

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Providing Consent to Grant Easement for Water Delivery Pipeline to be Constructed in San Xavier District and Arranging for Delivery of CAP Water to Riparian Restoration Project)**

**RESOLUTION NO. 01-663**

1 **WHEREAS, the Vision for San Xavier, adopted by the San Xavier District Council in 1990,**  
2 **established restoration of the Santa Cruz River as a goal for the San Xavier District**  
3 **("District"); and**

4 **WHEREAS, the District obtained a grant from the Arizona Water Protection Fund in 1996 to**  
5 **pursue a riparian restoration project; and**

6 **WHEREAS, a community survey was conducted and community meetings held to solicit input**  
7 **from District residents on the form they thought the restoration project should take;**  
8 **and**

9 **WHEREAS, five potential restoration sites were evaluated by the Sonoran Institute, an ecological**  
10 **restoration firm; and**

11 **WHEREAS, the results of this evaluation were presented to the San Xavier community at a series**  
12 **of community meetings, and attendees were asked to select which of the five sites they**  
13 **would most like to see restored; and**

14 **WHEREAS, the community chose the current project site, located on the west bank of the Santa**  
15 **Cruz approximately 0.56 mi southeast of the I-19 bridge; and**

16 **WHEREAS, implementing a project at this site requires importing water from the CAP Link**  
17 **Pipeline; and**

18 **WHEREAS, an additional water delivery pipeline must be constructed to connect the project site**  
19 **to the CAP Link Pipeline; and**

20 **WHEREAS, this pipeline will cross eight allotments, including one tribal allotment owned by the**  
21 **Tohono O'odham Nation ("Nation"); and**

22 **WHEREAS, the District must request a grant of easement from the Bureau of Indian Affairs to**  
23 **construct the pipeline across these allotments, including the tribal allotment; and**

24 **WHEREAS, the Bureau of Indian Affairs will only grant the easement with the consent of the**  
25 **affected landowners, including the Tohono O'odham Nation; and**

26 **WHEREAS, the easement crossing the Nation's allotment will be approximately 670 feet long and**

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1                    **twenty-five (25) feet wide, totaling approximately 1.92 acres, and will be granted for a**  
2                    **period of 25 years; and**

3 **WHEREAS, the District's need for CAP water for the project must be communicated to the Nation,**  
4                    **which annually transmits a consolidated request for delivery of CAP water to the**  
5                    **United States Bureau of Reclamation; and**

6 **WHEREAS, the Nation's Natural Resources Committee and Water Resources Committee have**  
7                    **reviewed the project and recommend that the Nation support the project and consent**  
8                    **to the grant of easement; and**

9 **WHEREAS, the Nation supports the District's efforts to carry out its Vision Document, to create**  
10                   **recreational opportunities for members of the Nation, and to improve the condition**  
11                   **of its natural environment.**

12 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council consents to the**  
13                   **grant of easement described above and on the grant of easement form attached**  
14                   **hereto, and authorizes the Chairman of the Nation to sign the consent to grant of**  
15                   **easement form attached to this resolution on behalf of the Nation.**

16 **BE IT FURTHER RESOLVED that the District will communicate its water delivery requirements for**  
17                   **this project to the Nation on an annual calendar year basis, to be reviewed by the**  
18                   **Chairman of the Nation and the Chairman of the Water Resources Committee and to**  
19                   **be consolidated into the Nation's annual request for delivery of CAP water to the**  
20                   **United States Bureau of Reclamation.**

21 **BE IT FINALLY RESOLVED that the consent and approval granted above is provided on the**  
22                   **condition that the Nation accepts no liability which may arise from any aspect of the**  
23                   **riparian restoration project described above.**

24 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 21<sup>ST</sup> Day**  
25 **of DECEMBER, 2001 at a meeting at which a quorum was present with a vote of 1,696.2 FOR; -0-**  
26 **AGAINST; 721.3 NOT VOTING; and [07] ABSENT, pursuant to the powers vested in the Council by**  
27 **Section 1 (g) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono**  
28 **O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**  
29 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**  
30 **Stat. 984).**

31  
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TOHONO O'ODHAM LEGISLATIVE COUNCIL

Councillor Lopez for

Rita A. Martinez, Legislative Chairwoman

27<sup>th</sup> day of December, 20 01

ATTEST:

Juliana Saraficio  
Juliana Saraficio, Acting Legislative Secretary

21<sup>st</sup> day of December, 20 01.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 27<sup>th</sup> day of December, 20 01 at 10:22 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

Councillor Lopez for

Rita A. Martinez, Legislative Chairwoman

APPROVED

on the 28 day of December, 20 01

DISAPPROVED

at 12:47 o'clock, P.M.

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

Returned to the Legislative Secretary on the 28 day of

December, 20 01, at 1:33 o'clock, P.M.

Juliana Saraficio  
Juliana Saraficio, Acting Legislative Secretary

**ACTION: PROVIDING CONSENT TO GRANT EASEMENT FOR WATER DELIVERY PIPELINE TO BE CONSTRUCTED IN SAN XAVIER DISTRICT AND ARRANGING FOR DELIVERY OF CAP WATER TO RIPARIAN RESTORATION PROJECT**

**MOVED: COUNCILMAN DENNIS RAMON**

**SECOND: COUNCILMAN ALEX RAMON**

**DATE: DECEMBER 21, 2001**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> 317.7	1. FRANCES MIGUEL ( )	158.85	X			
	2. FRANCES G. ANTONE (Lucilda Norris-Valenzuela)	158.85	X			
<b>CHUKUT KUK</b> 248.1	1. KENNETH WILLIAMS (Juanita Homer)	124.05	X			
	2. DAVID GARCIA (Mary Audrey Juan)	124.05	X			
<b>GU ACHI</b> 230.7	1. CAMILLUS LOPEZ ( )	115.35	X			
	2. ALEX J. RAMON (Jerome Joaquin)	115.35	X			
<b>GU VO</b> 188.3	1. FERN SALCIDO ( )	94.15	X			X
	2. EMILIO LEWIS (Michael Flores)	94.15	X			
<b>HICKIWAN</b> 167.3	1. SHIRLEY MOLINA ( )	83.65	X			
	2. SANDRA ORTEGA ( )	83.65	X			X
<b>PISINEMO</b> 174.7	1. BARBARA SALVICIO (Alex Antone)	87.35	X			
	2. PATRICIA CRUZ (Johnson Jose)	87.35	X			X
<b>SAN LUCY</b> 160.7	1. ALBERT MANUEL, JR. (John W. Lawson, Sr.)	80.35			X	X
	2. GLORIA RAMIREZ ( )	80.35			X	
<b>SAN XAVIER</b> 184.7	1. TONY BURRELL ( )	92.35	X			X
	2. DENNIS RAMON ( )	92.35	X			
<b>SCHUK TOAK</b> 144.5	1. MARY FLORES ( )	72.25			X	
	2. AMBROSE ENCINAS (Frances B. Conde(Francisco))	72.25			X	X
<b>SELLS</b> 416.1	1. DENNIS E. JOSE ( )	208.05			X	
	2. EVELYN JUAN ( )	208.05			X	X
<b>SIF Oidak</b> 184.7	1. ISIDRO LOPEZ ( )	92.35	X			
	2. RITA MARTINEZ (Nicholas Jose)	92.35	X			
<b>TOTAL</b>		<b>2,417.5</b>	<b>1,696.2</b>	<b>-0-</b>	<b>721.3</b>	<b>[07]</b>

**\*\*PASSED VOTES**