

THE NAVAJO NATION
LEGISLATIVE BRANCH
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LEGISLATION NO: _0094-22_

SPONSOR: Herman M. Daniels, Jr.

TITLE: An Action Relating to Naabik'iyati' Committee; Approving the Revised Navajo Utah Water Rights Settlement Agreement

Date posted: May 10, 2022 at 6:16 PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0094-22

DATE: May 9, 2022

TITLE OF LEGISLATION: A PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO NAABIK'ÍYÁTI' COMMITTEE; APPROVING THE REVISED NAVAJO UTAH WATER RIGHTS SETTLEMENT AGREEMENT

PURPOSE: The purpose of this legislation to approve and accept the revised Navajo Utah Water Rights Settlement Agreement, and to authorize the President of the Navajo Nation to execute the revised Navajo Utah Water Rights Settlement Agreement and any other documents necessary or appropriate to effectuate the purposes of the resolution.


This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: _____
Website Posting Time/Date: _____
Posting End Date: 05-15-2022
Eligible for Action: 05-16-2022

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 24th NAVAJO NATION COUNCIL -- Fourth Year, 2022

3 INTRODUCED BY

4
5 _____
6 (Prime Sponsor)

7
8 TRACKING NO. 0094-22 

9
10 AN ACTION
11 RELATING TO NAABIK'ÍYÁTI' COMMITTEE; APPROVING THE REVISED
12 NAVAJO UTAH WATER RIGHTS SETTLEMENT AGREEMENT
13

14 **BE IT ENACTED:**

15 **SECTION ONE. AUTHORITY**

- 16 A. The Naabik'iyáti' Committee is established as a standing committee of the Navajo
17 Nation Council. 2 N.N.C. § 700 (A).
18 B. The Naabik'iyáti' Committee is “[t]o review and continually monitor the programs
19 and activities of the federal departments to serve the Navajo People and the Navajo
20 Nation through intergovernmental relationships between the Navajo Nation and such
21 departments.” 2 N.N.C. § 701 (A)(7).
22 C. Pursuant to Resolution No. CJA-7-16, attached hereto as **Exhibit B**, the Navajo
23 Nation Council authorized the Naabik'iyáti' Committee to “[i]n the event changes
24 are made to the Navajo Utah Water Rights Settlement Agreement as a result of
25 actions taken by Congress, such that the form of the Settlement Agreement is not
26 substantially similar to the Settlement Agreement attached as Exhibit A, the Navajo
27 Nation Council delegates to the Naabik'iyáti' Committee the authority to approve the
28 revised settlement agreement...” CJA-7-16 § Three.

29
30 **SECTION TWO. FINDINGS**

- 1 A. In recognition of Tó'éí'iiiná (Water is Life), the Navajo Nation Council has
2 determined that water is essential "to provide for a permanent homeland for the
3 Navajo People." 22 N.N.C. § 1101.
- 4 B. Navajo communities in Utah have severe water infrastructure deficiencies that impact
5 the health, economy, and welfare of the Navajo people.
- 6 C. On April 7, 2003, through Resolution No. IGRAP-60-3, the former
7 Intergovernmental Relations Committee of the Navajo Nation Council approved a
8 *Memorandum of Agreement Between the Navajo Nation and the State of Utah to*
9 *Commence Discussions to Determine the Water Rights of the Navajo Nation in Utah*
10 (Memorandum) to determine if the water rights claims of the Navajo Nation in Utah
11 could be resolved through a negotiated settlement rather than through litigation. The
12 Memorandum was executed by the Navajo Nation and the State of Utah on August
13 13, 2003, and the two sovereigns entered into settlement negotiations shortly
14 thereafter.
- 15 D. Between 2003 and 2015, settlement talks were led by the Navajo Nation Department
16 of Justice Water Rights Unit, with guidance and input from Navajo Nation
17 Leadership and the Navajo Nation Water Rights Commission, and technical
18 assistance from the Navajo Nation Department of Water Resources Water
19 Management Branch. The parties reached agreement on settlement terms and drafted
20 the Proposed Settlement Agreement in late 2015.
- 21 E. On February 2, 2016, through Resolution No. CJA-7-16, **Exhibit B**, the Navajo
22 Nation Council approved the *Proposed Navajo Utah Water Rights Settlement*
23 *Agreement (December 14, 2015)*, which authorized the Naabik'iyáti' Committee to
24 "[i]n the event changes are made to the Navajo Utah Water Rights Settlement
25 Agreement as a result of actions taken by Congress, such that the form of the
26 Settlement Agreement is not substantially similar to the Settlement Agreement
27 attached as Exhibit A, the Navajo Nation Council delegates to the Naabik'iyáti'
28 Committee the authority to approve the revised settlement agreement, and authorized
29 the President of the Navajo Nation to execute the same." CJA-7-16 § Three.
- 30 F. On December 21, 2020, the United States Congress approved the Navajo Utah Water

1 Rights Settlement Act (the Act), as part of the *Comprehensive Appropriations Act*,
2 *2021*, which contains Section 1102, the Navajo-Utah Water Rights Settlement,
3 recognizing the water rights of the Navajo Nation in Utah and authorizing funding
4 for water infrastructure development.

5 G. On December 28, 2020, the United States President signed the *Comprehensive*
6 *Appropriations Act, 2021* into law as Public Law 116-260.

7 H. The Act ratifies the settlement agreement between the Navajo Nation and the State
8 of Utah and authorizes the Secretary to execute the settlement agreement “with any
9 amendments to the agreement necessary to make the agreement consistent” with the
10 Act. Public Law 116-260 § 1102 (2020).

11 I. Since the passage of the Act, the Navajo Nation Department of Justice Water Rights
12 Unit worked with attorneys from the State of Utah and the United States to conform
13 the settlement agreement to make the agreement consistent with the Act as required
14 for execution by the Secretary on behalf of the United States.

15
16 **SECTION THREE. APPROVAL**

17 A. The Naabik’íyáti’ Committee of the Navajo Nation Council hereby approves and
18 accepts the revised Navajo Utah Water Rights Settlement Agreement, attached hereto
19 as **Exhibit A**.

20 B. The Naabik’íyáti’ Committee of the Navajo Nation Council hereby authorizes the
21 President of the Navajo Nation to execute the revised Navajo Utah Water Rights
22 Settlement Agreement and any other documents necessary or appropriate to
23 effectuate the purposes of this resolution.