

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving 2023 Firming Agreement)**

RESOLUTION NO. 23-321

1 **WHEREAS, the Tohono O'odham Nation is entitled to receive 66,000 acre-feet of Central**
2 **Arizona Project ("CAP") water per year under the terms of the Southern Arizona**
3 **Water Rights Settlement Act ("SAWRSA"), as amended pursuant to Title III of**
4 **Public Law 108-451 ("AWSA"); and**

5 **WHEREAS, the SAWRSA Amendments provide that 28,200 acre-feet per year of the Nation's**
6 **66,000 acre-feet per year of CAP annual water entitlement is of a lower priority**
7 **during any times of shortage, referred to as non-Indian agricultural ("NIA")**
8 **priority water; and**

9 **WHEREAS, under AWSA the United States is required to firm this 28,200 acre-feet of NIA**
10 **priority water so that it is delivered during times of shortage at a higher priority;**
11 **and**

12 **WHEREAS, due to unprecedented drought in the Colorado River basin and other factors, the**
13 **flows of the Colorado River have been reduced and the water levels in Lake Mead**
14 **and Lake Powell have decreased to levels not seen since the filling of those**
15 **reservoirs; and**

16 **WHEREAS, these conditions have led the Secretary of the Interior to declare a shortage on**
17 **the Colorado River for Calendar Year 2023, thus impacting the United States'**
18 **delivery and firming obligation under SAWRSA; and**

19 **WHEREAS, the Bureau of Reclamation has informed the Nation that, due to shortage**
20 **conditions, 27,400 acre-feet of the Nation's NIA priority water SAWRSA**
21 **entitlement will be subject to firming for Calendar Year 2023; and**

22 **WHEREAS, to address these conditions and to increase system conservation and efficiency**
23 **opportunities in the Lower Colorado River Basin, the United States Bureau of**
24 **Reclamation has created a funding opportunity to compensate holders of water**
25 **entitlements such as the Nation for reducing their use of Colorado River water**
26 **and thereby retaining water in Lake Mead under a program entitled the Lower**
27 **Colorado Conservation and Efficiency Program (LC Conservation Program); and**

28 **WHEREAS, the Nation, pursuant to Resolution No. 22-416, submitted a proposal for**
29 **participation in the LC Conservation Program to the Bureau of Reclamation for**
30 **Calendar Year 2023 to conserve a portion of the Nation's NIA priority water in**
31 **accordance with that program; and**

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1 **WHEREAS, as an alternative to the Nation's participation in the LC Conservation Program,**
2 **the Bureau of Reclamation has proposed that the Nation instead enter into an**
3 **arrangement with Reclamation whereby Reclamation will compensate the**
4 **Nation in lieu of delivery of 27,400 acre-feet of NIA priority water, an amount**
5 **equivalent to the amount that the Nation ultimately would have conserved under**
6 **the LC Conservation Program for Calendar Year 2023; and**

7 **WHEREAS, at the direction of the Legislative Council Water Resources Committee, the**
8 **Nation's staff has negotiated a draft agreement with Reclamation whereby**
9 **Reclamation will compensate the Nation in lieu of delivery of 27,400 acre-feet of**
10 **NIA priority water, but on terms more favorable to the Nation than the terms of**
11 **the LC Conservation Program (the "2023 Firming Agreement"); and**

12 **WHEREAS, the Water Resources Committee has reviewed and recommends that the**
13 **Legislative Council approve the 2023 Firming Agreement.**

14 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it approves**
15 **the 2023 Firming Agreement substantially in the form attached hereto, and**
16 **authorizes the Chairman of the Nation to execute the 2023 Firming Agreement.**

17 **BE IT FINALLY RESOLVED that the funds generated by the 2023 Firming Agreement will be added**
18 **to the Water Revenues Account established by Resolution No. 14-525.**

