

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Approving a Settlement Proposal for the Nation's Sif Oidak Water Rights Claims)**

RESOLUTION NO. 09-095

1 **WHEREAS, the Tohono O'odham Nation has water rights claims pending in the Gila River**  
2 **general stream adjudication which remain to be litigated or settled; and**

3 **WHEREAS, in 1994 the Nation described the Sif Oidak Water Claims to include claims in Sif**  
4 **Oidak, western Schuk Toak, Sells, Gu Achi, and Hikiwan Districts, and sought to**  
5 **begin negotiation of these claims with the United States pursuant to Resolution No.**  
6 **94-014 entitled "Authorizing Request for Appointment of Federal Negotiating Team**  
7 **on the Sif Oidak Water Claims"; and**

8 **WHEREAS, the Nation presented these claims and a request to appoint a federal negotiating**  
9 **team to Secretary of the Interior Bruce Babbitt in February 1994; and**

10 **WHEREAS, the Secretary of the Interior failed to appoint a federal negotiating team, but instead**  
11 **in 1998 the Secretary appointed a federal assessment team for the Nation's Sif Oidak**  
12 **Water Claims; and**

13 **WHEREAS, in 1999 pursuant to Resolution No. 99-244 the Nation appointed its negotiating team**  
14 **consisting of one representative and an alternate from Sif Oidak District, the**  
15 **Legislative Water Resources Committee, and the Chairman of the Nation, and re-**  
16 **characterized the Sif Oidak Water Claims as the "claims pending in the Gila River**  
17 **General Stream Adjudication related to the water resources in the Sif Oidak**  
18 **District"; and**

19 **WHEREAS, the federal assessment team met several times and primarily dealt with the Nation's**  
20 **proposal for a diversion structure on the Santa Cruz River along the Greene Canal**  
21 **or Greene Wash to reduce flooding at the community of Chui Chu and to bring**  
22 **floodwaters to Tat Momolikot dam as a new water supply for the Nation; and**

23 **WHEREAS, the Department of the Interior has not supported the Santa Cruz River diversion**  
24 **project, and in March 2008 suggested that the Nation drop the diversion project from**  
25 **its proposal and proceed with the other aspects of its proposal; and**

26 **WHEREAS, in several meetings during 2008 the Legislative Water Resources Committee**  
27 **considered whether to describe the claims as arising from Sif Oidak District alone**  
28 **or from the six districts with lands in the Gila River adjudication boundaries, namely**  
29 **Sif Oidak, Gu Achi, Schuk Toak, Hikiwan, Sells and Gu Vo Districts; and**

30 **WHEREAS, on two occasions the Legislative Water Resources Committee met with**  
31 **representatives of these districts to discuss the scope of the Nation's Sif Oidak Water**

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1                   **Claims; and**

2 **WHEREAS, in these meetings it was discussed that the damages to be asserted are primarily in**  
3 **Sif Oidak District, and the CAP water source available to settle the claims is,**  
4 **practically speaking, only available for use in Sif Oidak District; and**

5 **WHEREAS, as a result of these meetings, the Legislative Water Resources Committee has**  
6 **recommended that the Sif Oidak Water Claims be described as arising from the**  
7 **lands and waters within Sif Oidak District alone, and that Sif Oidak District be**  
8 **represented on the Nation's negotiating team for the Sif Oidak Water Claims; and**

9 **WHEREAS, in accordance with Resolution No. 99-244, the Legislative Water Resources**  
10 **Committee has met with the Sif Oidak District Water Committee and the Nation's**  
11 **water rights consultant, Natural Resources Consulting Engineers, and has developed**  
12 **a Sif Oidak Water Claims Water Rights Settlement Proposal which has been**  
13 **presented to the Legislative Council; and**

14 **WHEREAS, the Legislative Water Resources Committee has presented the Water Rights**  
15 **Settlement Proposal to the Sif Oidak District Council at a meeting held on February**  
16 **23, 2009.**

