

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving an Agreement with the Bureau of Reclamation and San Xavier District
Regarding a Recharge Feasibility Investigation in San Xavier District and Approving
a Temporary Use Permit for Tribal Trust Lands)**

RESOLUTION NO. 02-064

1 **WHEREAS, under the Southern Arizona Water Rights Settlement Act of 1982 ("SAWRSA"), the**
2 **Tohono O'odham Nation (the "Nation") received (a) an allocation for water from the**
3 **Central Arizona Project which is generally eligible for use within the San Xavier**
4 **Indian Reservation (the "CAP Water"), and (b) limited rights to pump groundwater in**
5 **such Reservation; and**

6 **WHEREAS, San Xavier District has developed a proposal to investigate the recharge potential of**
7 **specified locations within San Xavier Indian Reservation in order to plan for possible**
8 **future recharge of a portion of the CAP Water into the groundwater aquifer in**
9 **accordance with a water management plan which the Secretary of the Interior is**
10 **responsible for creating under SAWRSA; and**

11 **WHEREAS, the United States Bureau of Reclamation has agreed to contribute funding, materials,**
12 **in-kind staff work and laboratory testing to drill boreholes, construct piezometers**
13 **and perform other assistance in order to implement the investigation over a two-year**
14 **period; and**

15 **WHEREAS, the Nation's Constitution provides that the groundwater aquifer which is the subject**
16 **of the investigation and possible recharge project is a "valuable public resource of**
17 **the Tohono O'odham Nation to be protected for the present and future use of the**
18 **Tohono O'odham Nation as a whole," and that the "Tohono O'odham Council shall**
19 **have, consistent with federal law, the control and management of these waters and**
20 **shall have the power to (a) determine how these waters shall be developed, used and**
21 **conserved for the greatest public benefit" (Article XVII, Tohono O'odham**
22 **Constitution); and**

23 **WHEREAS, the Tohono O'odham Legislative Council, in exercise of these powers, agrees to**
24 **support and approve the recharge feasibility investigation, including withdrawal of**
25 **groundwater, so long as it is carried out in accordance with the "Agreement Between**
26 **the Tohono O'odham Nation, San Xavier District, and the Bureau of Reclamation of**
27 **the United States Department of the Interior," (the "Agreement") attached hereto and**

RESOLUTION NO. 02-064

(Approving an Agreement with the Bureau of Reclamation and San Xavier District Regarding a Recharge Feasibility Investigation in San Xavier District and Approving a Temporary Use Permit for Tribal Trust Lands)

Page 2 of 4

1 **incorporated herein by reference, the “San Xavier District Recharge Feasibility**
2 **Investigations Proposal For Subsurface Characterization and Infiltration Testing”**
3 **(the “Proposal”) which is attached to the Agreement, the Constitution and laws of the**
4 **Nation, SAWRSA and this Resolution; and**

5 **WHEREAS, the Proposal includes the drilling and construction of five (5) piezometer wells into**
6 **the groundwater aquifer on allotted lands, and possibly a sixth piezometer well at the**
7 **“Northwest recharge site” on tribal trust land, some with two inch casing and some**
8 **with four inch casing, from which groundwater levels will be measured and**
9 **groundwater samples will be withdrawn and tested for water quality; and**

10 **WHEREAS, the Agreement provides for access to the piezometers by the Nation’s Water**
11 **Resources Study Program in the Natural Resources Department to perform its own**
12 **groundwater monitoring, should such a need arise; and**

13 **WHEREAS, the data obtained from the Proposal will be confidential and will be provided only to**
14 **the Nation, San Xavier District and the Bureau of Reclamation, and any additional**
15 **distribution will be subject to the control of the District and the Nation; and**

16 **WHEREAS, the Legislative Council’s Water Resources Committee and Natural Resources**
17 **Committee have reviewed the Agreement and the Proposal, and recommend**
18 **approval by the Legislative Council.**

19 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O’odham Legislative Council**
20 **approves the Agreement and Proposal substantially in the form attached hereto,**
21 **approves the specific piezometer drilling sites indicated in the Proposal and the**
22 **anticipated groundwater withdrawal for monitoring purposes during the term of the**
23 **Agreement, and authorizes the Chairman of the Nation to sign the Agreement.**

24 **BE IT FURTHER RESOLVED that the Legislative Council approves the Nation’s grant to**
25 **the District and Reclamation of a Temporary Use Permit for Tribal Trust Land**
26 **substantially in the form attached hereto, for a two year period or until the**
27 **conclusion of their use of the land, whichever occurs earlier, to use the tribal trust**
28 **land at the Northwest recharge site in Section 33, T 15 S, R 12 E, as depicted on Figure**

RESOLUTION NO. 02-064

(Approving an Agreement with the Bureau of Reclamation and San Xavier District Regarding a Recharge Feasibility Investigation in San Xavier District and Approving a Temporary Use Permit for Tribal Trust Lands)

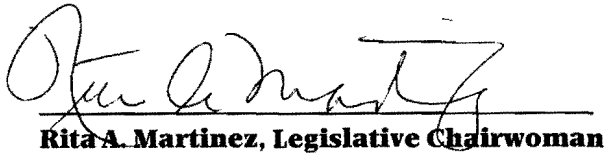
Page 3 of 4

1 **1 of the Proposal, to provide access for equipment, drill auger boreholes, and install**
2 **piezometers if the need arises to use this site, and authorizes the Chairman of the**
3 **Nation to sign the Permit.**

