



# Fact Sheet

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## **Navajo-Hopi Little Colorado River Water Rights Settlement Agreement**

Since 1978, Arizona Superior Court has presided over the Little Colorado River water rights adjudication, involving about 13,250 water rights claims and nearly 5,000 parties. Not surprisingly, the proceedings have resulted in settlement of only the Zuni Tribe's claims thus far.

The Navajo-Hopi Little Colorado River Water Rights Settlement Agreement, if approved, would settle the claims of the major claimants in the adjudication and is the first step in ensuring a dependable, supply of clean water for the Hopi Tribe.

### **Hopi Tribe's Goals**

- Protect Hopi water supplies, including culturally-important springs;
- Expand water supply infrastructure to significantly increase water supply to Hopi villages;
- Reduce contamination and risk of contamination of Hopi water supplies;
- Provide water for new lands in the Homolovi District, which were acquired by the Hopi Tribe under the 1996 Navajo-Hopi Land Dispute Settlement Act; and
- Preserve the Hopi Tribe's claims to mainstem Colorado River water to meet the Hopi Tribe's future needs.

### **Parties**

- This agreement settles the water rights held by 34 parties, including the Hopi Tribe, Navajo Nation, United States, State of Arizona, and a multitude of utilities, irrigation entities, mining companies, cities and towns, and individuals.

### **Rights & Benefits Confirmed by the Agreement for the Hopi Tribe**

- Rights to groundwater underlying the Hopi Reservation and to surface water from on-reservation washes, which are not subject to loss through non-use, forfeiture, abandonment, or other operation of law;
- Funding for infrastructure to supply clean, reliable water to the Hopi villages (see Water Delivery Infrastructure below);
- Protection for the Hopi Tribe's springs (see N-Aquifer Management Plan below);
- Rights to drill replacement wells on new Hopi lands in the Homolovi District;
- Rights to drill new wells on all other lands within the Homolovi District to support future development needs (see Water Rights for the Homolovi District Lands below); and

- Reservation of mainstem Colorado River water to address the Hopi Tribe's *Winters* rights claims to the Lower Colorado River.

## **Rights Waived by the Hopi Tribe**

- Claims to the Little Colorado River; and
- Claims for damages for injuries to water rights or water quality that occur before the settlement goes into effect.

## **N-Aquifer Management Plan**

The N-Aquifer is a shared water source for the Hopi Tribe and Navajo Nation. Water levels in the aquifer have fallen due to over-consumption. As a result, water flow to the Hopi Tribe's culturally-significant springs is threatened. The settlement includes the following measures to protect springs on Hopi lands:

- An agreement between the Navajo and Hopi to jointly manage the N-Aquifer to prevent excessive "drawdown" of existing wells;
- 1.5-mile buffer zones to prevent new well drilling around springs near the Hopi Reservation boundary;
- 2.3-mile buffer zone to prevent new well drilling around Pasture Canyon Springs; and
- \$10.4 million appropriation (subject to approval by Congress) to protect and restore Pasture Canyon springs.

## **Water Delivery Infrastructure**

- The settlement provides approximately \$113.5 million (subject to approval by Congress) to construct the Hopi Groundwater Project and \$5 million for initial operation, maintenance, and replacement costs.
- The project includes construction of the "Hopi Lateral Pipeline," which is a large-diameter water transmission line between Moenkopi and Keams Canyon, new wells near Howell Mesa, and water system improvements at Hopi villages.

## **Water Rights for the Homolovi District Lands**

- The water settlement agreement allows the Hopi Tribe to drill replacement wells for its existing wells on Homolovi District lands (referred to as "new lands" in the agreement);
- The Hopi Tribe may develop a new water supply within a one- to two-mile-wide strip of land south of southwestern boundary of the Navajo Reservation where wells otherwise could not be drilled under previous versions of the settlement agreement to replace a well on state lands leased to the Hopi Tribe;
- The amount of water available from existing wells are grand-tethered to capacity of the well; and
- The Hopi Tribe may drill new wells on all other lands within the Homolovi District to serve future development.

## **What's Next**

- The Navajo Nation and 21 other parties, including the Secretary of the Interior and Governor of Arizona, must approve the settlement agreement;
- Congress must pass legislation to ratify and implement the settlement; and
- The President of the United States must approve the legislation.