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**Council rejects water rights settlement
legislation, demands more for the people**
"it is a beginning of a new era in Navajo life"

WINDOW ROCK, Ariz. – The Navajo-Hopi Little Colorado River Water Rights Settlement was voted down by the 22nd Navajo Nation Council on July 5 during a special session called by Speaker Johnny Naize (Low Mountain, Many Farms, Nazlini, Tachee/Blue Gap, Tselani/Cottonwood).

The council also voted to approve a legislation opposing S. 2109, the Senate House Bill introduced by Senator Jon Kyl on February 14, and H.R. 4067, the companion bill introduced to the House of Representatives.

Sponsored by Speaker Naize, Legislation No. 0230-12 sought approval of the Navajo-Hopi LCR Water Rights Settlement, which would have settled water rights claims and authorized the construction of water projects on the nation.

As council delegates, we have had the opportunity to hear and be educated on the matter, said Speaker Naize, we have also had the opportunity for in-depth discussion, and we made a strong effort to include the public in the discussion through comment submissions and hearings.

Moreover, Speaker Naize stated that the issue of water rights settlement is not a recent discussion for the Diné people – it goes back to the earliest of court cases with the more recent discussion being on the settlement before you today and requiring your decision.

Council Delegate Russell Begaye (Shiprock) – the first delegate to offer comments – stated, "Today is a critical day for our nation, and I strongly believe that it is a beginning of a new era in Navajo life when we, as a great nation, take back the control of our natural resources and we, as naat'áanii, decide with the voices of our people what is best for us."

Delegate Begaye expressed the need to stand up for the future of children and grandchildren and the importance of listening to the word 'no' expressed by the Navajo people.

"Let it be said loud and clear to leaders in Washington that we, the Navajo people, are capable of doing what we want and from this day forward we will determine our own future," stated Delegate Begaye.

Council Delegate Katherine Benally (Chilchinbeto, Dennehotso, Kayenta), reading from a prepared statement, offered a wide range of points supporting a vote against the settlement, which

included the highly contested inclusion of the Navajo Generating Station (NGS) in Senator Kyl's bill.

"NGS should not be used as a bargaining chip. NGS is a big boy and has the muscle of free enterprise," said Delegate Benally. "So why is it in a water settlement bill? That is the reason this nation deserves and is waiting anxiously to 'renegotiate' this agreement. It's time to take a position, take a stand to get our people what is rightfully theirs and what is fair."

Council Delegate Benally also pointed to the fact that funding from the settlement would only support a "main trunk line" and would not provide direct lines to the homes of Diné citizens, which was contrary to the promises to citizens they would receive water in their homes if the nation approved the settlement.

"Why do we continue to follow the lead of the individuals that do not have the best interest of the Navajo Nation? For once, let us speak for ourselves and be heard," concluded Delegate Benally.

The council voted down the legislation with a vote of six (6) supporting and fifteen (15) opposing.

Over the course of discussion on the water rights settlement, council heard reports from the Navajo Nation Department of Justice attorneys, community representatives, and the Navajo Nation Water Rights Commission.

Council delegates attended town halls hosted by the Office of the President and the Vice President. The council gave directive to hold hearings to provide an additional avenue of hearing directly from the people.

Legislation No. 0230-12 was assigned to three committees. It was acted upon according to the legislative process as mandated by Title II. The legislative process started on June 9 when the legislation was posted to the Navajo Nation Council website for the 5-day bill hold period.

The Budget and Finance Committee considered the legislation on June 19 and acted upon the legislation with a tabling motion. The tabling motion automatically forwarded legislation to the Resources and Development Committee.

The Resources and Development Committee held a special meeting for the water rights settlement legislation on June 21. The committee voted down the legislation with five (5) opposing and zero (0) supporting; however, according to Title 2, the legislation continued to move forward.

On June 22 the Naa'bik'iyati' Committee also considered and voted down the legislation. The committee voted against the legislation with a vote of fifteen (15) opposing and three (3) supporting; however, the legislation again continued to the full council where final authority rested.

Legislation No. 0149-12, sponsored by Council Delegate Katherine Benally, opposes U.S. Senate Bill 2109 and H.R. 4067 and passed with a vote of fifteen (15) supporting and one (1) opposing.

The legislation passed with amendments made during the June 15 Naa'bik'iyati' Committee by Council Delegates Lorenzo Curley (Houck, Klagetoh, Nahata Dziil, Tse Si Ani, Wide Ruins) and

Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake).

Delegate Curley had previously amended the legislation as follows, "...the waiver of Navajo Nation water rights claims to the Little Colorado River and the Navajo Generating Station lease extension provisions of..." on lines 13, 14, and 15 from page one.

The new language on line 13 now reads, "Opposing U.S. Senate Bill S. 2109 and H.R. 4067."

Delegate Tsosie also amended the legislation, changing various sections and adding an additional seven paragraphs.

"Senate Bill 2109/House Bill 4067 were drafted without consultation with the leaders and representative bodies of the Navajo Nation and were introduced before the acceptance of any agreement by or consent by the Navajo Nation," was added as paragraph 5.

"Navajo Nation strongly objects to the language limiting the ability of the Navajo Nation to put lands into trust status. This is irrelevant to a water rights legislation or settlement and should not have been included," was added as paragraph 8.

The Navajo Nation Council also passed a directive during yesterday's session, with a vote of sixteen (16) supporting and zero (0) opposing, for the Speaker to appoint council delegates to a task force to continue working on water rights settlement on behalf of the nation.

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