

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