

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Approving the Purchase and Sale Agreement for Phoenix Active Management  
Area (AMA) Long Term Storage Credits Between the Tohono O'odham  
Nation and the Arizona Water Banking Authority)**

**RESOLUTION NO. 26-109**

1 **WHEREAS,** the Constitution of the Tohono O'odham Nation vests the Legislative Council with  
2 the power "[t]o consult, negotiate and conclude agreements and contracts on  
3 behalf of the Tohono O'odham Nation with Federal, State and local governments  
4 and other Indian tribes or their departments, agencies or political subdivisions,  
5 or with private persons or organizations on all matters within the authority of the  
6 Tohono O'odham Council." (Constitution of the Tohono O'odham Nation, Article  
7 VI, Section 1(f)); and

8 **WHEREAS,** the Constitution of the Tohono O'odham Nation further vests the Legislative  
9 Council with the power to "[e]nter into agreements, compacts or other contracts  
10 for the beneficial use, sale, or lease or distribution" of "[a]ll waters which  
11 originate in or flow in, into, or through the Tohono O'odham Nation"  
12 (Constitution of the Tohono O'odham Nation, Article XVII, Section 1 and Section  
13 2(b)); and

14 **WHEREAS,** by Resolution No. 19-372, the Legislative Council approved the Tohono O'odham  
15 Nation Long-Term Storage Credit Marketing Plan authorizing Headwaters  
16 Consulting, LLC to market long-term storage credits held by the Nation; and

17 **WHEREAS,** Headwaters Consulting, LLC has a Purchase and Sale Agreement for Long Term  
18 Storage Credits between the Tohono O'odham Nation and the Arizona Water  
19 Banking Authority ("AWBA"), which are incorporated herein by this reference;  
20 and

21 **WHEREAS,** the Professional Service Agreement with Headwaters Consulting, LLC provides  
22 that a Transaction Success Fee be paid out of the gross proceeds of the sales  
23 transaction; and

24 **WHEREAS,** the Water Resources Committee has reviewed the Purchase and Sale Agreement  
25 for Long Term Storage Credits between the Tohono O'odham Nation and the  
26 AWBA and recommends its approval.

27 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council approves the  
28 Purchase and Sale Agreement for Long Term Storage Credits in the Phoenix AMA  
29 between the Tohono O'odham Nation and the AWBA and authorizes the Nation's  
30 chairperson to execute a formal legal agreement memorializing these terms.  
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**RESOLUTION NO. 26-109**

**(Approving the Purchase and Sale Agreement for Phoenix Active Management Area (AMA) Long Term Storage Credits Between the Tohono O'odham Nation and the Arizona Water Banking Authority)**

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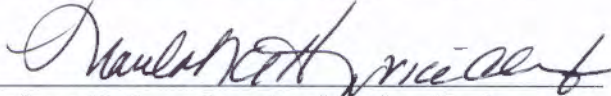
1 **BE IT FURTHER RESOLVED** that the Legislative Council authorizes the limited waiver of  
2 **sovereign immunity included in the Purchase and Sale Agreement.**

3 **BE IT FURTHER RESOLVED** by the Tohono O'odham Legislative Council that funds generated by  
4 **this sale will be deposited into the Water Revenue Account established by**  
5 **Resolution No. 14-525.**

6 **BE IT FINALLY RESOLVED** by the Tohono O'odham Legislative Council that funds for payment of  
7 **the Headwaters Consulting, LLC Transaction Success Fee shall be appropriated**  
8 **from the Water Revenue Account established by Resolution No. 14- 525.**


9 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 07<sup>TH</sup>**  
10 **day of APRIL 2026 at a meeting at which a quorum was present with a vote of 2,505.6 FOR; -0-**  
11 **AGAINST; 565.7 [02] NOT VOTING; and 249.8[05] ABSENT, pursuant to the powers vested in the**  
12 **Council by Article VI, Section 1(f) and Article XVII, Section 1 and 2 (b) of the Constitution of the**  
13 **Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and**  
14 **approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6,**  
15 **1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).**

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18 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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

