

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Approving Firming Agreement with the United States)**

**RESOLUTION NO. 15-155**

1 **WHEREAS,** under the Southern Arizona Water Rights Settlement Act Amendments (the  
2 "SAWRSA Amendments"), which are Title III of the Arizona Water Settlements Act  
3 of 2004, Public Law 108-451 ("AWSA"), the Tohono O'odham Nation (the "Nation")  
4 is entitled to receive 66,000 acre-feet of Central Arizona Project ("CAP") water  
5 per year for uses on or off the reservation; and

6 **WHEREAS,** the SAWRSA Amendments provide that 37,800 acre-feet per year of the Nation's  
7 66,000 acre-feet per year of CAP water entitlement is of the highest priority  
8 during any times of shortage and is referred to as Indian priority water; and

9 **WHEREAS,** the SAWRSA Amendments also provide that 28,200 acre-feet per year of the  
10 Nation's 66,000 acre-feet per year of CAP annual water entitlement is of a lower  
11 priority during any times of shortage and is known as non-Indian agricultural  
12 priority water; and

13 **WHEREAS,** under the AWSA the United States is required to firm this 28,200 acre-feet so that  
14 amount of CAP water is delivered during times of shortage at the same priority  
15 as the Indian priority water; and

16 **WHEREAS,** the United States accomplishes this firming of the 28,200 acre-feet of water by  
17 either making water or long-term storage credits available to the Nation in  
18 amounts sufficient to assure that the Nation's full entitlement of 66,000 acre-  
19 feet per year is provided to the Nation notwithstanding any shortage on the  
20 Colorado River; and

21 **WHEREAS,** the United States Department of the Interior has funds available in the Lower  
22 Colorado River Basin Development Fund (the "Basin Fund") to acquire a supply  
23 of long-term storage credits to be used for firming, and the Tohono O'odham  
24 Nation has a source of long-term storage credits which it can make available to  
25 the United States so that I can meet its firming obligation; and

26 **WHEREAS,** the SAWRSA Amendments and the United States' CAP delivery contract with the  
27 Nation dated May 5, 1986 for delivery of CAP water provide that the United States  
28 is to pay the variable delivery costs (the pumping energy costs) for the Nation's  
29 CAP water deliveries from the Cooperative Fund; and

30 **WHEREAS,** the Nation and the United States Department of Interior have negotiated a  
31 Firming Agreement under which the United States will pay the variable and  
32 other delivery costs associated with the delivery of the Nation's CAP water to be

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used for firming from the Basin Fund even though the Nation will retain ownership of the long-term storage credits so created; and

**WHEREAS,** expenditure of the funds from the Basin Fund to pay these delivery charges will extend the time during which the Cooperative Fund will be able to pay the variable delivery costs for the remaining CAP water entitlement of the Nation; and

**WHEREAS,** the term of this Firming Agreement is five years and this term may be extended by agreement of the parties; and


**WHEREAS,** it is in the Nation's best interest to enter into the Firming Agreement; and

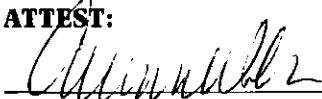
**WHEREAS,** in accordance with Resolution No. 12-030 this Firming Agreement has been reviewed by the Water Resources Committee and the Chairman of the Nation, who recommend approval by the Legislative Council.

**NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council approves the Firming Agreement Between the United States of America and the Tohono O'odham Nation substantially in the form attached hereto, and authorizes the Chairman of the Nation to execute it.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 07<sup>TH</sup> day of MAY, 2015 at a meeting at which a quorum was present with a vote of 2,926.9 FOR; -0- AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(f), and 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**

  
\_\_\_\_\_  
Timothy Joaquin, Legislative Chairman  
15 day of May, 2015

**ATTEST:**  
  
\_\_\_\_\_  
Evonne Wilson, Legislative Secretary  
14 day of May, 2015

**RESOLUTION NO. 15-155**  
**(Approving Firming Agreement with the United States)**  
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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 15 day of May, 2015 at 2:59 o'clock, 2 .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

  
\_\_\_\_\_  
Timothy Joannin, Legislative Chairman

APPROVED

on the 14 day of May, 2015  
at 4:44 o'clock, 8 .m.

DISAPPROVED

  
\_\_\_\_\_  
NED NORRIS, JR., CHAIRMAN  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 15 day of  
May, 2015, at 9:38 o'clock, a .m.

  
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Evonne Wilson, Legislative Secretary

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ACTION: APPROVING FIRING AGREEMENT WITH THE UNITED STATES

MOVED: COUNCILMAN QUINTIN C. LOPEZ

SECOND: COUNCILWOMAN MARY LOPEZ

DATE: MAY 07, 2015

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 224.2	1. LUCINDA ALLEN ( <i>Absent</i> ) (Nicholas Jose) ( <i>Present</i> )	112.1	X			
	2. MARY LOPEZ ( )	112.1	X			
SELLS 502.0	1. ARTHUR WILSON (Ophelia Patten)	251.0	X			
	2. BARBARA HAVIER (Beverly Rivas)	251.0	X			
SCHUK TOAK 174.2	1. ANTHONY J. RIOS ( )	87.1	X			X
	2. QUINTIN C. LOPEZ (John Fendenheim)	87.1	X			
SAN XAVIER 224.2	1. HILARION CAMPUS ( <i>Absent</i> ) (Daniel L.A. Preston, III) ( <i>Present</i> )	112.1	X			X
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	112.1	X			
SAN LUCY 219.6	1. DIANA MANUEL (Gloria Ramirez)	109.8	X			
	2. JANA MONTANA ( )	109.8	X			
PISINEMO 210.6	1. CHESTER ANTONE (Tony Murrietta)	105.3	X			
	2. EDWARD MANUEL, SR. ( )	105.3	X			
HICKIWAN 196.9	1. LOUIS R. LOPEZ ( )	98.45	X			
	2. SANDRA ORTEGA (Manuel Osequeda, Jr.)	98.45	X			
GU VO 241.0	1. GRACE MANUEL (Floyd Flores)	120.5				
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	120.5	X			
GU ACHI 257.3	1. TIMOTHY L. JOAQUIN ( )	128.65	X			
	2. LORETTA LEWIS (Louis Johnson)	128.65	X			
CHUKUT KUK 319.2	1. ETHEL GARCIA (Marlakay C. Henry)	159.6	X			
	2. BILLMAN LOPEZ ( )	159.6	X			
BABOQUIVARI 357.7	1. FRANCES MIGUEL ( <i>Absent</i> ) (Roberta Harvey) ( <i>Present</i> )	178.85	X			
	2. VERNON J. SMITH (Gloria Zazueta)	178.85	X			
<b>TOTAL</b>		<b>2,926.9</b>	<b>2,926.9</b>	<b>-0-</b>	<b>-0-</b>	<b>[02]</b>