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NAVAJO NATION
OFFICE OF THE SPEAKER

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**U.S. Sens. Heinrich, Luján introduce Rio San José Stream System
Water Rights Settlement Act, companion bill to H.R. 8945 introduced by
U.S. Rep. Leger Fernández in the House on July 9**

WINDOW ROCK, Ariz. – U.S. Sens. Martin Heinrich and Ben Ray Luján of New Mexico on September 9, 2024, introduced S. 4998, legislation to approve the Navajo Nation Rio San José Stream System Water Rights Settlement Agreement in New Mexico.

The bill is companion legislation to H.R. 8945 that was introduced by U.S. Rep. Teresa Leger Fernández of New Mexico in the House on July 9 and is co-sponsored by U.S. Rep. Gabriel Vasquez (D-N.M.) and U.S. Rep. Melanie Stansbury (D-N.M.). The proposed settlement would quantify the Navajo Nation’s water rights in the Rio San José Stream System and the Rio Puerco basin.

“This Rio San Jose Water Rights Settlement legislation represents hope and vital resources for Navajo communities in New Mexico,” Navajo Nation President Buu Nygren said. “I urge Congress to act swiftly on the settlement. It’s about more than just water. It’s about health, sustainability and the future of our people. We are grateful to our allies in Congress who are working to make this a reality.”

In May 2024, the Navajo Nation Council unanimously approved the settlement agreement that will be approved by this federal legislation.

“The proposed settlement ensures prosperity for Eastern Navajo communities by closing the water gap that these communities currently face,” said 25th Navajo Nation Speaker Crystalyne Curley. “This agreement not only acknowledges our inherent rights, but also empowers our communities to manage and sustain our water resources for generations to come.”

The Rio San José Basin is one of the driest in New Mexico. Existing development resulted in significant depletion of surface and groundwater. This settlement legislation includes provisions to protect the flow that remains in the Rio San José system, and provides funding to the Navajo Nation to enable the construction of water projects to import water to serve Navajo chapters in the Rio San José and Rio Puerco basins.

The Navajo Nation settlement authorized in this legislation is a counterpart to the Pueblos’ Local Settlement Agreement addressing the water rights claims of the Pueblos of Acoma and Laguna in the same geographic area, which has authorizing legislation pending in both houses of Congress in S. 595 and H.R. 1304.

The Navajo Nation Settlement Agreement is written as an addendum to the Pueblos' Local Settlement Agreement. If implemented, these fully compatible water rights settlement agreements provide a comprehensive settlement of tribal claims in the Rio San José Stream System.

Under the introduced legislation, \$223 million is proposed for a settlement fund to benefit Navajo Nation communities in the settlement area. Funding is anticipated to go toward wastewater development, chlorination stations, water hauling stations, an operation and maintenance trust fund, a regional water system to import water, and a water acquisition fund.

"Navajo communities like Tohajiilee will finally have access to clean, safe water that they can drink and cook with," Navajo Nation Attorney General Ethel Branch said. "These are communities where water is scarce or has been contaminated by uranium mining."

Nine Navajo chapters are located within the Rio San José Basin and seven are within the Rio Puerco Basin. Many Navajo households in these basins have no running water and have relied on water hauling to meet daily water needs.

Passage of this settlement will make a significant difference in the lives of many people in eastern Navajo communities, and will provide a path forward for all the people living in these basins.

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