

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing the United States Department of Homeland Security Customs and Border Protection to Drill and Develop a Water-Well at the Papago Farms Law Enforcement Center)

RESOLUTION NO. 07-121

1 **WHEREAS, on August 11, 2005, the Tohono O'odham Nation (the "Nation") entered into a Lease**
2 **and a Memorandum of Understanding authorizing use of land at Papago Farms by the**
3 **United States Department of Homeland Security Customs and Border Protection**
4 **("CBP"), and the Tohono O'Odham Nation Police Department ("TOPD"), for a Law**
5 **Enforcement Center (LEC), approved by Legislative Council Resolution No. 05-448; and**

6 **WHEREAS, the Legislative Council supported a plan to provide a permanent water source at**
7 **Papago Farms either by a new water-well or a 10,000+ gallon water tank supplied by**
8 **hauled water through Legislative Council Resolution No. 05-068; and**

9 **WHEREAS, neither Resolution No. 05-448 nor Resolution No. 05-068 authorizes CBP to drill a**
10 **water-well and utilize the Nation's groundwater; and**

11 **WHEREAS, the water supplied by the proposed well will be used for construction projects, operate**
12 **lavatory facilities, and to maintain the minimum safe water levels of the fire**
13 **suppression system at the LEC; and**

14 **WHEREAS, CBP is requesting permission to drill a water-well at the Papago Farms leased site and**
15 **has received direction from the Nation's Water Resources Study Program on certain**
16 **well specifications (see attached document); and**

17 **WHEREAS, the Chukut Kuk District supported the plan of drilling a water-well at the Papago**
18 **Farms leased site in the form of Chukut Kuk District Resolution No. 2006-64; and**

19 **WHEREAS, this matter has been reviewed by the Legislative Council Domestic Affairs, Natural**
20 **Resources, and Water Resources Committees.**

21 **NOW, THEREFORE, BE IT RESOLVED that the Legislative Council hereby:**

- 22 **1. Authorizes CBP or its designated contractor or agent to drill and develop a water-**
23 **well at the Papago Farms leased site, so long as the well drilling and construction**
24 **is completed under the direct supervision of an Arizona registered water-well**
25 **driller;**
- 26 **2. Requires that the well drilling contractor provide to the Nation's Water Resources**
27 **Study Program split samples of drill cuttings and copies of geologic or geophysical**
28 **logs, driller's logs, analytical results, well completion reports, pump test records**
29 **and reports, and contractor's reports;**

RESOLUTION NO. 07-121

(Authorizing the United States Department of Homeland Security Customs and Border Protection to Drill and Develop a Water-Well at the Papago Farms Law Enforcement Center)

Page 2 of 3

- 1 3. Stipulates that CBP will install a functional water meter of a type approved by the
2 Water Resources Study Program and will limit its withdrawals of groundwater to
3 no more than six (6) acre-feet per year;
- 4 4. Stipulates that the water-well will be owned by the Tohono O' odham Nation after
5 completion of construction and that its water quality will be tested and monitored
6 by the Tohono O'odham Utility Authority ("TOUA") as a domestic supply well,
7 provided that TOUA's costs for water quality testing and laboratory analysis and
8 any well maintenance cost will be paid by CBP.
- 9 5. Stipulates that the right to use the well and the water will continue for the duration
10 of the term of the Lease and the Memorandum of Understanding or any extensions
11 thereof.

12 The foregoing Resolution was passed by the Tohono O' odham Legislative Council on the 05TH. Day
13 of MARCH, 2007 at a meeting at which a quorum was present with a vote of 2,163.2 FOR; -0-
14 AGAINST; 277.6 NOT VOTING; and 04 ABSENT, pursuant to the powers vested in the Council by
15 Section 1(i)(2) of Article VI and Section 2 of Article XVII of the Constitution of the Tohono O'Odham
16 Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting
17 Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16
18 of the Act of June 18, 1934 (48 Stat. 984).

19
20 TOHONO O'ODHAM LEGISLATIVE COUNCIL

21
22 
23 _____
24 Verlon M. Jose, Legislative Chairman

25
26 12 day of March, 2007

27
28 ATTEST:

29
30 
31 _____
32 Lucille Lopez, Acting Legislative Secretary

33
34 15 day of March, 2007.

35
36 Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono
37 O'Odham Nation on the 12 day of March, 2007 at 11:24 o'clock,
38 A.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
39 effective upon her approval or upon her failure to either approve or disapprove it within 48 hours
40 of submittal.
41

RESOLUTION NO. 07-121

(Authorizing the United States Department of Homeland Security Customs and Border Protection to Drill and Develop a Water-Well at the Papago Farms Law Enforcement Center)

Page 3 of 3

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45


TOHONO O'ODHAM LEGISLATIVE COUNCIL



Verlon M. Jose, Legislative Chairman

APPROVED on the 14 day of March, 2007

DISAPPROVED at 10:50 o'clock, A.M.



VIVIAN JUAN SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 14 day of
March, 2007, at 9:58 o'clock, A.M.



Lucille Lopez, Acting Legislative Secretary

ACTION: AUTHORIZING THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY CUSTOMS AND BORDER PROTECTION TO DRILL AND DEVELOP A WATER-WELL AT THE PAPAGO FARMS LAW ENFORCEMENT CENTER

MOVED: COUNCILWOMAN ETHEL GARCIA

SECOND: COUNCILMAN TIMOTHY JOAQUIN

DATE: MARCH 05, 2007

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 310.8	1. FRANCES MIGUEL (Vernon J. Smith)	155.40	X			
	2. FRANCES G. ANTONE (Lucilda J. Valenzuela (Norris))	155.40	X			
CHUKUT KUK 258.7	1. ETHEL GARCIA ()	129.35	X			
	2. VERLON M. JOSE (David Garcia)	129.35	X			X
GU ACHI 221.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	110.80	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	110.80	X			
GU VO 193.1	1. RAYMOND VICTOR ()	96.55			X	
	2. MICHAEL FLORES (Grace Manuel)	96.55			X	
HICKIWAN 167.4	1. SHIRLEY SANTOS-MOLINA ()	83.70	X			
	2. SANDRA ORTEGA ()	83.70	X			X
PISINEMO 171.8	1. BARBARA SALVICIO ()	85.90	X			
	2. GERALD FAYUANT ()	85.90	X			X
SAN LUCY 169.0	1. LORRAINE EILER ()	84.50	X			
	2. GLORIA RAMIREZ ()	84.50			X	
SAN XAVIER 193.8	1. FELICIA NUÑEZ ()	96.90	X			X
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	96.90	X			
SCHUK TOAK 146.9	1. FRANCES B. CONDE ()	73.45	X			
	2. PHYLLIS JUAN ()	73.45	X			
SELLS 421.0	1. MARLENE SARAFICIO-JUAN ()	210.50	X			
	2. EVELYN B. JUAN MANUEL (Kimberly Listo)	210.50	X			
SIF OIDAK 186.7	1. WAVALENE ROMERO (Isidro Lopez)	93.35	X			
	2. DARLENE ANDREW (Rita Wilson)	93.35	X			
TOTAL		2,440.80	2,163.2	-0-	277.6	[04]

****PASSED VOTES**