



**Senate Committee on Indian Affairs
628 Dirksen Senate Office Building
Washington, D.C.**

**Hearing on S. 953, Northeastern Arizona Indian Water Rights Settlement Act of 2025
Written Testimony of Johnny Lehi Jr., Vice President
San Juan Southern Paiute Tribe
Tuba City, Arizona
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I. Introduction

Thank you, Chairman Murkowski and Ranking Member Schatz, for allowing us to testify today on Senate Bill S.953, the Northeastern Arizona Indian Water Rights Settlement Act. Thank you also to Senator Kelly and Senator Gallego for their support. My name is Johnny Lehi Jr. I am the Vice President of the San Juan Southern Paiute Tribe.

The committee is going to hear a lot about numbers today. How much the settlement costs, the dollar amount per person or per acre or per project. I wish I was able to provide you with something that could be quantified in dollars. But there is no way to measure what this legislation means to the San Juan Southern Paiute people.

S.953 provides water for our Tribal Members, but it also ratifies a 26-year-old land treaty that establishes the San Juan Southern Paiute Tribe's permanent exclusive reservation. For the Paiute people, a homeland is priceless.

My family has lived near Tuba City for generations. More than twenty-five years ago, my family watched a historic promise being made. My grandmother, Mabel Lehi, helped negotiate the agreement with the Navajo Nation. My father, former President Johnny Lehi Sr., signed the Treaty with then-Navajo Nation President Kelsey Begaye on March 18, 2000. I was there that day. I watched the signing ceremony as a little kid. And now, many years later, we are still waiting for that Treaty to be ratified and for our reservation to be created.

Our elders, including my father, carried our Tribe through the long work of survival and recognition. The parents and grandparents of my council members in these chambers spent their lives fighting for our people to have a homeland. Many have passed on. That is why this moment matters so much to me and to our elders.

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. We have been told we do not belong, and to stop speaking our language and honoring our traditions. But that has not stopped us.

The land Treaty was negotiated to create a permanent homeland for our Tribe and to resolve long-standing litigation still stayed in the 9th Circuit. But it only becomes effective after ratification by Congress, and we are still waiting for that to happen.

S. 953 finally pairs land with the water and infrastructure needed to make that land livable. The legislation sets aside approximately 5,100 acres in the Southern Area west of Tuba City and about 300 acres in the Northern Area near Paiute Mountain in Utah. It declares Paiute water rights in the Southern Area, provides up to 350 acre-feet of water per year, and establishes funding so the Tribe can build, operate, and maintain the infrastructure our people need.

The San Juan Southern Paiute Tribe supports this settlement because it offers certainty, dignity, and the tools to build a future. At its core, our request is straightforward: Congress should ratify what two sovereign tribal nations already agreed to so the San Juan Southern Paiute people can finally live on a homeland of their own.

For us, the heart of it is simple: We ask Congress to advance S.953 and ratify the Treaty two sovereign tribal nations already negotiated and agreed to, so our elders and our children can finally see that promise fulfilled on a homeland that is real.

II. Purpose of S. 953

S. 953 would approve and fund the Northeastern Arizona Indian Water Rights Settlement (the “Settlement”). It would resolve decades of litigation in the Little Colorado River Adjudication involving the Navajo Nation, the Hopi Tribe, and the San Juan Southern Paiute Tribe, and it would help all three tribes secure the water and infrastructure necessary for their reservations to function as permanent homelands. Water is life, and for each tribe this settlement means a better chance to provide the basic utilities and services that many Americans take for granted.

For the San Juan Southern Paiute Tribe specifically, S. 953 does something foundational. It establishes the San Juan Southern Paiute Reservation, helps resolve a land dispute that has lasted for decades, and gives the Tribe a path toward development that has not been possible without an exclusive land base.

III. Impact of S. 953 on the San Juan Southern Paiute Tribe

NAIW RSA is the product of work that spans generations. To understand why S. 953 matters so deeply to the San Juan Southern Paiute Tribe, it is important to understand the Tribe’s history, its long effort to secure land and water, and what this settlement would finally make possible.

