

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Opposing Arizona Senate Bill 1041 and Creation of Groundwater Savings Certificates
as an Alternative to Certificates of Assured Water Supply Under A.R.S. § 45-576)**

RESOLUTION NO. 24-105

1 **WHEREAS, the Constitution of the Tohono O'odham Nation recognizes that "all waters which**
2 **originate in or flow in, into or through the Tohono O'odham Nation, or which are**
3 **stored in the Tohono O'odham Nation, whether found on the surface or**
4 **underground, are a valuable public resource of the Tohono O'odham Nation to be**
5 **protected for the present and future use of the Tohono O'odham Nation as a**
6 **whole." (Art. XVII, Section 1); and**

7 **WHEREAS, Article VI, Section 1(f) of the Nation's Constitution vests the Tohono O'odham**
8 **Legislative Council with authority to consult with state governments, their**
9 **departments, agencies, or political subdivisions on all matters within the**
10 **authority of the Legislative Council; and**

11 **WHEREAS, Title III of the Arizona Water Settlements Act, P.L. 108-451, the Southern Arizona**
12 **Water Rights Settlement Act Amendments of 2004 ("SAWRSA Amendments")**
13 **entitles the Tohono O'odham Nation to an annual allocation of 66,000 acre-feet of**
14 **Central Arizona Project water, and the Nation stores unused portions of its**
15 **entitlement outside of its reservations and within the State of Arizona (SAWRSA**
16 **Amendments, Sections 304(a) and 306(a)); and**

17 **WHEREAS, Senate Bill 1041, pending before the Arizona State Legislature, would modify**
18 **A.R.S. § 45-576 by allowing developers to sell or lease subdivided lands within an**
19 **Active Management Area without a Certificate of Assured Water Supply, so long as**
20 **the developer obtains a Groundwater Savings Certificate; and**

21 **WHEREAS, Groundwater Savings Certificates do not exist under current laws and would**
22 **provide less stringent standards to protect Arizona's water supply than**
23 **Certificates of Assured Water Supply; and**

24 **WHEREAS, Senate Bill 1041 jeopardizes the Nation's water resources and exacerbates**
25 **existing risks of water scarcity on the Nation's lands but also within Arizona; and**

26 **WHEREAS, Senate Bill 1041 passed the Arizona State Senate on February 29, 2024; and**

27 **WHEREAS, the Water Resources and Appropriations Committees reviewed Senate Bill 1041**
28 **and recommend that the Nation oppose the bill and similar legislation.**

29 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council opposes**
30 **Senate Bill 1041 and similar legislation that jeopardizes the Nation's water**
31 **resources and increases existing risks of water scarcity.**

RESOLUTION NO. 24-105

(Opposing Arizona Senate Bill 1041 and Creation of Groundwater Savings Certificates as an Alternative to Certificates of Assured Water Supply Under A.R.S. § 45-576)

Page 2 of 3

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 08TH day of APRIL 2024 at a meeting at which a quorum was present with a vote of 3,263.3 FOR; -0- AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(f) and Article XVII, Section 1 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

Wavalene M. Saunders
Wavalene M. Saunders, Legislative Chairwoman

11th day of April, 2024

ATTEST:

Evonne Wilson
Evonne Wilson, Legislative Secretary

10 day of April, 2024

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 11th day of April, 2024 at 8:15 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

Wavalene M. Saunders
Wavalene M. Saunders, Legislative Chairwoman

APPROVED

on the 11th day of April, 2024

DISAPPROVED

at 3:47 o'clock, P .m.

Verlon M. Jose
VERLON M. JOSE, CHAIRMAN
TOHONO O'ODHAM NATION

RESOLUTION NO. 24-105

(Opposing Arizona Senate Bill 1041 and Creation of Groundwater Savings Certificates as an Alternative to Certificates of Assured Water Supply Under A.R.S. § 45-576)

Page 3 of 3

1 Returned to the Legislative Secretary on the 11 day of

2
3 April, 2024, at 5:07 o'clock, p.m.

4
5 Evonne Wilson

6
7 **Evonne Wilson, Legislative Secretary**

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
46
47
48
49
50
51

ACTION: OPPOSING ARIZONA SENATE BILL 1041 AND CREATION OF GROUNDWATER SAVINGS CERTIFICATES AS AN ALTERNATIVE TO CERTIFICATES OF ASSURED WATER SUPPLY UNDER A.R.S. § 45-576

MOVED: COUNCILMAN DANIEL L.A. PRESTON III

SECOND: COUNCILWOMAN VIVIAN JUAN-SAUNDERS

DATE: APRIL 08, 2024

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			
GUACHI 282.7	1. VICTORIA HOBBS (Tonya L. Joaquin) 2. TIMOTHY L. JOAQUIN (Jerome L. Joaquin)	141.35 141.35	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. MANUEL (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 (<i>Absent</i>) (Lorraine M. Eiler) (<i>Present</i>)	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 CAMPILLO (Rebecca Ann Valentine)	95.9 95.9	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			X
	TOTAL	3,263.30	3,263.3	-0-	-0-	[01]