



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #ABQ-10-099

**TITLE: Support for the Swift Passage of Federal Legislation in the Lame Duck Session to Ratify and Approve the Indian Water Claims Settlement Related to the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque**

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### NCAI HEADQUARTERS

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**WHEREAS**, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

**WHEREAS**, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

**WHEREAS**, the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque (“the Four Pueblos”) have protected their water rights for centuries of the Rio Pojoaque Basin for a variety of uses, including ceremonial, agricultural, economic, health, and for other uses; and

**WHEREAS**, since 1996, litigation entitled New Mexico ex rel. State Engineer v. Aamodt related to the Indian water rights claims of the Four Pueblos has been pending in Federal Court; and

**WHEREAS**, the Four Pueblos, the United States, and the State of New Mexico, the county of Santa Fe, and others have labored in good faith for years in negotiating a settlement agreement (“settlement agreement”); and

**WHEREAS**, for the second consecutive Session of Congress, legislation has been introduced which, once enacted, will ratify and approve the settlement agreement and resolve the water claims of the Four Pueblos; and

**WHEREAS**, the House version of this Legislation, H.R. 3342, has passed the House floor and the Senate version, S. 1105, has been favorably reported to the Senate floor where it is pending for further action; and

**WHEREAS**, the Obama Administration has negotiated and issued its support of the Legislation; and

**WHEREAS**, Congress will be holding a Lame Duck Session beginning the week of November 15, 2010; and

**WHEREAS**, once the House and Senate approve the settlement legislation, it will be sent to President Obama for his consideration and signature; and

**WHEREAS**, the Four Pueblos are grateful for the leadership, hard work, and diligence of Senators Jeff Bingaman and Tom Udall, and Representatives Ben Lujan and Martin Heinrich in introducing and pressing for the enactment of this Indian water rights claims settlement; and

**WHEREAS**, the NCAI notes that unlike other proposed Indian water rights claims settlements, the settlement bill of the Four Pueblos involve a 42 percent cost share by the State of New Mexico and local governments --- a substantial local cost share by any standards --- and an appropriate Federal cost share given the historic failure of the United States to protect and preserve the water and other trust assets of these Pueblos.

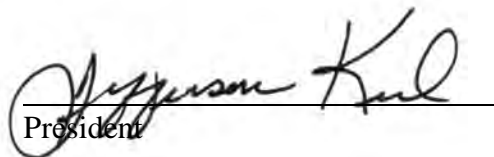
**NOW THEREFORE BE IT RESOLVED**, that the NCAI strongly supports this Indian water claims settlement because it ends decades of costly and acrimonious litigation; secures certain and stable water supplies to the Pueblo and non-Pueblo communities; and ensures the possibility for the future economic growth of Pueblo and non-Pueblo communities in the region; and

**BE IF FURTHER RESOLVED**, that the NCAI strongly supports this Indian water rights claims settlement and calls for the House and Senate to immediately approve it during the Lame Duck Session and send it to President Obama; and

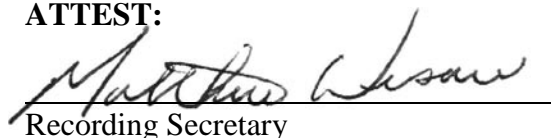
**BE IT FINALLY RESOLVED**, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

### CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2010 Annual Convention of the National Congress of American Indians, held at the Albuquerque Convention Center in Albuquerque, NM on November 14-19, 2010, with a quorum present.

  
\_\_\_\_\_  
President

**ATTEST:**

  
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Recording Secretary