

RESOLUTION OF THE PAPAGO TRIBAL COUNCIL
(Proposed Water Settlement Legislation)
(Gila Bend - Sif Oidak)

RES. NO. 43-84

- 1 WHEREAS, Non-Indian surface water diversion and ground water pumping near and
2 bordering the Gila Bend Reservation, together with the construction
3 of Painted Rock Dam, have lowered the ground water table, deteriorated
4 the water quality so that it is unfit for domestic purpose and
5 periodically flooded the Reservation destroying agricultural
6 endeavors, all in derogation and to the detriment of the rights of
7 the members of the Papago Tribe residing on Gila Bend Reservation;
8 and
- 7 WHEREAS, Non-Indian surface water diversion and ground water pumping near or
8 bordering the Chuichu area of the Sif-Oidak District has resulted in
9 water withdrawals, the depletion of ground water, the compaction of
10 subterranean lands, and the deterioration of water quality on, under
11 and from the Maricopa Stanfield-Casa Grande water basin, all in
12 derogation and to the detriment of the rights of the members of
13 the Papago Tribe residing in the Chuichu area of the Sif Oidak
14 District; and
- 13 WHEREAS, the Papago Tribal Council did appoint a Water Commission made up of
14 members residing within the Gila Bend Reservation (San Lucy) the
15 San Xavier, Schuk Toak, Sif Oidak and Chukut Kuk District, all of
16 said districts being subjected to similar critical water problems;
17 and
- 17 WHEREAS, on the 14th day of February, 1980, the Papago Tribal Council passed
18 Resolution No. 10-80 wherein it authorized and approved the
19 negotiation and development of a legislative settlement of the water
20 rights claims of the Papago Tribe and its members in the water basins
21 on, near or under the San Lucy, San Xavier, Schuk Toak and Sif Oidak
22 Districts by means of a congressional bill to be enacted into Public
23 Law of the United States which would state the terms and conditions
24 of the settlement and would establish the method and means of
25 implementing such settlement; and
- 24 WHEREAS, on December 3, 1981, Congressman Udall introduced a bill in the U.S.
25 House of Representatives, (H.R. 5118) and subsequently Senator
26 Goldwater and Senator DeConcini introduced a corresponding bill in
27 the Senate (S. 2114) which were processed through the appropriate
28 committees and passed by both Houses and sent to the President
29 of the United States for enactment into law; and
- 28 WHEREAS, during the legislative process the proposed legislative settlement
29 of the water right claims of the Gila Bend Reservation (San Lucy
30 District) and the Chuichu area of the Sif Oidak District of the
31 Sells Reservation were eliminated from the bill that passed the
32 Senate and House of Representatives with assurances from members of
the Congressional delegation that a second bill would be introduced
within this or the next session of Congress that would resolve the

1 water problems of these two Districts; and
2 WHEREAS, unless an out of court settlement can be reached and Federal
3 legislation is passed to guarantee and implement such settlement,
4 litigation must be instituted prior to the expiration of time set by
5 Federal statute or the Papago Tribe, the San Lucy District and the
6 Sif Oidak District may lose the legal right to claim past damages
7 for non-Indian Surface water diversion and for ground water pumping
8 near and bordering the Gila Bend Reservation and the Chuichu area
9 of the Sif Oidak District of the Sells Reservation which has prevented
10 the flow of natural surface water to the Reservations, has lowered
11 the ground water table, deteriorated the water quality so that it is
12 unfit for domestic purposes, as well as damages resulting from the
13 construction of Painted Rock Dam which has caused frequent long term
14 flooding of the Gila Bend Reservation destroying all agricultural
15 land and rendering most of the Reservation unusable for any purpose,
16 all in derogation and to the detriment of the rights of the members
17 of the Papago Tribe residing on the Gila Bend Reservation and in the
18 Chuichu area of the Sif Oidak District of the Sells Papago Reservation
19 and
20 WHEREAS, the Papago Tribe, the San Lucy District and the Sif Oidak District
21 have, on numerous occasions, requested that the Federal government, as
22 Trustee of the land and water of the Reservation, file litigation to
23 protect their rights; and
24 WHEREAS, proposed settlement legislation has been submitted to the San Lucy
25 District Council and the Sif Oidak District Council, and to the resi-
26 dents of San Lucy District and the Sif Oidak District at a public
27 hearing with detailed explanation of each provision contained therein;
28 and
29 WHEREAS, the San Lucy District Council and the Sif Oidak District Council have
30 reviewed and studied the terms and provisions of the proposed legis-
31 lation and believe that it would be in the best interest of the
32 District and the Papago Tribe if this proposed settlement legislation
be introduced in the U. S. Congress and processed through the
legislative system as quickly as possible; and
WHEREAS, the San Lucy District Council and the Sif Oidak District Council
understand that during the legislative process this proposed
legislation is subject to modification, alteration, changes or
additions and that if such should occur, any and all material
modifications, alterations, changes or additions that would affect
the benefits to be received by the Districts and the Tribe must be
subject to the approval by the Districts and the Tribe; and

