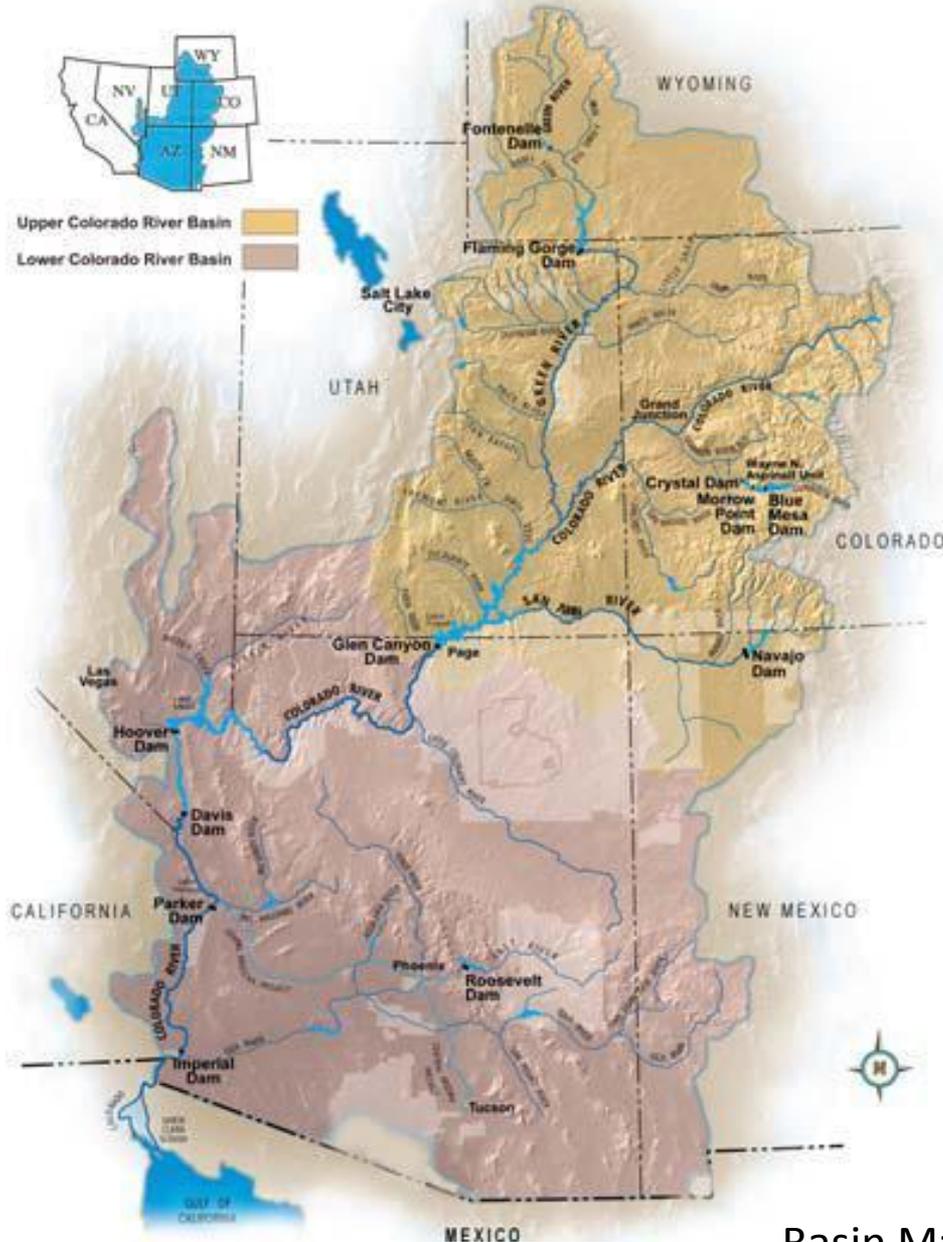


Navajo Nation Colorado River Issues

**Stanley M. Pollack
Navajo Nation
Department of Justice**

Colorado River Basin



Navajo Reservation is almost entirely within Colorado River Basin.