A. Brief history of the San Juan Southern Paiute Tribe

The Paiute Tribe is a culturally and politically autonomous Native community with two longstanding settlements in northern Arizona and southern Utah. Its original territory was later annexed into the Navajo Reservation through Executive Orders in 1884 and 1933. Those actions followed Navajo population growth and territorial expansion to the southwest. This level of mass migration and land taking had lasting consequences for the Paiute Tribe. The Tribe lost control over its aboriginal territory while the federal government formalized continuing encroachment. Today the Tribe is surrounded by the Navajo Nation but has maintained its unique language, culture and traditions. The Paiute Tribe continues to be recognized by the Navajo Nation and other Southern Paiute Tribes in Arizona, southern Utah, and southeastern Nevada as part of the broader Southern Paiute Nation.

The two Paiute population centers are roughly 90 miles apart. The southern community is known as Atatsiv, or “Sands,” a reference to the sandy, spring-fed farmland plateau northwest of Tuba City along the Echo Cliffs at Willow Springs and Hidden Springs.¹

The northern community is located near Navajo/Paiute Mountain and Paiute Canyon. Paiute homes and grazing areas lie primarily north and northeast of Navajo Mountain, while farming has historically taken place in Upper Paiute Canyon to the southeast.²

In 1907, Assistant Secretary of the Interior Thomas Ryan established an exclusive reservation for the Paiutes known as the “Paiute Strip.”³ That reservation extended from the 110th parallel in Monument Valley west to the Colorado River,⁴ with the San Juan River as its northern boundary and the Arizona-Utah state line as its southern boundary.

That recognition did not last. In 1922, after pressure from white interests seeking mineral development, the federal government returned the Paiute Strip to the public domain.⁵ Then, in March 1933, after no oil or minerals were found, the land was annexed to the Navajo Nation even though Paiute families were still living in the western part of the former Paiute Strip around Navajo Mountain. Through all those reversals, the Paiutes continued living and farming at Willow Springs in the south and at Navajo Mountain and Paiute Canyon in the north.

From the 1930s into the early 1980s, the Paiute Tribe experienced long periods of federal neglect. Few Paiutes spoke English or had access to the processes needed to call attention to their circumstances. That neglect contributed to hardship and poverty, but it also may have helped preserve more of the Paiute language and cultural traditions that survive among some other Southern Paiute communities.⁶

¹ PAMELA BUNTE, ATATSIVWU UMANAKWAT KAIVYAXARURUVATUXW, FROM THE SANDS TO THE MOUNTAIN: ETHNOHISTORY AND ETHNOGRAPHY OF THE SAN JUAN SOUTHERN PAIUTE TRIBE (1987) at 5.

² *Id.* at 23-24; 103-105.

³ *Id.* at 171.

⁴ *Id.* at 98.

⁵ See ALBERT FALL, THE SECRETARY OF INTERIOR’S APPROVAL OF THE RETURN OF THE PAIUTE RESERVATION TO PUBLIC DOMAIN, 304 (July 17, 1922) (on file with the National Archives, Record Group 75, Central Classified Files, Western Navajo Agency, File 17605-1922); see also Letter to Paradise Oil (June 4) (on file with the National Archives, Record Group 75, Central Classified Files, Western Navajo Agency, File 42622-192.1).

⁶ See PROPOSED FINDINGS FOR FEDERAL ACKNOWLEDGMENT, *supra* note 1, at 32-33.

B. Efforts to secure land and water.

For more than half a century, the Tribe has worked to protect its interests in its aboriginal land and the water associated with it. S. 953 is the latest chapter in that effort, and it rests on the work of leaders and elders whose contributions should be remembered.

1. The Navajo-Hopi-San Juan Southern Paiute land disputes

In 1934, Congress “permanently [withdrew] from all forms of entry or disposal” roughly 8.2 million acres of land for “the benefit of the Navajo and such other Indians as may already be located thereon.” Those lands became part of what came to be recognized as the Navajo Reservation and set the stage for decades of disputes among the Navajo Nation, the Hopi Tribe, and the San Juan Southern Paiute Tribe.

In 1974, Congress enacted legislation authorizing the federal district court to partition land between the Navajo Nation and the Hopi Tribe and to hear the claims of other Indians asserting rights in the 1934 Act lands. That dispute became the Arizona federal litigation known as *Masayesva v. Zah*. The Paiute Tribe intervened in that case despite the objections by both the Hopi Tribe and the Navajo Nation.

