



HOUSE COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN BRUCE WESTERMAN

To: Subcommittee on Water, Wildlife and Fisheries Republican Members
From: Subcommittee on Water, Wildlife and Fisheries staff: Annick Miller, x58331 (annick.miller@mail.house.gov), Doug Levine (doug.levine@mail.house.gov), Kirby Struhar (kirby.struhar@mail.house.gov), and Thomas Shipman (thomas.shipman@mail.house.gov)
Date: Tuesday, July 23, 2024
Subject: Legislative Hearing on 12 Bills

The Subcommittee on Water, Wildlife and Fisheries will hold a legislative hearing on H.R. 1304 (Rep. Leger Fernandez), “*Rio San José and Rio Jemez Water Settlements Act of 2023*”; H.R. 3977 (Rep. Leger Fernandez), “*Navajo-Gallup Water Supply Project Amendments Act of 2023*”; H.R. 6599 (Rep. Leger Fernandez), “*Technical Corrections to the Northwestern New Mexico Rural Water Projects Act, Taos Pueblo Indian Water Rights Settlement Act, and Aamodt Litigation Settlement Act*”; H.R. 7240 (Rep. Rosendale), “*Fort Belknap Indian Community Water Rights Settlement Act of 2024*”; H.R. 8685 (Rep. Leger Fernandez), “*Ohkay Owingeh Rio Chama Water Rights Settlement Act of 2024*”; H.R. 8791 (Rep. Zinke), “*Fort Belknap Indian Community Water Rights Settlement Act of 2024*”; H.R. 8920 (Rep. Fong), “*Tule River Tribe Reserved Water Rights Settlement Act of 2024*”; H.R. 8940 (Rep. Ciscomani), “*Northeastern Arizona Indian Water Rights Settlement Act of 2024*”; H.R. 8945 (Rep. Leger Fernandez), “*Navajo Nation Rio San José Stream System Water Rights Settlement Act of 2024*”; H.R. 8949 (Rep. Schweikert), “*Yavapai-Apache Nation Water Rights Settlement Act of 2024*”; H.R. 8951 (Rep. Vasquez), “*Zuni Indian Tribe Water Rights Settlement Act of 2024*”; and H.R. 8953 (Rep. Zinke), “*Crow Tribe Water Rights Settlement Amendments Act of 2024*”

The hearing will take place **on Tuesday, July 23, 2024, at 10:15 a.m. in 1324 Longworth House Office Building.**

Member offices are requested to notify Lindsay Walton (lindsay.walton@mail.house.gov) by 4:30 p.m. on Monday, July 22, 2024, if their Member intends to participate in the hearing.

I. KEY MESSAGES

- The House Committee on Natural Resources has primary authorizing jurisdiction over the legislative resolution of Indian water rights claims.
- It has been the longstanding policy of the United States that disputes regarding Indian water rights should be resolved through negotiated settlement rather than through litigation.

- Indian water rights settlements should be completed in such a way that all outstanding water claims are resolved, and finality is achieved.
- The federal government's involvement in the Indian water rights settlement process is guided by a 1990 policy statement.
- This hearing will examine how the proposed settlements, which collectively total over \$12 billion, meet the criteria set out by the federal government.

II. WITNESSES

Panel I

- **Members of Congress TBD**

Panel II – (H.R. 7240, H.R. 8685, H.R. 8791, H.R. 8920, H.R. 8951, and H.R. 8953)

- **The Hon. Bryan Newland**, Assistant Secretary for Indian Affairs, Department of the Interior, Washington, DC (*all bills*)
- **The Hon. Jeffery Stiffam**, President, Fort Belknap Indian Community, Harlem, MT (*H.R. 8791*)
- **The Hon. Frank White Clay**, Chairman, Crow Tribe of Indians, Crow Agency, MT (*H.R. 8953*)
- **The Hon. Lester Shine Nieto**, Vice Chairman, Tule River Indian Tribe of California, Porterville, CA (*H.R. 8920*)
- **The Hon. Larry Phillips, Jr.**, Governor, Ohkay Owingeh Pueblo, Ohkay Owingeh, NM (*H.R. 8685*) [*Minority Witness*]
- **The Hon. Arden Kucate**, Governor, Pueblo of Zuni, Zuni, NM (*H.R. 8951*) [*Minority Witness*]
- **Mr. Marko Manoukian**, Co-Chair, St. Mary Rehabilitation Working Group, Malta, MT (*H.R. 7240*)

Panel III – (H.R. 1304, H.R. 3977, H.R. 6599, H.R. 8940, H.R. 8945, and H.R. 8949)

- **Mr. David Palumbo**, Deputy Commissioner of Operations, Bureau of Reclamation, Department of the Interior, Washington, DC (*all bills*)
- **The Hon. Craig Andrews**, Vice Chairman, Hopi Tribe, Kykotsmovi, AZ (*H.R. 8940*)
- **The Hon. Tanya Lewis**, Chairwoman, Yavapai-Apache Nation, Upper Verde Valley, AZ (*H.R. 8949*)
- **The Hon. Buu Nygren**, President, Navajo Nation, Window Rock, AZ (*H.R. 3977, H.R. 6599, H.R. 8940, and H.R. 8945*) [*Minority Witness*]
- **The Hon. Fred Romero**, Governor, Pueblo of Taos, Taos, NM (*H.R. 6599*) [*Minority Witness*]
- **The Hon. Randall Vicente**, Governor, Pueblo of Acoma, Acoma, NM (*H.R. 1304*) [*Minority Witness*]

III. BACKGROUND

Key Terms

Water Right: A water right is the right to use surface water, groundwater, or other water resources. Each state has different rules that define water rights. For most Western states, water rights are based on the principles of prior appropriation and beneficial use.

Types of Water Rights:

- **Senior Right:** A claim to water that is older (more senior) than those of junior rightsholders. The older the claim, the more secure the right. Senior water rights are often associated with farming, ranching, and agricultural uses.
- **Junior Right:** A claim to water that is more recent than senior rightsholders. Junior rights are fulfilled after all senior rights have been met. Junior rights are often associated with municipal, environmental, or recreational uses.
- **Federal Reserve Right:** When land is withdrawn from public domain by the federal government for tribal reservations, national forests, or national parks, it holds a federal reserve right. The date that the land was founded or settled by the federal government is the date of the associated water right.

Prior-Appropriation: Often described as “first in time, first in right,” prior appropriation allocates water rights based on timing of use, place of use, and purpose of use. In a prior appropriation jurisdiction, water rights are granted based on when a person uses water for a beneficial use. This allows for diverting water from its source to fulfill water rights and determines who gets water during times of shortage. Unlike in a riparian system, water rights are not attached to land ownership.

Beneficial Use: Any use recognized by the state as being an appropriate use of water. Common beneficial uses include irrigation, hydropower generation, recreation, mined land reclamation, and other valuable domestic, municipal, or commercial purposes.

