

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Approving Tohono O'odham Nation's Filing of its "Response of *Amicus Curiae* Tohono O'odham Nation to the Navajo Nation's Motion to Designate the Issue of the Attributes Necessary to Quantify Tribal Reserved Rights as an Issue of Broad Legal Importance")**

**RESOLUTION NO. 18-341**

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

9 **WHEREAS,** on July 16, 2018 the Navajo Nation filed its motion entitled, "Navajo Nation's  
10 Motion to Designate the Issue of the Attributes Necessary to Quantify Tribal  
11 Reserved Rights as an Issue of Broad Legal Importance," ("Motion") in the Little  
12 Colorado River General Stream Adjudication; and

13 **WHEREAS,** the Motion seeks to have the court determine the parameters of what is needed to  
14 determine tribal reserved rights not only in the Little Colorado River General  
15 Stream Adjudication but also in the Gila River General Stream Adjudication, in  
16 which the Tohono O'odham Nation has a vested interest; and

17 **WHEREAS,** the Tohono O'odham Nation is currently in negotiations to settle its water rights  
18 claims in the Gila River General Stream Adjudication; and

19 **WHEREAS,** the Office of the Attorney General and the Nation's outside counsel Dentons LLP  
20 have prepared a "Response of *Amicus Curiae* Tohono O'odham Nation to the  
21 Navajo Nation's Motion to Designate the Issue of the Attributes Necessary to  
22 Quantify Tribal Reserved Rights as an Issue of Broad Legal Importance"; and

23 **WHEREAS,** the Water Resources and Domestic Affairs Committees have reviewed the  
24 Response of *Amicus Curiae* Tohono O'odham Nation to the Navajo Nation's  
25 Motion to Designate the Issue of the Attributes Necessary to Quantify Tribal  
26 Reserved Rights as an Issue of Broad Legal Importance and recommend its  
27 approval and filing.

28 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council approves the  
29 Response of *Amicus Curiae* Tohono O'odham Nation to the Navajo Nation's  
30 Motion to Designate the Issue of the Attributes Necessary to Quantify Tribal  
31 Reserved Rights as an Issue of Broad Legal Importance.

32 **BE IT FINALLY RESOLVED** that the Tohono O'odham Legislative Council authorizes the Office of  
33 Attorney General and Dentons LLP to file, along with any ancillary required

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filings, the Response of *Amicus Curiae* Tohono O'odham Nation to the Navajo Nation's Motion to Designate the Issue of the Attributes Necessary to Quantify Tribal Reserved Rights as an Issue of Broad Legal Importance.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 20<sup>TH</sup> day of AUGUST, 2018 at a meeting at which a quorum was present with a vote of 3,084.6 FOR; -0- AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1 (j) and Article XVII of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL

*Timothy Joaquin*  
Timothy Joaquin, Legislative Chairman  
21 day of August, 2018

ATTEST:

*Evonne Wilson*  
Evonne Wilson, Legislative Secretary  
20 day of August, 2018

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 21 day of August, 2018 at 9:32 o'clock, a.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

*Timothy Joaquin*  
Timothy Joaquin, Legislative Chairman

APPROVED

DISAPPROVED

on the 21 day of August, 2018  
at 4:15 o'clock, P.m.

*Edward D. Manuel*  
EDWARD D. MANUEL, CHAIRMAN  
TOHONO O'ODHAM NATION

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Returned to the Legislative Secretary on the 22 day of  
August, 2018, at 9:59 o'clock, A.m.

Deanna Juan Gov.  
Evonne Wilson, Legislative Secretary

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**ACTION: APPROVING TOHONO O'ODHAM NATION'S FILING OF ITS "RESPONSE OF AMICUS CURIAE TOHONO O'ODHAM NATION TO THE NAVAJO NATION'S MOTION TO DESIGNATE THE ISSUE OF THE ATTRIBUTES NECESSARY TO QUANTIFY TRIBAL RESERVED RIGHTS AS AN ISSUE OF BROAD LEGAL IMPORTANCE"**

**Moved: COUNCILWOMAN LUCINDA ALLEN**

**SECOND: VICE CHAIRMAN QUINTIN C. LOPEZ**

**DATE: AUGUST 16, 2018**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 235.8	1. MARY LOPEZ ( )	117.9	X			
	2. LUCINDA ALLEN (Yolonda Garcia)	117.9	X			
SELLS 527.2	1. ARTHUR WILSON ( <i>Absent</i> ) (Evelyn Juan Manuel) ( <i>Present</i> )	263.6	X			
	2. ADRIANNE TILLER (Idaleen Reyes)	263.6	X			
SCHUK TOAK 185.7	1. ANTHONY J. FRANCISCO JR. (Teresa F. Donahue)	92.85	X			X
	2. QUINTIN C. LOPEZ (Agnes V. Joaquin)	92.85	X			
SAN XAVIER 232.3	1. DANIEL L.A. PRESTON III (Felicia Nunez)	116.15	X			
	2. JANICE FELIX ( )	116.15	X			
SAN LUCY 231.1	1. JANA MONTANA ( <i>Absent</i> ) (Diana Manuel) ( <i>Present</i> )	115.55	X			X
	2. GLORIA RAMIREZ ( <i>Absent</i> ) (Lorraine Eiler) ( <i>Present</i> )	115.55	X			
PISINEMO 225.9	1. CHESTER ANTONE (Caroline D. Garcia)	112.95	X			
	2. MONICA K. MORGAN ( )	112.95	X			
HICKIWAN 209.0	1. LOUIS R. LOPEZ (Shirley Molina)	104.5	X			
	2. SANDRA D. ORTEGA ( )	104.5	X			X
GU VO 256.9	1. GRACE MANUEL ( )	128.45	X			
	2. DALLAS LEWIS ( <i>Absent</i> ) (Nacho Flores) ( <i>Present</i> )	128.45	X			
GU ACHI 270.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	135.45	X			
	2. LORETTA LEWIS (Victoria Hobbs)	135.45	X			
CHUKUT KUK 337.7	1. BILLMAN LOPEZ (Patricia Antone)	168.85	X			
	2. VIVIAN JUAN-SAUNDERS (Juanita Homer)	168.85	X			
BABOQUIVARI 372.1	1. FRANCES MIGUEL (Roberta E. Harvey)	186.05	X			
	2. LEANDER MASE (Francine Schooling)	186.05	X			X
<b>TOTAL</b>		<b>3,084.6</b>	<b>3,084.6</b>	<b>-0-</b>	<b>-0-</b>	<b>[04]</b>