The Arizona District Court ultimately held that the Paiute Tribe qualified as the “such other Indians as may already be located thereon” and that the 1934 Act conveyed to the Tribe an equitable property interest in approximately 26,000 acres within the Navajo Reservation. Final judgment established the existence of that interest, but the district court concluded it lacked authority to partition land between the Navajo Nation and the Paiute Tribe.

Federal recognition put the Tribe on a path toward securing an exclusive homeland, but recognition alone did not solve the problem. Although the court acknowledged the Tribe’s interest in a portion of its aboriginal land, the absence of partition meant the fight for a true reservation continued.

The San Juan Southern Paiute Tribe and Navajo Nation Land Treaty of 2000

To settle the land dispute and dismiss the pending appeal, the Paiute Tribe and the Navajo Nation negotiated a settlement in the form of a land treaty, finalized and executed in 2000.⁷ The Treaty set aside two areas within the exterior boundaries of the Navajo Reservation to be held in trust by the United States exclusively for the San Juan Southern Paiute Tribe. Under the Treaty, the parties agreed to the creation of the Tribe’s exclusive reservation and resolve the long-running *Masayesva v. Zah* dispute over the Tribe’s interest in the 1934 Act lands. The Treaty expresses the shared goal of the Paiute Tribe and the Navajo Nation to “establish harmony between the two nations for all future generations.”⁸

I was present at the signing ceremony when San Juan Southern Paiute President Johnny Lehi Sr. and Navajo Nation President Kelsey Begaye signed that agreement after years of

⁷ See Treaty, Navajo Nation-San Juan Southern Paiute Tribe, Mar. 18, 2000; Addendum to Treaty, Navajo Nation-San Juan Southern Paiute Tribe, May 7, 2004.

⁸ Treaty, *supra* note 46, at Article I.

negotiation. For our Tribe, that was not an abstract legal event. It was a moment of hope that has been deferred for far too long.

2. H.R. 2461 and the Little Colorado River Adjudication

Even before the Treaty, both tribes had filed Statements of Claimant in the Little Colorado River Adjudication asserting rights to water in areas where the tribes shared an interest. The Paiute Tribe's claims were submitted through the United States in its December 1991 report on behalf of the Tribe, and they were later incorporated into the United States' November 22, 1994 amended claims and supporting report for Indian lands in the Little Colorado River Basin. During the 1990s, the United States, the Navajo Nation, the Hopi Tribe, the Paiute Tribe, and non-Indian parties attempted to negotiate a regional settlement, but those efforts did not succeed, and the litigation continued.

Later, in a contested case initiated in 2016 involving the Navajo Nation's water rights in the Little Colorado River Adjudication, the Navajo Nation claimed water beneath the Treaty Lands it had agreed to partition to the Paiute Tribe, as well as water in areas where the Paiute Tribe still holds a joint interest with the Navajo Nation. The Paiute Tribe had to object to those claims to protect its joint and undivided interest in water associated with the 26,000 acres of 1934 Act lands.

At the same time, the Tribe kept working to ratify the Treaty through stand-alone legislation. On August 24, 2022, after repeated requests, the Navajo Nation sent Congressman O'Halleran a letter confirming its ongoing support for treaty-ratification legislation. When Congressman Eli Crane later succeeded to the district, he spearheaded that effort and introduced H.R. 2461, the San Juan Southern Paiute Tribal Homelands Act of 2023, on April 3, 2023. H.R. 2461 mattered because it was the first direct congressional vehicle to carry the 2000 Treaty forward for ratification and to establish the San Juan Southern Paiute Reservation.

After H.R. 2461 was introduced, the Tribe continued pressing for passage by working with House members and staff and by explaining why treaty ratification remained unfinished more than two decades after the signing. I testified before the House Subcommittee on Indian and Insular Affairs on June 7, 2023, in support of the bill. During that process, the Tribe also received comments about the need to address water more fully, because the Treaty itself quitclaimed water rights without quantifying them. That feedback also helped explain why the Paiute land provisions that first moved as H.R. 2461 were later incorporated into NAIWRSA: Congress could ratify the Treaty and, at the same time, provide the quantified water rights and infrastructure funding needed to make the reservation functional.