Winters Doctrine: The 1908 United States Supreme Court (Supreme Court) opinion in *Winters v. United States* held that by reserving land for tribal use, the federal government implicitly reserves a sufficient amount of water for the reservation.¹ This case did not go into the development of water rights (i.e., building infrastructure).

Arizona v. Navajo Nation (No. 21–1484) and Department of the Interior v. Navajo Nation (No. 22–51): In these consolidated cases, the Navajo Nation alleged that their 1868 Treaty with the United States requires the federal government to take affirmative steps to secure water for the Navajo Nation. The Supreme Court’s majority opinion held that the 1868 treaty did not require the United States to take affirmative steps to secure water for the Navajo Nation beyond those that the Supreme Court identified in *Winters*.² This meant that only a specific and affirmative obligation in a treaty, statute, or regulation could compel the United States to quantify or secure

¹ *Winters v. United States*, 207 U.S. 564 (1908), <https://tile.loc.gov/storage-services/service/ll/usrep/usrep207/usrep207564/usrep207564.pdf>

² *Arizona v. Navajo Nation*, 599 U.S. ____ (2023), https://www.supremecourt.gov/opinions/22pdf/21-1484_aplc.pdf

Tribal water rights. Legislation enacting Indian water right settlements are the typical route to “compel” the United States to develop these rights.

Indian Water Rights

Indian water rights were first recognized in the Supreme Court decision *Winters v. United States* (1908).³ Under *Winters*, when Congress reserves land (i.e., creates an Indian reservation), it implicitly reserves water “for a use which would be necessarily continued through years.”⁴ This has been translated to mean water rights sufficient to fulfill the purpose of the reservation. In most cases, however, the water rights in question are not quantified when the reservation was established. Meaning they must often be adjudicated under lengthy legal processes. Under *Winters*, water rights of tribes are often senior to those of non-Indian water rights holders because they date to the creation of the reservation. This process has typically been addressed through litigation or, more recently, resolved through negotiated settlements.

The quantification and adjudication of Indian water rights can be costly and take several decades to complete. For this reason, negotiated settlements have been the preferred means of resolving many Indian water rights disputes. The federal government’s involvement in the Indian water rights settlement process is guided by a 1990 policy statement established during the George H. W. Bush Administration.⁵ It lists 16 criteria to establish the basis for negotiation and settlement of claims concerning Indian water rights. Some of the criteria are:

- Settlements must resolve all outstanding water claims and provide finality (*criterion 3*).
- The total cost of a settlement for all parties should not exceed the value of the existing claims as calculated by the federal government (*criterion 4*).
- Federal contributions to a settlement should not exceed the federal government’s legal exposure and costs related to federal trust responsibilities (*criterion 5*).
- Should include non-federal cost share proportionate to the benefits received (*criterion 6*).
- Settlements should **NOT** include the following:
 - Federal subsidy of operations, maintenance and repair (OM&R) costs of Indian and non-Indian parties (*criterion 11(e)*).
 - Per-capita distribution of trust (*criterion 11(g)*).
 - Exemption from Reclamation law (*criterion 11(j)*).

There are four steps associated with settlements: pre-negotiation, negotiation, settlement, and implementation. Once the negotiation phase is complete and the parties have agreed to specific terms, the settlement typically is presented for congressional authorization. Congressional authorization is provided through the enactment of legislation authorizing funding for the settlement. As a result, Indian water rights settlements have historically included authorizations of specific water infrastructure projects or funds for the water to be developed by the tribe.

³ *Winters v. United States*, supra note 1.

⁴ *Id.*

⁵ “Criteria and Procedures for the Participation of the Federal Government in Negotiations for the Settlement of Indian Water Rights Claims,” Working Group in Indian Water Settlements, Department of the Interior. Federal Register, Vol. 55, No. 48, March 12, 1990. <https://www.doi.gov/sites/doi.gov/files/criteria-and-procedures-for-the-participation-of-the-federal-government-in-negotiations-for-the-settlement-of-indian-water-rights-claims.pdf>

H.R. 1304 (Rep. Leger Fernandez), “*Rio San José and Rio Jemez Water Settlements Act of 2023*”

H.R. 1304 would authorize the Secretary of the Interior to sign two separate water rights settlement agreements that impact four Pueblo chapters in Northern New Mexico. The Rio San Jose Settlement would settle claims and active litigation between the Pueblo of Acoma and Pueblo of Laguna against the State of New Mexico and other non-Indian water users within the Rio San Jose basin. The Rio Jemez Settlement would settle similar claims and litigation between the Pueblo of Jemez and Pueblo of Zia against the State of New Mexico in the Rio Jemez basin.

Rio San Jose Settlement

The Rio San Jose Settlement is a fund-based settlement that would ratify the Pueblo of Acoma and Laguna’s existing water rights to over 20,000 acre-feet per year (afy) in the Rio San Jose basin.⁶ This would be split, 7,982 afy to Acoma and 12,263 afy to Laguna, and may come from both groundwater and surface water sources. However, 1,300 afy of groundwater must also be reserved for economic development for each tribe.

The settlement would protect non-Indian water users in the basin by the tribe’s agreeing not to make priority calls on the water rights of non-Indian users. If not for this agreement, the tribes would have the power to make priority calls because their water rights are senior to those of non-Indian users. As a part of the settlement the tribes have also agreed to establish Pueblo water codes. These codes will govern the use of Pueblo water rights and provide a process for those impacted by these rights to challenge their use.

The settlement would establish trust funds for both Acoma and Laguna that total \$850 million. Acoma would receive \$296 million, and Laguna would receive \$464 million to use and develop water infrastructure on their lands as they see fit and within their own timeframe. For operation and maintenance of water infrastructure, Acoma would receive \$14 million, and Laguna would receive \$26 million. The tribes would also receive a total of \$5 million for feasibility studies for water supply infrastructure, \$1.75 million for Acoma and \$3.25 for Laguna. An additional \$45 million must be used jointly by the two tribes to repair Acomita Dam, which is located on the Acoma Reservation, but utilized by both tribes. In addition to the federal money to the tribes, the agreement also includes over \$36 million from the State of New Mexico to non-Indian water users.

The bill sets a July 1, 2030, deadline as the enforceability date. Should the deadline be missed, all the legal waivers and releases included as part of the settlement expire.

Rio Jemez Settlement

The Rio Jemez Settlement is a fund-based settlement that would ratify the Jemez and Zia Pueblo’s water rights to more than 9,000 afy in the Rio Jemez basin, 6,055 afy to Jemez and

⁶ Rio San José Stream System Water Rights Local Settlement Agreement Among the Pueblo of Acoma, the Pueblo of Laguna, the Navajo Nation, the State of New Mexico, the City of Grants, the Village of Milan, the Association of Community Ditches of the Rio San José and Nine Individual Acequias and Community Ditches, May 13, 2022, https://www.ose.nm.gov/Legal/settlements_IWR.php.

