

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorization of a Water Recharge Investigation on the
San Xavier District Utilizing C.A.P. Waters)

RES. NO. 35-90

1 WHEREAS, the Southern Arizona Water Rights Settlement Act of 1982
2 contemplated, among other activities, the construction
3 of a new farm project for the San Xavier District; and

4 WHEREAS, the 1982 Settlement Act provided that C.A.P water would
5 be delivered to the San Xavier District by October 1992;
6 and

7 WHEREAS, changed circumstances involving the agricultural economy,
8 federal subsidy programs, and other factors have made the
9 new farm project of questionable economic value to the
10 Nation and the District; and

11 WHEREAS, the Bureau of Reclamation's construction plan for the new
12 farm project pursuant to Plan 9B does not schedule
13 project completion until 1994; and

14 WHEREAS, it would be a major loss of potential benefits to the
15 Nation and District if C.A.P. water deliveries to the San
16 Xavier District were not to begin in 1992, and damage
17 payments are not made; and

18 WHEREAS, Plan 9B requires the Nation to commit to more than \$10
19 million dollars of debt for the San Xavier new farm
20 project; and

21 WHEREAS, federal officials acknowledge that legal questions have
22 arisen over the payment of damages if water is not
23 delivered to the San Xavier District; and

24 WHEREAS, uncertainties over the timely delivery of 9B water, the
25 economics of opening new farmland, and damage payments
26 for the non-delivery of water make it inadvisable for the
27 Nation to commit to a multi-million dollar debt for a
28 Plan 9B new farm; and

29 WHEREAS, it is imperative that the 9B waters provided to the San
30 Xavier District under the 1982 Settlement Act be used in
31 a manner that is consistent with the cultural, health,
32 safety, and economic needs of the people; and

1 WHEREAS, a program to recharge 9B water into the local aquifer
2 beginning in 1992 could provide for future use of the
3 water, for additional time to plan for the long term uses
4 of water, and for other potential cultural, economic, and
5 environmental benefits; and

6 WHEREAS, a recharge program for 9B water would in no way affect
7 the Nation's commitment to, nor the viability of, the
8 Schuk Toak District Farm Project or the Rehabilitation
9 Project at the San Xavier District; and

10 NOW, THEREFORE, BE IT RESOLVED that the the Tohono O'Odham
11 Legislative Council, requests the Water Resources
12 Committee to perform the following:

- 13 (1) Explore the technical feasibility of a recharge
14 program, either alone or in concert with the City
of Tucson, in lieu of allocating those waters for
delivery to the 9B new farm.
- 15 (2) Identify new provisions of law needed in Congress,
16 in the Legislative Council, and in the Arizona
Legislature to implement a water recharge program,
17 consistent with principles, benefits, and
obligations of the 1982 Settlement Act.
- 18 (3) Request the assistance of the Bureau of
19 Reclamation and other interested parties to
undertake a thorough assessment of a recharge
20 program, while insuring that the federal
obligation to construct a new water project at the
21 San Xavier District is not waived.
- 22 (4) Recommend actions to the Legislative Council
23 needed to implement a recharge program for the San
Xavier District using 9B water, if such a program
24 proves desirable.


25 BE IT FURTHER RESOLVED that interest from the Trust Fund
26 established pursuant to the 1982 Settlement Act to be
27 used to pursue this analysis, pursuant to an approved
28 budget by the Budget and Finance Committee, and the
29 Tohono O'odham Legislative Council.

30 BE IT FURTHER RESOLVED that all activities outlined above be
31 conducted in cooperation and coordination with the
32 Chairman of the San Xavier District.

1 BE IT FINALLY RESOLVED that the Water Resource Committee
2 recommendations for additional action shall be presented
3 to the Legislative Council no later than May, 1990.

4 The foregoing Resolution was passed by the Tohono O'odham Council
5 on the 9th day of February, 1990 at a meeting at which a quorum
6 was present with a vote of 953.3 for; 503.0 against; 267.5 not
7 voting; -0- absent, pursuant to the powers vested in the Council
8 by Section 1((c)(i)(2) of Article VI and Section 2(a) & (d) of
9 Article XVII of the Constitution of the Tohono O'odham Nation,
adopted by the Tohono O'odham Nation on January 18, 1986, and
approved by the Acting Deputy Assistant Secretary - Indian Affairs
(Operations) on March 6, 1986, pursuant to Section 16 of the Act
of June 18, 1934 (48 Stat. 984).

10 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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12 _____

Edward D. Manuel, Legislative Chairman

13 16th day of February, 1990.

14 ATTEST:

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16 _____
Teresa M. Choyguha, Legislative Secretary

17 16th day of February, 1990.

18
19 Said Resolution was submitted for approval to the office of the
20 Chairman of the Tohono O'odham Nation on the 16th day of
February, 1990, at 9:07 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
his failure to either approve or disapprove it within 48 hours of
submittal.


23 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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Edward D. Manuel, Legislative Chairman

26 [] APPROVED) on the 19 day of Feb, 1990.

27 [] DISAPPROVED) at 3:40 o'clock, P.M.

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30 _____
31 ANGELO J. JOAQUIN, SR., Chairman
32 TOHONO O'ODHAM NATION

1 Returned to the Legislative Secretary on the 20th day of
2 February, 19 90, at 10:30 o'clock, A.M.

3 Teresa M. Choyguha
4 Teresa M. Choyguha
Legislative Secretary

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MOVED: Joanne Preston

SUBJECT: Authorization of a Water Recharge

SECOND: Eugene Enis

Investigation on the San Xavier Dist.

DATE: February 9, 1990

Utilizing C.A.P. Waters

RESOLUTION NO. 35-90

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 229.0	1. Earl A. Francisco (Kenneth Chico, Sr.)	114.5	X			
	2. Joann Garcia (Frances Miguel)	114.5		X		
CHUKUT KUK 163.0	1. Rosita Ruiz (Rosemary Lopez)	81.5	X			
	2. Kenneth G. Williams (Harriet Toro)	81.5	X			
GU ACHI 166.0	1. Percy Lopez ()	83.0		X		
	2. Alex J. Ramon (Fernando Joaquin)	83.0			X	
GU VO 114.0	1. Cross Antone (Juan Joe Cipriano)	57.0		X		
	2. Virgil Lewis (Michael Flores)	57.0		X		
HICKIWAN 125.0	1. Lloyd Francisco (Billy C. Manuel)	62.5			X	
	2. Henry Ramon ()	62.5			X	
PISINEMO 119.0	1. Johnson Jose ()	59.5			X	
	2. Edward Manuel (Alex Antone)	59.5		X		
SAN LUCY 106.0	1. Albert Manuel, Jr. (Max P. Jose)	53.0	X			
	2. John Reno ()	53.0		X		
SAN XAVIER 127.0	1. Eugene Enis. Sr. (Michael Rios)	63.5	X			
	2. Joanne C. Preston (Carmelita Mattias)	63.5	X			
SCHUK TOAK 107.0	1. JoAnn Francisco (David Valenzuela Sr.)	53.5	X			
	2. Joseph Juan (Frances Francisco)	53.5	X			
SELLS 310.0	1. Joseph T. Joaquin (Larry Garcia)	155.0	X			
	2. Andrew Patricio (Daniel Lopez)	155.0	X			
SIF OIDAK 158.0	1. Mary Ann Antone (Nina Jose)	79.0	X			
	2. Willard Juan, Sr. (Melissa Gregorio)	79.0		X		
TOTAL		1,724.0	953.5	503.0	267.5	-0-