Indian Affairs - Office of Public Affairs

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A significant first step toward the resolution of Indian water-rights claims in New Mexico will be taken Monday, April 6, in Albuquerque, N.M., when Chief U.S. District Court Judge John E. Conway signs an order that finally adjudicates the water rights of the Jicarilla Apache Tribe in the Rio Chama Basin in northern New Mexico. The order, which is a Partial Final Judgment and Decree, will determine the tribe's water rights on the east side of its reservation. The signing will take place in the U.S. District Court, 500 Gold SW, 13 floor east courtroom, at 1:30 p.m.

"This settlement provides benefits to numerous water users throughout northern New Mexico," said Tim Vollmann, the chairman of the Federal Negotiating Team. "The tribe worked closely with all the parties in the Rio Chama Basin, addressing their concerns and seeking their support." All objections to entry of the decree were addressed, which enabled Judge Conway to sign the decree without holding a trial on the matter.

Although numerous lawsuits have been filed in New Mexico over the last 30 years to determine the water rights of Indian tribes, this is the first final decree adjudicating such rights in the Rio Grande Basin and its tributaries. Claims of a dozen other Indian tribes are still pending.

The court proceedings that led to the signing of today's decree were a product of the 1992 Jicarilla Apache Tribe Water Rights Settlement Act, which conditioned the settlement on the entry of final decrees in two general stream adjudications, the Rio Chama in federal court, and the San Juan River in state district court in San Juan County, N.M. The state proceedings are still pending.

Under the settlement the Jicarilla Apache Tribe entered into a federal contract with Interior Secretary Manuel Lujan in December 1992 to provide the tribe with a share of federal project water from the Navajo Reservoir in northwestern New Mexico and from the San Juan Chama Project. The latter project delivers water to the tribe and other contractors at Heron Reservoir, located on the eastern boundary of the tribe's reservation.

The proposed decree was the subject of a motion filed jointly by the tribe, the federal government, and the state engineer in 1995. Numerous public meetings were held in the Town of Espanola, the Village of Abiquiu, and other locations within the Rio Chama Basin in 1996-97 to ensure that water users were fully informed of the terms of the tribe's water-rights settlement.

The Interior Department has five other Negotiating Teams working to resolve Indian water-rights claims in the State of New Mexico. These include the claims of Taos Pueblo, the claims of three pueblos on the Rio Jemez north of Albuquerque, and the' claims of four pueblos on the Rio Pojoaque, which are located north of Santa Fe, where litigation has been pending since 1966.