, public forums and most recently during a Council work session on Oct. 29.

"I read the document and have had numerous concerns about certain language and terms of the agreement. It is wrong to connect the need for waterlines with any irreversible waiver of our water rights," MacDonald Lone Tree said. "There is no funding for these proposed pipelines. Yet we just agreed to give away our water to all the coyotes who have been stealing it from our people and Nation for years. As far as I'm concerned all the waters that flow off and within the Four Sacred Mountains is ours. We should never shortchange our future generations by leaving them no tools for survival."

MacDonald Lone Tree further disagreed with approving an agreement that may change after it leaves the Council Chamber to conform to congressional legislation.

Leonard Tsosie encouraged the Navajo people, including the concerned citizens on the gallery floor, to look at the larger picture because the Navajo Nation would secure over 500,000 acre feet of water per year from the Colorado River Basin.

The water settlement agreement now goes to President Joe Shirley Jr's desk for review. Thereafter, if President Shirley consents, the water settlement will need to be approved by many other parties including the Hopi Tribe, Central Arizona Water Conservation District, Salt River Project, City of Holbrook, Flying M. Ranch, Inc, among others. Once executed by all parties, the settlement will proceed to Congress for its approval, which will include authorization to fund the water delivery projects that are a key component of the settlement.

"This settlement has what we call a poison pill," added Navajo water rights attorney Stanley Pollack. "If Congress does not spend money for the project, then there is no deal, and Navajo has not waived anything."