

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing Execution of Landowner Selection Form for San Lucy Farm)

RESOLUTION NO. 03-363

1 **WHEREAS, the San Lucy Farm is located within the Central Arizona Irrigation and Drainage**
2 **District ("CAIDD"); and**

3 **WHEREAS, CAIDD delivers water to the San Lucy Farm and other agricultural enterprises within**
4 **CAIDD; and**

5 **WHEREAS, CAIDD entered into a subcontract on November 21, 1983 with the United States and**
6 **the Central Arizona Water Conservation District ("CAWCD") for the delivery of Central**
7 **Arizona Project ("CAP") water (the "CAIDD Subcontract"); and**

8 **WHEREAS, CAIDD entered into an agreement with CAWCD providing for the delivery of excess**
9 **CAP water ("Excess CAP Water"), dated January 1, 1994 (the "Excess Water**
10 **Agreement"); and**

11 **WHEREAS, Excess CAP Water is a surplus supply of water not committed for delivery to CAWCD**
12 **contractors or subcontractors; and**

13 **WHEREAS, the term of the Excess Water Agreement expires on December 31, 2003; and**

14 **WHEREAS, CAWCD has set aside 400,000 acre-feet of CAP water (the "Settlement Pool") for CAIDD**
15 **and other agricultural districts which agree to relinquish their rights under the**
16 **CAIDD Subcontract and participate in the Arizona Water Settlement Agreement (the**
17 **"Settlement Agreement"); and**

18 **WHEREAS, a vote of CAIDD landowners approved CAIDD's participation in the Settlement**
19 **Agreement on the condition the Settlement Agreement is finalized; and**

20 **WHEREAS, the Settlement Pool is the only Excess Water available for delivery to CAIDD; and**

21 **WHEREAS, for calendar year 2004, those CAIDD landowners who refuse to relinquish their rights**
22 **under the CAIDD Subcontract will be charged \$74.00 per acre-foot of CAP water**
23 **delivered or \$46 for each acre-foot not ordered by the landowner or which the**
24 **landowner orders but declines to accept delivery; and**

25 **WHEREAS, if all conditions in the Settlement Agreement are satisfied by December 31, 2007, the**
26 **Settlement Pool of Excess Water is available for calendar years 2004 through 2030 at**
27 **\$28.00 per acre-foot for landowners who relinquish their rights to delivery under the**
28 **CAIDD Subcontract; and**

29 **WHEREAS, if all conditions in the Settlement Agreement are not satisfied by December 31, 2007,**
30 **the Settlement Pool of Excess water is available for calendar years 2004 through 2007**

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at \$28.00 per acre-foot for landowners who relinquish their rights to delivery under the CAIDD Subcontract; and

WHEREAS, a Landowner Selection Form for the San Lucy Farm has been submitted to the Tohono O'odham Nation, a copy of which is attached hereto; and

WHEREAS, execution of the Landowner Selection Form will relinquish the Nation's rights under the CAIDD Subcontract for the San Lucy Farm and entitle the Nation to receive Excess Water from the Settlement Pool at \$28 per acre-foot; and

WHEREAS, selection by the Nation to retain rights under the CAIDD Subcontract will result in a per acre-foot cost of \$74.00 for calendar year 2004, and \$46.00 per acre-foot for water not ordered or water ordered for which delivery is refused; and

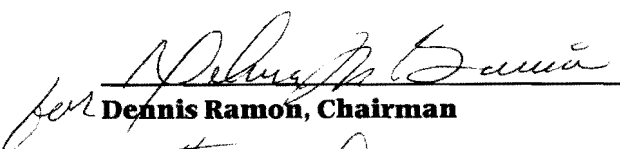
WHEREAS, the Agriculture Committee, the Water Resources Committee and the Tohono O'odham Farming Authority recommend that the Tohono O'odham Legislative Council authorize execution of the Landowner Selection Form for the San Lucy Farm.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1. The Tohono O'odham Legislative Council approves the completion and execution of the Landowner Selection Form for the San Lucy Farm, in the form attached hereto.**
- 2. The Chairwoman of the Nation is authorized to complete and execute the Landowner Selection Form and deliver the Form to the Central Arizona Irrigation and Drainage District.**

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 08TH Day of AUGUST, 2003 at a meeting at which a quorum was present with a vote of 2,629.7 FOR; -0- AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by 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

per 
Dennis Ramon, Chairman
11th day of August, 20 03


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ATTEST:



Julianna Saraficio, Acting Legislative Secretary

08th day of August, 20 03.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 11th day of August, 20 03 at 10:44 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


for Dennis Ramon, Chairman

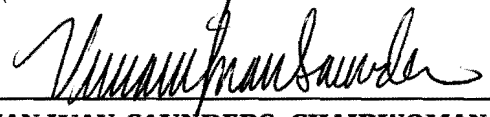
APPROVED

on the 13th day of August, 20 03

DISAPPROVED

at 4:35 o'clock, P.M.

EXCEEDED 48 HOURS



**VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 13th day of

August, 20 03, at 4:51 o'clock, P.M.



Julianna Saraficio, Acting Legislative Secretary

ACTION: AUTHORIZING EXECUTION OF LANDOWNER SELECTION FORM FOR SAN LUCY FARM

MOVED: COUNCILWOMAN FELICIA NUNEZ

SECOND: COUNCILWOMAN FRANCES CONDE

DATE: AUGUST 08, 2003

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 192.6	1. ISIDRO LOPEZ (Nicholas Jose)	96.30	X			
	2. DARLENE ANDREW (Rita Martinez)	96.30	X			
SELLS 465.6	1. DENNIS E. JOSE ()	232.80	X			
	2. EVELYN JUAN ()	232.80	X			
SCHUK TOAK 176.1	1. FRANCES B. CONDE ()	88.05	X			
	2. PHYLLIS JUAN ()	88.05	X			
SAN XAVIER 215.4	1. FELICIA NUÑEZ ()	107.70	X			
	2. DENNIS RAMON ()	107.70	X			
SAN LUCY 166.3	1. JOHN W. LAWSON, SR. ()	83.15	X			
	2. GLORIA RAMIREZ ()	83.15	X			
PISINEMO 175.4	1. BARBARA SALVICIO ()	87.70	X			
	2. PATRICIA CRUZ ()	87.70	X			
HICKIWAN 170.3	1. DELMA GARCIA (Mary E. Sam)	85.15	X			
	2. SANDRA ORTEGA ()	85.15	X			X
GU VO 191.4	1. RAYMOND VICTOR ()	95.70	X			
	2. MICHAEL FLORES ()	95.70	X			
GU ACHI 253.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	126.80	X			
	2. JEROME JOAQUIN ()	126.80	X			
CHUKUT KUK 258.9	1. KENNETH WILLIAMS (Juanita Homer)	129.45	X			
	2. VERLON M. JOSE (David Garcia)	129.45	X			X
BABOQUIVARI 364.1	1. FRANCES MIGUEL (Lucilda Norris-Valenzula)	182.05	X			
	2. FRANCES G. ANTONE ()	182.05	X			
TOTAL		2,629.7	2,629.7	-0-	-0-	[02]

**PASSED VOTES