

Cubero Acequia Association
4 Camino Real - P.O. Box 179
Cubero, NM 87014-0179

Congresswoman Teresa Leger Fernández (NM-03)
1510 Longworth House Office Building
Washington, DC 20510
<https://fernandez.house.gov/>

RE: Support H.R. 1304/S.595, the Rio San José and Rio Jemez Water Settlements Act of 2023

Dear Congresswoman Leger Fernández:

We are writing on behalf of the Cubero Acequia Association, an acequia in the Rio San José Basin, to thank you for sponsoring Bill H.R. 1304, the Rio San Jose and Rio Jemez Water Settlements Act of 2023, and for your continued support of this very important legislation. This Bill gives Congressional approval of the Settlement Agreement for determination of the water rights of the Pueblos of Acoma and Laguna and includes many benefits for our Acequia and parciantes. This settlement was reached after many years and hundreds of hours of intense negotiations among the principal water right claimants in the Rio San Jose Basin in New Mexico, including this Acequia and the other eight Acequias and Community itches located in the Rio San Jose Basin.

We believe the Settlement Agreement contains many provisions beneficial to our Acequia and to this community as a whole. It brings this 40 litigation over the Pueblos' water rights to a close while containing many protections for our own irrigation rights from the Pueblos' water uses. Of prime importance, the Pueblos will not be able to make priority calls against our water rights, and we will have the ability to evaluate and protest new Pueblo water projects and changes in their water usage. Second, the State adjudication Court will retain jurisdiction to enforce and interpret the Settlement Agreement and appeals from Pueblo administrative decisions as to their water rights. The parties will be seeking State legislation to authorize such appeals to the State adjudication Court. In addition, \$12 Million in State funding will be provided for development of water projects to improve and conserve our water supplies and evaluate and protest Pueblo water projects that might impact Acequia water supplies.

Because of the many benefits it provides, our Acequia approved the Settlement Agreement by vote of our parciantes meeting in quorum after public notice given in accordance with our Bylaws and the New Mexico Open Meetings Act. We understand that another Indian water rights settlement, the Fort Belknap Indian Community Water Rights Settlement Act of 2023, recently received Senate approval by attaching it to the National Defense Authorization Act bills voted on by the Senate. If an opportunity arises for H.R. 1304 to be similarly attached to the NDAA or other legislation that might be coming up for vote, we hope that you will advocate for that.

We thank you very much for your representation of our interests and all your efforts on our behalf. We would welcome the opportunity to discuss this further with you and your staffers and answer any questions you may have. You can contact us through our legal counsel copied on this letter.

Sincerely,



Peter Salazar
Chair, Cubero Acequia Association
peter.salazar@state.nm.us

Date: September 24, 2023

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**Resolution Approving Settlement Agreement in
State of New Mexico ex. rel. State Engineer v.
Kerr McGee Corp. et al.
Cibola Cause No. D-1333-CV-198300190 and No. D-1333-CV-198300220
(Combined)**

WHEREAS, Cubero Acequia Association ("Association") is an organized acequia and pursuant to §73-2-28, NMSA 1978, is a political subdivision of the State of New Mexico; and

WHEREAS, the Association is a party in the pending stream adjudication of the Rio San Jose stream system styled as State of New Mexico ex. rel. State Engineer v. Kerr McGee Corp. et. al. Cibola Cause No. D-1333-CV-198300190 and No. D-1333-CV-198300220 (Combined); and

WHEREAS, counsel and the hydrologist for the Association and for the other area acequias and community ditches have engaged in confidential settlement negotiations over the nature and extent of the water rights of the Pueblos of Acoma and Laguna and the Navajo Nation in the Rio San Jose Basin for a number of years; and

WHEREAS, counsel and hydrologists for the participating parties have now negotiated a Local Settlement Agreement for consideration by the Association; and

WHEREAS, these settlement documents are still being finalized and may require grammatical and minor language corrections and clarifications; and

WHEREAS, notice of a special meeting of the members of the Association to consider this agreement was properly posted as required by the Association's bylaws; and

WHEREAS, the members of the Association then met in a special meeting with a quorum present to review and consider this proposed settlement agreement.

NOW, THEREFORE, BE IT RESOLVED by a majority vote of its members present that the Association hereby approves the Local Settlement Agreement.

BE IT FURTHER RESOLVED that counsel for the Association are authorized to propose and to accept and approve what they consider to be any minor modifications to these settlement documents.

CUBERO ACEQUIA ASSOCIATION