

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0087-19\_\_\_\_\_

SPONSOR: Wilson Stewart, Jr.

**TITLE: An Action Relating To Resources And Development; Approving Amendments To The Navajo Nation Water Use Fee Structure**

***Date posted: April 12, 2019 at 4:18pm***

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**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0097-19

**DATE:** April 3, 2019

**TITLE OF RESOLUTION:** PROPOSED STANDING COMMITTEE RESOLUTION, AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING AMENDMENTS TO THE NAVAJO NATION WATER USE FEE STRUCTURE

**PURPOSE:** If approved, this legislation would amend the Navajo Nation Water Use Fee Structure as proposed by the Navajo Nation Water Resources Department, Navajo Nation Division of Natural Resources.

**This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.**

5-DAY BILL HOLD PERIOD: Zumbry  
Website Posting Time/Date: \_\_\_\_\_  
Posting End Date: 4-17-19  
Eligible for Action: 4-18-19

1 PROPOSED STANDING COMMITTEE RESOLUTION  
2 24<sup>th</sup> NAVAJO NATION COUNCIL -- First Year, 2019

3 INTRODUCED BY

4 Wilson Juro  
5  
6 (Prime Sponsor)

7  
8 TRACKING NO. 0097-19

9  
10 AN ACTION

11 RELATING TO RESOURCES AND DEVELOPMENT; APPROVING  
12 AMENDMENTS TO THE NAVAJO NATION WATER USE FEE STRUCTURE

13  
14 BE IT ENACTED:

15 **Section One. Authority**

- 16 A. The Resources and Development Committee of the Navajo Nation Council,  
17 pursuant to 2 N.N.C. § 500(C), exercises oversight authority over water.  
18 B. The Resources and Development Committee of the Navajo Nation Council is  
19 oversight authority over the Division of Navajo Nation Natural Resources. 2  
20 N.N.C. § 501 (C) (1).  
21 C. The Resources and Development Committee of the Navajo Nation Council is  
22 authorized to impose reasonable fees for the use of the waters of the Navajo  
23 Nation. 22 N.N.C. § 1307.

24  
25 **Section Two. Findings**

- 26 A. The Navajo Nation Water Resources Department, Navajo Nation Division of  
27 Natural Resources is proposing amendments to the Navajo Water Use Fee  
28 Structure.  
29 B. In 1997, by resolution RCAP-65-97, **Exhibit A**, the Resources Committee  
30 established a water use fee structure.

1 C. In 2010, by resolution RCJA-04-10, **Exhibit B**, the Resources Committee  
2 amended the Navajo Water Use Fee Structure by increasing the Construction,  
3 Industrial and Mining Water Use Fee from \$2.70 per 1,000 gallons to \$4.00 per  
4 1,000 gallons as a result of inflation. The other water use fees remained  
5 unchanged.

6 D. Due to continuing inflation, the rising cost of administration, and the increased  
7 costs to operate and maintain the Nation's water delivery systems (See, **Exhibit**  
8 **C**), the Navajo Nation Water Resources Department recommends amending the  
9 Commercial Water Use Fee from 27¢ per 1,000 gallons to 50¢ per 1,000 gallons;  
10 the Government Agency Water Use Fee from 13.5¢ per 1,000 gallons to 27¢ per  
11 1,000 gallons; the Construction, Industrial and Mining Water Use fee from \$4.00  
12 per 1,000 gallons to \$5.50 per 1,000 gallons; rescinding the waiver of the  
13 collection of the water use fee from commercial water users using less than  
14 40,000 gallons of water during any three-month billing period; and applying the  
15 Navajo Nation 6% Sales Tax to the total water rate cost. All other water use fees  
16 will remain unchanged.

17 E. The Executive Review Form Document Number 011212 and Navajo Nation  
18 Department of Justice Document Review Request Form are attached as **Exhibit D**  
19 and shown to be "sufficient."  
20

### 21 **Section Three. Approval**

22 A. Resources and Development Committee of the Navajo Nation Council hereby  
23 approves the amendments to the Navajo Nation Water Use Fee Structure as  
24 follows:

- 25 1. The Commercial Water Use Fee from 27¢ per 1,000 gallons to 50¢ per  
26 1,000 gallons;
- 27 2. The Government Agency Water Use Fee from 13.5¢ per 1,000 gallons to  
28 27¢ per 1,000 gallons;
- 29 3. The Construction, Industrial and Mining Water Use fee from \$4.00 per  
30 1,000 gallons to \$5.50 per 1,000 gallons;

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- 4. Rescinding the waiver of the collection of the water use fee from commercial water users using less than 40,000 gallons of water during any three-month billing period;
- 5. Applying the Navajo Nation 6% Sales Tax to the total water rate cost.

B. All other water use fees will remain unchanged.