Upper & Lower Basins

Three States:

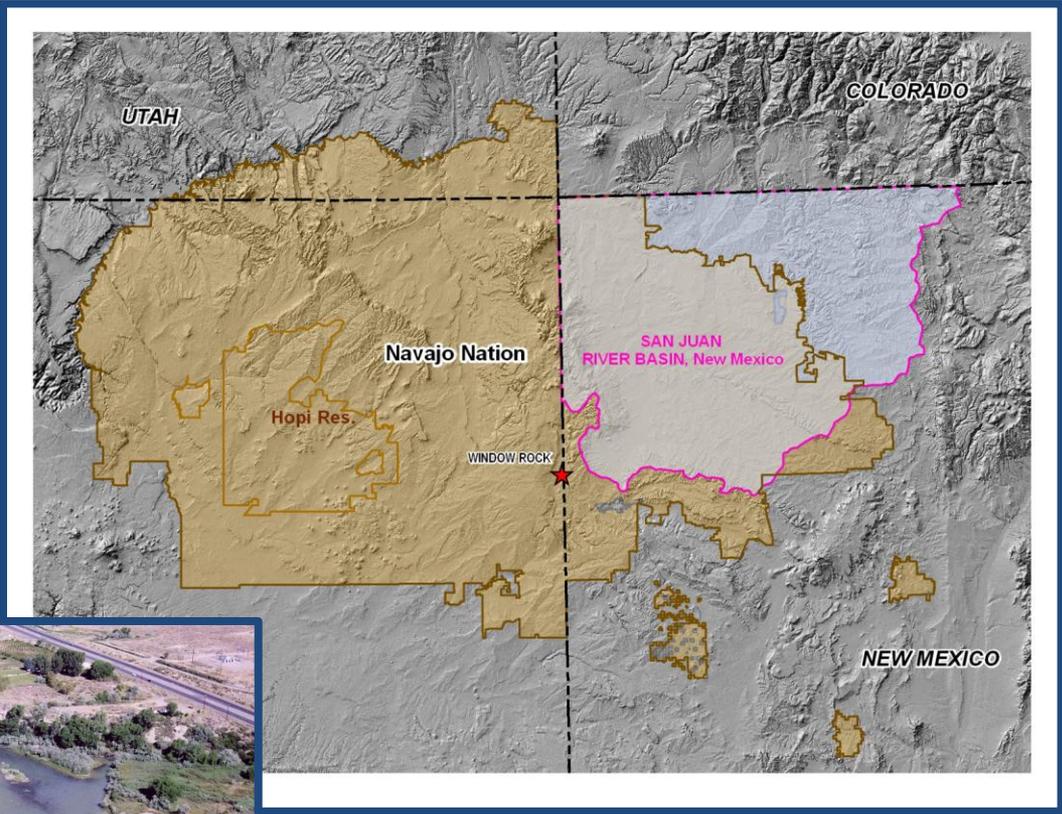
Arizona

New Mexico

Utah

Basin Map courtesy of Bureau of Reclamation

Navajo Nation & the San Juan River Basin in New Mexico



Navajo Nation San Juan River In New Mexico Water Rights Settlement

Summary of the Water Rights of the Navajo Nation San Juan River in New Mexico Settlement			
Component	Diversion (afy)	Depletion (afy)	
Navajo Indian Irrigation Project (110,630 acres)	508,000*	270,000	
Hogback Irrigation Project (8,830 acres)	48,550	21,280	
Fruitland Irrigation Project (3,335 acres)	18,180	7,970	
Animas-La Plata Project	4,680	2,340	
Navajo-Gallup Water Supply Project	22,650	20,780	
Misc. Municipal Uses	2,600	1,300	
Tributary Groundwater	2,000	2,000	
Tributary Surface Water (Small Historic & Existing Uses)	26,872	11,309	
TOTAL	633,532	336,979**	
* NIIP average diversion limited to 353,000 afy		** Net San Juan River depletion 325,918 afy	

