

Long-awaited bill to settle Navajo Nation water rights in San Juan County passed by Congress

The legislation formalizes tribal water rights in southeast Utah and provides \$220 million to construct water projects on the Utah Navajo strip.

By **Zak Podmore**

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Soon after COVID-19 was identified in the Navajo Nation in March and [its per capita case rate exceeded all U.S. states](#), a common refrain emerged among health care workers, tribal leaders and members of Congress: It's time to finally address water availability issues on the Navajo Nation.

In June, the Senate [unanimously passed](#) the Utah Navajo Water Rights Settlement Act, a [long-awaited piece of legislation](#) aimed to do just that for the Utah portion of the reservation. The legislation would recognize the Navajo Nation's right to 81,500 acre feet of water from the Colorado River basin in Utah — [enough to meet the annual needs of an estimated 160,000 typical American households](#). It also would settle the tribe's current and future water rights claims and provide \$220 million to build much-needed water projects in San Juan County.



(Leah Hogsten | Tribune file photo) Two young boys fill the family water tank at the Oljato-Monument Valley water spigot adjacent to the post office on June 22, 2020. The water well is one of a few locations in San Juan County where members of the Navajo Nation can get clean water. More than one-third of Navajo Nation households lack running water, and the problem is even worse in San Juan County where over 40% of Navajo Nation residents have to haul water. Families fill jugs at communal wells or buy bottled water from stores — both costly and time-consuming burdens that have become only more difficult during the pandemic and the tribe's daily and weekend curfews.

But despite its bipartisan passage, outgoing President Donald Trump threw the entire funding and relief package into uncertainty Tuesday night when he sharply criticized it as “wasteful and unnecessary.”

Over 40% of Navajo Nation homes in San Juan County — where tribal water rights have never been formalized — lack running water and many [residents have to fill containers at public taps, a time-consuming and expensive process](#). Others [rely on water delivery from nonprofit organizations](#).

The bill, made more urgent by the pandemic, garnered bipartisan support after nearly 18 years of negotiation. Every member of the Utah delegation to the House of Representatives, three Republicans and one Democrat, cosponsored it, and the public appeared to back its premise as well.

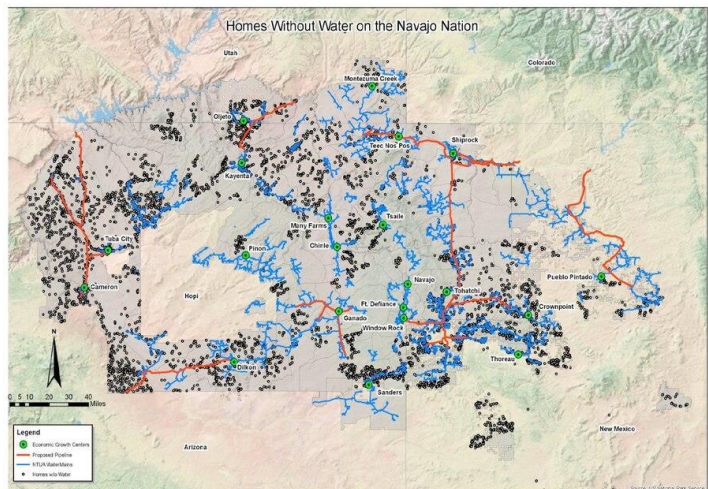
A June [poll](#) from Climate Nexus, in partnership with Yale and George Mason universities, found 84% support for allocating federal dollars to subsidize water projects for the 2 million Americans currently without running water, many of whom live on Native American reservations. And [a study from the Indian Health Service](#) found that every dollar the agency spends on home sanitation facilities achieves at least a twenty-fold return in health benefits.

But months passed and nothing happened. Sen. Mitt Romney, R-Utah, and Rep. Ben McAdams, D-Utah, [put out a joint news release](#) in October urging the House to pass the bill. Navajo Nation President Jonathan Nez [spoke to a water conference at Colorado Mesa University in November](#), and worried if the legislation did not go to a vote in the House before the end of the year, it could continue to founder in Congress like it has since first being introduced by then-Sen. Orrin Hatch, R-Utah, in 2016.

On Monday, however, the legislation finally saw renewed life when it was [included in the massive Consolidated Appropriations Act of 2021](#), a \$2.3 trillion spending bill that includes \$900 billion in coronavirus relief and a \$1.4 trillion omnibus spending package. The legislation is now headed to President Donald Trump's desk.

“This is truly a historic milestone for the Navajo people and the state of Utah,” Nez said in a statement Monday. “For years, Navajo leaders have advocated for the passage of the Navajo Utah Water Rights Settlement Act to provide clean water for our people that reside in the Utah portion of the Navajo Nation. The COVID-19 pandemic has punctuated our critical need for more clean water resources to keep our people safe and healthy.”

Nez thanked the bill's advocates in Congress, including Romney, McAdams and Rep. Rob Bishop, R-Utah, as well as Utah Gov. Gary Herbert and Lt. Gov. Spencer Cox, the state's governor-elect.



(Courtesy of Navajo Tribal Utility Authority) More than 40% of Navajo Nation homes in Utah lack running water. Legislation passed by Congress on Monday would designate \$220 million for water projects on the Utah Navajo strip.

“The legislation which passed today includes several measures which I have been fighting for and that are important for Utah,” Romney said in a statement. “The Navajo Nation, which faces among the highest COVID infection rates in the country, will finally have access to running water.”

“It is long overdue for the Navajo Water Rights Settlement to be signed into law,” Curtis, who represents San Juan County, said in a statement. “This broadly-supported settlement will bring vital water infrastructure to the Utah portion of the Navajo Nation and brings certainty to water rights within the region. I appreciate the leadership of Senator Romney to help get this important legislation across the finish line.”

The bill's passage was also praised by conservation groups, including Trout Unlimited.

Woody Lee, executive director of Utah Diné Bikéyah, called the legislation's passage "one of the brighter moments in this unprecedented year of uncertainties."

"Water is healing for all beings placed on earth, according to Diné teachings," he said. "This is an historic moment where the Diné People and the state of Utah have come together to recognize Indigenous water rights. This human right of access to water is long overdue. The Utah Navajo Water Rights Settlement will now be a catalyst for the improvement of the health and well-being of Indigenous peoples."

Former San Juan County Commissioner and former Navajo Nation Councilmember Mark Maryboy was involved in the settlement negotiations for nearly two decades. More recently, he has been involved with an extensive needs assessment for farmers in San Juan County that could help direct how the funds are spent, [according to KUER](#).

"I have been meeting with grassroots people and water technicians for several years and know that there is great need for water," Maryboy said. "Every family on the Utah portion of the reservation deserves to have a clean and safe drinking water."

Although the \$220 million appropriated by the bill would provide a significant boost to the construction of water projects, James Adakai, president of the Oljato Chapter and manager for the Navajo Nation Capital Projects Management Department, [told The Salt Lake Tribune this summer](#) that it might not be enough to fully resolve what he called the "water crisis" on the Utah Navajo strip.

"This is a big project, running the water lines maybe 20 to 40 miles to very remote communities," Adakai said. "Running the line to the home, the drain fields, the septic tanks, the interior plumbing work, the cost of booster stations, water storage tanks, treatment plants — all the construction costs, labor, materials and supplies — it adds up."

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Zak Podmore is a [Report for America](#) corps member and writes about conflict and change in San Juan County for The Salt Lake Tribune. Your donation to match our RFA grant helps keep him writing stories like this one; please consider making a tax-deductible gift of any amount today by clicking [here](#).