

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Tohono O'odham Nation's Comprehensive Water Rights
Settlement Proposal)**

RESOLUTION NO. 18-243

- 1 **WHEREAS,** the Constitution of the Tohono O'odham Nation provides that "[a]ll waters which
2 originate in or flow in, into or through the Tohono O'odham Nation, or which are
3 stored in the Tohono O'odham Nation, whether found on the surface or
4 underground, are a valuable public resource of the Tohono O'odham Nation" and
5 vests the Legislative Council with "control and management of these waters"
6 (Constitution, Article XVII, Sections 1 and 2); and
- 7 **WHEREAS,** the Constitution of the Tohono O'odham Nation further vests the Legislative
8 Council with the authority "to consult, negotiate and conclude agreements and
9 contracts on behalf of the Tohono O'odham Nation with Federal, State and local
10 governments and other Indian tribes or their departments, agencies, or political
11 subdivisions, or with private persons or organizations on all matters within the
12 authority of the Tohono O'odham Council." (Constitution, Article VI, Section 1(f));
13 and
- 14 **WHEREAS,** the Tohono O'odham Nation has water rights claims pending in the Gila River
15 general stream adjudication, which remain to be litigated or settled; and
- 16 **WHEREAS,** in 2009, the Nation approved the Sif Oidak Water Claims Water Rights Settlement
17 Proposal by Resolution No. 09-095 and sought to begin negotiation of these claims
18 with the United States; and
- 19 **WHEREAS,** in 2011, the Department of the Interior appointed a Federal Indian Water Rights
20 Negotiating Team to assist in settling the Nation's water rights claims, on the
21 condition that the negotiation be a comprehensive negotiation of the Nation's
22 remaining water rights claims in the State of Arizona; and
- 23 **WHEREAS,** in 2012 pursuant to Resolution No. 12-460, the Nation appointed its negotiating
24 team consisting of the Legislative Water Resources Committee and the Chairman
25 of the Nation; and
- 26 **WHEREAS,** the Nation's consultants, Natural Resources Consulting Engineers, have
27 completed the latest version of the Comprehensive Water Rights Settlement
28 Proposal, which is incorporated by this reference and which includes the Nation's
29 remaining water rights claims; and
- 30 **WHEREAS,** the Legislative Water Resources Committee, at the request of the Tohono
31 O'odham Legislative Council, has presented the Comprehensive Water Rights
32 Settlement Proposal to each district council and has incorporated, to the extent
33 possible, feedback gained in those meetings; and

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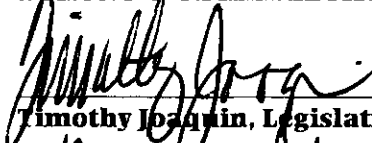
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1 **WHEREAS, the Nation's Chairman and the Water Resources Committee reviewed the**
2 **Comprehensive Water Rights Settlement Proposal and recommends its approval.**

3 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the**
4 **Comprehensive Water Rights Settlement Proposal and authorizes the Nation's**
5 **negotiating team identified in Resolution No. 12-460 to submit the proposal to the**
6 **Federal Indian Water Rights Negotiating Team and to meet with any and all**
7 **relevant federal representatives to vigorously pursue negotiation and settlement**
8 **of the Nation's comprehensive water rights claims.**

9 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 12TH**
10 **day of JULY, 2018 at a meeting at which a quorum was present with a vote of 1,954.2 FOR; 527.2**
11 **AGAINST; 231.1 [01] NOT VOTING; and 372.1 [08] ABSENT, pursuant to the powers vested in the**
12 **Council by Article VI, Section 1(f) and (j) and Article XVII of the Constitution of the Tohono**
13 **O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by**
14 **the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant**
15 **to Section 16 of the Act of June 18, 1934 (48 Stat.984).**

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18 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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21 _____
22 Timothy Joaquin, Legislative Chairman
23 19 day of July, 2018
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27 **ATTEST:**

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29 _____
30 Evonne Wilson, Legislative Secretary

31 18 day of July, 2018
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33

34 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono**
35 **O'odham Nation on the 19 day of July, 2018 at 2:21 o'clock, P.M.,**
36 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**
37 **effective upon his approval or upon his failure to either approve or disapprove it within 48**
38 **hours of submittal.**

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41 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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45 Timothy Joaquin, Legislative Chairman
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APPROVED

on the 20 day of July, 2018

DISAPPROVED

at 5:30 o'clock, P.m.


EDWARD D. MANUEL, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 23 day of

July, 2018, at 8:59 o'clock, a.m.


Evonne Wilson, Legislative Secretary

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ACTION: APPROVING TOHONO O'ODHAM NATION'S COMPREHENSIVE WATER RIGHTS SETTLEMENT PROPOSAL

Moved: COUNCILWOMAN LUCINDA J. ALLEN

SECOND: COUNCILMAN ANTHONY J. FRANCISCO, JR.

DATE: JULY 12, 2018

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 235.8	1. MARY LOPEZ () 2. LUCINDA ALLEN (Yolonda Garcia)	117.9 117.9	X X			
SELLS 527.2	1. ARTHUR WILSON (<i>Absent</i>) (Evelyn Juan Manuel) (<i>Present</i>) 2. ADRIANNE TILLER (<i>Absent</i>) (Idaleen Reyes) (<i>Present</i>)	263.6 263.6		X X		X
SCHUK TOAK 185.7	1. ANTHONY J. FRANCISCO JR. (Teresa F. Donahue) 2. QUINTIN C. LOPEZ (Agnes V. Joaquin)	92.85 92.85	X X			
SAN XAVIER 232.3	1. DANIEL L.A. PRESTON III (Felicia Nunez) 2. JANICE FELIX ()	116.15 116.15	X X			X
SAN LUCY 231.1	1. JANA MONTANA (<i>Absent</i>) (Diana Manuel) (<i>Present</i>) 2. GLORIA RAMIREZ (<i>Absent</i>) (Lorraine Eiler) (<i>Present</i>)	115.55 115.55			X X	X
PISINEMO 225.9	1. CHESTER ANTONE (Caroline D. Garcia) 2. MONICA K. MORGAN ()	112.95 112.95	X X			
HICKIWAN 209.0	1. LOUIS R. LOPEZ (<i>Absent</i>) (Shirley Molina) (<i>Present</i>) 2. SANDRA D. ORTEGA ()	104.5 104.5	X X			X
GU VO 256.9	1. GRACE MANUEL () 2. DALLAS LEWIS (Nacho Flores)	128.45 128.45	X X			X
GU ACHI 270.9	1. TIMOTHY L. JOAQUIN (<i>Absent</i>) (Louis L. Johnson) (<i>Present</i>) 2. LORETTA LEWIS (Victoria Hobbs)	135.45 135.45	X X			
CHUKUT KUK 337.7	1. BILLMAN LOPEZ (<i>Absent</i>) (Patricia Antone) (<i>Present</i>) 2. VIVIAN JUAN-SAUNDERS (<i>Absent</i>) (Juanita Homer) (<i>Present</i>)	168.85 168.85	X X			X
BABOQUIVARI 372.1	1. FRANCES MIGUEL (<i>Absent</i>) (Roberta E. Harvey) (<i>Present</i>) 2. LEANDER MASE (<i>Absent</i>) (Francine Schooling) (<i>Present</i>)	186.05 186.05				X X
TOTAL		3,084.6	1,954.2	527.2	231.1	372.1
					[01]	[08]