

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving an Access Permit and a Grant of Easement for a Water Line and Water Tank
at the Community of North Komelik)

RESOLUTION NO. 02-084

1 **WHEREAS, the Tohono O'odham Nation ("Nation") entered into a Mining Lease and a Business**
2 **Lease, each dated July 23, 1987, with Cyprus Casa Grande Corporation, the**
3 **predecessor by change of name to Cyprus Tohono Corporation; and**

4 **WHEREAS, the Indian Health Service received approval in October 1990 to construct drinking**
5 **water supply improvements at the Community of North Komelik in Sif Oidak District;**
6 **and**

7 **WHEREAS, the Bureau of Indian Affairs granted an easement to the Indian Health Service and**
8 **its successors and assigns, dated March 3, 1995, for a right-of-way to construct a water**
9 **storage tank and a water pipeline, but documentation indicating the approval of the**
10 **Nation for the grant of easement has not been found, and such approval by the Nation**
11 **is required to create a valid grant of easement pursuant to 25 CFR Part 169; and**

12 **WHEREAS, the right-of-way for the water tank and water pipeline traverses land leased to the**
13 **Cyprus Tohono Corporation by the Mining Lease and Business Lease referred to**
14 **above, but the approval of Cyprus Tohono Corporation to the right-of-way was never**
15 **sought; and**

16 **WHEREAS, Cyprus Tohono Corporation has prepared an Access Permit granting the Tohono**
17 **O'odham Utility Authority ("TOUA") and its agents, permittees, successors and assigns**
18 **permission to construct, operate and maintain the water tank and water pipeline**
19 **over the same right-of-way described in the BIA grant of easement, which Access**
20 **Permit requires the approval of the Nation because the Nation is the Lessor of the**
21 **land included in the Cyprus Mining and Business Leases; and**

22 **WHEREAS, TOUA intends to connect the water pipeline referred to herein to the water pipeline**
23 **known as the North Komelik Inter-tie Water System, North Komelik to Anegam, for**
24 **which TOUA was granted a right-of-way by the Nation in Resolution No. 01-619; and**

25 **WHEREAS, TOUA requires a right-of-way approximately 1,675 feet in length across the land**
26 **outside the Cyprus Mining and Business Leases to connect the water tank pipeline to**
27 **the North Komelik Inter-tie Water System; and**

28 **WHEREAS, the Natural Resource Committee of the Legislative Council has reviewed the Access**
29 **Permit and Grant of Easement and recommends approval by the full Legislative**
30 **Council.**

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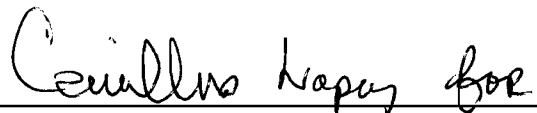
Page 2 of 3

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

- 1. Approves the Access Permit substantially in the form attached hereto, granted by Cyprus Tohono Corporation to TOUA and its agents, permittees, successors and assigns for the purpose of construction, operation and maintenance of a water tank and water pipeline on the Cyprus Mining Lease and Business Lease; and**
- 2. Approves the Grant of Easement for a right-of-way 15 meters wide granted by the Bureau of Indian Affairs to the Indian Health Service and its successors and assigns, dated March 03, 1995, for the purpose of construction, operation and maintenance of a water storage tank and a water pipeline for the water system at the Community of North Komelik; and**
- 3. Approves a right-of-way to TOUA 15 meters wide and approximately 1,675 feet long along the same route shown in the BIA Grant of Easement referred to above, for the purpose of constructing the water pipeline on the land outside the Cyprus Mining and Business Lease and connecting it to the North Komelik Inter-tie Water System.**

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 05TH. Day of MARCH, 2002 at a meeting at which a quorum was present with a vote of 2,273.0 FOR; -0- AGAINST; -0- NOT VOTING; and 144.5 [05] ABSENT, pursuant to the powers vested in the Council by Section 1 (c)(2) and (i)(2) of Article VI 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



Rita A. Martinez, Legislative Chairwoman

7th day of March, 2002

ATTEST:



Julianna Saraficio, Acting Legislative Secretary

05 day of March, 2002.

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Page 3 of 3

1 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham
2 Nation on the 7th day of March, 20 02 at 8:54 o'clock, A.M.,
3 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective
4 upon his approval or upon his failure to either approve or disapprove it within 48 hours of
5 submittal.

6
7 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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9 Cecilia Lopez for
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11 **Rita A. Martinez, Legislative Chairwoman**

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16 **APPROVED**

on the 7 day of March, 20 02

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18 **DISAPPROVED**

at 2:53 o'clock, P.M.

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21 Edward D. Manuel
22 **EDWARD D. MANUEL, Chairman**
23 **TOHONO O'ODHAM NATION**

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28 Returned to the Legislative Secretary on the 7th day of

29
30 March, 20 02, at 4:32 o'clock, P.M.

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33 Machone L. Johnson for
34 **Julianna Saraficio, Acting Legislative Secretary**

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ACTION: APPROVING AN ACCESS PERMIT AND A GRANT OF EASEMENT FOR A WATER LINE AND WATER TANK AT THE COMMUNITY OF NORTH KOMELIK

MOVED: COUNCILMAN ISIDRO LOPEZ

SECOND: COUNCILWOMAN FRANCES ANTONE

DATE: MARCH 05, 2002

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 317.7	1. FRANCES MIGUEL ()	158.85	X			
	2. FRANCES G. ANTONE (Lucilda Norris-Valenzuela)	158.85	X			
CHUKUT KUK 248.1	1. KENNETH WILLIAMS (Juanita Homer)	124.05	X			
	2. DAVID GARCIA (Mary Audrey Juan)	124.05	X			
GU ACHI 230.7	1. CAMILLUS LOPEZ ()	115.35	X			
	2. ALEX J. RAMON** (Jerome Joaquin)	115.35	X			
GU VO 188.3	1. FERN SALCIDO ()	94.15	X			X
	2. EMILIO LEWIS (Michael Flores)	94.15	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			
	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			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
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			
	2. RITA MARTINEZ (Nicholas Jose)	92.35	X			X
TOTAL		2,417.5	2,273.0	-0-	-0-	144.5 [05]

****PASSED VOTES**