3,699.4 afy to Zia, and may come from both groundwater and surface water sources.⁷ This also must include 1,200 afy for economic development for each tribe. Like the Rio San Jose Settlement, the Rio Jemez Settlement would protect non-Indian water users by the tribe's agreeing not to make priority calls and to establish Pueblo water codes. The Pueblo of Santa Ana also utilizes the Rio Jemez Basin but has chosen not to sign on to this agreement and will be pursuing litigation to adjudicate their water rights claims.

The agreement would establish trust funds for both tribes that total \$490 million, \$290 for Jemez and \$200 for Zia. Most of this funding can be used as the tribes see fit to develop water infrastructure on tribal lands and on their own timeframe. However, \$25 million of the amounts deposited into each tribe's trust fund must be used for economic development, environmental compliance, or other administrative costs. In addition to the federal money to the tribe's, the agreement also includes over \$20 million from the State of New Mexico to non-Indian water users.

The bill sets a July 1, 2030, deadline as the enforceability date. Should the deadline be missed, all the legal waivers and releases included as part of the settlement expire.

H.R. 3977 (Rep. Leger Fernandez), “Navajo-Gallup Water Supply Project Amendments Act of 2023”

H.R. 3977 amends the Northwestern New Mexico Rural Water Projects Act authorized as part of the Omnibus Public Lands Management Act of 2009 (P.L. 111-11). The Act authorized and funded the construction of the Navajo-Gallup Water Supply Project. This project is a key component of the Navajo Nation San Juan River Basin Water Rights Settlement in New Mexico. Notably, the settlement will not take effect until this project is completed.⁸

The Navajo-Gallup Water Supply Project consists of two pipelines, two water treatment plants, and several pumping stations to bring water from the San Juan River to the Navajo Nation and other surrounding communities.⁹ P.L. 111-11 authorized \$870 million from fiscal year (FY) 2009 through 2024 to construct this project,¹⁰ and required that the project be completed by December 31, 2024.¹¹ While progress has been made and parts of the project are currently delivering water to the Navajo Nation and other surrounding communities, portions of the project are still under construction. For example, in September 2022, the Bureau of Reclamation (Reclamation) announced a \$73 million contract for Archer Western Construction for the construction of two of the project's pumping plants.¹² H.R. 3977 would extend the authorization through FY 2029.

⁷ Pueblos of Jemez and Zia Water Rights Settlement, *United States of America, et al. v. Aoulosleman, et al.* Civil No. 83-cv-01041 (KR) (Jemez River Basin adjudication) Local Settlement Agreement, May 11, 2022, https://www.ose.nm.gov/Legal/settlements_IWR.php.

⁸ Navajo Nation, San Juan River New Mexico. <https://nnwrc.navajo-nsn.gov/Basin-Updates/San-Juan-River-New-Mexico>

⁹ Testimony of Dr. Buu Nygren, President of the Navajo Nation. Committee on Indian Affairs, United States Senate. July 12, 2023. <https://www.indian.senate.gov/wp-content/uploads/2023-07-12-HRG-Testimony-Nygren.pdf>

¹⁰ P.L. 111-11

¹¹ Bureau of Reclamation. Navajo-Gallup Water Supply Project. <https://www.usbr.gov/uc/progact/navajo-gallup/index.html>

¹² Bureau of Reclamation. “Reclamation awards \$73 million construction contract for continued progress on the Navajo-Gallup Water Supply Project's San Juan Lateral.” September 23, 2022. <https://www.usbr.gov/newsroom/news-release/4342>

H.R. 3977 also expands the project service area to serve the Navajo Nation’s Community of Lupton, Arizona and additional communities in New Mexico. In testimony before the Senate Committee on Indian Affairs, the Department of the Interior’s (Interior) Assistant Secretary for Indian Affairs, Bryan Newland, noted that this could “help the Navajo Nation increase the customer base and potentially lower OM&R [operation, maintenance, and replacement] costs.”¹³

The legislation increases the authorized Project cost ceiling by providing an additional authorization of \$725.7 million to complete the Project, making the total Project cost \$2.175 billion. This is comprised of \$689.45 million to address a funding cost gap, \$30 million for Navajo community connections to the Project water transmission line, and \$6.25 million for renewable energy features. During the consideration of the original legislation, administration testimony warned that they “have not yet been able to fully analyze the costs of this legislation.”¹⁴ The bill also establishes a new \$250 million OM&R trust fund for the Navajo Nation and up to a \$10 million OM&R trust fund for the Jicarilla Apache Nation, the latter conditioned on an ability to pay analysis. Lastly, the bill extends the date by which the Project must be completed to December 31, 2029.

H.R. 6599 (Rep. Leger Fernandez), “*Technical Corrections to the Northwestern New Mexico Rural Water Projects Act, Taos Pueblo Indian Water Rights Settlement Act, and Aamodt Litigation Settlement Act*”

H.R. 6599 would amend the Omnibus Public Land Management Act of 2009 and the Claims Resolution Act of 2010 to authorize funding for the Navajo Nation Water Resources Development Trust Fund, the Taos Pueblo Water Development Fund, and the Aamodt Settlement Pueblos’ Fund equivalent to the amounts that would have accrued to the trust funds if the Interior had the authority to invest the funds original appropriation.

When these settlements were enacted, the law did not explicitly allow for Interior to invest the funds upon appropriation. However, mistakenly, Interior started investing the funds.¹⁵ When Interior discovered this error, the Solicitor’s Office determined that the interest amounts earned prior to the date that the funds were authorized to be invested were contrary to the Antideficiency Act (P.L. 97–258, 31 U.S.C. § 3302) and must be returned to Treasury.¹⁶

H.R. 6599 would return to the impacted Tribes the interest earned on the funds that were returned to the Treasury. Specifically, it authorizes appropriations totaling \$18.5 million, of which \$7.79 million would be deposited into the Taos Pueblo Water Development Fund, \$4.3 million for the Aamodt Settlement Pueblos’ Fund, and \$6.35 million for the Navajo Nation Water Resources Development Trust Fund.

¹³ Statement of Bryan Newland, Assistant Secretary of the Interior for Indian Affairs. United States Senate Committee on Indian Affairs. July 12, 2023. <https://www.indian.senate.gov/wp-content/uploads/2023-07-12-HRG-Testimony-Newland.pdf>

¹⁴ Testimony of Robert Johnson, Commissioner of the Bureau of Reclamation, and Carl Artman, Assistant Secretary of the Interior for Indian Affairs. June 27, 2007. https://www.doi.gov/ocl/hearings/110/hr1970_72407

¹⁵ Testimony of Jason Freihage. “Legislative Hearing to receive testimony on S. 2783, S. 3406, S. 3857 & S. 4365.” Senate Committee on Indian Affairs. July 10, 2024. <https://www.indian.senate.gov/wp-content/uploads/07-10-2024-Freihage-Testimony.pdf>

¹⁶ *Id.*

H.R. 7240 (Rep. Rosendale), “Fort Belknap Indian Community Water Rights Settlement Act of 2024”

The Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community (FBIC) were at the center of the Supreme Court’s *Winters* decision. Since 1990 the FBIC, the State of Montana, and the United States have engaged in negotiations regarding the quantification of the Tribes’ water rights. In 2001, the Montana legislature approved the Montana-Fort Belknap Indian Community Water Rights Compact (Compact).¹⁷ Congressional approval is necessary before the United States may join in the Compact.

