Navajo Nation
Colorado River Issues

Stanley M. Pollack
Navajo Nation
Department of Justice
Navajo Reservation is almost entirely within Colorado River Basin.

Upper & Lower Basins

Three States: Arizona, New Mexico, Utah
Navajo Nation & the San Juan River Basin in New Mexico
## Summary of the Water Rights of the Navajo Nation
### San Juan River in New Mexico Settlement

<table>
<thead>
<tr>
<th>Component</th>
<th>Diversion (afy)</th>
<th>Depletion (afy)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Navajo Indian Irrigation Project (110,630 acres)</td>
<td>508,000*</td>
<td>270,000</td>
</tr>
<tr>
<td>Hogback Irrigation Project (8,830 acres)</td>
<td>48,550</td>
<td>21,280</td>
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<tr>
<td>Fruitland Irrigation Project (3,335 acres)</td>
<td>18,180</td>
<td>7,970</td>
</tr>
<tr>
<td>Animas-La Plata Project</td>
<td>4,680</td>
<td>2,340</td>
</tr>
<tr>
<td>Navajo-Gallup Water Supply Project</td>
<td>22,650</td>
<td>20,780</td>
</tr>
<tr>
<td>Misc. Municipal Uses</td>
<td>2,600</td>
<td>1,300</td>
</tr>
<tr>
<td>Tributary Groundwater</td>
<td>2,000</td>
<td>2,000</td>
</tr>
<tr>
<td>Tributary Surface Water (Small Historic &amp; Existing Uses)</td>
<td>26,872</td>
<td>11,309</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>633,532</strong></td>
<td><strong>336,979</strong>**</td>
</tr>
</tbody>
</table>

* 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
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
“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.”

“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