

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(P.L. 97-293 Well Field Exchanged for Link  
Pipeline - San Xavier Cooperative)

RES. NO. 349-88

- 1 WHEREAS, under the terms of the southern Arizona Water Rights  
2 Settlement Act of 1982, P.L. 97-293, the Secretary of  
3 the Interior, acting through the Bureau of Reclamation,  
4 is mandated to improve and extend the existing  
5 irrigation system (San Xavier Cooperative Association,  
6 Inc.) on the San Xavier Reservation, including the  
7 replacement or relocation of existing wells; and
- 8 WHEREAS, the Tohono O'odham Nation has undertaken the functions  
9 of the Bureau of Reclamation pursuant to Title I of the  
10 Indian Self-Determination Act, P.L. 93-638 to improve  
11 and extend the existing irrigation system on the San  
12 Xavier Reservation; and
- 13 WHEREAS, the San Xavier Cooperative Association, Inc. and the  
14 Nation have received recommendations from the Nation's  
15 engineers concerning the improvement and extension of  
16 the San Xavier Association's irrigation system and has  
17 designated certain lands of the Association for such  
18 improvement and extension; and
- 19 WHEREAS, the San Xavier Cooperative Association and the Nation  
20 have reviewed current criteria for determining the  
21 design capacity of a link pipeline adequate to deliver  
22 no less than 6,000 acre feet of water and justification  
23 for its alignment with respect to Interstate 19; and
- 24 WHEREAS, the Nation and the Management Board of the San Xavier  
25 Cooperative Association believe that it will be in the  
26 best interest of the Association and the Nation, if in  
27 lieu of the proposed well field development, as  
28 authorized by P.L. 97-293, a (CAP) link pipeline having  
29 the capacity of twenty (20) cfs be constructed with a  
30 preferred alignment east of, and parallel to, Interstate  
31 19; and
- 32 WHEREAS, by Resolution No. 348-88, "Allocation of CAP Water for  
San Xavier Cooperative Farm Use", the Tohono O'odham

1 Legislative Council did allocate 4,000 to 6,000 acre  
2 feet of the water to be delivered to the San Xavier  
3 Reservation under the provision of P.L. 97-293, to the  
4 Association for a period of twenty-five (25) years and  
5 for the period of any extension or renewal of allottees'  
6 leases to the Association of their lands for farming  
7 purposes; and

8 WHEREAS, by Resolution No. 12-88-01, the Management Board of the  
9 San Xavier Cooperative Association has authorized the  
10 Nation to act on behalf of the Cooperative Association  
11 to negotiate for the construction of a (CAP) link pipe-  
12 line bearing the capacity of twenty (20) cfs with a  
13 preferred alignment east of, and parallel to, Interstate  
14 19, in lieu of the proposed well field development as  
15 authorized by P.L. 97-293, a copy of said Resolution is  
16 attached hereto and made a part hereof.

17 NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legis-  
18 lative Council does hereby authorize the Chairman of the  
19 Nation, the Nation's Water Resource Committee and other  
20 necessary personnel to immediately commence negotiations  
21 for the construction of a (CAP) link pipeline bearing  
22 the capacity of twenty (20) cfs with a preferred align-  
23 ment east of, and parallel to, Interstate 19, in lieu of  
24 the proposed well field development as authorized by  
25 P.L. 97-293, for the delivery of water allocated by the  
26 Nation to the San Xavier Cooperative Association, Inc.  
27 farm lands.

28 BE IT FURTHER RESOLVED that this Legislature hereby authorizes  
29 the Chairman of the Nation to execute all necessary  
30 agreements, documents or other instruments necessary to  
31 carry out the intent of this resolution.  
32

1 The foregoing Resolution was passed by the Tohono O'odham Council  
2 on the 8th day of December, 1988 at a meeting at which a quorum  
3 was present with a vote of 635.0 for; 533.0 against; 472.0 not  
4 voting; and 01 absent, pursuant to the powers vested in the  
5 Council by Section 2 (d) of Article VI of the Constitution of  
6 the Tohono O'odham Nation, adopted by the Tohono O'odham Nation  
7 on January 18, 1986, and approved by the Acting Deputy Assistant  
8 Secretary - Indian Affairs (Operations) on March 6, 1986,  
9 pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.  
10 984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL

11 Harriet Toro  
12 Harriet Toro, Legislative Chairperson

13 14<sup>th</sup> day of December, 1988.

14 ATTEST:

15 Teresa M. Choyguha  
16 Teresa M. Choyguha, Legislative Secretary

17 14<sup>th</sup> day of December, 1988.

18 Said Resolution was submitted for approval to the office of the  
19 Chairman of the Tohono O'odham Nation on the 14<sup>th</sup> day of  
20 December, 1988, at 11:45 o'clock, A.M.,  
21 pursuant to the provisions of Section 5 of Article VII of the  
22 Constitution and will become effective upon his approval or upon  
23 his failure to either approve or disapprove it within 48 hours of  
24 submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

25 Harriet Toro  
26 Harriet Toro, Legislative Chairperson

27 [] APPROVED ) on the 19<sup>th</sup> day of December, 1988,  
28 [] DISAPPROVED ) at 8:44 o'clock, A.M.

29 Enos J. Francisco, Jr.  
30 ENOS J. FRANCISCO, JR., Chairman  
31 TOHONO O'ODHAM NATION

32 Returned to the Legislative Secretary on the 19<sup>th</sup> day of  
December, 1988, at 9:00 o'clock, A.M.

Teresa M. Choyguha  
Teresa M. Choyguha  
Legislative Secretary

MOVED: Julia Carrillo

SUBJECT: P.L. 97-293 Well Field

SECOND: Tony Felix

Exchanged for Link Pipeline

DATE: December 8, 1988

San Xavier Cooperative

RESOLUTION # 349-88

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 138.0	1. Nicholas Jose (Letitia Garcia)	69.0			X	
	2. Willard Juan, Sr. (Melissa Gregorio)	69.0	X			
SELLS 257.0	1. Andrew Patricio (Daniel Lopez)	128.5		X		
	2. Fred Stevens ( )	128.5	X			
SCHUK TOAK 105.0	1. Julia Carrillo (JoAnn Francisco)	52.5	X			
	2. Joseph Juan (Frances Francisco)	52.5	X			
SAN XAVIER 126.0	1. Eugene Enis (Michael Rios)	63.0		X		
	2. Tony Felix (Carmelita Mattias)	63.0	X			
BABOQUIVARI 241.0	1. Kenneth Chico, Sr. ( )	120.5		X		
	2. Joann Garcia (Frances Miguel)	120.5		X		
GU ACHI 158.0	1. Percy Lopez ( )	79.0			X	
	2. Fernando Joaquin ( )	79.0			X	
PISINEMO 116.0	1. Johnson Jose ( )	58.0		X		
	2. Edward Manuel ( )	58.0	X			
SAN LUCY 85.0	1. Max Jose (Dewey Ortega)	42.5	X			
	2. John Reno ( )	42.5		X		
GU VO 117.0	1. Virgil Lewis (Roy Montana)	58.5			X	
	2. Cross Antone (Juan Joe Cipriano)	58.5			X	
HICKIWAN 128.0	1. Henry Ramon (Billy Manuel)	64.0			X	
	2. Lloyd Francisco (Eleanor Santos)	64.0			X	
CHUKUT KUK 169.0	1. Rosita Ruiz (Rosemary Lopez)	84.5	X			X
	2. Harriet Toro ( )	84.5	X			
TOTAL		1,640.0	635.0	533.0	472.0	01