H.R. 7240 would approve and fund the Compact. In the Compact, the FBIC is entitled “to divert up to 645 cubic feet per second “Cfs” of the United States’ Share of the Natural Flow of the Milk River and its tributaries upstream from the diversion point on the Reservation.”¹⁸ According to the Department of the Interior’s testimony on the Senate companion this translates to “over 446,000 afy of surface water, plus groundwater.”¹⁹ In addition, H.R. 7240 includes a 20,000 afy allocation of storage from Lake Elwell, a Reclamation facility on the Marias River, also known as Tiber Reservoir.²⁰

The bill would also authorize over \$1.4 billion to implement its provisions and those of the Compact. Of that total, \$435.8 million is mandatory funding. The State of Montana would contribute \$5 million to the cost of the settlement. These funds would be used for three general purposes: rehabilitation of the Fort Belknap Indian Irrigation Project; administration and development of the Tribes’ water rights; and mitigation for the impacts on water users outside the Reservation.

As introduced, the legislation does not include an offset for the new funding authorizations. In addition, there are several provisions that go beyond a water right settlement, including the authorization of Tribal wellness center and several land exchanges. Specifically, the bill transfers 10,322.58 acres of federal land and 3,519.3 acres of land currently owned by the Tribes into trust for the Tribes as part of the Reservation.

The bill sets a January 21, 2034, deadline for all the funding to be made available, and a January 21, 2035, deadline as the enforceability date. Should those deadlines be missed, all the legal waivers and releases included as part of the settlement expire.

Breakdown of federal funds provided in H.R. 7240:

Tribal Irrigation and Other Water Resources Development: funding will be used for the development of new irrigated lands through a new water infrastructure project, wetlands restoration, and environmental compliance.

¹⁷ Fort Belknap-Montana Compact Ratified, 85-20-1001 Montana Code Annotated, https://leg.mt.gov/bills/mca/title_0850/chapter_0200/part_0100/section_0010/0850-0200-0100-0010.html

¹⁸ *Id.*

¹⁹ Statement of Bryan Newland, Assistant Secretary for Indian Affairs, Department of the Interior, before the Senate Committee on Indian Affairs. July 12, 2023. <https://www.doi.gov/ocl/s-1987>

²⁰ Section 7 of H.R. 7240, <https://www.congress.gov/bill/118th-congress/house-bill/7240/text>

- **Discretionary:** \$89.6 million
- **Mandatory:** \$29.8 million

Irrigation Project System Account: funding will be used for the rehabilitation, modernization, and expansion of the Fort Belknap Irrigation Project.

- **Discretionary:** \$187 million
- **Mandatory:** \$228.7 million

Domestic Water and Sewer Systems / Lake Elwell Project: funding will be used for drinking water supply and treatment plants, sewer, infrastructure to deliver water from Lake Elwell, and “Tribal wellness center for a workforce health and wellbeing project.”

- **Discretionary:** \$331.8 million
- **Mandatory:** \$110.6 million

Water Resources and Water Rights Administration / Operation and Maintenance: funding will be used to develop a Tribal water code, the administration of water rights and development, and operations, maintenance and repair activities.

- **Mandatory:** \$66.6 million

Milk River Project Mitigation: Milk River Project is a Reclamation project that would be impacted by the development of the Fort Belknap Indian Community’s water rights. The Compact includes an agreement to implement mitigation measures. Funding will be used to rehabilitate project components that are over 100 years old to restore capacity in the system. This funding is specifically made non-reimbursable to the project.

- **Discretionary:** \$300 million

[H.R. 8685](#) (Rep. Leger Fernandez), “*Ohkay Owingeh Rio Chama Water Rights Settlement Act of 2024*”

H.R. 8685 would approve the Settlement Agreement concerning the water rights claims of Ohkay Owingeh Pueblo in the general stream adjudication of the Rio Chama Stream System in New Mexico.²¹ Of note, the Pueblo has other outstanding water rights claims, primarily on the Rio Grande. Those are not settled in this legislation.

H.R. 8685 codifies the Settlement Agreement’s quantification of the Ohkay Owingeh water rights for the following uses:

Irrigation: the right to use surface water to irrigate 310.45 acres based on Ohkay Owingeh’s past and present uses.²² This results in the following respective quantities: Consumptive Irrigation Requirement: 522 afy, Farm Delivery Requirement: 1,158 afy, and Project Diversion Requirement: 1,929 afy.²³

²¹ *State of New Mexico, ex rel. State Engineer v. Aragon*, Civil No. 69-cv-07941-KWR/KK (all Ohkay Owingeh Claims)

²² Ohkay Owingeh Rio Chama Water Rights Settlement, State of New Mexico, ex rel. State Engineer v. Roman Aragon, et al., Case No. 69-cv-07941-KWR/KK (D.N.M.) Local Settlement Agreement, July 5, 2023
https://www.ose.nm.gov/Legal/settlements_IWR.php

²³ *Id.*

Livestock: The right to divert and consume water, including springs, groundwater, or surface water, on Pueblo Lands within the Rio Chama Steam System portion of the Pueblo Grant for livestock watering, which includes the right to water wildlife.

Historic Domestic, Commercial, Municipal, and Industrial: the right to divert 6 afy from two existing domestic wells, the diversion from each well shall not exceed 3 afy. Additionally, the right to divert 204 afy for existing public water system from existing wells.

Groundwater Economic Development Water: The right to divert and consume an additional 771 afy of groundwater in the Rio Chama Stream System portion of the Pueblo Grant for domestic, commercial, municipal, and industrial purposes.

Additional Irrigation Acres: Ohkay Owingeh has the right to irrigate up to 1,562 additional acres within the Rio Chama Stream System portion of the Pueblo Grant. The 1,562-acre limit on this right derives from the agreed upon total number of acres in the Rio Chama Stream System portion of the Pueblo Grant that was historically or is currently irrigated and is now owned by non-Pueblo persons.

Additionally, the legislation establishes the Ohkay Owingeh Water Rights Settlement Trust Fund, which would provide \$745 million in mandatory funding for specified uses. These include domestic and municipal supply or wastewater infrastructure, on-farm improvements for irrigation, and watershed and endangered species habitat protection. As introduced, the legislation does not include an offset for the new funding authorizations. The State of New Mexico would contribute \$131 million towards the fulfillment of the settlement agreement to fund water development projects.

The bill sets a July 1, 2038, deadline as the enforceability date. Should the deadline be missed, all the legal waivers and releases included as part of the settlement expire.