1 WHEREAS, the San Lucy District Council and the Sif Oidak District Council
2 have approved by council Resolutions, a copy of the resolutions are
3 attached hereto and made a part hereof, the terms and conditions of
4 the proposed legislation attached hereto and made a part thereof, and
5 hereby request that the Papago Tribal Council approve said legislation
6 and authorize the Chairman, Vice Chairman, Lobbyist, Attorneys and all
7 other necessary tribal officials to do whatever is necessary to have
8 this settlement legislation introduced in the U.S. Congress and
9 engineered through the legislative process as quickly as possible.

10 NOW, THEREFORE, BE IT RESOLVED that the Papago Tribal Council does hereby
11 approve the terms and conditions of the proposed legislation attached
12 hereto and made a part hereof, and hereby authorize and direct the
13 Papago Tribal Chairman, Vice Chairman, Lobbyist, Attorneys and all
14 other tribal officials to do whatever is necessary to have this
15 settlement legislation introduced in the U.S. Congress and
16 engineered through the legislative process as quickly as possible.

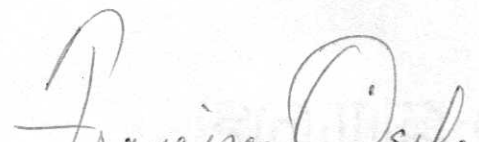
17 BE IT FURTHER RESOLVED that any material modification, alteration, change and
18 addition to the legislation that would affect the benefits to be
19 received by the Districts and the Tribe must first be subject to the
20 approval of the Districts and the Tribe.

21 The foregoing Resolution was duly enacted by the Papago Council on the 4th
22 day of April, 1984, at a meeting at which a quorum was present with a vote
23 of 1211.0 for; 168.0 against; 61.0 not voting; and -0- absent,
24 pursuant to the authority vested in the Papago Council by Section 2 (a),
25 (d), and (m) of Article V of the Constitution and By-laws of the Papago Tribe
26 of Arizona as amended,, ratified by the Papago Tribe on December 12, 1936, and
27 approved by the Secretary of the Interior on January 6, 1937, pursuant to
28 Section 16 of the Act of June 18, 1934 (48 Stat. 984). Said Resolution is
29 not subject to review by the Secretary of the Interior and is effective as
30 of the date of its enactment by the Papago Council.
31
32

THE PAPAGO COUNCIL


Josiah Moore, Chairman

ATTEST:


Francisco Osife, Secretary

MOVED: John Reno

SUBJECT: Proposed Water Settlement

SECOND: Elliott Lewis

Legislation Gila Bend & Sif Oidak

DATE: April 4, 1984

RESOLUTION
or
~~XXXXXXXX~~ # 43-84

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 105	1. Nicklos Jose (Alice Norris) 2. Elliott Lewis (Eugene F. Jose)	52.5 52.5	X X			
SELLS 235	1. Andrew M. Patricio (Nora Alvarez) 2. Fred Stevens (Dennis Jose)	117.5 117.5	X X			
SCHUK TOAK 103	1. Jo Ann Francisco (Priscilla G. Domingo) 2. Ramon Campillo, Jr. (Joseph Juan)	51.5 51.5	X X			
SAN XAVIER 121	1. Carmelita Mattias () 2. John B. Narcho (Austin Nunez)	60.5 60.5	X X			
BABOQUIVARI 203	1. Kenneth Chico, Sr. (Donald Harvey) 2. Joann Garcia (Edward N. Kisto)	101.5 101.5	X X			
GU ACHI 150	1. Angelo J. Joaquin, Sr. (Jonas R. Robles) 2. Fernando Joaquin (Fred Adams, Jr.)	75.0 75.0	X X			
PISINEMO 105	1. Johnson Jose (Frank Garcia) 2. Lamando Francisco (Chester Antone)	52.5 52.5	X X			
SAN LUCY 51	1. John Reno (Max P. Jose) 2. Albert Gomez (Jeannie Morris)	25.5 25.5	X X			
GU VO 107	1. Virgil Lewis (Henry F. Manuel) 2. Cross Antone (Fern E. Salcido)	53.5 53.5		X X		
HICKIWAN 122	1. Henry A. Ramon (Pablo Baptisto) 2. Delma Garcia (Archie Piloné)	61.0 61.0		X	X	
CHUKUT KUK 138	1. Harriet Toro (Lawrence Jose) 2. Rosemary Lopez (Anita C. Clark)	69.0 69.0	X X			
TOTALS		1440.0	1211	168.0	61.0	0