

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

**RESOLUTION NO. 26-047**

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,** pursuant to Resolution No. 15-155, the Nation entered into a Firming Agreement  
25 with Reclamation ("Firming Agreement") under which certain Firming  
26 Agreement Credits were accrued to assist Reclamation in meeting its firming  
27 obligation; and

28 **WHEREAS,** the Firming Agreement allows Reclamation, in its discretion, to place a "call" on  
29 credits accrued under the Firming Agreement in a given year in order to meet this  
30 obligation; and

31 **WHEREAS,** due to unprecedented drought in the Colorado River basin and other factors, the  
32 flows of the Colorado River have been reduced and the water levels in Lake Mead

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1                   and Lake Powell have decreased to levels not seen since the filling of those  
2                   reservoirs; and

3 **WHEREAS,**       these conditions have led the Secretary of the Interior to declare a shortage on  
4                   the Colorado River for Calendar Year 2026, thus impacting the United States'  
5                   delivery and firming obligation under SAWRSA; and

6 **WHEREAS,**       the Nation has been informed that, due to shortage conditions, 19,216 acre-feet  
7                   of the Nation's NIA priority water SAWRSA entitlement will be subject to firming  
8                   for Calendar Year 2026; and

9 **WHEREAS,**       at the direction of the Legislative Council Water Resources Committee, the  
10                  Nation's staff has explored with Reclamation methods for satisfying the United  
11                  States' firming obligation for Calendar Year 2026; and

12 **WHEREAS,**       Reclamation has proposed an assignment and transfer of 15,883 Phoenix Active  
13                  Management Area Long-Term Storage Credits in Reclamation's possession stored  
14                  at the Roosevelt Water Conservation District Groundwater Savings Facility  
15                  (RWCD LTSC) in partial satisfaction of the United States' firming obligation for  
16                  Calendar Year 2026, and has requested that the Nation confirm its acceptance of  
17                  this assignment and transfer (2026 LTSC Assignment and Transfer); and

18 **WHEREAS,**       Reclamation has indicated that it intends to exercise its discretion under the  
19                  Firming Agreement to satisfy the remainder of the United States' firming  
20                  obligation for Calendar Year 2026 by placing a "call" on 3,333 Firming Agreement  
21                  Credits; and

22 **WHEREAS,**       the Water Resources Committee has reviewed and recommends that the  
23                  Legislative Council accept Reclamation's request to approve the 2026 LTSC  
24                  Assignment and Transfer.

25 **NOW, THEREFORE, BE IT RESOLVED** by the Tohono O'odham Legislative Council that it approves  
26                  the 2026 LTSC Assignment and Transfer.

27 **BE IT FURTHER RESOLVED** by the Tohono O'odham Legislative Council that it authorizes the  
28                  Chairman or his designee to execute such Arizona Department of Water  
29                  Resources form or forms, and to take additional actions consistent with this  
30                  Resolution, as may be necessary to complete the 2026 LTSC Assignment and  
31                  Transfer.

32 **BE IT FINALLY RESOLVED** that any subsequent transactions will be processed pursuant to  
33                  Resolution No. 14-525.  
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The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 10<sup>th</sup> day of FEBRUARY 2026 at a meeting at which a quorum was present with a vote of 2,755.4 FOR; -0- AGAINST; 565.7[03] NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by Article XVII, Section 1 and Article VI, 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  
17<sup>th</sup> day of February, 2026

ATTEST:

*Evonne Wilson*  
Evonne Wilson, Legislative Secretary  
13 day of February, 2026

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 17<sup>th</sup> day of February, 2026 at 4:40 o'clock, P.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 17 day of February, 2026

DISAPPROVED

at 5:00 o'clock, P.M.

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

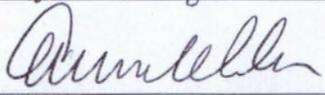
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1 Returned to the Legislative Secretary on the 18 day of

2 February, 2026, at 8:50 o'clock, a.m.

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7 **Evonne Wilson, Legislative Secretary**

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## ACTION: APPROVING ASSIGNMENT AND TRANSFER OF LONG-TERM STORAGE CREDITS TO THE NATION

MOVED: COUNCILWOMAN DELISA M. RAMON

SECOND: COUNCILMAN DANIEL L.A. PRESTON, III

DATE: FEBRUARY 10, 2026

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
SELS 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		X	
SAN LUCY 266.3	1. GLORIA M. RAMIREZ (Lorraine M. Eller) 2. ROGER MANUEL ( <i>Absent</i> ) (Christina Andrews) ( <i>Present</i> )	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			X
GU ACHI 289.2	1. JEROME F. JOAQUIN (Gloria Johnson) 2. LUCIUS E. LOPEZ (Victoria A. Hobbs)	144.6 144.6	X X			
CHUKUT KUK 361.9	1. MARLAKAY HENRY ( ) 2. VIVIAN JUAN-SAUNDERS ( <i>Absent</i> ) (Cornelius Antone) ( <i>Present</i> )	180.95 180.95	X X			
BABOQUIVARI 398.9	1. JESSE NAVARRO ( ) 2. NED NORRIS, JR. ( <i>Absent</i> ) (Leander Mase) ( <i>Present</i> )	199.45 199.45	X X			X
	<b>TOTAL</b>	<b>3,321.1</b>	<b>2,755.4</b>	<b>-0-</b>	<b>565.7</b> <b>[03]</b>	<b>[03]</b>