

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Approving 2021 Annual Scheduling Agreement with New Magma Irrigation  
and Drainage District)**

**RESOLUTION NO. 21-106**

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,** by Resolution No. 15-351 the Tohono O'odham Nation approved an agreement  
8 with the New Magma Irrigation and Drainage District providing for delivery of a  
9 portion of the Nation's CAP water for water storage at a groundwater savings  
10 facility (the "Agreement"), and the Agreement was executed by the parties on  
11 December 12, 2015; and

12 **WHEREAS,** the original term of the Agreement was for two calendar years, from January 1,  
13 2016 to December 31, 2017; and

14 **WHEREAS,** the term of the Agreement was subsequently amended to end on December 31,  
15 2022; and

16 **WHEREAS,** the Agreement allows the parties to negotiate a quantity of water and a price each  
17 year, as set forth in an Annual Scheduling Agreement; and

18 **WHEREAS,** the Water Resources Committee recommends a quantity of water and a price as  
19 set forth in the 2021 Annual Scheduling Agreement attached to this resolution.

20 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council approves the  
21 2021 Annual Scheduling Agreement with the New Magma Irrigation and Drainage  
22 District substantially in the form attached hereto, and authorizes the Chairman  
23 of the Nation to execute it.

24 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 06<sup>TH</sup>  
25 day of APRIL, 2021 at a meeting at which a quorum was present with a vote of 2,628.6 FOR; 547.1  
26 AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by  
27 Article VI, Section 1(f) and Article XVII, Section 2 of the Constitution of the Tohono O'odham  
28 Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting  
29 Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section  
30 16 of the Act of June 18, 1934 (48 Stat.984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL

  
\_\_\_\_\_  
Timothy Joaquin, Legislative Chairman

12 day of April, 2021

RESOLUTION NO. 21-106

(Approving 2021 Annual Scheduling Agreement with New Magma Irrigation and Drainage District)

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ATTEST:

[Signature]  
Evonne Wilson, Legislative Secretary

8 day of April, 2021

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 13 day of April, 2021 at 12:55 o'clock, P.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

[Signature]  
Timothy Joaquin, Legislative Chairman

APPROVED

on the 13 day of April, 2021

DISAPPROVED

at 2:27 o'clock, P.m.

[Signature]  
NED NORRIS, JR., CHAIRMAN  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 13 day of

April, 2021, at 3:30 o'clock, P.m.

[Signature]  
Evonne Wilson, Legislative Secretary

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**ACTION: APPROVING 2021 ANNUAL SCHEDULING AGREEMENT WITH NEW MAGMA IRRIGATION AND DRAINAGE DISTRICT**

**Moved: COUNCILWOMAN LUCINDA ALLEN**

**SECOND: COUNCILWOMAN ALBERTA J. RAY**

**DATE: APRIL 06, 2021**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 384.8	1. LEANDER MASE (Francine Schooling)	192.40	X			
	2. ALBERTA J. RAY (Frances G. Antone)	192.40	X			
CHUKUT KUK 347.5	1. VIVIAN JUAN-SAUNDERS (Juanita Homer)	173.75	X			
	2. MARLAKAY HENRY (Billman Lopez)	173.75	X			
GUACHI 279.3	1. VICTORIA HOBBS ( )	139.65	X			
	2. TIMOTHY L. JOAQUIN ( <i>Absent</i> ) (Louis L. Johnson) ( <i>Present</i> )	139.65	X			X
GUVO 264.5	1. DALLAS LEWIS (Nacho Flores)	132.25	X			
	2. GRACE MANUEL ( )	132.25	X			
HICKIWAN 213.8	1. SANDRA D. ORTEGA ( )	106.90	X			
	2. LOUIS R. LOPEZ (Delma M. Garcia)	106.90	X			
PISINEMO 230.7	1. MONICA K. MORGAN ( )	115.35	X			
	2. MARIETTA MARTIN ( )	115.35	X			
SAN LUCY 235.6	1. GLORIA RAMIREZ ( )	117.80	X			
	2. JANA MONTANA (Lorraine M. Eiler)	117.80	X			
SAN XAVIER 238.9	1. JANICE FELIX (Adam Andrews)	119.45	X			
	2. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner)	119.45	X			X
SCHUK TOAK 189.0	1. QUINTIN C. LOPEZ (Agnes V. Joaquin)	94.50	X			
	2. TERESA F. DONAHUE (Alberta Espinoza)	94.50	X			
SELLS 547.1	1. EVELYN JUAN MANUEL ( )	273.55		X		
	2. ARTHUR WILSON ( )	273.55		X		
SIF Oidak 244.5	1. LUCINDA ALLEN (Yolonda Garcia)	122.25	X			
	2. MARY LOPEZ ( <i>Absent</i> ) (Ann M. Garcia) ( <i>Present</i> )	122.25	X			
TOTAL		3,175.7	2,628.6	547.1	-0-	[02]