

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Aquifer Recharge Testing on the San Xavier District Using Central Arizona
Project Water in Arroyo 19)

RESOLUTION NO. 04-450

- 1 **WHEREAS, under the Southern Arizona Water Rights Settlement Act of 1982 (SAWRSA), the**
2 **Tohono O'odham Nation (Nation) received an allocation of Central Arizona Project**
3 **(CAP) Water which is eligible for use within the San Xavier Indian Reservation; and**
- 4 **WHEREAS, the San Xavier District investigated a number of different potential recharge sites on**
5 **the San Xavier Reservation under Legislative Council Resolution 02-064, and the area**
6 **most appropriate for recharge utilizing CAP water was found to be the Arroyos area**
7 **on the eastern portion of the reservation north of the CAP Reach 6 Pipeline; and**
- 8 **WHEREAS, the San Xavier District performed basin recharge testing with CAP water in the**
9 **Arroyos area in 2003 as approved by Legislative Council Resolution 03-079, and found**
10 **that aquifer recharge with CAP water is feasible in the Arroyos area; and**
- 11 **WHEREAS, the San Xavier District has developed a proposal to investigate the feasibility of**
12 **recharging the aquifer by discharging CAP water directly into several arroyos; and**
- 13 **WHEREAS, the United States Bureau of Reclamation (Reclamation) and the San Xavier District**
14 **have agreed to contribute funding, materials, and in-kind staff work and laboratory**
15 **testing to perform soil sampling, drill boreholes, construct monitor wells, construct**
16 **the water delivery system, and implement the testing; and**
- 17 **WHEREAS, the proposal includes the drilling and construction of two (2) monitor wells into the**
18 **groundwater aquifer on allotted lands (locations D16-13-9ddd and D16-13-10cbd)**
19 **with 4 inch diameter casing at which groundwater levels will be monitored and from**
20 **which groundwater quality samples will be withdrawn; and**
- 21 **WHEREAS, the proposal includes the use of CAP water in a quantity of up to 1,450 acre-feet to be**
22 **discharged initially over a period of 6 months and a total of up to 5,800 acre-feet to be**
23 **used over a period of 2 years if necessary; and**
- 24 **WHEREAS, the water will be discharged during a period of up to two years with groundwater**
25 **monitoring and soil sampling continuing for up to two additional years if necessary;**
26 **and**

1 **WHEREAS, the San Xavier District Council has approved the project, as indicated by the attached**
2 **resolution of the District Council, and the Bureau of Indian Affairs has granted**
3 **preliminary approval on behalf of the allottee owners of the land where the recharge**
4 **project will be performed, as indicated by the attached letter; and**

5 **WHEREAS, the Legislative Council's Water Resources Committee has reviewed the proposal and**
6 **recommends approval by the Legislative Council; and**

7 **WHEREAS, the data obtained from the project will be confidential and will be provided only to**
8 **the Nation, the San Xavier District, and Reclamation, and any additional distribution**
9 **will be subject to the control of the San Xavier District and the Nation.**

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

11 **1. Approves the San Xavier District Arroyo 19 In-channel Recharge Test Proposal**
12 **substantially in the form attached hereto, approves the use of CAP water for the**
13 **project from the Nation's CAP allocation in a total amount up to 5,800 acre-feet**
14 **over a two-year period, approves delivery of the water to the arroyo sites for the**
15 **period of time outlined in the proposal, and agrees that the Nation will cooperate**
16 **with San Xavier District to order the CAP water needed for the recharge test**
17 **proposal based upon an annual calendar year water delivery request from the**
18 **District to the Nation's Office of Attorney General.**

19 **2. Approves the drilling of two monitor wells into the groundwater aquifer and**
20 **sampling of these wells by San Xavier District in cooperation with Reclamation**
21 **for the purposes of the recharge test proposal.**

22 **3. Such approval is granted on the condition that the Nation will not incur any**
23 **liability from the performance of this project, and that San Xavier District will**
24 **provide copies of all reports from the project to the Chairwoman of the Tohono**
25 **O'odham Nation, Nation's Department of Natural Resources, Water Resources**
26 **Study Program, and to the Chairperson of the Water Resources Committee of the**
27 **Legislative Council, without further request.**

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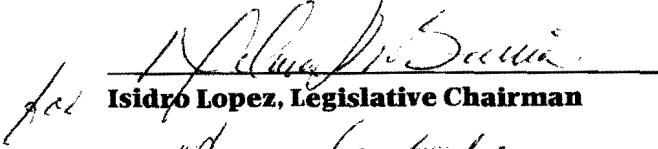
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1 **BE IT FINALLY RESOLVED** that consistent with SAWRSA, other applicable federal law, and the
2 **Constitution and the laws of the Nation, any further or subsequent use of the**
3 **groundwater associated with these monitor wells or the use of additional CAP water**
4 **at any time, will require the further approval of the Tohono O'odham Legislative**
5 **Council.**

6 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 15TH Day**
7 **of SEPTEMBER, 2004 at a meeting at which a quorum was present with a vote of 2,629.7 FOR; -0-**
8 **AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by**
9 **Section 2 of Article XVII of the Constitution of the Tohono O'odham Nation, adopted by the Tohono**
10 **O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
11 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**
12 **Stat. 984).**

13
14 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

15
16 *for* 
17 **Isidro Lopez, Legislative Chairman**

18
19 22nd day of September, 2004

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21
22 **ATTEST:**

23 
24
25 **Rosita N. Ruiz, Legislative Secretary**

26
27 22 day of September, 2004.

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29 **Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono**
30 **O'odham Nation on the 22nd day of September, 2004 at 4:30 o'clock,**
31 **P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**
32 **effective upon her approval or upon her failure to either approve or disapprove it within 48 hours**
33 **of submittal.**

34
35 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

36
37 *for* 
38 **Isidro Lopez, Legislative Chairman**

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APPROVED

on the 27 day of September, 2004

DISAPPROVED

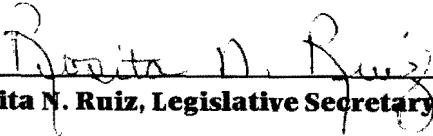
at 2:05 o'clock, P.M.



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

Returned to the Legislative Secretary on the 27 day of

September, 2004, at 3:32 o'clock, P.M.



Rosita N. Ruiz, Legislative Secretary

ACTION: APPROVING AQUIFER RECHARGE TESTING ON THE SAN XAVIER DISTRICT USING CENTRAL ARIZONA PROJECT WATER IN ARROYO 19

Moved: COUNCILMAN VERLON JOSE

SECOND: COUNCILWOMAN FELICIA NUNEZ

DATE: SEPTEMBER 15, 2004

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 (Olivia Liston-Villegas)	107.70	X			
	2. DENNIS RAMON (Eleanor Hunter)	107.70	X			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 (Willard Manuel)	95.70	X			
GU ACHI 253.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	126.80	X			
	2. JEROME JOAQUIN (Roberta Picard)	126.80	X			
CHUKUT KUK 258.9	1. KENNETH WILLIAMS (Juanita Homer)	129.45	X			
	2. VERLON M. JOSE (David Garcia)	129.45	X			
BABOQUIVARI 364.1	1. FRANCES MIGUEL (Lucilda Norris-Valenzuela)	182.05	X			
	2. FRANCES G. ANTONE ()	182.05	X			X
TOTAL		2,629.7	2,629.7	-0-	-0-	[03]

****PASSED VOTES**