



WESTERN STATES WATER

Addressing water needs and strategies for a sustainable future.

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CONGRESS

Senate/Indian Water Rights Settlements

On March 11, the Senate Committee on Indian Affairs held an oversight and legislative hearing examining federal policies governing Indian water rights settlements, and the Northeastern Arizona Indian Water Rights Settlement Act (S. 953). Witnesses included Scott Cameron, acting Commissioner of the Bureau of Reclamation (USBR), alongside three tribal leaders: Navajo Nation President Buu Nygren, Hopi Tribe Chairman Lamar Keevama, and San Juan Southern Paiute Tribe Vice President Johnny Lehi. The Congressional record for the hearing will remain open until March 25, 2026.¹

In her opening statement, Chairman Lisa Murkowski (R-AK) emphasized that tribal water rights “are not simply policy choices” but obligations tied to solemn federal trust responsibilities. She advocated for negotiated agreements because they allow parties to craft “durable solutions, rather than spending decades in costly and uncertain litigation,” ultimately delivering “wet water, not just paper rights.” While praising the \$2.5B from the Infrastructure Investment and Jobs Act (IIJA, P.L.117-58) that funded 17 past settlements, she noted that S. 953’s estimated \$5B proves that the “job is not done.” She said the “lack of access to clean water in native communities should shock us as Americans.” Given the numerous settlements pending, she said the core challenge before Congress is “How do we continue to meet our solemn trust and treaty responsibilities while maintaining fiscal responsibility and balancing the many, many priorities that are facing Indian country?”

Vice Chairman Brian Schatz (D-HI) argued that the government’s liability “does not disappear because we have declined to act,” noting that \$12B in pending settlements are currently before the committee, with 13 more tribes in active negotiations. “The question before this committee is not whether we can afford to fund these settlements, it’s how we fund them,” Schatz

stated. “I urge my colleagues to move pending settlements like S. 953 forward. Authorize them, fund them... The Tribes have held up their end of the bargain. It is long past time for Congress to hold up ours.”

Scott Cameron expressed the Department of Interior’s (DOI) strong support for the goals of S. 953 and the Northeastern Arizona Indian Water Rights Settlement, but firmly maintained that the administration has “real concerns” regarding the cost. While praising the legislation’s underlying achievements—including quantifying tribal water rights, allowing for water leasing flexibility, and establishing a reservation for the San Juan Southern Paiute Tribe—Cameron warned that with the amount of pending settlements before Congress, settling parties must maintain “realistic expectations regarding the level of federal funding.” Noting that existing settlement funds and annual discretionary appropriations are drastically insufficient to meet the obligations, Cameron expressed commitment to work with the committee and the Tribes to find creative ways to fulfill the bill’s purpose at a lower cost. He suggested potential compromises like reevaluating the pipeline’s scope, altering the structure of the trust funds, or utilizing annual payments instead of a lump sum.

Chairman Murkowski asked exactly how the administration accounted for the value of fulfilling “unmet federal programmatic responsibilities”—such as safe drinking water and sanitation infrastructure—when evaluating whether the \$5B price tag was appropriate. Cameron said the bill achieves positive goals but that the price tag remains a significant concern. To ensure accurate cost estimates for these types of massive infrastructure projects, Cameron explained that a full, on-the-ground feasibility study is necessary. He noted that DOI evaluates projects by weighing financial costs and benefits, litigation risks, and broader trust obligations, emphasizing DOI Secretary Doug Burgum’s commitment to strong tribal relations.

Chairman Murkowski and Vice Chairman Schatz both asked Cameron to work proactively

with committee staff rather than leaving both sides to discover the administration's position when the FY2027 budget is released. Cameron agreed it was a fair request and committed to transparency and collaboration with both the Senate and House.

Senator Steve Daines (R-MT) advocated for the Northern Montana Water Security Act to finalize the Fort Belknap water settlement. He stressed that unresolved water rights are causing uncertainty for non-tribal farmers and ranchers reliant on the century-old Milk River project, which had a pipeline failure in 2024 (WSW #2616, Special Report #2570.) Daines said: "This is about water security for our farmers and ranchers. It's about water security for our tribes... it is time to get this done."

Senator Ben Ray Luján (D-NM) advocated for consistent funding for the Navajo-Gallup water supply project and announced plans to introduce legislation to create a stable, dedicated funding source for future Indian water rights settlements. Noting that the Bureau of Reclamation has yet to release \$120M already made available for the Navajo-Gallup project, Sen. Luján stressed that "if this project fails, it'd be the first to fail. And once we know one fails, they all fail." Cameron said he was not aware that the funds had not been assigned and committed to looking into it.