Navajo-Gallup Water Supply Project



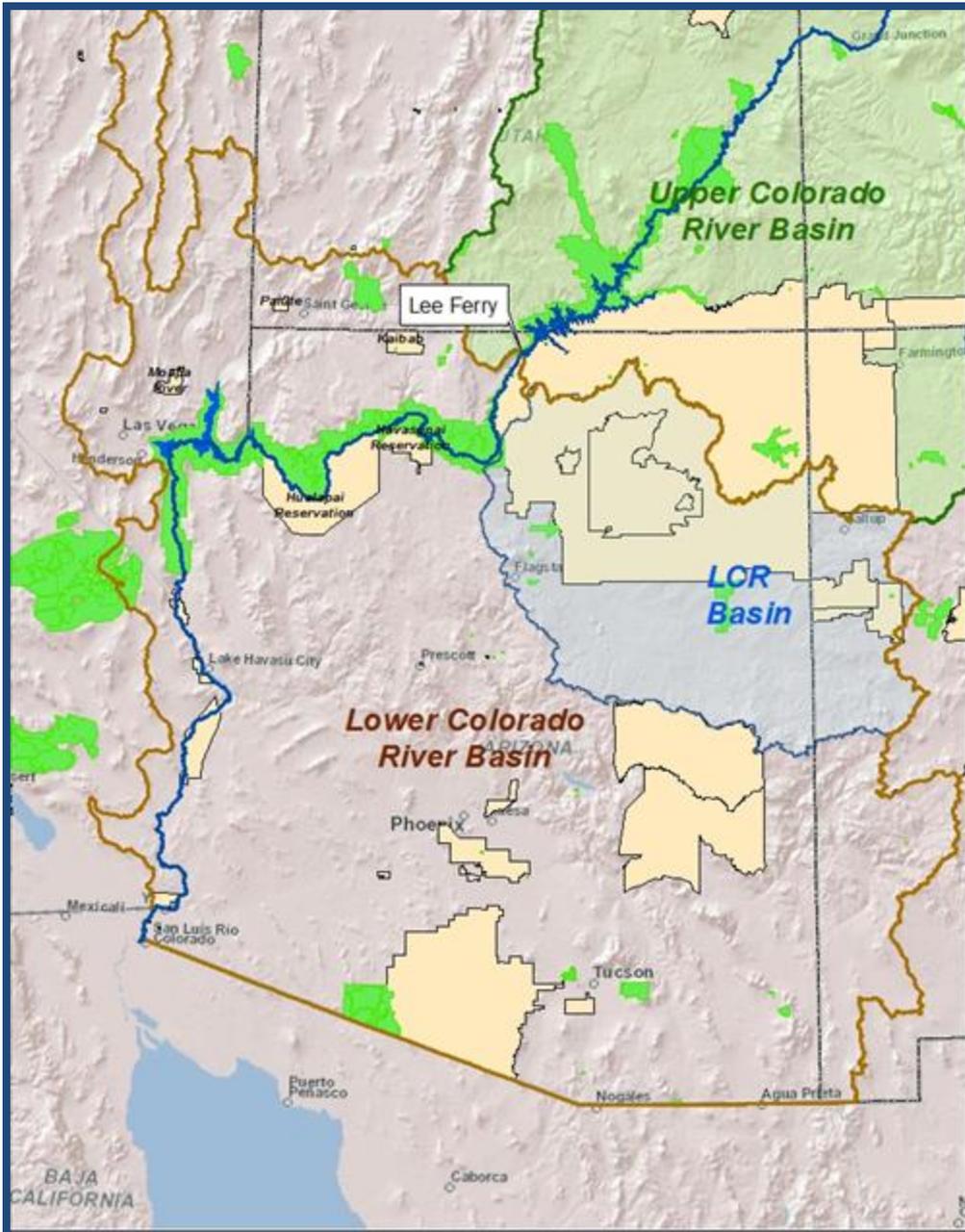
Deliveries to:

- Upper Basin, New Mexico
- Lower Basin, New Mexico
- Rio Grande Basin, NM
- Lower Basin, Arizona