[H.R. 8791](#) (Rep. Zinke), “*Fort Belknap Indian Community Water Rights Settlement Act of 2024*”

H.R. 8791 includes the same language as H.R. 7240 (Rep. Rosendale), a summary of which is included above. However, this bill also adds a provision which authorizes appropriations for the Blackfeet Tribe in Section 14. Specifically, this new provision would authorize \$250 million in appropriations for a new water distribution and wastewater treatment facility. This language does not impact the Blackfeet Tribe’s water rights settlement, which was signed into law in 2016.²⁴

[H.R. 8920](#) (Rep. Fong), “*Tule River Tribe Reserved Water Rights Settlement Act of 2024*”

H.R. 8920 approves and authorizes a water settlement agreement between the Tule Tribe and downstream state-based water users, the Tule River Association, and the South Tule Independent

²⁴ Subtitle G, Part II, Title III of Public Law 114-322, <https://www.congress.gov/114/statute/STATUTE-130/STATUTE-130-Pg1628.pdf>.

Ditch Company (2007 Agreement).²⁵ The 2007 Agreement, which was amended in 2009, established water allocations and release schedules for future water storage projects that may be constructed by the Tribe on the South Fork Tule River.²⁶ H.R. 8920 establishes the Tribe's water right as 5,828 acre-feet per year of surface water from the South Fork of the Tule River. Water use on the Reservation is largely domestic and municipal as less than five percent of the Reservation is suitable for agricultural purposes.²⁷

The bill establishes the Tule River Indian Tribe Settlement Trust Fund and authorizes a total of \$568 million in mandatory appropriations. Of this \$518 million would be for the Tule River Tribe Water Development Projects Account and \$50 million for the Tule River Tribe Operations, Maintenance and Replacement Account. As written, there are no non-federal contributions to this settlement.

Lastly, the bill sets the enforceability date for implementing the settlement at eight years from the date of enactment. Failure to meet this deadline results in the repeal of the legislation.

H.R. 8940 (Rep. Ciscomani), “*Northeastern Arizona Indian Water Rights Settlement Act of 2024*”

H.R. 8940 would settle the water rights claims of the Navajo Nation, Hopi Tribe, and San Juan Southern Paiute Tribe (Tribes) in Arizona by codifying the Settlement Agreement dated May 9, 2024 (Settlement Agreement).²⁸ The Settlement Agreement resolves the Tribes' claims on the Colorado River Basin, the Little Colorado River Basin, the Gila River Basin, and aquifers and washes on tribal lands in northeastern Arizona. While formal discussions began in 1994, efforts to quantify these water rights date to the 1970s.²⁹

Navajo Nation

H.R. 8940 settles all the Navajo Nation's water rights within Arizona. Specifically, the Settlement Agreement provides:

- *Underground Water*: The right to use all underground water on the Navajo Reservation, subject to an inter-tribal agreement with the Hopi Tribe.
- *Effluent*: The right to effluent developed on the Navajo Reservation for any purpose determined by the Navajo Nation, developed off of the Reservation on trust land and allotments on those lands for any purpose determined by the Navajo Nation in accordance with applicable law, and developed on Navajo-owned fee land located outside of the Reservation consistent with Arizona state law.
- *Springs*: The right to all springs on the Navajo Reservation, subject to an inter-tribal agreement with the Hopi Tribe.

²⁵ 2007 Agreement, https://republicans-naturalresources.house.gov/UploadedFiles/Fully_Signed_Tule_River_2007_and_2009_Settlement_Agreements.pdf

²⁶ Testimony of Bryan Newland, “Legislative Hearing to receive testimony on S. 4870, S. 4896 & S. 4898.” Senate Committee on Indian Affairs. November 16, 2022. <https://www.doi.gov/oc/pending-legislation-41>

²⁷ *Id.*

²⁸ Northeastern Arizona Indian Water Rights Settlement Agreement, May 9, 2024, <https://nnwrc.navajo-nsn.gov/Portals/0/Files/Arizona%20Settlement/CMY-26-24.pdf>

²⁹ *Id.*

- *Little Colorado River Tributaries:* The right to divert and deplete all surface waters of the Little Colorado River tributary streams that reach the Navajo Reservation, but without diminishment of or interference with existing non-tribal water rights on such streams.
- *Little Colorado River Mainstem:* The right to divert and deplete all surface waters of the Little Colorado River that reach the Navajo Reservation, including specifically identified water rights and priorities for certain lands, without the right to make calls against existing upstream or downstream off-Reservation water users with respect to such mainstem water, and with the right to make calls against new upstream or downstream off-Reservation water users.
- *Navajo Nation Upper Basin Colorado River Water:* The right to 44,700 afy of Arizona's allocation of Upper Basin Colorado River Water that may be diverted in Arizona, New Mexico, or Utah and be transported and used on the Navajo Reservation within Arizona whether located in the Upper Basin or the Lower Basin.
- *Navajo Nation Cibola Water:* The right to 100 afy of Hopi Tribe Cibola water, if used in the same location and for the same irrigation purpose as in the Hopi Tribe Cibola contract, or 71.5 acre-feet per year if used in other locations or for a different purpose, that may be diverted in Arizona, New Mexico, or Utah and be transported and used on the Navajo Reservation within Arizona whether located in the Upper Basin or the Lower Basin, and be stored in either of the two New Mexico reservoirs or in underground storage facilities in Arizona, and may be leased or exchanged by the Nation for use in Arizona, and be transported using Central Arizona Project (CAP) facilities.
- *Navajo Nation Fourth Priority Water:* The right to 3,500 afy of Fourth Priority Colorado River water that may be diverted in Arizona, New Mexico, or Utah and transported and used on the Navajo Reservation within Arizona whether located in the Upper Basin or the Lower Basin, stored in New Mexico reservoirs or in underground storage facilities in Arizona, leased or exchanged by the Nation for use in Arizona, and transported using CAP facilities.

Hopi Tribe

The Hopi Tribe's water rights within Arizona are quantified as follows:

- *Underground Water:* The right to use all underground water on the Hopi Reservation, with an agreed upon 5,600 afy limit on pumping from Navajo Aquifer.
- *Effluent:* The right to effluent developed on the Hopi Reservation for any purpose determined by the Hopi Tribe, developed off of the Reservation on trust land for any purpose determined by the Hopi Tribe in accordance with applicable law, and developed on Hopi-owned fee land located off of the Reservation consistent with Arizona state law.
- *Surface Water:* The right to divert and deplete all surface water that reaches or flows within the Hopi Reservation, subject to an inter-tribal agreement with the Navajo Nation.
- *Springs:* The right to all springs on the Hopi Reservation, subject to an inter-tribal agreement with the Navajo Nation.
- *Hopi Tribe Upper Basin Colorado River Water:* The right to 2,300 afy of Arizona's allocation of Upper Basin Colorado River water, for transport and use anywhere on the Hopi Reservation and within Arizona whether located in the Upper Basin or Lower Basin.
- *Hopi Tribe Cibola water:* The right to 4,178 acre-feet per year of Fourth Priority Water, 750 acre-feet per year of Fifth Priority Water, and 1,000 afy of Sixth Priority Water for

use only within the State of Arizona, consistent with the provisions of the Hopi Tribe Cibola contract.

