

CONCURRENT RESOLUTION REGARDING NAVAJO WATER RIGHTS SETTLEMENT AGREEMENT

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David P. Hinkins

House Sponsor: Phil Lyman

LONG TITLE

General Description:

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

Highlighted Provisions:

This resolution:

- ▶ declares support for the negotiated settlement agreement of federal reserved water rights claims, particularly the state of Utah/Navajo Nation Reserved Water Rights Settlement Agreement proposed by a negotiating committee composed of representatives of the Navajo Nation, the state of Utah, and the United States.

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, the Navajo Nation, and the United



28 States have negotiated a proposed settlement agreement in good faith;

29 WHEREAS, the proposed settlement agreement creates a water development fund that
30 will finance future projects that will supply drinking water to those portions of the Navajo
31 Nation located within Utah;

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

36 WHEREAS, in exchange for providing most of the funds for construction of the
37 drinking water projects that the settlement agreement contemplates, the United States receives
38 a valuable waiver of claims related to water and lands located within Utah;

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

42 WHEREAS, this resolution does not constitute the Legislature's ratification of the
43 settlement agreement;

44 WHEREAS, in consideration of the promises made in and the value received from the
45 settlement agreement, the state of Utah will be required to contribute to the water development
46 fund identified in the settlement agreement;

47 WHEREAS, the amount of the state of Utah's contribution is currently projected to be
48 approximately \$8 million;

49 WHEREAS, the state of Utah has established a Navajo Water Rights Negotiation
50 Account, into which money has been deposited in anticipation of the settlement agreement's
51 ratification;

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

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

57 WHEREAS, in the 116th Congress, Congressman Rob Bishop has introduced H.R. 644
58 "Navajo Utah Water Rights Settlement Act of 2019" to ratify the settlement agreement on

59 behalf of the United States Congress:

60 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the
61 Governor concurring therein, declares support for the negotiated settlement agreement of
62 federal reserved water rights claims, particularly the state of Utah/Navajo Nation Reserved
63 Water Rights Settlement Agreement proposed by a negotiating committee composed of
64 representatives of the Navajo Nation, the state of Utah, and the United States.

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

70 BE IT FURTHER RESOLVED that the Legislature and the Governor encourage Utah's
71 congressional delegation to use their best efforts to enact legislation to ratify and fund the
72 settlement agreement.