

**CONCURRENT RESOLUTION REGARDING NAVAJO WATER
RIGHTS SETTLEMENT**

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David P. Hinkins

House Sponsor: Jack R. Draxler

LONG TITLE

General Description:

This concurrent resolution of the Legislature and the Governor declares support for the negotiated settlement of federal reserved water rights between the Navajo Nation and representatives of the state of Utah.

Highlighted Provisions:

This resolution:

▸ declares support for the negotiated settlement of federal reserved water rights, particularly the state of Utah/Navajo Nation Reserved Water Rights Settlement proposed by a negotiating committee composed of the Navajo Nation and Utah representatives and currently being considered by a United States negotiating team.

Special Clauses:

None

Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:

WHEREAS, the Governor of Utah and the President of the Navajo Nation, by a memorandum of understanding dated August 13, 2003, agreed to jointly explore settlement of federal reserved water right claims for the portion of the Navajo Nation located in southeastern Utah;

WHEREAS, representatives of the state of Utah and the Navajo Nation have negotiated



28 a proposed settlement in good faith;

29 WHEREAS, the proposed agreement identifies projects to be built that will provide
30 drinking water to portions of the Navajo Nation located within Utah;

31 WHEREAS, the proposed settlement involves an amount of water and other provisions
32 to minimize the impact of the settlement on Utah water rights, particularly municipal rights,
33 and to assure that the water needed for the settlement fits within Utah's allocation from the
34 Colorado River;

35 WHEREAS, the United States has appointed a federal negotiating team to represent its
36 interest as trustee for the Navajo Nation;

37 WHEREAS, the federal negotiating team is currently evaluating the proposed
38 settlement agreement;

39 WHEREAS, in exchange for providing most of the funds for construction of the
40 drinking water projects that the agreement contemplates, the United States receives a valuable
41 waiver of claims related to lands located within Utah;

42 WHEREAS, when the settlement is ratified by the Utah Legislature, the Navajo Nation,
43 and the United States Congress, it will have the effect of law to resolve all controversies with
44 regard to water right claims by the Navajo Nation and its members in Utah;

45 WHEREAS, in consideration of the promises made in and the value received from the
46 settlement agreement, the state of Utah will be required to contribute to the construction of
47 projects identified in the agreement;

48 WHEREAS, the amount is currently projected to be approximately \$8 million;

49 WHEREAS, the state of Utah has established a Navajo Water Right Settlement Fund,
50 into which money has been deposited in anticipation of the agreement's ratification;

51 WHEREAS, at the present time, the Utah Legislature prefers not to encumber
52 additional funds for the settlement, recognizing these funds will likely not be expended during
53 the upcoming fiscal year; and

54 WHEREAS, the state of Utah maintains a rainy day fund that contains sufficient money
55 that could be used to fulfill its settlement obligations, if necessary:

56 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the
57 Governor concurring therein, declares support for the negotiated settlement of federal reserved
58 water rights, particularly the state of Utah/Navajo Nation Reserved Water Rights Settlement

59 proposed by a negotiating committee composed of Navajo Nation and Utah representatives and
60 currently being considered by a United States negotiating team.

61 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the President of
62 the United States, the Majority Leader of the United States Senate, the Speaker of the United
63 States House of Representatives, the President of the Navajo Nation, the Navajo Nation
64 Council, the Navajo Nation Department of Justice, and the members of Utah's congressional
65 delegation.

Legislative Review Note
as of 1-28-15 10:00 AM

Office of Legislative Research and General Counsel