

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Approving the Grant of Permanent Rights-of-Way, and Approving the Land Appraisals**  
**Conducted by R. Sanchez Appraisals for the Construction of the Off-Farm Lease Flood**  
**Control Channel Improvements and Extension of the CAP Link Pipeline associated with**  
**the San Xavier Farm Rehabilitation Project on Tribal Trust Lands )**

**DEFEATED**  
**RESOLUTION NO. 05-604**

1 **WHEREAS, the San Xavier District of the Tohono O'odham Nation has contracted a function of**  
2 **the United States, through Bureau of Reclamation pursuant to Title I of the Indian**  
3 **Self-Determination Act, P.L. 93-638; and**

4 **WHEREAS, under the Southern Arizona Water Rights Settlement Act (SAWRSA) of 1982, Federal**  
5 **funds have been allocated to rehabilitate and extend the San Xavier Cooperative**  
6 **Farm; and**

7 **WHEREAS, the Tohono O'odham Legislative Council, through Resolution No. 2000-349, has**  
8 **authorized the San Xavier District to implement the farm rehabilitation; and**

9 **WHEREAS, the San Xavier District continues to work with the Bureau of Reclamation, Pima**  
10 **County, Bureau of Indian Affairs and the San Xavier Cooperative Farm for flood**  
11 **protection associated with the rehabilitation of the Farm; and**

12 **WHEREAS, the San Xavier District is requesting the necessary permanent easement/rights-of-**  
13 **way to be granted to the United States Bureau of Reclamation to facilitate**  
14 **construction of flood control improvements on Tribal Trust Land, Tract SXF-T3 not**  
15 **under the San Xavier Cooperative Farm Lease, and to extend the CAP Link Pipeline**  
16 **Tract SXF-T2 which is on the Farm Lease, for a water conduit and related facilities**  
17 **consisting of buried pipelines and other fixtures, devices, and appurtenances; and**

18 **WHEREAS, the Tohono O'odham Nation has point five percent (0.5%) interest in Allotment 160,**  
19 **site to be excavated for the construction of a 440-foot approach channel south of San**  
20 **Xavier Road and east of Little Nogales Road on the West Branch of the Santa Cruz**  
21 **River; and**

22 **WHEREAS, land appraisals have been performed by R. Sanchez Appraisals, a State-Certified**  
23 **Appraiser, and appraisal reports (attached hereto) were completed according to the**  
24 **"Uniformed Appraisal Standards for Federal Land Acquisition"; and**

25 **WHEREAS, the values of the Tribal Trust Land parcels to be utilized for permanent rights-of-way**  
26 **were determined at \$20,692.00 for Tract SXF-T2, \$35,828.00 for Tract SXF-T3 and**  
27 **\$1,021.39 for Allotment 160 respectively; and**

**DEFEATED**

**RESOLUTION NO. 05-604**

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1 **WHEREAS, the Bureau of Indian Affairs, and Office of Special Trustee have reviewed the**  
2 **appraisal reports to the three aforementioned parcels and find the appraisal amount**  
3 **to be fair and just; and**

4 **WHEREAS, the Tohono O'odham Legislative Council Natural Resources, Water Resources and**  
5 **Agricultural Committees have reviewed the appraisals and the purpose and basis for**  
6 **determining the value of the land and have recommended acceptance of the offer in**  
7 **the amounts of \$20,692.00 for Tract SXF-T2, \$35,828.00 for Tract SXF-T3 and \$1,021.39**  
8 **for Allotment 160; and**

9 **WHEREAS, the Tohono O'odham Nation recognizes that permanent easements of rights-of-way**  
10 **are a necessary part of completing the San Xavier Farm Rehabilitation Project.**

11 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council does hereby**  
12 **approve the grant of permanent rights-of-way to the Bureau of Reclamation, in the**  
13 **name of the United States, for two parcels of tribal trust lands located on the San**  
14 **Xavier District and for Allotment 160 in which the Nation owns a point five percent**  
15 **(0.5%) interest, to be utilized for the purpose of construction for off-farm flood**  
16 **protection and extension of the CAP Link Pipeline associated with the rehabilitation**  
17 **of the San Xavier Cooperative Farm.**

18 **BE IT FURTHER RESOLVED that the Tohono O'Odham Nation has authorized appraisal payment**  
19 **for rights-of-way on tribal property to be returned to respective Districts, pursuant**  
20 **to Tohono O'odham Legislative Council Resolution Nos. 99-388, 35-89, 04-156, and**  
21 **09-89.**

