

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Assignment and Transfer of Long-Term Storage Credits to the Nation)

RESOLUTION NO. 24-119

1 **WHEREAS,** the Constitution of the Tohono O'odham Nation provides that "[a]ll 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" (Constitution, Article XVII, Section 1); and
7 **WHEREAS,** the Constitution vests the Legislative Council with the power to "consult,
8 negotiate and conclude agreements and contracts on behalf of the Tohono
9 O'odham Nation with Federal, State and local governments and other Indian
10 tribes or their departments, agencies, or political subdivisions, or with private
11 persons or organizations on all matters within the authority of the Tohono
12 O'odham Council" (Constitution, Article VI, Section 1(f)); and
13 **WHEREAS,** the Tohono O'odham Nation is entitled to receive 66,000 acre-feet of Central
14 Arizona Project ("CAP") water per year under the terms of the Southern Arizona
15 Water Rights Settlement Act ("SAWRSA"), as amended pursuant to Title III of
16 Public Law 108-451 ("AWSA"); and
17 **WHEREAS,** the SAWRSA Amendments provide that 28,200 acre-feet per year of the Nation's
18 66,000 acre-feet per year of CAP annual water entitlement is of a lower priority
19 during any times of shortage, referred to as non-Indian agricultural ("NIA")
20 priority water; and
21 **WHEREAS,** under AWSA the United States is required to firm this 28,200 acre-feet of NIA
22 priority water so that it is delivered during times of shortage at a higher priority;
23 and
24 **WHEREAS,** due to unprecedented drought in the Colorado River basin and other factors, the
25 flows of the Colorado River have been reduced and the water levels in Lake Mead
26 and Lake Powell have decreased to levels not seen since the filling of those
27 reservoirs; and
28 **WHEREAS,** these conditions have led the Secretary of the Interior to declare a shortage on
29 the Colorado River for Calendar Year 2024, thus impacting the United States'
30 delivery and firming obligation under SAWRSA; and
31

RESOLUTION NO. 24-119

(Approving Assignment and Transfer of Long-Term Storage Credits to the Nation)

Page 2 of 3

1 **WHEREAS, the Bureau of Reclamation has informed the Nation that, due to shortage**
2 **conditions, 11,600 acre-feet of the Nation's NIA priority water SAWRSA**
3 **entitlement will be subject to firming for Calendar Year 2024; and**

4 **WHEREAS, at the direction of the Legislative Council Water Resources Committee, the**
5 **Nation's staff has explored with Reclamation the possibility of satisfying the**
6 **United States' firming obligation for Calendar Year 2024 through the assignment**
7 **and transfer of Phoenix Active Management Area Long-Term Storage Credits in**
8 **Reclamation's possession stored at the Roosevelt Water Conservation District**
9 **Groundwater Savings Facility, and Reclamation has indicated it is amenable to**
10 **such assignment and transfer; and**

11 **WHEREAS, the Water Resources Committee has reviewed and recommends that the**
12 **Legislative Council approve an assignment and transfer to the Nation of 11,600**
13 **acre-feet of Phoenix Active Management Area Roosevelt Water Conservation**
14 **District Long-Term Storage Credits in satisfaction of the United States' firming**
15 **obligation for Calendar Year 2024.**

16 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it approves**
17 **the assignment and transfer to the Nation of 11,600 acre-feet of Phoenix Active**
18 **Management Area Roosevelt Water Conservation District Long-Term Storage**
19 **Credits in satisfaction of the United States' firming obligation for Calendar Year**
20 **2024 (2024 LTSC Assignment and Transfer).**

21 **BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that it authorizes the**
22 **Chairman or his designee to execute such Arizona Department of Water**
23 **Resources form or forms, and to take additional actions consistent with this**
24 **Resolution, as may be necessary to complete the 2024 LTSC Assignment and**
25 **Transfer.**

26 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 10TH**
27 **day of APRIL 2024 at a meeting at which a quorum was present with a vote of 2,705.3 FOR; -0-**
28 **AGAINST; 558.0 [02] NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council**
29 **by Article XVII, Section 1 and Article VI, Section 1(f) of the Constitution of the Tohono O'odham**
30 **Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting**
31 **Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section**
32 **16 of the Act of June 18, 1934 (48 Stat.984).**
33
34
35
36
37
38
39

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Wavalene M. Saunders
Wavalene M. Saunders, Legislative Chairwoman

15th day of April, 2024

ATTEST:

Evonne Wilson
Evonne Wilson, Legislative Secretary

12 day of April, 2024

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 15th day of April, 2024 at 9:54 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 15 day of April, 2024

DISAPPROVED

at 7:55 o'clock, P.m.

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

Returned to the Legislative Secretary on the 16 day of

April, 2024, at 11:30 o'clock, A.m.

Evonne Wilson
Evonne Wilson, Legislative Secretary

1
2
3
4
5
6
7
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
52

ACTION: APPROVING ASSIGNMENT AND TRANSFER OF LONG-TERM STORAGE CREDITS TO THE NATION**MOVED: COUNCILWOMAN LUCINDA ALLEN****SECOND: VICE CHAIRWOMAN MARLAKAY HENRY****DATE: APRIL 10, 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 (Lorraine M. Eiler)	128.8 128.8	X 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 ODAK 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	-0-	558.0 [02]	[01]