

# Congress of the United States

Washington, DC 20515

December 3, 2024

The Honorable Mike Johnson  
Speaker  
U.S. House of Representatives  
H-232, The Capitol  
Washington, DC 20515

The Honorable Hakeem Jeffries  
Minority Leader  
U.S. House of Representatives  
H-204, The Capitol  
Washington, DC 20515

Dear Speaker Johnson and Leader Jeffries:

As Members of the New Mexico Congressional Delegation, we urge you to pass pending Indian Water Rights Settlement legislation that impacts our state before the end of the year. These bills bring certainty to disputes around water across the Southwest. The settlements provide water infrastructure projects for Tribal communities in exchange for their agreement to forgo aspects of their priority water claims, which benefits non-Tribal communities dependent on scarce water resources during times of shortage. The settlements further resolve claims that could be brought against the United States and comply with our federal trust responsibility to the Tribes.

In July, House Natural Resources Committee Chair Bruce Westerman and Subcommittee Chair Cliff Bentz convened a historic hearing which included testimony on six Indian Water Rights Settlement bills that would positively impact 13 of New Mexico's Tribes.<sup>1</sup> Time after time during that hearing, witnesses from the Department of Interior and Tribes spoke about how the passage of these settlements is critical to sustain Tribal communities across New Mexico. For example, on the Navajo Nation, nearly one in three residents lack access to reliable drinking water in their homes. It is shameful that in 2024, American citizens across several states lack access to indoor plumbing and water.

The passage of these settlements would also benefit the federal government and non-Tribal communities immensely. First, they will save federal taxpayers money by resolving what would be costly litigation. To be sure, these settlements are not inexpensive. But the alternative of decades-long litigation to establish water rights has been much more costly and led to long-simmering acrimony in the impacted areas. In addition, the longer we wait to pass these bills the

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<sup>1</sup> H.R. 1304, "Rio San José and Rio Jemez Water Settlements Act of 2023"; H.R. 3977, "Navajo-Gallup Water Supply Project Amendments Act of 2023"; H.R. 6599, "Technical Corrections to the Northwestern New Mexico Rural Water Projects Act, Taos Pueblo Indian Water Rights Settlement Act, and Aamodt Litigation Settlement Act"; H.R. 8685, "Ohkay Owingeh Rio Chama Water Rights Settlement Act of 2024"; H.R. 8945, "Navajo Nation Rio San José Stream System Water Rights Settlement Act of 2024"; H.R. 8951, "Zuni Indian Tribe Water Rights Settlement Act of 2024".

more expensive the settlements will be as the value of the water rights will rise as water shortages increase. The construction costs for building the negotiated infrastructure projects will also increase. Last, these settlements include over \$170 million in contributions from the State of New Mexico to build water infrastructure for neighboring towns, villages, and cities. These bills will lead to the completion of essential projects that are awaiting secure water infrastructure like a new rural Indian Health Service hospital.

These settlements are the culmination of years – in some cases decades – of negotiations between Tribes, states, municipalities, and the federal government. The parties that reached these settlements have acted in good faith. As part of these negotiations, Tribes have given up their incredibly valuable senior water rights. The Senate has marked up each of these six bills impacting Tribes in New Mexico. It's time for Congress to take the final action and pass these bills.

As you negotiate legislative packages for the end of the year, please include the six New Mexico Indian Water Rights Settlement bills. Thank you for your attention to this matter.

Sincerely,



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Teresa Leger Fernández  
Member of Congress



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Melanie Stansbury  
Member of Congress



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Gabe Vasquez  
Member of Congress

cc:

The Honorable Bruce Westerman, Chair, House Natural Resources Committee

The Honorable Raúl Grijalva, Ranking Member, House Natural Resources Committee

The Honorable Cliff Bentz, Chair, House Natural Resources Water, Wildlife, and Fisheries Subcommittee

The Honorable Jared Huffman, Ranking Member, House Natural Resources Water, Wildlife, and Fisheries Subcommittee