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TO: ALL TRIBAL MEMBERS

FR: GOVERNOR LARRY M. PHILLIPS JR. AND TRIBAL OFFICIALS

DATE: September 12, 2023

Re: Ohkay Owingeh Rio Chama Water Rights Settlement

Due to recent press on the Ohkay Owingeh Rio Chama Water Rights Settlement and numerous questions from tribal members, I want to share with all of you some facts on this matter. Please feel free to inquire with my office if you still have questions.

- The settlement resolves a 60-year-old lawsuit filed against Ohkay Owingeh. It without litigation resolves Ohkay Owingeh's water rights claims in the Rio Chama Stream System in northern New Mexico, including claims to water on the Pueblo Grant, and aboriginal water rights. The major parties to the settlement have approved the settlement, including Ohkay Owingeh, the State of New Mexico, City of Española, and four regional acéquias associations representing 79 acéquias or community ditches that rely on water from the Rio Chama Stream System. The parties are in the process of adding their signatures to the Agreement, and many have already signed.
- The settlement provides enough wet water from the Rio Chama to Ohkay Owingeh for its current and future irrigation, domestic, commercial, municipal, and industrial needs in that basin. The Pueblo has two other water rights claims to resolve, in the Rio Santa Cruz/Rio de Truchas, and in the Rio Grande. The Rio Chama water settlement by itself goes very far toward meeting the Pueblo's goal of obtaining sufficient water for the next 100 years. The Rio Chama settlement ends expensive and lengthy litigation. The settlement puts to rest forever, legal challenges made by non-Indians to the water rights of Ohkay Owingeh.
- Under the Ohkay Owingeh Rio Chama Water Rights Settlement, Ohkay Owingeh will receive:

- Legally protected water rights necessary for the survival and growth of Ohkay Owingeh;
- Recognition of the Pueblo's time immemorial priority right to water;
- The right to about 3,300-acre feet per year of surface and groundwater from the Rio Chama.
- Water for restoration and maintenance of the Rio Chama and Rio Grande bosque, a culturally significant resource;
- The right to expand irrigation up to an additional 1,562 acres on the Grant through purchase, acquisition, and retirement of State-based water rights throughout the Rio Chama;
- A fair and reasonable plan for sharing water with the acequias during times of shortage, and strict measures to enforce the Pueblo's right to water during shortages;
- Confirmation of the Pueblo's sovereign jurisdiction over its use of Rio Chama water within its Grant borders;
- Right to lease Pueblo water to non-Indians at the Pueblo's discretion with the payments going directly to the Pueblo;
- Commitments by the Pueblo's neighbors to enhance storage of water and monitor water use;
- Upon Congress' approval and appropriations, more than \$818 million in federal funding for water infrastructure and for the Pueblo's bosque restoration costs, in exchange for the Pueblo's waiver of water rights claims against the United States. Important to note No federal funding would be available even if the Pueblo litigated its water rights to a successful outcome.
- The State of New Mexico, the City of Espanola, and the acequias agree to respect and protect Ohkay Owingeh's water rights, and to waive any claims to additional water in the future.
- If the State Legislature appropriates the funds, the acequias will receive \$98.5 million for ditch improvements and water storage projects.
- If the State Legislature appropriates the funds, the City of Espanola will receive \$32 million for well installation and water delivery infrastructure. The Pueblo and City have agreed that new City wells may be installed in a zone that is far enough from Ohkay Owingeh that they will not interfere with the Pueblo's water use.

On behalf of the Tribal Council, Tribal Administration we feel this settlement is in the best interest of our people both today and maybe more importantly for our future generations.