3. The Tribe's inclusion in the NAIWRSA negotiations

Around October 2023, the Tribe learned that the Navajo Nation, the Hopi Tribe, and the Arizona parties in the Little Colorado River Adjudication had renewed settlement negotiations over Hopi and Navajo water rights in the Lower Colorado River Basin. The Tribe was informed that it needed to make a formal request to participate. It did so on December 14, 2023, and was welcomed into the negotiations on January 23, 2024. At that point, the parties began discussing incorporation of Treaty ratification into the broader settlement.

Over the next four months, the Tribe participated in intensive, near-daily meetings to negotiate and draft the Northeastern Arizona Indian Water Rights Settlement Agreement. That work required the Tribe to review prior drafts and background materials, revise language, and negotiate its rights in a compressed timeframe so the parties could move toward congressional introduction. It was a demanding process, especially given the stage at which the Tribe entered, but it allowed the Paiute Tribe's land and water needs to be included in the final legislation.

C. Land and Water for the Tribe under NAIWRSA

NAIWRSA would establish the San Juan Southern Paiute Reservation and give the Tribe the water rights and funding needed to make the Arizona portion of that reservation - the San Juan Southern Paiute Southern Area - a permanent homeland for its people. More work remains for the Northern Area in Utah, but this legislation would still mark a monumental first step.

The legislation recognizes the Tribe's rights to groundwater, springs, and surface water in the San Juan Southern Paiute Southern Area, along with any effluent developed there. In addition, it entitles the Tribe to up to 350 acre-feet of water per year to be delivered initially by the Navajo Nation under a water services agreement with the Navajo Tribal Utility Authority and eventually through the iiná bá-paa tuwaqat'si pipeline which will serve the San Juan Southern Paiute Southern Area, the Hopi Reservation, and the Navajo Reservation. All three tribes will participate in planning and design, and construction is expected to be completed by December 31, 2040. At the Tribe's option, the Navajo Nation may provide bulk delivery, which is expected to include delivery through the pipeline.

NAIWRSA also protects current service. Tribal members who already receive water through the Navajo Tribal Utility Authority would continue to do so, and members who are not currently served could obtain service on a nondiscriminatory basis. That protection is essential while the Tribe works to develop its own infrastructure.

The Tribe can only put these water rights to use if it has the means to build the necessary infrastructure. For that reason, the San Juan Southern Paiute Tribe Water Settlement Trust Fund is critical. It would create accounts for groundwater projects, agricultural water conservation, and the operation, maintenance, and repair of facilities. The \$29.8 million allocated to the Tribe is only a small part of the overall settlement, but for the Paiute Tribe it is the difference between having rights on paper and being able to use them.

D. A Future Homeland

S.953 provides access to clean, reliable drinking water and the infrastructure needed to make the San Juan Southern Paiute Reservation a viable, permanent, and prosperous homeland.

Without a land base, the Tribe lacks the necessary authority and funding to evaluate the land's resources. Without an exclusive land base, the Tribe lacks both the authority and the practical ability to evaluate resources, plan community growth, and build for the future. The San Juan Southern Paiute Reservation starts almost from scratch; there is little existing infrastructure to build upon. The iiná bá-paa tuwaqat'si pipeline envisions a turnout at Tuba City to serve the Reservation. From that turnout, the Tribe can begin to build and maintain its own system and exercise the sovereignty that should come with an exclusive reservation. Until then, NAIWRSA

provides for necessary delivery of up to 350 acre-feet of water by the Navajo Nation while the pipeline is built and while the Tribe works with technical advisors to create the housing and utility systems that a true homeland requires.

The work that follows passage of S. 953 will also create opportunity. Tribal members could find employment in planning, administration, construction, housing, and utility development. With a reservation, the Tribe can finally build businesses, government buildings, and community facilities on its own land instead of leasing space on another tribe's reservation. It also means Paiute children may grow up with a different answer to the question many of us grew up asking: why do we not yet have a place of our own?

IV. Conclusion

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.

The San Juan Southern Paiute Tribe is grateful for the support this effort has received. S. 953 will matter to all three tribes, and we support the broader settlement. But for the Paiute Tribe, its meaning is especially personal. Too many elders who negotiated, organized, and waited for this day are no longer here to see it. We stand on their work. By passing S. 953, Congress can honor the agreement made between the Navajo Nation and the San Juan Southern Paiute Tribe, help end needless uncertainty, and give our children and grandchildren a future on a homeland that is finally their own. I respectfully request your support and passage of S. 953.

Thank you.