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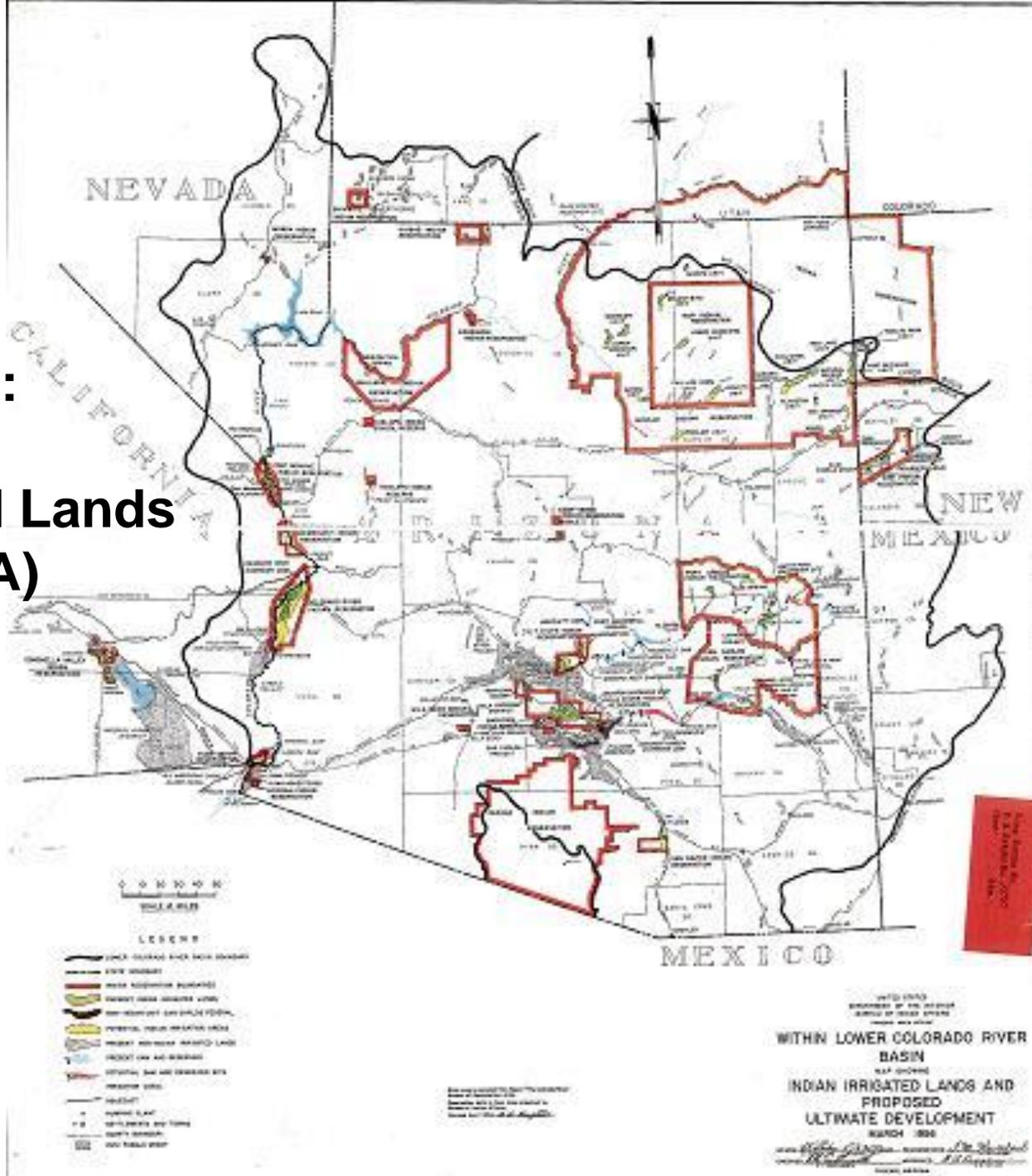


Lower and Little Colorado River Basins in Arizona

Claims filed by U.S. in AZ v. CA

On behalf of all tribes:

- Historically Irrigated Lands
- Future Irrigation (PIA)
- No PIA claim for the Navajo Nation

