

Navajo Petition Against Senate Bill 2109 and HR Bill 4067
“Navajo-Hopi Little Colorado River Water Settlement Act of 2012”

We, the undersigned members of the Navajo Nation oppose and reject Senate Bill 2109 and House of Representatives Bill 4067, the “Navajo-Hopi Little Colorado River Water Rights Settlement Act of 2012”. The Act aims to settle claims and legal challenges by the Navajo and Hopi Nations to an unquantified amount of water from the Little Colorado River, Gila River, and Lower Colorado River. While Title I of the Act aims to accomplish this objective by funding water projects in exchange for a waiver of claims, Title II seeks to ensure continued operation of the Navajo Generating Station (NGS) – diminishing the our senior water rights to Priority IV for 100 years – in exchange for the allocation of unknown, unquantified water rights to the Navajo Nation. We reject and oppose this proposed settlement because:

- **It makes the Navajo Nation and Hopi Tribe hostages of Peabody Coal Company, the Salt River Project (SRP), and NGS.** This proposed settlement makes water delivery to Navajo and Hopi communities *contingent upon* renewed leases and agreements with Peabody Coal Company, the Salt River Project, and 34,100 acre-feet/year for NGS’s cooling towers.
- **It reduces tribal sovereignty.** In exchange for giving up forever the senior water rights held by the Navajo Nation and Hopi Tribe (aboriginal water rights), we receive *only a promise* of future water development. Water development will happen only when the U.S. Congress decides to find money for it and publishes it in the Federal Register, which they may never do. If the agreement is not finalized by 2031, the tribes must forfeit their water rights to the federal government.
- **It lets the federal government off the hook from protecting the Navajo Aquifer.** In this agreement the Department of the Interior (DOI), including the office of Surface Mining has “no liability with respect to the ...N-Aquifer” which is being drawn down to dangerous levels by coal mining on Black Mesa. Under current law the DOI has a responsibility to protect the N-Aquifer, but under this deal it won’t.
- **It is being fast-tracked for Jon Kyl’s retirement.** The reason we are being pressured to make a decision about this agreement in such a short timeframe is because Arizona U.S. Senator Jon Kyl wants it to be his crowning victory before he retires. Kyl is falsely portraying the Navajo Nation and Hopi Tribe as paupers who need this settlement. In actuality the big cities of central and southern Arizona, the states of Nevada and California, the Central Arizona Water Conservation District (CAWCD), the Salt River Project and other non-Navajo entities are the ones who need it and will benefit from it the most.

We insist that all decision-makers including the Navajo Nation Tribal Council, Hopi Tribal Council, Senate Committee on Indian Affairs, and United States Congress join us in rejecting this Act.

Mail all collected signatures to Black Mesa Water Coalition, P.O. Box 613, Flagstaff, AZ 86002

We, the undersigned members of the Navajo Nation oppose and reject Senate Bill 2109 and HR Bill 4067, the “Navajo-Hopi Little Colorado River Water Rights Settlement Act of 2012”. We demand that all decision-makers including the Navajo Nation Council, Hopi Tribal Council, Senate Committee on Indian Affairs, and United States Congress join us in rejecting this Act.

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