San Juan Southern Paiute Tribe

The bill would establish an approximate 5,400-acre reservation for the San Juan Southern Paiute Tribe from lands that are currently a part of the Navajo Nation's reservation. The legislation would also ratify a treaty between the San Juan Southern Paiute and Navajo Nation signed in 2000, which contains terms clarifying the sovereign authority of both tribes, providing lands for a San Juan Southern Paiute reservation, and resolving other related mutual concerns. The Indian and Insular Affairs Subcommittee held a hearing on similar legislation on June 7, 2023. Information on that hearing can be found [here](#).

The legislation also quantifies the San Juan Southern Paiute Tribe's water rights in Arizona as follows:

- *Underground Water*: The right to all underground water in the Southern Area.
- *Effluent*: The right to all effluent developed by the San Juan Southern Paiute Tribe for use on the Southern Area for any purpose determined by the Tribe, developed off of the Southern Area on trust land in accordance with applicable law, and developed on San Juan Southern Paiute Tribe fee land located outside of the Southern Area consistent with Arizona state law.
- *Surface Water*: The right to divert and deplete all surface water that reaches or flows within the Southern Area.
- *Springs*: The right to all springs in the Southern Area.
- The right to water delivered by the Navajo Nation through a service agreement with the Navajo Tribal Utility Authority to the Southern Area, in an amount not to exceed 350 afy.

In total the bill authorizes \$5 billion in mandatory funding for the development of water infrastructure and related operation, maintenance, and replacement work. Specifically, the bill authorizes an initial \$1.715 billion for Reclamation to construct a pipeline to divert Colorado River water from Lake Powell to the Tribes. The bill also provides for the authorization of appropriations of "such sums" for the completion of the pipeline, should the mandatory funding not be enough. The legislation requires that the pipeline must be capable of delivering up to 6,750 afy for the Navajo Nation, 3,076 afy for the Hopi Tribe, and up to 350 afy for the San Juan Southern Paiute Tribe.

The remaining \$3.285 billion in mandatory funding is allocated to the Tribes for the continued development of their water rights.

- *Navajo Nation Water Settlement Trust Fund*: \$2.75 billion for water development projects, operation and maintenance, irrigation system and agricultural improvements, renewable energy development, and lower Colorado River water acquisitions.
- *Hopi Tribe Water Settlement Trust Fund*: \$508.5 for groundwater projects, operation and maintenance, irrigation system and agricultural improvements, and lower Colorado River water acquisitions.
- *San Juan Southern Paiute Tribe Water Settlement Trust Fund*: \$29.8 million for groundwater projects, operation and maintenance, and irrigation system and agricultural improvements.

Lastly, the bill sets June 30, 2035, as the enforceability date for implementing the settlement. Failure to meet this deadline results in the repeal of the legislation.

H.R. 8945 (Rep. Leger Fernandez), “Navajo Nation Rio San José Stream System Water Rights Settlement Act of 2024”

This agreement will settle all the Navajo Nation water rights claims in the Rio San José Basin in New Mexico.³⁰ Additionally, this agreement describes and quantifies water rights in the Rio Puerco Basin for the Navajo Nation. The agreement is the product of approximately 40 years of litigation and decades of negotiations. The Rio San José general stream adjudication, known as *New Mexico ex rel. Martinez v. Kerr-McGee Corp.*, still pending in the Thirteenth Judicial District Court for the State of New Mexico, was initiated in 1983. The Navajo statement of claims was filed in 1987.

The agreement is the Navajo Nation counterpart to the Local Settlement Agreement settling the water rights claims of the Pueblos of Acoma and Laguna (the basis of H.R. 1304). The same parties who worked on the settlement for these Pueblos worked to develop an agreement that resolves the Navajo Nation’s claims in the same geographic area covered by the Pueblos’ Local Settlement Agreement. The agreement approved by this legislation is written as an Addendum to the Pueblo’s Settlement Agreement.

H.R. 8945 approves the Navajo Nation’s water claims quantified in the settlement which include 2,444 afy of groundwater for the two basins, 417 afy for livestock use, and 493 afy of additional storage rights for stock ponds in the Rio San José Basin. The settlement agreement does not address allottees’ water rights. The legislation creates a settlement trust fund, which is appropriated \$223 million in mandatory funding, for the development of water infrastructure for the benefit of rural Navajo communities in New Mexico. The State of New Mexico would contribute \$5 million towards the settlement.

Lastly, the bill sets July 30, 2030, as the enforceability date for implementing the settlement. Failure to meet this deadline results in the repeal of the legislation.

H.R. 8949 (Rep. Schweikert), “Yavapai-Apache Nation Water Rights Settlement Act of 2024”

H.R. 8949 authorizes the Settlement Agreement for the Yavapai-Apache Nation in Arizona.³¹ The settlement requires the Secretary of the Interior through the Bureau of Reclamation to plan, design, and construct a water infrastructure project which consists of two components: the Cragin-Verde Pipeline Project and the Yavapai-Apache Nation (YAN) Drinking Water System Project.

³⁰ Navajo Addendum to the Rio San José Stream System Water Rights Local Settlement Agreement among the Pueblo of Acoma, the Pueblo of Laguna, the Navajo Nation, the State of New Mexico, the City of Grants, the Village of Milan, the Association of Community Ditches of the Rio San José and Nine Individual Acequias and Community Ditches dated May 13, 2022.

³¹ Yavapai-Apache Nation Water Rights Settlement Agreement, June 26, 2024, <https://republicans-naturalresources.house.gov/UploadedFiles/1 - YAN Settlement Agreement Approved by Tribal Council 6.26.2024.pdf>

The Cragin-Verde Pipeline would deliver no less than 6,836.92 afy of water from the C.C. Cragin Dam and Reservoir. The C.C. Cragin Dam and Reservoir is part of the Salt River Project managed by the Bureau of Reclamation. H.R. 8949 also authorizes that the capacity of the pipeline could be increased to deliver up to an additional 1,912.18 afy of water for use by water users in Yavapai County. The bill also authorizes the construction of the YAN Drinking Water System Project. This system will be capable of treating and delivering 2.25 million gallons of water per day.

H.R. 8949 establishes two funds. The first is the Yavapai-Apache Nation Water Settlement Trust Fund, which in total would receive \$156 million in mandatory funding for environmental compliance, water management, OM&R, and additional purposes provided for in the bill. The second is the TÚ NĹĹĹNĪCHOH Water Infrastructure Project Implementation Fund which would receive a total of \$883.55 million in mandatory funding for the Cragin-Verde Pipeline Project (\$731.059 million) and the YAN Drinking Water System Project Account (\$152.490 million).

Lastly, the bill sets a June 30, 2035, deadline as the enforceability date. Should the deadline be missed, all the legal waivers and releases included as part of the settlement expire.