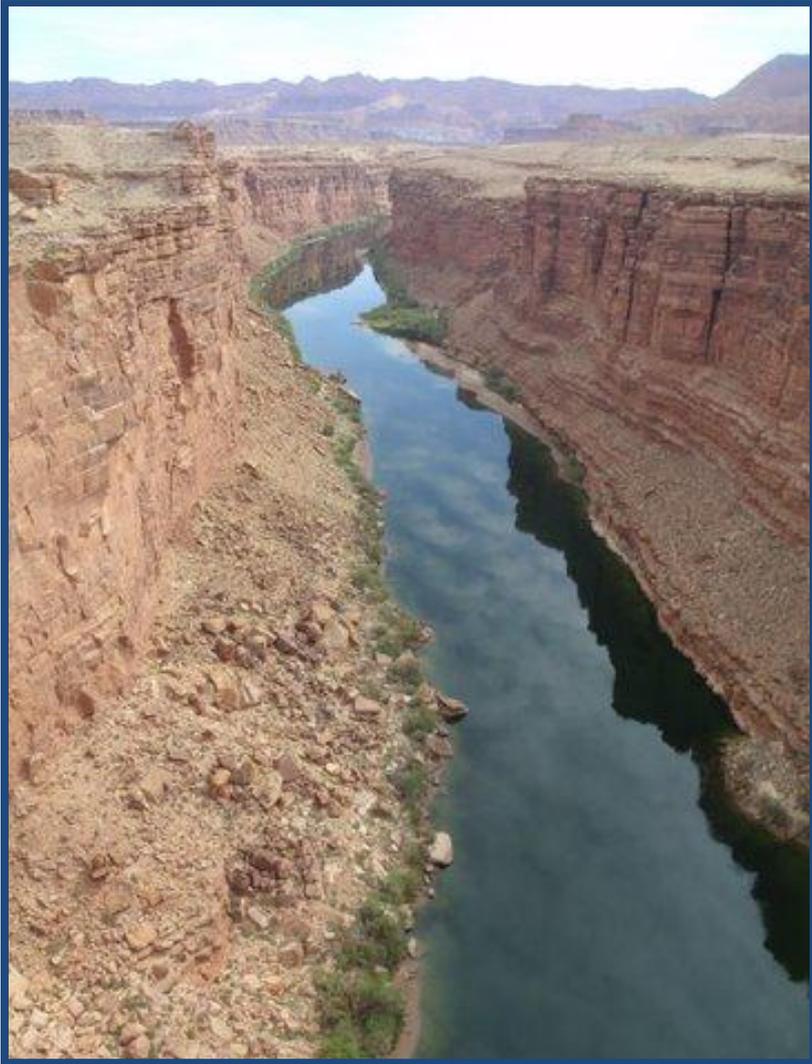


***Gila River V* – “Homeland Standard”**



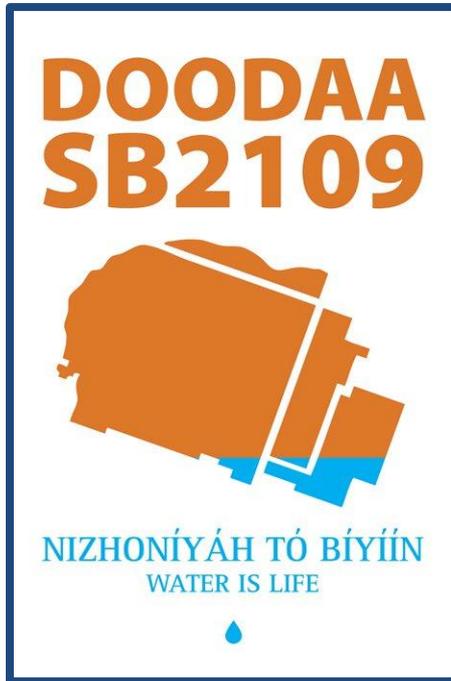
“We decline to approve the use of PIA as the exclusive quantification measure for determining water rights on Indian lands....When an Indian reservation is created, the government impliedly reserves water to carry out its purpose as a permanent homeland.”

Navajo Nation v. U.S. Dept. of the Interior,
CIV 03 0507 PCT PGR, U.S. Dist. Ct., AZ



“This action is brought by the Navajo Nation against the United States Department of Interior . . . challenging the Defendants’ failure to consider the water rights of the Navajo Nation, or to otherwise protect the interests of the Navajo Nation.”