4 **BE IT FINALLY RESOLVED that, consistent with SAWRSA, other applicable federal**
5 **law, and the Constitution and laws of the Nation, any further or subsequent use of the**
6 **groundwater associated with these piezometers beyond those uses specified in the**
7 **Proposal, and use of the CAP Water at any time, will require the further approval of**
8 **the Tohono O'odham Legislative Council.**

9 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 08TH Day**
10 **of FEBRUARY, 2002 at a meeting at which a quorum was present with a vote of 1,732.7 FOR; 188.3**
11 **AGAINST; 144.5 NOT VOTING; and 352.0 [12] ABSENT, pursuant to the powers vested in the Council**
12 **by Article XVII and Sections 1 (f) & 1(i) of Article VI of the Constitution of the Tohono O'Odham**
13 **Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting**
14 **Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16**
15 **of the Act of June 18, 1934 (48 Stat. 984).**

17 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

18
19 
20
21 **Rita A. Martinez, Legislative Chairwoman**

22
23 12th day of February, 2002

26 **ATTEST:**

27
28 
29
30 **Julianna Saraficio, Acting Legislative Secretary**

31
32 08 day of February, 2002.

34 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham**
35 **Nation on the 12th day of February, 20 02 at 2:25 o'clock, P.M.,**
36 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**
37 **upon his approval or upon his failure to either approve or disapprove it within 48 hours of**
38 **submittal.**

39
40

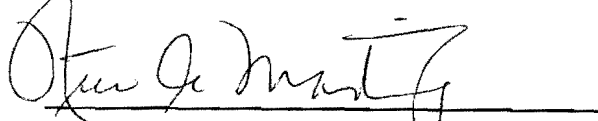
RESOLUTION NO. 02-064

(Approving an Agreement with the Bureau of Reclamation and San Xavier District Regarding a Recharge Feasibility Investigation in San Xavier District and Approving a Temporary Use Permit for Tribal Trust Lands)

Page 4 of 4

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

TOHONO O'ODHAM LEGISLATIVE COUNCIL



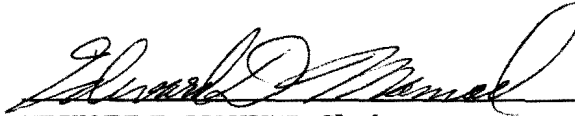
Rita A. Martinez, Legislative Chairwoman

APPROVED

on the 12th day of February, 2002

DISAPPROVED

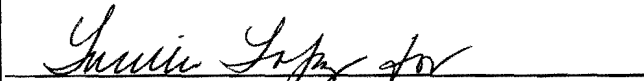
at 3:36 o'clock, P..M.



**EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 12th day of

February, 2002, at 4:22 o'clock, P..M.


Julianna Saraficio, Acting Legislative Secretary

ACTION: APPROVING AN AGREEMENT WITH THE BUREAU OF RECLAMATION AND SAN XAVIER DISTRICT REGARDING A RECHARGE FEASIBILITY INVESTIGATION IN SAN XAVIER DISTRICT AND APPROVING A TEMPORARY USE PERMIT FOR TRIBAL TRUST LANDS

MOVED: COUNCILMAN ALEX RAMON

SECOND: COUNCILWOMAN FRANCES ANTONE

DATE: FEBRUARY 08, 2002

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 317.7	1. FRANCES MIGUEL ()	158.85	X			X
	2. FRANCES G. ANTONE (Lucilda Norris-Valenzuela)	158.85	X			
CHUKUT KUK 248.1	1. KENNETH WILLIAMS (Juanita Homer)	124.05	X			X
	2. DAVID GARCIA (Mary Audrey Juan)	124.05	X			
GU ACHI 230.7	1. CAMILLUS LOPEZ ()	115.35	X			X
	2. ALEX J. RAMON (Jerome Joaquin)	115.35	X			
GU VO 188.3	1. FERN SALCIDO ()	94.15		X		
	2. EMILIO LEWIS (Michael Flores)	94.15		X		X
HICKIWAN 167.3	1. SHIRLEY MOLINA ()	83.65				X
	2. SANDRA ORTEGA ()	83.65				X
PISINEMO 174.7	1. BARBARA SALVICIO (Alex Antone)	87.35	X			X
	2. PATRICIA CRUZ (Johnson Jose)	87.35	X			
SAN LUCY 160.7	1. ALBERT MANUEL, JR. (John W. Lawson, Sr.)	80.35	X			X
	2. GLORIA RAMIREZ ()	80.35	X			
SAN XAVIER 184.7	1. TONY BURRELL ()	92.35				X
	2. DENNIS RAMON ()	92.35				X
SCHUK TOAK 144.5	1. MARY FLORES ()	72.25			X	
	2. AMBROSE ENCINAS (Frances B. Conde(Francisco))	72.25			X	X
SELLS 416.1	1. DENNIS E. JOSE ()	208.05	X			
	2. EVELYN JUAN ()	208.05	X			
SIF OIDAK 184.7	1. ISIDRO LOPEZ ()	92.35	X			X
	2. RITA MARTINEZ (Nicholas Jose)	92.35	X			
TOTAL		2,417.5	1,732.7	188.3	144.5	352.0 [12]

****PASSED VOTES**