H.R. 8951 (Rep. Vasquez), “Zuni Indian Tribe Water Rights Settlement Act of 2024”

H.R. 8951 would authorize the Secretary of the Interior to sign the fund-based water rights settlement agreement to settle claims and litigation between the Pueblo of Zuni, the United States, and the State of New Mexico.³² The settlement stems from existing claims of water rights by Zuni and the State of New Mexico in the Zuni River stream system in Western New Mexico. This settlement does not address water rights claims by the Navajo Nation in the Zuni basin, as those are still being negotiated. In addition, this agreement also does not address non-Indian water rights in the basin.

The settlement authorized by this bill is a fund-based settlement that would authorize \$655.5 million in mandatory spending to a newly created Zuni Tribe Water Rights Settlement Trust Account. The settlement would also authorize \$29.6 million in mandatory spending into the newly created Zuni Tribe Operation, Maintenance, and Replacement Trust Account. The State of New Mexico has also agreed to provide \$750,000 for development and execution of water monitoring and \$500,000 in an interest-bearing account to mitigate any negative impacts to non-Indian domestic and livestock groundwater rights because of new Tribal water usage. The legislation would also set aside \$50 million in interest-bearing, mandatory funding for activities such as economic water development plans, environmental compliance costs, design costs, and establishing a water resource department by the Tribe.

Title II of the bill pertains to protection of Zuni Salt Lake and approximately 217,037 acres of private, Tribal trust, State, and Bureau of Land Management lands around the lake, known as “The Sanctuary.” The legislation would withdraw approximately 92,364 acres of Federal land within the Zuni Salt Lake and Sanctuary from entry, appropriation, or disposal under public land laws for any type of mineral leasing. The land would be managed by the Bureau of Land

³² Settlement Agreement to Quantify and Protect the Water Rights of the Zuni Indian Tribe in the Zuni River Basin in New Mexico and to Protect the Zuni Salt Lake, May 1, 2023, https://www.ose.nm.gov/Legal/settlements_IWR.php.

Management and new water wells, grazing permits, rights-of-way leases, timber sales, and fossil collecting would be prohibited.

The bill would also require the Secretary of the Interior to take 4,756 acres of land designated as the “Tribal Acquisition Area” into trust.³³ The land taken into trust will be subject to valid existing rights and claims unless the holder requests earlier termination. The Bureau of Indian Affairs will assume all benefits and obligations of land management agency who previously administered these lands. Under the agreement, any amounts accrued by the United States from these lands shall be disbursed to the tribe. The legislation would also require the Secretary to take land into trust in the future if the tribe acquires title for any lands labeled “potential future acquisition areas” on the map.³⁴

Lastly, the bill sets a July 1, 2030, deadline as the enforceability date. Should the deadline be missed, all the legal waivers and releases included as part of the settlement expire.

H.R. 8953 (Rep. Zinke), “*Crow Tribe Water Rights Settlement Amendments Act of 2024*”

H.R. 8953 amends the Crow Tribe Water Rights Settlement Act of 2010, which was enacted as part of the Claims Resettlement Act of 2010 (P.L. 111-291). This legislation appropriated \$158 million in discretionary funding to enact the settlement and an additional \$302 million in mandatory funding.³⁵ The law directs Reclamation to use these funds to improve to the Crow Irrigation Project (CIP) and to design and construct a Municipal, Rural, and Industrial (MR&I) water system.³⁶

The bill does not change the funding levels or existing water rights. However, it would reform the way that funding for the CIP is used by creating a Crow CIP Implementation Account within the Treasury. Since the enactment of P.L. 111-291, the Crow Tribe and Interior have relied on a private bank for appropriated funds to gain interest to carry out rehabilitation and improvement projects; creating a dedicated fund within Treasury removes the costs and fees associated with relying on a private bank. In testimony before the Senate Committee on Indian Affairs earlier this year, the Chairman of the Crow Nation, Frank Whiteclay, noted that this would help reduce costs to the Tribe.³⁷

H.R. 8953 also repeals the section of P.L. 111-291 authorizing the MR&I water system and creates a MR&I Projects Account the Crow Tribe could use to ensure compliance with environmental laws, purchase on-Reservation land with water rights, or for water infrastructure. Additionally, the legislation states that the federal government shall have no obligation to pay for the operation, maintenance, or replacement of any MR&I Project.

³³ “Legislative Map for Zuni Pueblo Water Settlement.” Bureau of Land Management. April 11, 2024. https://naturalresources.house.gov/uploadedfiles/proposedzunisaltlakesanctuaryarea_april11_2024_508_1.pdf

³⁴ *Id.*

³⁵ Congressional Research Service. Indian Water Rights Settlements. Updated October 13, 2023. <https://crsreports.congress.gov/product/pdf/R/R44148>

³⁶ Statement of Bryan Newland, Assistant Secretary of the Interior for Indian Affairs. Committee on Indian Affairs, United States Senate. June 12, 2024. <https://www.doi.gov/ocl/pending-legislation-77>

³⁷ Testimony of Frank White Clay, Chairman, Crow Nation. United States Senate Committee on Indian Affairs. June 12, 2024. <https://www.indian.senate.gov/wp-content/uploads/06.12.24-Whiteclay-Testimony.pdf>

The bill would also extend the Crow Feet Tribe’s exclusive access “to develop and market power generation on the Yellowtail Afterbay Dam”³⁸ until 2030. At the Senate Committee on Indian Affairs earlier this year, Chairman White Clay, referenced the importance of this provision; recently, the Tribe “engaged a hydro plant developer, revised the site and engineering concerns, and intends to start construction prior to the December 2025 deadline.”³⁹

IV. MAJOR PROVISIONS & SECTION-BY-SECTION

H.R. 1304 (Rep. Leger Fernandez), “*Rio San José and Rio Jemez Water Settlements Act of 2023*”

- Ratifies two separate fund-based settlement agreements: the Rio San Jose Settlement for the Acoma and Laguna Pueblos, and the Rio Jemez Settlement for the Jemez and Zia Pueblos.
- The Rio San Jose Settlement establishes trust funds for both Acoma and Laguna that total \$850 million in mandatory spending.
- The Rio Jemez Settlement would establish a trust fund for both Jemez and Zia that total \$490 million in mandatory spending.
- In each settlement the tribes have agreed to establish Pueblo water codes which will govern the use of Pueblo water rights and provide a process for those impacted by these rights to challenge their use.
- The State of New Mexico has agreed to provide over \$36 million in the Rio San Jose Settlement and over \$20 million in the Rio Jemez Settlement.

H.R. 3977 (Rep. Leger Fernandez), “*Navajo-Gallup Water Supply Project Amendments Act of 2023*”

- Extends the authorization for the construction of the Navajo-Gallup Water Supply Project through FY 2029 and increases the project’s authorization to \$2.175 billion.
- Expands the Project service area to allow for additional water supply.
- Establishes the Navajo Nation Operations, Maintenance, and Replacement Trust Fund and the Jicarilla Apache Nation Operations, Maintenance, and Replacement Trust Fund.

