

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Recommendations of Water Resources Committee on Recharge, 9B  
Farm and Other Alternatives)

RES. NO. 91-180

1  
2 WHEREAS, Council Resolution No. 91-103 extended to April 30, 1991  
3 the recommendations of the Water Resources Committee (the  
4 "Committee") regarding recharge, the 9B Farm and other  
5 alternatives for use of the Central Arizona Project  
6 ("CAP") water granted under the Southern Arizona Water  
7 Rights Settlement Act ("SAWRSA"); and

8 WHEREAS, the Committee has provided the Legislative Council with  
9 a status report on each of the five tasks identified in  
10 Council Resolution No. 206-90; and

11 WHEREAS, the feasibility study on the 9B Farm has been completed;  
12 and

13 WHEREAS, the recharge feasibility study has been completed; and

14 WHEREAS, the Committee has provided copies of the studies to the  
15 Schuk Toak District Council, San Xavier District Council,  
16 and representatives of the San Xavier Allottees for their  
17 review and comment; and

18 WHEREAS, the consultants made presentations of their studies to the  
19 Legislative Council at a Special Session on April 30,  
20 1991, at which representatives of the Districts and  
21 allottees were in attendance; and

22 WHEREAS, based on the results of the 9B recharge studies and  
23 independent assessments by the Committee, several options  
24 have been identified for use of the CAP water, many of  
25 which are interrelated; and

26 WHEREAS, the Committee has determined that certain options deserve  
27 further analysis in order to identify the full range of

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viable alternatives of CAP water use before the Committee makes its final recommendations; and

WHEREAS, the Committee has met with the allottee representatives to discuss their concerns, including eight items identified in a document dated October 25, 1990; and

WHEREAS, the Nation's Attorney General, at the request of the Committee, has prepared and submitted for Committee review an outline of possible SAWRSA amendments and other actions by the Nation which address the allottee concerns as well as other deficiencies in SAWRSA; and

WHEREAS, following further Committee consideration, it is the Committee's intention to present the outline to the Districts and allottees for discussion ad comment; and

WHEREAS, the Committee is aware of the time constraints associated with a final settlement of the Nation's water rights under SAWRSA, while at the same time recognizing that this may be the last opportunity to clarify SAWRSA and great care must therefore be exercised in exploring all options and their implications; and

WHEREAS, following a review of the studies, consultation with the authors of the studies, consideration of the comments of the Districts, allottees, Council members and other officials of the Nation, the Committee has adopted the recommendations set forth below.

NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that:

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1. The recommended options for recharge be refined through additional analysis by an expert, including recharge at the sites identified in the recharge report.
2. The engineering redesign and economic analysis for the 9B Farm be assessed by a technical expert for purposes of determining whether it would be financially feasible.
3. Discussions shall be initiated with the City of Tucson and other appropriate parties to determine the viability of acquiring farmland in the Avra Valley outside the Reservation, and water leasing or other transfers.
4. A study by technical experts shall be commissioned to assess the financial feasibility of operating a farm in Avra Valley.
5. Other options for use of the CAP water which are determined to have potential viability shall be explored, including without limitation the alternative uses listed in the recharge and 9B reports, and Resolution No. 09-87-17 of the San Xavier District Council.
6. A proposal for development of a Water Code for the Nation shall be prepared.
7. Proposed amendments to SAWRSA and other actions by the Nation related thereto shall be presented to the

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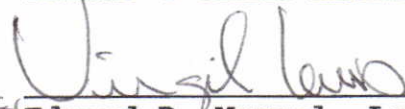
Schuk Toak District, San Xavier District and the allottees for discussion and comment.

8. The Water Resources Committee is authorized and directed to initiate and coordinate the foregoing activities in consultation with the Nation's Chairman and Attorney General, subject to the confidentiality requirements prescribed in Council Resolution No. 91-104 (as affirmed by Resolution No. 91-114).

9. The Water Resources Committee is further authorized and directed to present to the Legislative Council, on or before July 31, 1991, its report and recommendations with respect to each of the tasks identified in clauses 1 through 7.


The foregoing Resolution was passed by the Tohono O'odham Council on the 16th day of May, 1991 at a meeting at which a quorum was present with a vote of 830.0 for; 603.0 against; 291.0 not voting; 04 absent, pursuant to the powers vested in the Council by Section 2 (d) of Article VI 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

  
For Edward D. Manuel, Legislative Chairman

22<sup>nd</sup> day of May, 1991.

ATTEST:

  
Teresa M. Choyguha, Legislative Secretary  
22<sup>nd</sup> day of May, 1991.

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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 22<sup>nd</sup> day of MAY, 1991, at 11:26 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

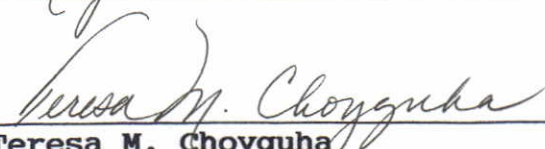
  
Edward D. Manuel, Legislative Chairman

[ ] APPROVED ) on the \_\_\_ day of \_\_\_\_\_, 19\_\_\_,  
[ ] DISAPPROVED) at \_\_\_\_\_ o'clock, \_\_\_ .M.

EXCEEDED 48 HOURS

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

Returned to the Legislative Secretary on the 24<sup>th</sup> day of May, 1991, at 4:57 o'clock, P.M.

  
Teresa M. Choyguha  
Legislative Secretary

MOVED: COUNCILWOMAN MARY ANN ANTONISUBJECT: RECOMMENDATIONS OF WATER RESOURCES COMMITTEESECOND: COUNCILMAN VIRGIL LEWISON RECHARGE, 9B FARM AND OTHER ALTERNATIVES

DATE: \_\_\_\_\_

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 229.0	1. Earl A. Francisco (Kenneth Chico)	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 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. Juan Joe Cipriano ( )	57.0	X			X
	2. Virgil Lewis (Michael Flores)	57.0	X			
HICKIWAN 125.0	1. Lloyd Francisco (Billy C. Manuel)	62.5			X	
	2. Lenora Montana ( )	62.5			X	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 OIDA 158.0	1. Mary Ann Antone (Mina Jose)	79.0	X			
	2. Willard Juan, Sr. (Melissa Gregorio)	79.0	X			
	TOTAL	1,724.0	830.0	603.0	291.0	04

\*\*PASSED VOTES