

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Agreement with New Magma Irrigation and Drainage District CY 2026 -2030)

RESOLUTION NO. 25-447

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,** under the Southern Arizona Water Rights Settlement Act, Pub. L. 97-293 (1982)
14 (SAWRSA), as amended by the Arizona Water Settlements Act, Pub. L. 108-451
15 (AWSA), the Tohono O'odham Nation is entitled to receive a total of 66,000
16 acre-feet of Central Arizona Project ("CAP") water per year, and is authorized to
17 use its CAP water either on-reservation or off-reservation; and

18 **WHEREAS,** the Nation's Water Code vests the Director of Water Resources with the authority
19 to "administer the ordering, receipt of deliveries and use of SAWRSA CAP Water"
20 and to "develop and negotiate agreements, memoranda of understanding, or
21 contracts with any Person or Persons to carry out the provisions and purposes" of
22 the Water Code (25 T.O.C. Sec. 3202(A)(9) and (B)(7)); and

23 **WHEREAS,** since 2014, the Nation has contracted with the New Magma Irrigation and
24 Drainage District ("NMIDD"), which is designated as a groundwater savings
25 facility under Arizona law, to deliver a portion of the Nation's CAP entitlement to
26 NMIDD as "in-lieu water"; and

27 **WHEREAS,** the Nation's arrangement with NMIDD has resulted in delivery of a substantial
28 amount of the Nation's CAP entitlement to NMIDD in return for substantial
29 payment by NMIDD to the Nation; and

30 **WHEREAS,** in addition to payments for the water, this arrangement has allowed the Nation to
31 accumulate marketable long-term storage credits through the use by NMIDD of
32 the Nation's CAP water instead of NMIDD pumping and using groundwater within
33 the irrigation district itself; and

1 **WHEREAS, the term of the Nation's most recent agreement with NMIDD will end on**
2 **December 31, 2025; and**

3 **WHEREAS, the Nation's attorneys and NMIDD's attorneys have negotiated additional**
4 **changes to the Nation's agreement with NMIDD to provide additional flexibility to**
5 **the Nation in light of increasing drought and shortage conditions (the "2026**
6 **Agreement"); and**

7 **WHEREAS, the Water Resources Committee has reviewed the 2026 Agreement and**
8 **recommends approval by the Legislative Council.**

9 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it approves**
10 **the Agreement Between New Magma Irrigation and Drainage District and the**
11 **Tohono O'odham Nation Providing for the Delivery of Nation's CAP Water for**
12 **Water Storage at a Ground Water Savings Facility, substantially in the form**
13 **attached hereto, and authorizes the Chairman of the Nation to execute the 2026**
14 **Agreement and any additional documentation reasonably necessary to**
15 **implement the intent of the 2026 Agreement, and to seek approval by the**
16 **Department of the Interior of the 2026 Agreement.**

17 **BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council designates the**
18 **Executive Director of the Department of Water Resources to serve as the**
19 **Designated Administrator for the purposes of the 2026 Agreement, and**
20 **designates the Assistant Director of the Department of Water Resources to serve**
21 **as the Designated Administrator's Alternate.**

22 **BE IT FURTHER RESOLVED that the Designated Administrator or Alternate shall report to the**
23 **Water Resources Committee on their activities under the 2026 Agreement on a**
24 **quarterly basis.**

25 **BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council approves a limited**
26 **waiver of the Nation's sovereign immunity to allow disputes arising between the**
27 **Nation and NMIDD with respect to this 2026 Agreement or an Annual Schedule**
28 **established pursuant to the 2026 Agreement to be resolved in any court of**
29 **competent jurisdiction, not to include Arizona state courts, and limits the waiver**
30 **to declaratory and injunctive relief to enforce the agreement but does not waive**
31 **its sovereign immunity with respect to any claims for money damages, attorney's**
32 **fees, court costs or any other costs, damages, or remedy of any other kind.**

33

34

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 10TH day of DECEMBER 2025 at a meeting at which a quorum was present with a vote of 2,466.2 FOR; 289.2 AGAINST; 565.7 [03] NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Article XVII, Section 1 and Article VI, Section 1(b) and Section 1(f) 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

15 day of December, 2025

ATTEST:

Evonne Wilson

Evonne Wilson, Legislative Secretary

12 day of December, 2025

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 15 day of December, 2025 at 9:00 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 December, 2025

DISAPPROVED

at 10:25 o'clock, P.M.

Verlon M. Jose

VERLON M. JOSE, CHAIRMAN
TOHONO O'ODHAM NATION

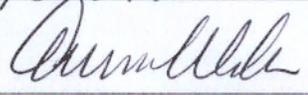
RESOLUTION NO. 25-447

(Approving Agreement with New Magma Irrigation and Drainage District CY 2026 -2030)

Page 4 of 4

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

Returned to the Legislative Secretary on the 16 day of
December, 2025, at 9:12 o'clock, a.m.



Evonne Wilson, Legislative Secretary

ACTION: APPROVING AGREEMENT WITH NEW MAGMA IRRIGATION AND DRAINAGE DISTRICT CY 2026 -2030

MOVED: COUNCILWOMAN DELISA M. RAMON

SECOND: COUNCILMAN DANIEL L.A. PRESTON III

DATE: DECEMBER 10, 2025

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 251.2	1. WAVALENE M. SAUNDERS (Mary Lopez) 2. FRANCIS HOMEWYTEWA ()	125.6 125.6	X X			X
SELLS 565.7	1. JANET B. ELEANDO () 2. EVELYN JUAN MANUEL (Juan Buendia)	282.85 282.85			X X	
SCHUK TOAK 195.3	1. THEORIA CAMPILLO (Rebecca Ann Valentine) 2. DELISA M. RAMON (Quintin C. Lopez)	97.65 97.65	X X			
SAN XAVIER 249.8	1. DANIEL L.A. PRESTON III () 2. JANICE FELIX ()	124.9 124.9	X X			
SAN LUCY 266.3	1. GLORIA M. RAMIREZ (Lorraine M. Eiler) 2. ROGER MANUEL (Christina Andrews)	133.15 133.15	X X			
PISINEMO 240.3	1. PAMELA J. BENAVIDEZ (Nora J. Ruelas) 2. NAOMI MONTE (Edward D. Manuel)	120.15 120.15	X X			
HICKIWAN 222.9	1. LOUIS R. LOPEZ (Loretta A. Ortega) 2. DELMA M. GARCIA ()	111.45 111.45	X X			
GU VO 279.6	1. LESLIE LUNA () 2. BENNETT CHEWING ()	139.8 139.8	X X			
GUACHI 289.2	1. JEROME F. JOAQUIN (Gloria Johnson) 2. LUCIUS E. LOPEZ (Victoria A. Hobbs)	144.6 144.6		X X	X	
CHUKUT KUK 361.9	1. MARLAKAY HENRY () 2. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	180.95 180.95	X X			
BABOQUIVARI 398.9	1. JESSE NAVARRO (Alberta J. Ray) 2. NED NORRIS, JR. (Leander Mase)	199.45 199.45	X X			
	TOTAL	3,321.1	2,466.2	289.2	565.7 [03]	[01]