

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing the Attorney General to File a Law Suit to Prevent
Interruption of Water Deliveries to the San Lucy Farm)

RES. NO. 91-112

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2 WHEREAS, in May 1988, the Tohono O'odham Nation purchased 2,910
3 acres of land in Pinal County (the "San Lucy Farm")
4 pursuant to the Gila Bend Indian Reservation Lands
5 Replacement Act, Public Law 99-503 (the "Act"); and

6 WHEREAS, the San Lucy Farm meets the requirements prescribed in the
7 Act for placing into trust replacement lands purchased
8 with settlement funds dispersed to the Nation under the
9 Act; and

10 WHEREAS, prior to May 1988, the Nation requested that, upon
11 acquisition of the San Lucy Farm, the Secretary of
12 Interior place the lands in trust for the Nation; and

13 WHEREAS, Bureau of Indian Affairs ("BIA") and other officials
14 representing the Secretary have acknowledged in writing
15 and verbally that the San Lucy Farm constitutes part of
16 the Nation's trust lands; and

17 WHEREAS, an attorney for the Secretary has confirmed in writing
18 that the San Lucy Farm is trust land which is exempt from
19 taxation, or assessments in lieu of taxes, imposed by the
20 Central Arizona Irrigation and Drainage District (the
21 "Irrigation District"), a political subdivision of the
22 State; and

23 WHEREAS, the Tohono O'odham Farming Authority (the "Farm
24 Authority") erroneously paid assessments in lieu of real
25 property taxes imposed by the Irrigation District for 1988
26 and 1989 in the total amount of \$55,401.12; and

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WHEREAS, the Irrigation District has issued to the Farm Authority an assessment in lieu of real property taxes for 1990 in the amount of \$218,541; and

WHEREAS, the San Lucy Farm is Nation trust lands by operation of law; and

WHEREAS, under the Act, the United States has the obligation to pay all assessments for 1988, 1989, 1990 and future years; and

WHEREAS, by letters dated March 21, 1991, the Nation's Attorney General informed both the BIA and Irrigation District that the United States was liable for payment of such assessments, and demanded that the United States remit payment immediately; and

WHEREAS, the BIA has requested a formal opinion from the Interior Department's Office of Solicitor concerning the trust status of the San Lucy Farm and the United States' liability for payment of in lieu assessments thereon; and

WHEREAS, the Solicitor's opinion is not expected to be completed until April 17, 1991; and

WHEREAS, payment of the first installment of the 1990 assessment is due on or before April 8, 1991; and

WHEREAS, by letter to the Nation's Attorney General dated March 29, 1991, the attorneys for the Irrigation District threatened to terminate water delivery to the San Lucy Farm if the first installment of the assessment is not paid by April 8, 1991; and

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WHEREAS, an attorney with the Interior Solicitor's Office and the Nation's Attorney General have each sought from the Irrigation District an extension of the deadline for payment of the assessment until April 19, 1991; and

WHEREAS, to date the Irrigation District has not responded; and

WHEREAS, cessation of water delivery to the San Lucy Farm would have a devastating economic impact on the Farm and the Nation.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Tohono O'odham Legislative Council hereby authorizes the Attorney General to take all necessary legal actions, including initiation of a law suit on behalf of the Tohono O'odham Nation in federal court or any other court or forum of competent jurisdiction, to (a) secure a determination that the United States is liable for payment of the Irrigation District's assessments in lieu of taxes on the San Lucy Farm for 1988, 1989, 1990 and future years and (b) prevent interruption of water deliveries to the San Lucy Farm for failure of the United States to pay such assessments.
2. The Attorney General shall keep the Legislative Council, Chairman of the Nation, San Lucy District Council and the Tohono O'odham Farming Authority informed concerning actions taken pursuant to this Resolution.

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The foregoing Resolution was passed by the Tohono O'odham Council on the 4th day of April, 1991 at a meeting at which a quorum was present with a vote of 1,617.0 for; -0- against; -0- not voting; 107.0 (09) absent, pursuant to the powers vested in the Council by Section 1(d) of Article VI & Section 1 of Article XVI and Section 2 of 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).


TOHONO O'ODHAM LEGISLATIVE COUNCIL



Edward D. Manuel, Legislative Chairman

4th day of April, 1991.

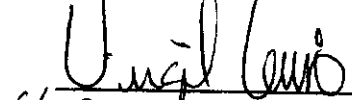
ATTEST:


Teresa M. Choyguha, Legislative Secretary

4th day of April, 1991.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 4th day of April, 1991, at 11:11 o'clock, A.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL


for Edward D. Manuel, Legislative Chairman

[] APPROVED) on the 4th day of April, 1991,

[] DISAPPROVED) at 2:22 o'clock, P.M.



ANGELO J. JOAQUIN, SR., Chairman
TOHONO O'ODHAM NATION

RES. NO. 91-112

(Authorizing the Attorney General to File a Law Suit to Prevent Interruption of Water Deliveries to the San Lucy Farm)

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Returned to the Legislative Secretary on the 4th day of
April, 1991, at 2:35 o'clock, P.M.

Teresa M. Choyguha
Teresa M. Choyguha
Legislative Secretary

MOVED: COUNCILMAN EUGENE ENISSUBJECT: AUTHORIZING THE ATTORNEY GENERAL TO FILESECOND: COUNCILMAN ALBERT MANUEL, JR.A LAW SUIT TO PREVENT INTERRUPTION OF WATERDATE: APRIL 3, 1991DELIVERIES TO THE SAN LUCY FARM

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUITVARI 229.0	1. Earl A. Francisco (Kenneth Chico)	114.5	X			
	2. Joann Garcia (Frances Miquel)	114.5	X			X
CHUKUT KUK 163.0	1. Rosita Ruiz (Rosemary Lopez)	81.5	X			
	2. Kenneth Williams (Harriet Toro)	81.5	X			X
GU ACHI 166.0	1. Percy Lopez ()	83.0	X			X
	2. Alex 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			X
HICKIWAN 125.0	1. Lloyd Francisco (Billy C. Manuel)	62.5	X			
	2. Lenora Montana ()	62.5	X			
PISINEMO 119.0	1. Johnson Jose ()	59.5	X			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			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 OIDA 158.0	1. Mary Ann Antone (Nina Jose)	79.0	X			
	2. Willard Juan, Sr. (Melissa Gregorio)	79.0	X			X
	TOTAL	1,724.0	1,617.0	-0-	-0-	107.0 (9)

**PASSED VOTES