

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Assignment and Transfer of Long-Term Storage Credits to the Nation
to Satisfy the Bureau of Reclamation's 2025 Firming Obligation)**

RESOLUTION NO. 24-414

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 these 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 2025, thus impacting the United States'**
30 **delivery and firming obligation under SAWRSA; and**

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(Approving Assignment and Transfer of Long-Term Storage Credits to the Nation to Satisfy the Bureau of Reclamation's 2025 Firming Obligation)

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1 **WHEREAS, the Nation has been informed that, due to shortage conditions, approximately**
2 **10,576 acre-feet of the Nation's NIA priority water SAWRSA entitlement will be**
3 **subject to firming for Calendar Year 2025; and**

4 **WHEREAS, at the direction of the Water Resources Committee, the Office of Attorney General,**
5 **with the assistance of the Water Resources Department and outside counsel**
6 **(Dentons) have worked with the Bureau of Reclamation ("BOR") to identify**
7 **methods for satisfying the United States' firming obligation for Calendar Year**
8 **2025; and**

9 **WHEREAS, BOR most recently proposed satisfying the United States' firming obligation for**
10 **Calendar Year 2025 through the assignment and transfer of a combination of**
11 **Phoenix Active Management Area Long-Term Storage Credits ("LTSC") currently**
12 **stored at the Roosevelt Water Conservation District Groundwater Savings Facility**
13 **("RWCD LTSC"), and Tucson Active Management Area Long-Term Storage Credits**
14 **stored at the Cortaro-Marana Irrigation District Facility ("CMID LTSC"); and**

15 **WHEREAS, the Water Resources Committee has reviewed and recommends that the**
16 **Legislative Council approve an assignment and transfer to the Nation of a**
17 **combination of RWCD LTSC and CMID LTSC in satisfaction of the United States'**
18 **firming obligation for Calendar Year 2025, provided that the amount of CMID**
19 **LTSC assigned and transferred to the Nation for Calendar Year 2025 be no greater**
20 **than 1,900 acre-feet, and that the balance of the assignment and transfer be**
21 **comprised of RWCD LTSC.**

22 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it approves**
23 **the assignment and transfer to the Nation of a combination of RWCD LTSC and**
24 **CMID LTSC in satisfaction of the United States' firming obligation for Calendar**
25 **Year 2025, provided that the amount of CMID LTSC assigned and transferred to**
26 **the Nation for Calendar Year 2025 be no greater than 1,900 acre-feet, and that the**
27 **balance of the assignment and transfer be comprised of RWCD LTSC. (2025 LTSC**
28 **Assignment and Transfer).**

29 **BE IT FURTHER RESOLVED by the Tohono O'odham Legislative Council that it authorizes the**
30 **Chairman or his designee to execute such Arizona Department of Water**
31 **Resources form or forms, and to take additional actions consistent with this**
32 **Resolution, as may be necessary to complete the 2025 LTSC Assignment and**
33 **Transfer.**

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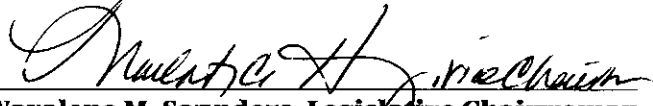
(Approving Assignment and Transfer of Long-Term Storage Credits to the Nation to Satisfy the Bureau of Reclamation's 2025 FIRMING Obligation)

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1 **BE IT FINALLY RESOLVED** that the funds generated by the 2025 LTSC Assignment and Transfer
2 will be added to the Water Revenues Account established by Resolution No. 14-
3 525.

4 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 09TH**
5 **day of DECEMBER 2024 at a meeting at which a quorum was present with a vote of 2,705.3 FOR;**
6 **558.0 AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council**
7 **by Article XVII, Section 1 and Article VI, Section 1(f) of the Constitution of the Tohono O'odham**
8 **Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting**
9 **Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section**
10 **16 of the Act of June 18, 1934 (48 Stat.984).**

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13 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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16 **Wavalene M. Saunders, Legislative Chairwoman**
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18 10th day of December, 2024

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23 **ATTEST:**

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26 **Evonne Wilson, Legislative Secretary**
27 13 day of December, 2024

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30 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono**
31 **O'odham Nation on the 10th day of December, 2024 at 8:46 o'clock, A.m.,**
32 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**
33 **effective upon his approval or upon his failure to either approve or disapprove it within 48**
34 **hours of submittal.**

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37 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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

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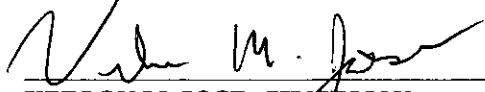
(Approving Assignment and Transfer of Long-Term Storage Credits to the Nation to Satisfy the Bureau of Reclamation's 2025 Firming Obligation)

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APPROVED on the 16 day of December, 2024

DISAPPROVED at 12:55 o'clock, P.m.



VERLON M. JOSE, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 17 day of
December, 2024, at 10:33 o'clock, A.m.



Evonne Wilson, Legislative Secretary

ACTION: APPROVING ASSIGNMENT AND TRANSFER OF LONG-TERM STORAGE CREDITS TO THE NATION TO SATISFY THE BUREAU OF RECLAMATION'S 2025 FIRING OBLIGATION

Moved: COUNCILMAN DANIEL L.A. PRESTON III

SECOND: COUNCILMAN FRANCIS HOMEWYTEWA

DATE: DECEMBER 09, 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. JEROME F. JOAQUIN ()	141.35 141.35	X X			
GU VO 276.0	1. DALLAS LEWIS () 2. LESLIE LUNA ()	138.0 138.0	X 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 () 2. PAMELA J. BENAVIDEZ (Nora J. Ruelas)	118.1 118.1	X X			
SAN LUCY 257.6	1. ROGER MANUEL (<i>Absent</i>) (Christina Andrews) (<i>Present</i>) 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 (<i>Absent</i>) (Sharon A. Francisco) (<i>Present</i>) 2. THEORIA CAMPILLO (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. FRANCIS HOMEWYTEWA () 2. WAVALENE M. SAUNDERS (Mary Lopez)	123.55 123.55	X X			
	TOTAL	3,263.30	2,705.3	558.0	-0-	[02]