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24 14<sup>th</sup> day of April, 2026

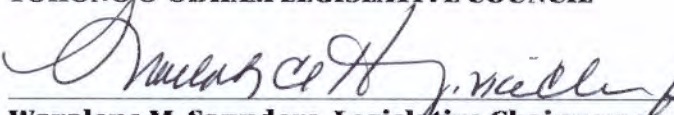
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28 **ATTEST:**

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31 **Evonne Wilson, Legislative Secretary**

32 14 day of April, 2026

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35 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono**  
36 **O'odham Nation on the 14<sup>th</sup> day of April, 2026 at 4:10 o'clock, p.m.,**  
37 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**  
38 **effective upon his approval or upon his failure to either approve or disapprove it within 48**  
39 **hours of submittal.**

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41 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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

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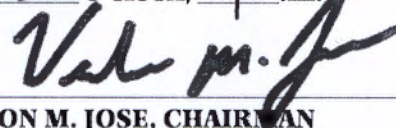
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**APPROVED**

on the 14 day of April, 2026

**DISAPPROVED**

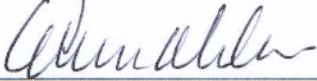
at 4:30 o'clock, p.m.



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

**Returned to the Legislative Secretary on the 14 day of**

April, 2026, at 4:46 o'clock, p.m.



**Evonne Wilson, Legislative Secretary**

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**ACTION: APPROVING THE PURCHASE AND SALE AGREEMENT FOR PHOENIX ACTIVE MANAGEMENT AREA (AMA) LONG TERM STORAGE CREDITS BETWEEN THE TOHONO O'ODHAM NATION AND THE ARIZONA WATER BANKING AUTHORITY**

**MOVED: COUNCILWOMAN DELISA M. RAMON**

**SECOND: COUNCILMAN LESLIE LUNA**

**DATE: APRIL 07, 2026**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 251.2	1. WAVALENE M. SAUNDERS (Mary Lopez)	125.6	X			
	2. FRANCIS HOMEWYTEWA ( )	125.6	X			X
SELLS 565.7	1. JANET B. ELEANDO ( )	282.85			X	
	2. EVELYN JUAN MANUEL (Juan Buendia)	282.85			X	
SCHUK TOAK 195.3	1. THEORIA CAMPILLO (Rebecca Ann Valentine)	97.65	X			
	2. DELISA M. RAMON (Quintin C. Lopez)	97.65	X			
SAN XAVIER 249.8	1. DANIEL L.A. PRESTON III ( )	124.9				X
	2. JANICE FELIX ( )	124.9				X
SAN LUCY 266.3	1. GLORIA M. RAMIREZ (Lorraine M. Eiler)	133.15	X			
	2. ROGER MANUEL (Christina Andrews)	133.15	X			
PISINEMO 240.3	1. PAMELA J. BENAVIDEZ (Nora J. Ruelas)	120.15	X			
	2. NAOMI MONTE (Edward D. Manuel)	120.15	X			
HICKIWAN 222.9	1. LOUIS R. LOPEZ (Loretta A. Ortega)	111.45	X			
	2. DELMA M. GARCIA ( )	111.45	X			
GU VO 279.6	1. LESLIE LUNA ( )	139.8	X			
	2. BENNETT CHEWING ( )	139.8	X			
GU ACHI 289.2	1. GLORIA JOHNSON ( )	144.6	X			
	2. LUCIUS E. LOPEZ (Victoria A. Hobbs)	144.6	X			
CHUKUT KUK 361.9	1. MARLAKAY HENRY ( )	180.95	X			
	2. VIVIAN JUAN-SAUNDERS (Absent) (Cornelius Antone) (Present)	180.95	X			X
BABOQUIVARI 398.9	1. JESSE NAVARRO ( )	199.45	X			X
	2. NED NORRIS, JR. (Leander Mase)	199.45	X			
<b>TOTAL</b>		<b>3,321.1</b>	<b>2,505.6</b>	<b>-0-</b>	<b>565.7</b> <b>[02]</b>	<b>249.8</b> <b>[05]</b>