22 **BE IT FINALLY RESOLVED that the amount due to the Nation for the required permanent rights-of-**  
23 **way in the total amount of \$57,541.39, for the Tribal Trust Lands and the Nation's**  
24 **interest in Allotment 160, is hereby waived by the Nation and will be paid directly to**  
25 **San Xavier District by the Bureau of Reclamation.**

26 **The foregoing Resolution was presented to the Tohono O'odham Legislative Council on the 28<sup>TH</sup>**  
27 **Day of SEPTEMBER, 2005 at a meeting at which a quorum was present, and by a vote of 349.2 FOR;**  
28 **1,919.8 AGAINST; 171.8 NOT VOTING; and [02] ABSENT, failed to pass because it did not receive a**  
29 **majority of the votes cast as required by Section 2 of Article V of the Constitution of the Tohono**  
30 **O'odham Nation.**

**DEFEATED**

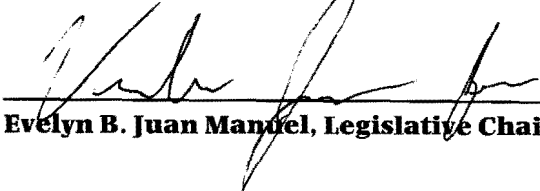
**RESOLUTION NO. 05-604**

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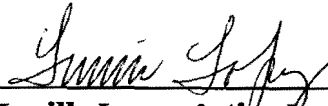
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**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

  
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**Evelyn B. Juan Mantel, Legislative Chairwoman**

**ATTEST:**

  
\_\_\_\_\_  
**Lucille Lopez, Acting Legislative Secretary**

**ACTION:** APPROVING THE GRANT OF PERMANENT RIGHTS-OF-WAY, AND APPROVING THE LAND APPRAISALS CONDUCTED BY R. SANCHEZ APPRAISALS FOR THE CONSTRUCTION OF THE OFF-FARM LEASE FLOOD CONTROL CHANNEL IMPROVEMENTS AND EXTENSION OF THE CAP LINK PIPELINE ASSOCIATED WITH THE SAN XAVIER FARM REHABILITATION PROJECT ON TRIBAL TRUST LANDS

**MOVED:** COUNCILWOMAN FELICIA NUNEZ

**SECOND:** COUNCILWOMAN OLIVIA VILLEGAS-LISTON

**DATE:** SEPTEMBER 28, 2005

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> <b>310.8</b>	1. FRANCES MIGUEL ( )	155.40	X			
	2. FRANCES G. ANTONE (Lucilda J. Valenzuela (Norris))	155.40		X		
<b>CHUKUT KUK</b> <b>258.7</b>	1. ETHEL GARCIA ** ( )	129.35		X		
	2. VERLON M. JOSE (David Garcia)	129.35		X		
<b>GU ACHI</b> <b>221.6</b>	1. TIMOTHY L. JOAQUIN (Jonas Robles)	110.80		X		
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	110.80		X		
<b>GU VO</b> <b>193.1</b>	1. RAYMOND VICTOR ( )	96.55		X		
	2. MICHAEL FLORES (Grace Manuel)	96.55		X		
<b>HICKIWAN</b> <b>167.4</b>	1. DELMA GARCIA (Mary E. Sam)	83.70		X		
	2. SANDRA ORTEGA ** ( )	83.70		X		
<b>PISINEMO</b> <b>171.8</b>	1. BARBARA SALVICIO ( )	85.90			X	
	2. GERALD FAYUANT ( )	85.90			X	
<b>SAN LUCY</b> <b>169.0</b>	1. JOHN W. LAWSON, SR. ( )	84.50		X		
	2. GLORIA RAMIREZ ( )	84.50		X		
<b>SAN XAVIER</b> <b>193.8</b>	1. FELICIA NUÑEZ ( )	96.90	X			
	2. OLIVIA VILLEGAS-LISTON ( )	96.90	X			
<b>SCHUK TOAK</b> <b>146.9</b>	1. FRANCES B. CONDE ( )	73.45		X		X
	2. PHYLLIS JUAN ( )	73.45		X		
<b>SELLS</b> <b>421.0</b>	1. DENNIS E. JOSE ( )	210.50		X		
	2. EVELYN JUAN MANUEL ( )	210.50		X		
<b>SIF OIDAK</b> <b>186.7</b>	1. WAVALENE SAUNDERS (Isidro Lopez)	93.35		X		X
	2. DARLENE ANDREW (Rita Martinez)	93.35		X		
<b>TOTAL</b>		<b>2,440.80</b>	<b>349.2</b>	<b>1,919.8</b>	<b>171.8</b>	<b>[02]</b>

\*\*PASSED VOTES