



THE NAVAJO NATION

RUSSELL BEGAYE, PRESIDENT
JONATHAN NEZ, VICE PRESIDENT

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Before the
United States House Natural Resources Committee
Subcommittee on Water, Power and Oceans

Hearing on
HR 1406 – The New Mexico Navajo Water Settlement Technical Corrections Act

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Yá'át'ééh Chairman Fleming, Ranking Member Huffman, and members of the Committee. My name is Jackson Brossy. I am the executive director of the Navajo Nation Washington Office. Thank you for this opportunity to present testimony on HR 1406, the New Mexico Navajo Water Settlement Technical Corrections Act.

We appreciate Congressman Ben Ray Luján's leadership and sponsorship of HR 1406 as well as Senator Tom Udall's leadership in the Senate. This bill makes certain technical corrections to the law authorizing the Navajo-Gallup Water Supply Project. This Project was authorized as part of the Omnibus Public Land Management Act of 2009, which provided Congressional approval to the water rights Settlement Agreement between the Navajo Nation, the United States and the State of New Mexico. Let me provide a brief summary of each of these technical corrections.

Section 2(a) corrects a misspelling and an incorrect case number for New Mexico v. United States. Section 2(b) makes grammatical changes to an internal reference.

Section 2(c) clarifies that the 10-year waiver of payments on operation, maintenance, and replacement costs runs from the date of first delivery of 'Project' water as opposed to delivery of water from any source. The Navajo Nation may take possession of non-project water before the 10-year clock starts, but it is responsible for associated operation and maintenance costs.

Section 2(d) authorizes the appropriation of funds for 'planning' and 'design' in addition to 'construction or rehabilitation' for Conjunctive Use Wells. Section 2(d) also corrects an error

that resulted in the percentage allocations for Cultural Resource protection and Fish and Wildlife Facilities made available for the Project being inadvertently reversed.

Finally, Section 2(e) clarifies that the Court presiding over the stream adjudication can nullify the April 19, 2005 Agreement among the State of New Mexico, the Nation and the United States, but not the Contract between the United States and the Navajo Nation supplying water to the parties, which falls under federal law.

The Navajo Nation supports this bill and appreciates all of the hard work that went into developing the Navajo-Gallup Water Supply Project. While the bill only makes technical corrections, they are critical improvements that clarify an important piece of legislation that will help to build the Navajo Nation's water infrastructure.

The Begaye-Nez Administration is committed to improving the Navajo Nation's access to water, which is essential for the economic and job growth in the Navajo Nation. We have a saying, *tó bee iiná*. Water is life; water helps us live. We are ready to take proactive steps to ensure we adhere to this ideal.

Lack of water and infrastructure resources seriously hinders our efforts to fully realize our economic potential. There are currently more than 4,000 homes without water on the Navajo Nation. In addition, current water systems are not sized to accommodate long-term growth and economic development. These technical amendments will provide long-term renewable water supply to reduce the number of homes without water and provide a water supply for economic growth in northwestern New Mexico. But that is just the first step and does not fully provide access to water to the portions of the reservation in Arizona, Utah and more remote areas of New Mexico. The Navajo Nation has an earnest desire to achieve a fair and equitable settlement of our water rights that will ensure that the Nation has the resources that it needs to grow, now and into the future for all of our citizens.

Infrastructure development is one of the four pillars of the Begaye-Nez Administration and one that was constantly brought up as a priority by the Navajo people. President Begaye has emphasized the need for access to water, rural electrification, broadband internet and road improvement. This administration understands that infrastructure development, and water rights in particular are the foundation for economic growth.

In order to ensure access to water resources, and to protect the Navajo Nation's water rights, the Begaye-Nez Administration would like your assistance in resolving the Nation's outstanding water rights claims in Utah and Arizona. In February of 2013, the U.S. Department of the Interior Secretary Ken Salazar appointed a federal negotiation team to participate in the resolution of the Navajo Nation's claims in Utah. The Navajo Nation stands ready to work with

Congress and the administration on developing a fair, equitable and comprehensive water rights settlement package in Arizona and Utah. Although the Navajo-Gallup Project includes infrastructure and capacity to supply some eastern Arizona Navajo communities, the lack of a settlement of the Nation's water rights claims in Arizona continues to be an impediment to delivering water across the broader 27,000 square mile Navajo Nation. We must reinvigorate efforts to resolve the Nation's claims in Arizona as well. We need meaningful assistance from the federal government to ensure that our legitimate rights are recognized and secured.

Again, we appreciate Congressman Luján's leadership and the Committee's attention to this important issue. With your help, we can secure a bright and prosperous future for the Navajo Nation. Thank you. Ahéhee'.