S. 2109 Navajo-Hopi Little Colorado River Water Rights Settlement Act

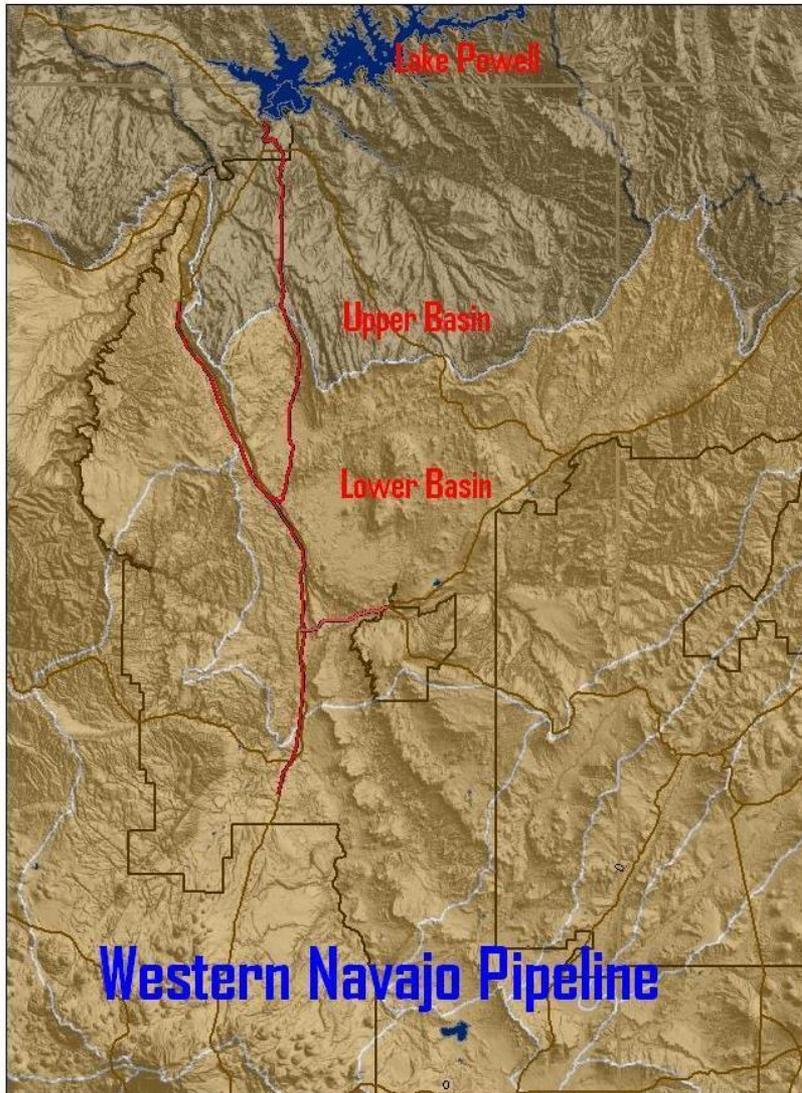


- No Western Navajo Pipeline
- Navajo Generating Station issues
- Restrictions on taking lands into trust



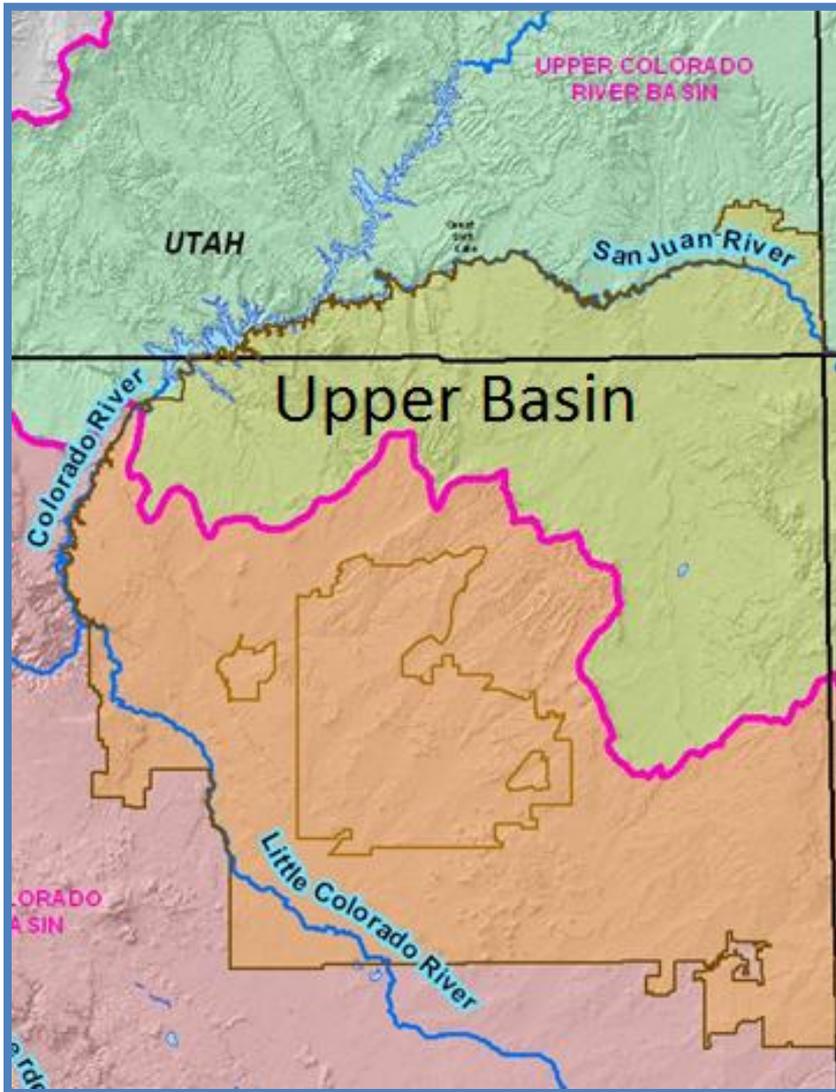
Settlement was rejected by the Navajo Nation and Hopi Tribe