17 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council:**

- 18                   **1. Renews its request, as first set forth in Resolution No. 94-014, to the United**  
19 **States Department of the Interior to appoint a federal negotiating team for the**  
20 **Sif Oidak Water Claims.**
- 21                   **2. Approves the Sif Oidak Water Claims Water Rights Settlement Proposal as**  
22 **presented to the Council today and authorizes the Nation's negotiating team**  
23 **identified in Resolution No. 99-244 to meet with any and all relevant federal**  
24 **representatives to vigorously pursue negotiation and settlement of the Nation's**  
25 **Sif Oidak Water Claims.**

26 **The foregoing Resolution was passed by the Tohono O'Odham Legislative Council on the 24<sup>TH</sup> Day**  
27 **of FEBRUARY, 2009 at a meeting at which a quorum was present with a vote of 1,541.2 FOR; 622.1**  
28 **AGAINST; 172.0 NOT VOTING; and 199.2 [07] ABSENT, pursuant to the powers vested in the Council**  
29 **by Section 1(j) of Article VI and Article XVII of the Constitution of the Tohono O'Odham Nation,**  
30 **adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy**  
31 **Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the**  
32 **Act of June 18, 1934 (48 Stat. 984).**

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

Felicia Muñoz for  
Verlon M. Jose, Legislative Chairman

25<sup>th</sup> day of February, 2009

ATTEST:

Deanna Franzer for:  
Lucille Lopez, Acting Legislative Secretary  
24 day of February, 2009.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 25<sup>th</sup> day of February, 2009 at 2:31 o'clock, p.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Felicia Muñoz for  
Verlon M. Jose, Legislative Chairman

APPROVED

on the 27 day of February, 2009

DISAPPROVED

at 8:40 o'clock, A.M.

Ned Norris, Jr.  
NED NORRIS, JR., CHAIRMAN  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 27 day of

February, 2009, at 8:50 o'clock, A.M.

Lucille Lopez  
Lucille Lopez, Acting Legislative Secretary

ACTION: APPROVING A SETTLEMENT PROPOSAL FOR THE NATION'S SIF OIDAK WATER RIGHTS CLAIMS

MOVED: COUNCILWOMAN WAVALENE ROMERO

SECOND: COUNCILWOMAN MARY LOPEZ

DATE: FEBRUARY 24, 2009

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> 316.9	1. FRANCES MIGUEL (Roberta Harvey)	158.45		X		X
	2. FRANCES G. ANTONE (Vernon Smith)	158.45		X		
<b>CHUKUT KUK</b> 264.8	1. ETHEL GARCIA ( )	132.40	X			
	2. VERLON M. JOSE ( )	132.40	X			X
<b>GU ACHI</b> 227.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	113.95		X		
	2. CYNTHIA E. MANUEL ( )	113.95		X		X
<b>GU VO</b> 199.2	1. GRACE MANUEL ( )	99.60				X
	2. RAYMOND VICTOR ( )	99.60				X
<b>HICKIWAN</b> 172.0	1. MICHELLE ORTEGA ( )	86.00			X	
	2. SANDRA ORTEGA ( )	86.00			X	
<b>PISINEMO</b> 182.4	1. CHESTER ANTONE <i>(Absent)</i> (Tony Murrietta) <i>(Present)</i>	91.20	X			
	2. GERALD FAYUANT ( )	91.20	X			X
<b>SAN LUCY</b> 181.1	1. LORRAINE EILER ( )	90.55	X			X
	2. GLORIA RAMIREZ ( )	90.55	X			
<b>SAN XAVIER</b> 196.5	1. FELICIA NUÑEZ ** ( )	98.25	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	98.25	X			
<b>SCHUK TOAK</b> 154.6	1. FRANCES B. CONDE (Fredrick Jose)	77.30		X		
	2. PHYLLIS CACHORA (Agnes Joaquin)	77.30	X			
<b>SELLS</b> 444.7	1. KIMBERLY LISTO ( )	222.35	X			
	2. EVELYN B. JUAN MANUEL ( )	222.35	X			
<b>SIF OIDAK</b> 194.4	1. WAVALENE ROMERO ( )	97.20	X			
	2. MARY LOPEZ ( )	97.20	X			
<b>TOTAL</b>		<b>2,534.5</b>	<b>1,541.2</b>	<b>622.1</b>	<b>172.0</b>	<b>199.2</b> [07]

\*\*PASSED VOTES