President Buu Nygren detailed the severe water crisis on the reservation, highlighting that a third of Navajo households currently lack running water, spending countless hours and up to \$600 a month hauling water on 30-mile round trips. He defended the settlement's cost as being 25% less per capita than previously enacted congressional Indian water settlements. He addressed concerns from Upper Basin States regarding the tribe's authority to lease its Upper Basin water to the Lower Basin. He clarified that the proposed leasing authority would be temporary, and capped at 17,050 acre-feet per year—a significant reduction from an early version which requested a 44,000 acre-feet cap. He also noted the arrangement is uniquely applicable to the Navajo Nation, as the only Tribe that spans both basins.

When asked if there were policy objections to the leasing arrangement, Cameron confirmed the Department strongly supports tribal water leasing and believes tribes should get the fullest economic value from their water. While acknowledging the complexities of interbasin transfers and state water law, he expressed hope that Upper Basin states would be in a position to be reasonable and cooperative with the Tribe.

Cameron also indicated that he did not anticipate the arrangement would interfere with post-2026 Colorado River operations, arguing that 17,000 acre-feet is immaterial to the broader seven-state agreement, which involves hundreds of thousands of acre-feet.

Chairman Lamar Keavama framed the water settlement as essential to their survival for the next millennium. He explained that while his people have survived in the arid region since "time immemorial" through highly adapted, resilient farming practices, they can no longer overcome the growing water scarcity alone. He attributed much of this crisis to the federal government landlocking the Hopi reservation, which cut them off from necessary water resources. "This legislation will fund critical infrastructure projects such as wells, pipelines, treatment systems and storage facilities that are necessary to deliver safe and reliable water to our communities. For the Hopi people, water is not simply a resource. It is sacred. It is a spirit with life. Our prayers, ceremonies and way of life are all tied to water and the land. This settlement is more than a legal agreement. It is a path forward."

Vice President John Lehi emphasized that S. 953 carries meaning beyond dollars and figures. The bill would ratify a 26-year-old treaty, establishing roughly 5,400 acres of reservation land for the San Juan Southern Paiute Tribe. It would secure up to 350 acre-feet of water per year, and create a trust fund for infrastructure. "The parents and grandparents of my council members in these chambers spent their lives fighting for our people to have a homeland.... The Paiute Tribe is the only federally recognized tribe in Arizona without an exclusive reservation. That affects daily life. We have families with multiple generations in two-bedroom trailers, without running water, and without electricity. Without a land base, it can be impossible to build homes, plan communities, maintain roads or provide services. Without a reservation, my people have lived for generations as outsiders in our own homeland.... Passage of S. 953 would do more than settle water rights. For the San Juan Southern Paiute Tribe, it would at last establish an exclusive reservation in the Tribe's ancestral homeland and provide the water and infrastructure needed to make that homeland livable."

Chair Murkowski asked the tribal leaders to share insight on how they arrived at this historic agreement, so others might have an example to look to in the future.

President Nygren described a shared need to protect future generations by securing economic stability, building community infrastructure, and ensuring reliable access to water. He acknowledged that “historically, the Hopi Tribe and the San Juan Southern Paiute Tribe and the Navajo Nation have never come together” and explained that the agreement required a firm commitment to sit at the table and stay there. “We [have] got to continue to compromise and to continue to think about the future, and how we are going to set ourselves up for the kids that are not born so that they're not sitting at this table, 20, 30, 40, 50, years from now, asking for water that is already flowing through our lands.”

Keevama agreed and said: “The three tribes have come together and realize that we need to provide a sustainable homeland for our future generations to come. And how do we get there? We work together.... This settlement act is going to be historic in that the three tribes worked together in collaboration.... We just want to look at the path moving forward, and we want to work collaboratively together to be able to reach the goal that all three of us have, and that's to be able to write a future for our future generations.” Murkowski agreed, “It is pretty basic when you say ‘Look, we realize that what we're asking for is what allows for life, and that's water.’ So if you agree on your goals, stick to the effort, despite the setbacks.”

Vice President Lehi said: “We face the same hardships as our sister Tribes... We haul water the same way. As for us, it's an opportunity to say it's our home.... This water settlement is really great news, because what is land without water as well?”

Navajo-Gallup Water Supply Project

On March 16, Senator Ben Ray Luján (D-NM) announced that the Bureau of Reclamation has expedited the release of \$120M in funding for the Navajo-Gallup Water Supply Project. Upon completion, the Navajo-Gallup Water Supply Project will provide a long-term, sustainable water supply from the San Juan River to roughly 43 Chapters on the eastern Navajo Nation, the southwestern portion of the Jicarilla Apache Nation, and the City of Gallup, which currently rely on a rapidly depleting groundwater supply of poor quality.