Western Navajo Pipeline



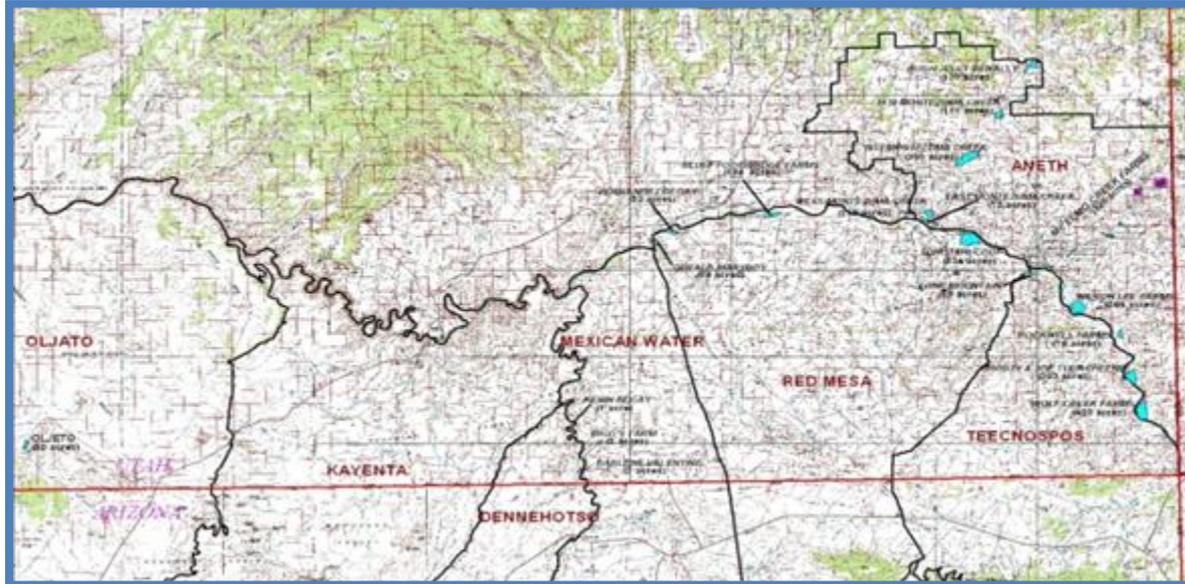
- Key component of the Northeast Arizona Indian Water Rights Settlement Agreement approved by the Navajo Nation Council (2010)
- Upper Basin diversion to deliver water to Navajo communities in the Upper and Lower Basins (and to Hopi villages)
- Estimated cost: \$515 million (2008\$)

Upper Colorado River Basin - Arizona



- Navajo Generating Station contracts for 34,100 afy per agreements made with Navajo Nation in 1968.
- City of Page/GCNRA have right to 3,000 afy per agreement made with Navajo Nation in 1969.

Proposed Utah Navajo Water Rights Settlement



- Right to **DEplete 81,500 AFY** of surface & ground water
- Right to **DIVERT & STORE 435 CFS**, potentially as much as **314,851 AFY**
- **Water Infrastructure**
- **Right to market water**



Ahe'hee'