



The 24TH NAVAJO NATION COUNCIL
Office of the Speaker

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Navajo Water Rights funding for the Justice Department sponsored by Council Delegate Thomas Walker Jr.

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PHOTO: Council Delegate Thomas Walker, Jr.

WINDOW ROCK, Ariz. — Council Delegate Thomas Walker Jr. of the 24th Navajo Nation Council introduces Legislation No. 0045-22 to allocate \$4 million from the Unreserved, Undesignated Fund Balance (UUFB) for the Water Rights Litigation Unit at the Navajo Nation Department of Justice (DOJ) to continue litigating and protecting the water rights of the Navajo people.

The Water Rights Unit (WRU) is charged with securing and protecting Navajo water rights and represents the interests of the Navajo Nation in litigation with state and federal courts. They work closely with the Water Rights Commission and the Navajo Water Management Branch.

“The ongoing mega-drought across the country is a clear indicator that we need to protect our natural resources and water rights for future generations. Severe changes in weather like less rainfall, droughts, wildfires, and hurricanes are now a reality for many tribes due to climate change. This legislation allocates money to the Water Rights Unit so our Navajo Justice Department continues to protect our water resources this year. We must prepare the Navajo Nation for a fight over our precious water and ensure our younger generation inherits clean drinking water in the next 100 years,” said Council Delegate Thomas Walker Jr. (Birdsprings, Leupp, Tolani Lake, Coalmine Canyon, Cameron).

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President Joe Biden signed the \$1.2 trillion Infrastructure Investment and Jobs Act that allocates \$2.5 billion to address Indian water rights settlements previously approved by Congress. This includes \$214 million to bring running water to 40 percent of Navajo families by fully funding the Navajo Utah Water Rights Settlement.

“We celebrate this moment in history after decades of fighting for the Navajo Utah Water Rights Settlement. Many of our elders haul drinking water from miles away and drought conditions are hurting our livestock, cornfields, and the land. To effectively fight against the spread of COVID-19, our households need access to potable water. This law allows us to begin connecting our water lines to the most rural areas of my chapters. On behalf of our Utah communities, I share immense gratitude for President Biden, Congressional leaders, and our Navajo Nation Department of Justice for their leadership,” said Council Delegate Charlaine Tso (Mexican Water, Tółıkan, Teec Nos Pos, Aneth, Red Mesa).

In 2002, the 19th Navajo Nation Council enacted Resolution No. CMY-47-02 to establish the Water Rights Claims Fund and appropriated a minimum of \$2 million to provide annual funding for the litigation and protection of Navajo water rights in Arizona, New Mexico, and Utah. Due to increased litigation costs, the amount in the claims fund specifically reserved for payments for attorney fees and expert witnesses will be depleted by October 2022.

“Last summer, during a Three Branch Chiefs meeting with the President and Chief Justice, we agreed that it would be in the best interest of the Navajo Nation that unmet needs be funded through a UUFB appropriation. If the water rights claim fund is exhausted, the Department of Justice will no longer be able to effectively defend the water rights of the Navajo people. We commend Honorable Thomas Walker Jr. for sponsoring this legislation to protect our most precious life source, our water,” said Speaker Seth Damon (Bááháálı́, Chichiltah, Manuelito, Tsé Łichı́ı́, Rock Springs, Tsayatoh).

The Naa’bik’iyati’ Committee will consider Legislation No. 0045-22 this spring. If passed by the Navajo Nation Council, President Jonathan Nez will either veto or sign the bill into law to protect the water rights of the Navajo people.

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