Senator Luján said: “Ensuring that the Navajo Nation, City of Gallup, and Jicarilla Apache Nation have access to safe, clean, and reliable drinking water is vital for the health and well-being of rural

and Tribal communities. This year, I was proud to help raise the cost ceiling in the Reclamation Water Settlements Fund so that the Navajo-Gallup Water Supply Project could access \$120 million in much needed funds.... This is a critical step forward, and I remain committed to seeing this project through to completion.”²

ORGANIZATIONS

Instream Flow Council

On March 9, the Instream Flow Council (IFC) and the American Fisheries Society (AFS) announced that Oregon State University (OSU) has been selected to host the National Center for Ecologically Sustainable Water Conservation and Management. The Center replaces and updates similar functions provided by the Cooperative Instream Flow Service Group between 1976 and 2000. It will provide continuing education, water management interdisciplinary training, and other related support services. It will also facilitate research that contributes to improved water allocation, conservation, and management combining both human and ecological water demands.

Anticipated clientele will include all entities and individuals with formal or informal roles contributing to decision-making processes and outcomes that govern water allocation for human, ecological, and other related uses. This includes entities by water allocation and use decision outcomes, and any entity or individual with an interest in learning about water uses and management.

Gary Whelan, AFS President said: “OSU and its partners bring extraordinary capabilities, experience, and serious professional expertise that will lead to an incredibly strong program.”³

FY2027 Appropriations/Streamgauge Data

On March 16, a coalition of water managers, utilities, states, local governments, and water associations—including WSWC, and the Interstate Council on Water Policy (ICWP)—sent a letter to House and Senate Appropriations Committee leadership, requesting adequate funding of the U.S. Geological Survey's (USGS) Federal Priority Streamgauge (FPS) Network and the Cooperative Matching Funds (CMF) Program. Specifically the organizations requested: (1) \$34M for the FPS Network, a “modest increase to account for inflation and rising operation and maintenance costs;” and (2) \$33M for the CMF Program, to “sustain cost-shared streamgages

and partnerships with more than 1,500 state, tribal, regional and local partners nationwide.”

The letter stated: “Our organizations rely on USGS streamgauge data to protect public safety, operate and maintain critical infrastructure, respond to floods and droughts, forecast water supplies, support hydropower and navigation and sustain regional and national economic activity. Any funding shortfalls will greatly hinder our capacity to safeguard life and property and to respond to increasingly severe hydrologic conditions.... Adequate FY2027 funding at the requested level for the FPS Network and CMF Program is essential to protect public safety, sustain critical infrastructure and preserve the long-term hydrologic record upon which the nation depends. With your leadership, Congress can ensure that USGS continues to fulfill its water resources mission and provide the data needed by communities across the country.”⁴

WESTERN STATES **WaDE/WestDAAT**

On April 15, the Water Data Exchange (WaDE) Program and its public interface, the Western States Water Data Access and Analysis Tool (WestDAAT), will be archived and sunset.

Launched 15 years ago as a Western Governors’ Association initiative, WaDE was developed at a time when public access to water rights, supply, and use data was limited. WaDE helped states share key datasets in standardized formats, supporting regional planning and research. Since then, states have built strong public-facing data portals that provide the context, caveats, and state-specific interpretation needed for accurate use. With grant support ending and WSWC members refocusing resources on core policy and coordination work, WSWC is proceeding with an orderly closeout of these platforms.

To support the transition, WSWC will maintain a directory of official state water data portals at westernstateswater.org/state-data-portals. This directory is offered as a convenience resource and does not constitute official statements on state practices or jurisdictions; each state agency remains the authoritative source for its own data, definitions, and regulatory context. If a suitable

partner offers a path to maintain access and potentially continue a future version based on states’ publicly available, authoritative water data, WSWC may consider it, consistent with member direction.⁵

REFERENCES

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² Senator Ben Ray Luján. “Luján, Heinrich, Leger Fernández Announce Release of \$120 Million in Funding for the Navajo-Gallup Water Supply Project” March 16, 2026. <https://www.lujan.senate.gov/newsroom/press-releases/lujan-heinrich-leger-fernandez-announce-release-of-120-million-in-funding-for-the-navajo-gallup-water-supply-project/>.

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⁵ Western States Water Council. “WaDE | Western States Water Council,” March 23, 2026. <https://westernstateswater.org/wade/>.

The WESTERN STATES WATER COUNCIL is a government entity of representatives appointed by the Governors of Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.