

**Hearing before the House Committee on Natural Resources  
Subcommittee on Water, Wildlife, and Fisheries**

**H.R. 8945  
Navajo Nation Rio San Jose Stream System  
Water Rights Settlement Act of 2024**

**Statement of Tanya Trujillo,  
New Mexico Deputy State Engineer**

**July 23, 2024**

Mr. Chairman Bentz, Vice Chair Kiggans, and members of the Committee, I am Tanya Trujillo, New Mexico Deputy State Engineer. My agency, the Office of the State Engineer, is responsible for the administration of water rights in New Mexico. The State Engineer has authority over the supervision, measurement, appropriation, and distribution of all surface and groundwater in New Mexico, including all interstate streams and rivers. I appreciate the opportunity to submit this testimony to you today and provide comments on behalf of the State of New Mexico in support of House of Representatives Bill 8945, the *Navajo Nation Rio San José Stream System Water Rights Settlement Act of 2024*.

The Settlement Act we ask you to support today is the Navajo Nation companion to H.R. 1304, the *Rio San Jose and Rio Jemez Water Settlements Act of 2023*, and involves those same parties: the State of New Mexico, Navajo Nation, the Pueblos of Acoma and Laguna, the United States as trustee, the City of Grants, the Village of Milan, and the Association of Community Ditches of the Rio San Jose and its nine area acequias and community ditches. This settlement resolves the water rights claims of Navajo Nation within the region and provides funding for much needed infrastructure and creates administrative safeguards to protect for non-Tribal water users

These claims arise from the adjudication suit filed by the State in 1983 (*New Mexico ex rel. Martinez v. Kerr-McGee Corp.*, Nos. D-1333-CV-1983-00190 and D-1333-CV-1983-00220 (consolidated) (N.M. 13 Jud. Dist. Ct)). The settlement represents end of forty years of litigation and negotiation and offers the desired opportunity to resolve long-standing concerns over the use of scarce water supplies in the Rio San Jose Stream System.

The agreement confirmed by H.R. 8945 is written as an Addendum to the Local Settlement Agreement resolving the Pueblo of Acoma and Laguna's water rights claims in the Rio San José Stream System. These fully compatible water rights settlement agreements, when approved by Congress, will provide a comprehensive settlement of tribal claims in the Rio San José Stream System and ensure water sources for many Navajo communities that rely on hauling to meet household needs.

Authorizing the settlement will avoid the uncertainty and expense of protracted litigation regarding Navajo Nation's water rights claims. If the rights of the Nation were litigated to their conclusion, the only way to increase the flows of the Rio San José for the benefit of the Nation would be to shut off junior users in the Steam System. Instead of seeking to curtail other water users, the settlement contemplates the need to find alternative sources of supply for Navajo Nation and communities in desperate need. Federal funding would be used for construction of a regional water supply to Navajo Nation communities, including wastewater development, chlorination stations, hauling stations and other water infrastructure projects. This influx of federal money and projects in turn boosts the New Mexico economy and provides stability for all communities in the area. The legislation offers a historic opportunity to authorize funding to secure and develop groundwater sufficient to support the needs of nine Navajo Chapters in the Rio San Jose Basin (Baca/Prewitt, Casamero Lake, Crownpoint, Littlewater, Mariano Lake,

Ramah, Smith Lake, Thoreau, Tóhajiilee), and the seven chapter communities in the Rio Puerco Basin (Tóhajiilee, Torreon, Ojo Encino, Pueblo Pintado, Whitehorse Lake, Counselor, Littlewater).

The Rio San José Stream System is located in western New Mexico and is one of the most water-scarce stream systems in the State. Today, Navajo Nation, the Pueblos of Acoma and Laguna, the City of Grants, the Village of Milan, various Acequias and farmers, and industrial users continue to rely on water from the Rio San José Stream System, including groundwater from the Bluewater and Rio Grande Basins. Climate change has compounded the lack of water, and, like other western states, New Mexico is experiencing extended periods of drought, furthering the strain on surface water supply.

Recognizing the need for cooperation among the water users in the Stream System and the limited water resources available, the settlement agreement is structured to allow the Nation to develop alternative sources of water based on availability, hydrologic assessment, and community need. Additionally, the Nation has agreed to give up its right to make a priority call on junior non-Tribal water rights, providing security to all water rights holders in the region. The settlement also provides for the establishment of district-specific management tools to monitor and protect water resources and existing valid water uses in the entire Rio San José Stream System, putting this region at the front of efforts to create resiliency in water use not only in the present, but also into the future.

New Mexico's water issues are dire, and they will only get worse with climate change. The State of New Mexico enthusiastically supports this legislation and believes H.R. 8945 is crucial to addressing critical water needs in some of the most water-stressed communities in the state. As a fund-based settlement, the Nation is seeking federal funding in the amount of \$244

million. The Acequias will receive \$3 million from the State to protect against future impairment and improve the efficiency of their ditches and conservation in the overall stream system. This approach also prioritizes Tribal sovereignty and self-determination by ensuring that the Nation is able to make decisions based on the current and future interests of their communities, while also considering water use in the neighboring non-Tribal communities.

Mr. Chairman Bentz, Vice Chair Kiggans, and members of the Committee, the State of New Mexico asks you to support H.R. 8945. If approved, this legislation will create a mechanism for cooperation and coordination among Navajo Nation and the State regarding water rights administration, thereby avoiding jurisdictional conflicts and allowing for comprehensive administration across the stream system. The funding authorized by the Settlement Act will contribute to Navajo water security and provide significant economic benefits and employment opportunities to Navajo Nation and surrounding communities in both stream systems. There will also be broader statewide economic benefits because the scope of these projects will create demand for additional labor, construction, and technical expertise from elsewhere in the State. Importantly, authorizing this fund-based settlement provides the Navajo Nation flexibility to determine the scope and design of future projects and infrastructure.

I thank you for your consideration of this issue and stand ready to provide any support necessary to encourage the passage of this critical legislation.