

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Amicus Curiae Brief of Tohono O'odham Nation in Support of Petition
for Special Action)**

RESOLUTION NO. 05-105

1 **WHEREAS, on November 16, 2004, the Pinal County Superior Court granted a motion for partial**
2 **summary judgment which enjoined the Maricopa-Stanfield Irrigation & Drainage**
3 **District and the Central Arizona Irrigation & Drainage District (the "Districts") from**
4 **relinquishing Central Arizona Project("CAP") subcontract water without the consent**
5 **of every landowner within the Districts; and**

6 **WHEREAS, the Arizona Water Settlements Act of 2004 (the "Act"), Public Law 108-451, was passed**
7 **by Congress on November 17, 2004 and signed by the President on December 10, 2004;**
8 **and**

9 **WHEREAS, an essential element of the Act was the relinquishment by the Districts of 197,500**
10 **acre-feet of CAP subcontract water for reallocation as follows: (1) 102,000 acre-feet**
11 **to the Gila River Indian Community, (2) 28,200 acre-feet to the Tohono O'odham**
12 **Nation (the "Nation") and (3) 67,300 acre-feet to facilitate future water rights**
13 **settlements with the Sif Oidak District of the Nation and other Indian Tribes; and**

14 **WHEREAS, if the judgment entered by the Pinal County Superior Court is not reversed, the**
15 **foregoing CAP water will not be reallocated and implementation of the Act will be**
16 **impossible; and**

17 **WHEREAS, on December 14, 2004, a Petition for Special Action (No. CV-04-0385-SA) was filed in**
18 **the Arizona Supreme Court by the Districts and approximately 200 landowners which**
19 **seeks to overturn the decision of the Pinal County Superior Court; and**

20 **WHEREAS, the Nation, the Gila River Indian Community and other persons and entities adversely**
21 **affected by the judgment of the Pinal County Superior Court have been encouraged**
22 **to file amicus curiae briefs in support of the Petition for Special Action; and**

23 **WHEREAS, attached hereto is an amicus curiae brief of the Nation in support of the Petition for**
24 **Special Action.**

25 **NOW THEREFORE, BE IT RESOLVED THAT:**

26 **1. The Tohono O'odham Legislative Council hereby approves the filing of an amicus**
27 **curiae brief of the Tohono O'odham Nation in support of the Petition for Special**
28 **Action, in substantially the form attached hereto.**

29

RESOLUTION NO. 05-105

**(Approving Amicus Curiae Brief of Tohono O'odham Nation in Support of Petition for Special Action)
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2. The attorneys for the Nation shall keep the Legislative Council and the Chairwoman of the Nation informed of developments in the Special Action proceeding.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 18TH Day of FEBRUARY, 2005 at a meeting at which a quorum was present with a vote of 2,629.7 FOR; -0- AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by Section 1 and Section 2 (a)(b)&(c) of 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

Isidro Lopez, Legislative Chairman

18th day of February, 2005

ATTEST:


Lucille Lopez, Acting Legislative Secretary

18th day of February, 2005.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'Odham Nation on the 18th day of February, 2005 at 4:31 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon her approval or upon her failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL


Isidro Lopez, Legislative Chairman

APPROVED

on the 18th day of February, 2005

DISAPPROVED

at 4:38 o'clock, P.M.


VIVIAN JUAN SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION

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(Approving Amicus Curiae Brief of Tohono O'odham Nation in Support of Petition for Special Action)

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Returned to the Legislative Secretary on the 18th day of

January, 2005, at 4:44 o'clock, P.M.

Lucille Lopez
Lucille Lopez, Acting Legislative Secretary

ACTION: APPROVING AMICUS CURIAE BRIEF OF TOHONO O'ODHAM NATION IN SUPPORT OF PETITION FOR SPECIAL ACTION

MOVED: COUNCILWOMAN DARLENE ANDREW

SECOND: COUNCILMAN VERLON JOSE

DATE: FEBRUARY 18, 2005

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			X
	2. EVELYN JUAN ()	232.80	X			
SCHUK TOAK 176.1	1. FRANCES B. CONDE ()	88.05	X			X
	2. PHYLLIS JUAN ()	88.05	X			
SAN XAVIER 215.4	1. FELICIA NUÑEZ <i>(Absent)</i> (Olivia Liston-Villegas) <i>(Present)</i>	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			
GU VO 191.4	1. RAYMOND VICTOR ()	95.70	X			
	2. MICHAEL FLORES (Willard Manuel)	95.70	X			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			
TOTAL		2,629.7	2,629.7	-0-	-0-	[04]

**PASSED VOTES