

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Amendment No. 1 to the Agreement Between the New Magma Irrigation and
Drainage District and the Tohono O'odham Nation Providing for the delivery of the
Nation's CAP Water for Water Storage at a Groundwater Savings Facility)

RESOLUTION NO. 17-561

1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Legislative Council with**
2 **the power "to consult, negotiate and conclude agreements and contracts on**
3 **behalf of the Tohono O'odham Nation with Federal, State and local governments**
4 **and other Indian tribes or their departments, agencies, or political subdivisions,**
5 **or with private persons or organizations on all matters within the authority of the**
6 **Tohono O'odham Council." (Constitution, Article VI, Section 1(f)); and**

7 **WHEREAS, in 2012, 2013, 2014 and 2016 the Nation entered into Agreements with the New**
8 **Magma Irrigation and Drainage District ("NMIDD"), which is designated as a**
9 **groundwater savings facility under Arizona law, to deliver a portion of the**
10 **Nation's CAP entitlement to NMIDD as "in-lien water"; and**

11 **WHEREAS, the 2012, 2013, 2014 and 2016 Agreements were successfully implemented and**
12 **resulted in delivery of a substantial amount of the Nation's CAP entitlement to**
13 **NMIDD and a substantial payment by NMIDD to the Nation; and**

14 **WHEREAS, the current Agreement expires on December 31, 2017 and the Nation desires to**
15 **continue the relationship with NMIDD and extend the Agreement for five years to**
16 **December 31, 2022; and**

17 **WHEREAS, the Water Resources Committee has reviewed the 2017 Amendment and**
18 **recommends its approval.**

19 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the**
20 **Amendment No. 1 to the Agreement Between New Magma Irrigation and Drainage**
21 **District and the Tohono O'odham Nation Providing for the Delivery of Nation's**
22 **CAP Water for Water Storage at a Ground Water Savings Facility which will extend**
23 **to December 31, 2022, substantially in the form attached hereto, and authorizes**
24 **the Chairman of the Nation to execute the Agreement and any additional**
25 **documentation reasonably necessary to implement the intent of the Agreement,**
26 **provided that the Nation will annually enter into an Annual Scheduling**
27 **Agreement which will assign a quantity of CAP water to the Agreement, including**
28 **the possibility of assigning no water to the Agreement.**

29 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 20TH**
30 **day of NOVEMBER, 2017 at a meeting at which a quorum was present with a vote of 2,853.5 FOR**
31 **-0- AGAINST; 231.1[01] NOT VOTING; and [05] ABSENT, pursuant to the powers vested in the**
32 **Council by Article VI, Section 1(f) and Article XVII, Section 2 of the Constitution of the Tohono**
33 **O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by**
34 **the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant**
35 **to Section 16 of the Act of June 18, 1934 (48 Stat.984).**

RESOLUTION NO. 17-561

(Approving Amendment No. 1 to the Agreement Between the New Magma Irrigation and Drainage District and the Tohono O'odham Nation Providing for the delivery of the Nation's CAP Water for Water Storage at a Groundwater Savings Facility)

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

Timothy C. Lopez for
Timothy Joaquin, Legislative Chairman

22 day of November, 2017

ATTEST:

Evonne Wilson
Evonne Wilson, Legislative Secretary

22 day of November, 2017

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 22 day of November, 2017 at 11:27 o'clock, a .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 C. Lopez for
Timothy Joaquin, Legislative Chairman

APPROVED

on the 22 day of November, 2017

DISAPPROVED

at 4:49 o'clock, p .m.

Edward D. Manuel
EDWARD D. MANUEL, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 27 day of
November, 2017, at 9:21 o'clock, a .m.

Evonne Wilson
Evonne Wilson, Legislative Secretary

ACTION: APPROVING AMENDMENT NO. 1 TO THE AGREEMENT BETWEEN THE NEW MAGMA IRRIGATION AND DRAINAGE DISTRICT AND THE TOHONO O'ODHAM NATION PROVIDING FOR THE DELIVERY OF THE NATION'S CAP WATER FOR WATER STORAGE AT A GROUNDWATER SAVINGS FACILITY

Moved: VICE CHAIRMAN QUINTIN C. LOPEZ

SECOND: COUNCILWOMAN LUCINDA ALLEN

DATE: NOVEMBER 20, 2017

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 235.8	1. MARY LOPEZ ()	117.9	X			
	2. LUCINDA ALLEN (Yolonda Garcia)	117.9	X			
SELLS 527.2	1. ARTHUR WILSON ()	263.6	X			
	2. ADRIANNE TILLER (Idaleen Reyes)	263.6	X			
SCHUK TOAK 185.7	1. ANTHONY J. FRANCISCO JR. (Teresa F. Donahue)	92.85	X			
	2. QUINTIN C. LOPEZ (Agnes V. Joaquin)	92.85	X			
SAN XAVIER 232.3	1. DANIEL L.A. PRESTON III (Felicia Nunez)	116.15	X			
	2. JANICE FELIX ()	116.15	X			
SAN LUCY 231.1	1. JANA MONTANA (Diana Manuel)	115.55			X	X
	2. GLORIA RAMIREZ (Lorraine Eiler)	115.55			X	
PISINEMO 225.9	1. CHESTER ANTONE (Caroline D. Garcia)	112.95	X			
	2. MONICA K. MORGAN ()	112.95	X			X
HICKIWAN 209.0	1. LOUIS R. LOPEZ (Shirley Molina)	104.5	X			
	2. SANDRA D. ORTEGA ()	104.5	X			X
GU VO 256.9	1. GRACE MANUEL ()	128.45	X			
	2. DALLAS LEWIS (Nacho Flores)	128.45	X			
GU ACHI 270.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	135.45	X			
	2. LORETTA LEWIS (Victoria Hobbs)	135.45	X			X
CHUKUT KUK 337.7	1. BILLMAN LOPEZ (Patricia Vicenti)	168.85	X			
	2. VIVIAN JUAN-SAUNDERS (Absent) (Juanita Homer) (Present)	168.85	X			
BABOQUIVARI 372.1	1. FRANCES MIGUEL (Roberta E. Harvey)	186.05	X			X
	2. LEANDER MASE ()	186.05	X			
TOTAL		3,084.6	2,853.5	-0-	231.1 [01]	[05]