H.R. 6599 (Rep. Leger Fernandez), “*Technical Corrections to the Northwestern New Mexico Rural Water Projects Act, Taos Pueblo Indian Water Rights Settlement Act, and Aamodt Litigation Settlement Act*”

- Authorizes \$18.5 million in authorization of appropriations for the Taos Pueblo, Aamodt Pueblos, and the Navajo Nation.

H.R. 7240 (Rep. Rosendale), “*Fort Belknap Indian Community Water Rights Settlement Act of 2024*”

- Ratifies the Fort Belknap Indian Community water rights settlement for irrigation, livestock, domestic use, and to support fish and wildlife.
- \$415 million to rehabilitate, modernize, and expand the Fort Belknap Indian Irrigation Project.

³⁸ [P.L. 111-291](#)

³⁹ Testimony of Frank Whitecay, Chairman, Crow Nation. United States Senate Committee on Indian Affairs. June 12, 2024. <https://www.indian.senate.gov/wp-content/uploads/06.12.24-Whiteclay-Testimony.pdf>

- \$119 million for the Southern Tributary Irrigation Project and Peoples Creek Irrigation Project.
- \$443 million for domestic, municipal, and commercial water supply and wastewater removal systems on the Reservation.
- \$300 million to restore the St. Mary Project Canal and enlarge the Dodson South Canal.
- \$66 million to establish a trust fund for OM&R for Tribal irrigators on the Reservation.

H.R. 8685 (Rep. Leger Fernandez), “*Ohkay Owingeh Rio Chama Water Rights Settlement Act of 2024*”

- Approves the Settlement Agreement concerning the water rights claims of Ohkay Owingeh Pueblo in the general stream adjudication of the Rio Chama Stream System in New Mexico.
- \$745 million in mandatory funding for the Ohkay Owingeh Water Rights Settlement Trust Fund.
- The State of New Mexico would contribute \$131 million towards the fulfillment of the settlement agreement to fund water development projects.

H.R. 8791 (Rep. Zinke), “*Fort Belknap Indian Community Water Rights Settlement Act of 2024*”

- Includes the Fort Belknap Indian Community settlement described in H.R. 7240.
- \$250 million in authorization of appropriations for a new water distribution and wastewater treatment facility for the Blackfeet Tribe.

H.R. 8920 (Rep. Fong), “*Tule River Tribe Reserved Water Rights Settlement Act of 2024*”

- Secure water rights for the Tule River Tribe of California by ratifying a 2007 agreement between the Tribe and other parties.
- Establishes and appropriates \$568 million in mandatory funds for the Tule River Indian Tribe Settlement Trust Fund.
- Transfer federal land to a trust for the benefit of the Tule Tribe Reservation.

H.R. 8940 (Rep. Ciscomani), “*Northeastern Arizona Indian Water Rights Settlement Act of 2024*”

- Settles the water rights claims of the Navajo Nation, Hopi Tribe, and San Juan Southern Paiute Tribe in Arizona.
- The Settlement Agreement resolves claims on the Colorado River Basin, the Little Colorado River Basin, the Gila River Basin, and aquifers and washes on tribal lands in northeastern Arizona.
- In total the bill provides \$5 billion in mandatory funding for the development of water infrastructure and related operation, maintenance and replacement work.
 - \$1.715 billion for Reclamation to construct a pipeline to divert Colorado River water from Lake Powell to the Tribes;
 - \$2.75 billion for the Navajo Nation Water Settlement Trust Fund;
 - \$508.5 million for the Hopi Tribe Water Settlement Trust Fund; and
 - \$29.8 million for the San Juan Southern Paiute Tribe Water Settlement Trust Fund.

H.R. 8945 (Rep. Leger Fernandez), “Navajo Nation Rio San José Stream System Water Rights Settlement Act of 2024”

- This agreement will settle all the Navajo Nation water rights claims in the Rio San José Basin in New Mexico.
- The agreement is the Navajo Nation counterpart to the Local Settlement Agreement settling the water rights claims of the Pueblos of Acoma and Laguna (the basis of H.R. 1304).
- Creates a settlement trust fund, which is appropriated \$223 million in mandatory funding, for the development of water infrastructure for the benefit of rural Navajo communities in New Mexico.
- The State of New Mexico would contribute \$5 million towards the settlement.

H.R. 8949 (Rep. Schweikert), “Yavapai-Apache Nation Water Rights Settlement Act of 2024”

- H.R. 8949 approves the settlement agreement for all the outstanding claims for water rights for the Yavapai-Apache Nation.
- It authorizes \$731.06 million in mandatory funding to construct the Cragin-Verde Pipeline and \$152.49 million for the YAN Drinking Water System Project.

H.R. 8951 (Rep. Vasquez), “Zuni Indian Tribe Water Rights Settlement Act of 2024”

- Ratifies the fund-based Settlement Agreement between the Zuni Indian Tribe, the United States, in its capacity as trustee for the Zuni tribe, and the State of New Mexico in the Zuni River basin.
- Establishes a trust fund for the Zuni tribe and deposits \$655.5 million in mandatory appropriations in that fund. The settlement also establishes a trust fund for operation and maintenance funding of Zuni water projects and deposits \$29.6 million in that account.
- Limits use of Trust Fund money to any activity related to water resource development or water supply, as well as watershed and ecological protection and Tribal water rights management and administration. Operation, maintenance, and replacement costs of any project constructed using funds from the Trust Fund are the responsibility of the Tribe.
- The State of New Mexico has agreed to contribute \$750,000 for development and execution of monitoring plans and \$500,000 in an interest-bearing account to mitigate impairment to non-Indian domestic and livestock groundwater rights because of new Tribal water use.
- Withdraws 92,364 acres of federal land, and any land acquired by the United States in the future, within the boundary of Zuni Salt Lake and Sanctuary is withdrawn from all forms of entry, appropriation, or disposal under public land laws, location, entry and patent under mining laws, and disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.
- Authorizes the Secretary of the Interior to take land 4,756 acres of land into trust for Tribe.

H.R. 8953 (Rep. Zinke), “Crow Tribe Water Rights Settlement Amendments Act of 2024”

- Extends the Crow Tribe’s exclusive authority to hydropower development at the Yellowtail Afterbay Dam.
- Creates a new ‘Crow Implementation Project’ account within the Department of the Treasury that will be able to gain interest, rather than a private banking institution.

- Creates a new Municipal, Rural, and Industrial (MR&I) water system account to grant the Tribe greater discretion or flexibility in carrying out projects.

V. COST

A formal cost estimate from the Congressional Budget Office (CBO) is not yet available.

VI. ADMINISTRATION POSITION

The administration has testified in support of the Senate companions to [H.R. 1304](#), [H.R. 3977](#), [H.R.6599](#), [H.R. 7240](#), [H.R. 8920](#), and [H.R.8953](#).

The remaining bills have not received hearings; therefore, the administration position is unknown.

VII. EFFECT ON CURRENT LAW

[H.R. 3977](#)

[H.R. 6599](#)

[H.R. 8953](#)