

RESOLUTION OF THE PAPAGO TRIBAL COUNCIL

RES. NO. 63-76

1 WHEREAS, by letter dated June 29, 1976, Morris Thompson, Commissioner of Indian  
2 Affairs, advised that on July 18, 1977, the statute of limitations codi-  
3 fied as 28 U.S.C., Sections 2415 and 2416, will prevent the United States  
4 from litigating certain claims on behalf of Indians and Indian Tribes  
5 which arose before July 18, 1966, and requested all Area Directors and  
6 Agency Superintendents to identify and document such claims before such  
7 deadline approaches; and

8 WHEREAS, the Papago Council believes that the Papago Tribe has claims for damages  
9 under the Winters and Cappaert doctrines of the U. S. Supreme Court in-  
10 volving the loss of water sustained as a result of excessive water with-  
11 drawals and the lowering of the ground water tables beneath the Papago  
12 Reservation in the Avra Valley Basin, in the Casa Grande-Stanfield area,  
13 and in the area of the Gila Bend Reservation, which claims for damages  
14 are within the purview of 28 U.S.C., Sections 2415 and 2416.

15 NOW, THEREFORE, BE IT RESOLVED by the Papago Council that it does hereby request  
16 the Bureau of Indian Affairs to take notice of the claims of the Papago  
17 Tribe under the Winters and Cappaert doctrines for damages resulting from  
18 the loss of water sustained as a result of excessive water withdrawals  
19 and the lowering of the ground water tables beneath the Papago Reserva-  
20 tion in the Avra Valley Basin, in the Casa Grande-Stanfield area, and in  
21 the area of the Gila Bend Reservation, and requests the Bureau of Indian  
22 Affairs to identify and document such claims, and to prepare and process  
23 all litigation investigations, reports and requests necessary in order  
24 for the United States on behalf of the Papago Tribe to initiate appropri-  
25 ate litigation prior to July 18, 1977, for the recovery of money damages  
26 for such loss of water, for a declaration of the rights of the Papago  
27 Tribe in and to the use of surface and groundwaters in said areas, and  
28 for injunctive relief to prohibit withdrawals of surface and groundwaters  
29 in derogation of or to the detriment of the rights of the Papago Tribe in  
30 and to the surface and groundwaters in said areas.

31 The foregoing Resolution was duly enacted by the Papago Council on the 8th day  
32 of October, 1976, at a meeting at which a quorum was present with a vote of 834.0  
for; 0 against; 0 not voting; and 2 absent; pursuant to authority

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vested in the Papago Council by Section 2 (a), (b), (d) of Article V of the Constitution and By-laws of the Papago Tribe of Arizona ratified by the Tribe on December 12, 1936, and approved by the Secretary of the Interior on January 6, 1937 (48 Stat. 984) pursuant to Section 16 of the Act of June 18, 1934. Said Resolution is effective as of the date of its approval by the Superintendent of the Papago Agency and is not subject to review by the Secretary of the Interior.

THE PAPAGO COUNCIL

*Cecil Williams*  
\_\_\_\_\_  
CECIL WILLIAMS, Chairman

ATTEST:

*Mary Jane Jones*  
\_\_\_\_\_  
MARY JANE JONES, Secretary

APPROVED: \_\_\_\_\_

OCT 13 1976



VOTE OF THE PAPAGO COUNCIL

DATE OF MEETING OCTOBER 8, 1976

RESOLUTION OR ORDINANCE NO. 63-76

DISTRICTS	REPRESENTATIVES	NO. OF VOTES	FOR	AGAINST	NOT VOTING	ABSEN
BABOQUIVARI 127	1. Edward Kisto (Joann Garcia) 2. Louis Harvey (Marvin Garcia)	63.5 63.5	127.0			
CHUKUT KUK 64	1. Rosemary Lopez (Nellie Martin) 2. Harriet Toro (Archie Hendricks)	32.0 32.0	64.0			
GU ACHI 81	1. Joseph P. Ramon (Stephen Listo) 2. Juan P. Lopez (Noleo J. Ramon)	40.5 40.5	81.0			
GU VO 49	1. Cross Antone (Edward J. Lopez) 2. William Lewis Sr. (Frances Cachora)	24.5 24.5	49.0			
HICKIWAN 81	1. Henry A. Ramon (James Argea) 2. Archie Pilone (Emillio Francisco)	40.5 40.5	81.0			
PISINIMO 52	1. <del>Lamando Francisco</del> (Andrew Lorentine) ALT. 2. Alice Juan (Herman Lopez)	26.0 26.0	52.0			1
SAN LUCY 32	1. Max Jose (Jeannie Morris) 2. <del>Elee/Saty</del> (Ricardo M. Baptisto) ALT.	16.0 16.0	32.0			
SAN XAVIER 66	1. Tony Felix (Rosemary D. Secundino) 2. Carmelita Mattias (Laura J. Smith)	33.0 33.0	66.0			
SCHUK TOAK 46	1. Joseph Enriquez (Joann Francisco) 2. Ramon Campillo Jr. (Felix Juan)	23.0 23.0	46.0			
SELLS 147	1. Mollie Garcia (Jacob Lewis) 2. Larry Garcia (Tony Lopez)	73.5 73.5	147.0			1
SIF OIDAK 89	1. Edward Juan (Vincent Manuel) 2. Melissa Norris (Fernando Jose)	44.5 44.5	89.0			
TOTALS		834.0	834.0	0	0	2