

RESOLUTION OF THE PAPAGO TRIBAL COUNCIL

RES. NO. 72-76

1 WHEREAS, the Secretary of Interior did on April 15, 1975, give notice
2 of a proposed allocation of Central Arizona Project (CAP)
3 water for Indian irrigation use, which notice was published
4 in the Federal Register (40 FR 17297) on April 18, 1975; and

5 WHEREAS, the Papago Tribe, together with the other four affected
6 Central Arizona Tribes, filed timely comments, suggestions
7 and objections regarding the proposed allocation; and

8 WHEREAS, at congressional oversight hearings held on October 23rd
9 and 24th, 1975 before the Committee on Interior and Insular
10 Affairs of the United States Senate, 94th Congress, 1st Ses-
11 sion, the Five Central Arizona Tribes submitted testimony
12 concerning the irrigation history and water resources and
13 rights of their respective reservations; and

14 WHEREAS, due to the conflicting interests served by the various
15 Bureaus of the Department of Interior, the Secretary of
16 Interior has, as a trustee of Tribal water rights and re-
17 sources, failed to recognize and protect the water rights
18 and resources legally reserved to the Five Central Arizona
19 Tribes under the Winters and Cappaert Doctrines and in
20 accordance with the rule laid down in Arizona v. California,
21 and

22 WHEREAS, Kent Frizzell, Acting Secretary of Interior, did on October
23 12, 1976, sign the "Allocation of Project Water for Indian
24 Irrigation Use", which was published in the Federal Register
25 (41 FR 45883) on October 18, 1976; and

26 WHEREAS, in making said allocation the Secretary of Interior, as
27 trustee, failed to recognize and to protect the water enti-
28 tlements of the Papago people and the water rights and
29 resources of the Papago Reservation; failed as trustee to
30 resolve the conflicting interests served by the various
31 Bureaus of his Department in favor of the Indian; failed to
32 comply with the Administrative Procedures Act necessary be-

1 fore setting priorities for use of CAP water; and failed to
2 complete an environmental impact statement prior to making
3 the allocation of CAP water to the Five Central Arizona
4 Tribes; and


5 WHEREAS, it is essential that the rights of the Papago people and of
6 the Papago Reservation be protected from the effect of the
7 Secretary's allocation, and that independent legal counsel
8 and expert assistance be obtained to assist the Papago Tribe.

9 NOW, THEREFORE, BE IT RESOLVED by the Papago Council, that the Com-
10 missioner of Indian Affairs is hereby requested to take such
11 action as may be necessary and to provide the Papago Tribe,
12 directly or by contracts, with independent legal counsel and
13 expert assistance, in order to fully advise the Tribe of its
14 rights and to institute such action(s) as may be required
15 to protect the rights of the Papago Tribe, the Papago Reser-
16 vation, and its members.


17 BE IT FURTHER RESOLVED that the Papago Council feels that this matter
18 falls within the function of the Bureau of Indian Affairs'
19 trust protection and responsibility.

20 The foregoing Resolution was duly enacted by the Papago Council on
21 the 19th day of November, 1976, at a meeting at which a quorum was
22 present with a vote of 834.0 for; 0 against; 0 not voting; and 3 ab-
23 sent; pursuant to the authority vested in the Council by Section 2
24 (a), (b) and (c) of Article V of the Constitution and By-laws of the
25 Papago Tribe as amended, ratified by the Papago Tribe on December 12,
1936, and approved by the Secretary of the Interior on January 6,
1937, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.
984). Said Resolution is not subject to review by the Secretary of
Interior and is effective as of the date of its enactment by the
Papago Council.

26 THE PAPAGO COUNCIL

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CECIL WILLIAMS, Chairman

30 ATTEST:

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32 
MARY JANE JONES, Secretary

VOTE OF THE PAPAGO COUNCIL

DATE OF MEETING November 19, 1976

RESOLUTION OR ORDINANCE NO. 72-76

DISTRICTS	REPRESENTATIVES	NO. OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
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. Harvey/Tony (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			1
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 Angea) 2. Archie Pilone (Emillio Francisco)	40.5 40.5	81.0			
PISINIMO 52	1. Lamando Francisco (Andrew Lorentine) 2. Alice Juan (Herman Lopez)	26.0 26.0	52.0			
SAN LUCY 32	1. Max/José (Jeannie Morris) 2. Jose/Sam (Ricardo M. Baptisto)	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			1
SELLS 147	1. Mollie Garcia (Jacob Lewis) 2. Larry Garcia (Tony Lopez)	73.5 73.5	147.0			
SIF OIDAK 89	1. Edward Juan (Vincent Manuel) 2. Melissa Norris (Fernando Jose)	44.5 44.5	89.0			1
TOTALS		834.0	834.0	0	0	3