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President Shelly Clarifies Hiring of Firm for Navajo Water Rights

WINDOW ROCK, Ariz. – Navajo Nation President Ben Shelly said recent reports about the Navajo Nation’s hiring of a firm to develop Congressional support for Navajo water issues needs to be clarified.

In October of 2011, the Navajo Nation Department of Justice, with the support of the Navajo Nation Water Rights Commission, retained the firm of Brownstein, Hyatt, Farber and Schreck to assist the Navajo Nation in developing congressional support for Indian water rights settlements.

“I want the people to know that the Washington, D.C. based firm of Brownstein, Hyatt, Farber and Schreck was hired before Sen. Jon Kyl introduced the Navajo-Hopi Little Colorado River Water Rights Settlement Act of 2012 before Congress,” President Shelly said.

“When Navajo issues come before Congress, it is the duty of the Navajo Nation to ensure the interests of the Navajo people are heard,” the President added.

According to a statement from the Navajo Nation Department of Justice, “the Brownstein firm was hired prior to the introduction of the Navajo-Hopi Little Colorado River Water Rights Settlement Act of 2012. The firm was retained to lay the foundation in Congress for potential settlements that have yet to be considered by the Navajo Nation Council, including a proposed water rights settlement with the State of Utah. Members of the Brownstein firm have direct experience with the successful enactment of Indian water rights settlements in Congress. The process for identifying funds that can be used in a water rights settlement is complex and ever evolving. Decisions about who will sponsor legislation and which committees’ legislation will go to require a thorough familiarity with the current Congress. The Nation hired Brownstein based on its expertise in these matters.”

Historically, the Navajo Nation has used firms in the past to help inform federal leaders about a variety of issues such as, Navajo-Hopi issues, the Navajo Indian Irrigation Project and environmental issues.

“It is important for members of Congress to understand that resolving Indian water rights claims is a national obligation, and that the funding of the settlements should not be treated as ear-marks,” President Shelly said.

President Barack Obama has made the settlement of Indian water rights claims a priority, such as the Northwest New Mexico Water Rights Settlement, the White Mountain Water Rights Settlement, the Crow Tribe Water Settlement Act and the AAMODT settlement.

“Water settlements that enter litigation can take decades,” President Shelly said.

“The Little Colorado River Adjudication began in 1979, and there’s no end in sight. But more importantly, we risk having a state judge dictating to us how we can use our water. Litigation is uncertain. If we continue to litigate, we could get less water than is recognized in the settlement,” said President Shelly.

No further action will be taken in Congress on S. 2109 until the Navajo Nation and the Hopi Tribe approve a settlement agreement.

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