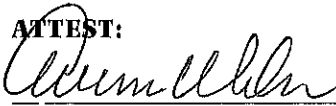
19 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 11TH**
20 **day of AUGUST 2023 at a meeting at which a quorum was present with a vote of 2,705.3 FOR;**
21 **558.0 AGAINST; [01] NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council**
22 **by, Article VI, Section 1(f) and Article VI, Section 1(i)(2) of the Constitution of the Tohono**
23 **O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by**
24 **the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant**
25 **to Section 16 of the Act of June 18, 1934 (48 Stat.984).**

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28 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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32 **Wavalene M. Saunders, Legislative Chairwoman**

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34 16th day of August, 2023
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1 ATTEST:

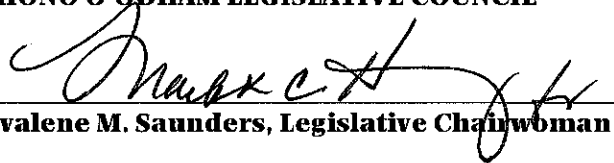
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4 Evonne Wilson, Legislative Secretary

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6 14 day of August, 2023


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8 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
9 O'odham Nation on the 14th day of August, 2023 at 4:00 o'clock, p.m.,
10 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
11 effective upon his approval or upon his failure to either approve or disapprove it within 48
12 hours of submittal.

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14 TOHONO O'ODHAM LEGISLATIVE COUNCIL

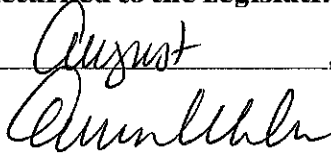
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18 Wavalene M. Saunders, Legislative Chairwoman

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23 APPROVED on the 17 day of August, 2023

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25 DISAPPROVED at 8:22 o'clock, p.m.

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29 VERLON M. JOSE, CHAIRMAN
30 TOHONO O'ODHAM NATION

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35 Returned to the Legislative Secretary on the 19 day of
36 August, 2023, at 10:55 o'clock, a.m.

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41 Evonne Wilson, Legislative Secretary

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ACTION: APPROVING 2023 FIRING AGREEMENT

MOVED: COUNCILMAN DANIEL L.A. PRESTON III

SECOND: COUNCILWOMAN LUCINDA ALLEN

DATE: AUGUST 11, 2023

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 394.2	1. LEANDER MASE (Francine Schooling) 2. JESSE NAVARRO (Alberta J. Ray)	197.1 197.1	X X			
CHUKUT KUK 354.7	1. VIVIAN JUAN-SAUNDERS (Cornelius Antone) 2. MARLAKAY HENRY ()	177.35 177.35	X X			X
GUACHI 282.7	1. VICTORIA HOBBS (Tonya L. Joaquin) 2. TIMOTHY L. JOAQUIN (Jerome L. Joaquin)	141.35 141.35	X X		X	
GU VO 276.0	1. DALLAS LEWIS () 2. LESLIE LUNA (Grace Manuel)	138.0 138.0	X X			
HICKIWAN 220.5	1. DELMA M. GARCIA () 2. LOUIS R. LOPEZ (Loretta A. Ortega)	110.25 110.25	X X			
PISINEMO 236.2	1. EDWARD D. MANUAL (Monica Morgan) 2. PAMELA J. BENAVIDEZ (Nora J. Ruelas)	118.1 118.1	X X			
SAN LUCY 257.6	1. ROGER MANUEL (Christina Andrews) 2. GLORIA M. RAMIREZ (Lorraine M. Eiler)	128.8 128.8	X X			
SAN XAVIER 244.5	1. JANICE FELIX () 2. DANIEL L.A. PRESTON III ()	122.25 122.25	X X			
SCHUK TOAK 191.8	1. DELISA M. RAMON (Sharon A. Francisco) 2. THEORIA CAMPILO (Rebecca Ann Valentine)	95.9 95.9	X X			X
SELLS 558.0	1. EVELYN JUAN-MANUEL (Arvada Liston) 2. JANET B. ELEANDO ()	279.0 279.0		X X		
SIF Oidak 247.1	1. LUCINDA ALLEN (Francis Homewytewa) 2. WAVALENE M. SAUNDERS (Mary Lopez)	123.55 123.55	X X			
TOTAL		3,263.30	2,705.3	558.0	[01]	[02]