

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Right-of-Way for the I-19 Portion of the C.A.P.  
Link Pipeline)**

**RESOLUTION. NO. 92-002**

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3 **WHEREAS,** *the Tohono O'Odham Nation has undertaken the functions of the*  
4 *Bureau of Reclamation pursuant to Title I of the Indian Self-*  
5 *Determination Act, P.L. 93-638 to improve and extend the*  
6 *existing irrigation system of the San Xavier Reservation; and*

7  
8 **WHEREAS,** *by Legislative Council Resolution No. 349-88, the Tohono*  
9 *O'Odham Nation did authorize the C.A.P. Link Pipeline east of*  
10 *and parallel to Interstate 19 for delivery of water allocated by the*  
11 *Nation to the San Xavier Cooperative Association, Inc. farmlands;*  
12 *and*

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15 **WHEREAS,** *in order to supply irrigation water to the San Xavier Cooperative*  
16 *Farm lands, it is necessary to install a 24 inch pipeline on a*  
17 *portion of the Nation's land located along the I-19 freeway; and*

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19 **WHEREAS,** *the Bureau of Reclamation has the need for and will file an*  
20 *application for right-of-way through the property for this purpose;*  
21 *and*

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23 **WHEREAS,** *a permanent right-of-way is necessary for the purpose of*  
24 *installing a 24 inch underground pipeline, as part of the water*  
25 *delivery system to the San Xavier Cooperative Association farms,*  
26 *and effects eight tenths (0.8), plus or minus acres, of Tribal land*  
27 *in the SW 1/4 Section 35, T15S, R13E, G&SRB&M, in the San*  
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*Xavier District, Pima County, Arizona. A copy of the survey map of said right-of-way is attached hereto, marked Exhibit A, and made a part hereof; and*

**WHEREAS,** *a temporary easement is also necessary for use during the period of construction of the water delivery system and effects eight tenths (0.8) plus or minus acres in the SW 1/4 section 35, T15S, R13E, G&SRB&M, in the San Xavier District, Pima County, Arizona. A copy of the survey map of said temporary easement is attached hereto, marked as Exhibit B, and made a part hereof.*

**WHEREAS,** *an appraisal of the value of the tribal land to be utilized for temporary easement and permanent rights-of-way has been done and the conclusion of the appraiser was that the eight tenths (0.8), plus or minus acres across tribal land, together with the eight tenths (0.8) acres temporary easement and right-of-way across tribal land would have a value of \$4,050.00; and*

**WHEREAS,** *the Bureau of Reclamation has agreed to pay to the landholders an additional 60% of the appraised value, or \$2,430.00 for a total amount of \$6,480.00 for said easement and rights-of-way as above described; and*

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**Link Pipeline)**

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3 **WHEREAS, the Nation's Legislative Natural Resource Committee has reviewed**  
4 **the appraisal and the purpose and basis for determining the value**  
5 **of the land to be utilized for the above described and requested**  
6 **temporary easement and rights-of-way and has decided to**  
7 **recommend acceptance of the offer of the Bureau of Reclamation**  
8 **in the amount of \$6,480.00; and**

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11 **WHEREAS, the Tohono O'Odham Nation has previously endorsed the C.A.P.**  
12 **Link Pipeline project in Legislative Council Resolution No.**  
13 **349-88; and**

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15 **WHEREAS, the Nation recognizes that permanent and temporary easements**  
16 **and rights-of-way are a necessary part of completing this project.**

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18 **NOW, THEREFORE, BE IT RESOLVED, that the Tohono O'Odham**  
19 **Legislative Council does hereby agree with the grant of permanent**  
20 **rights-of-way and temporary easement to the Bureau of**  
21 **Reclamation as described in Exhibits A and B, attached hereto,**  
22 **consisting of eight tenths (0.8), plus or minus acres of Tohono**  
23 **O'Odham Nation lands within the San Xavier Reservation, to be**  
24 **utilized for the purpose of the installation of a 24 inch pipeline**  
25 **for the delivery of C.A.P. water to the San Xavier Cooperative**  
26 **Association farms and eight tenths (0.8) plus or minus acres, for**  
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3                   *temporary use during the period of construction on said pipeline,*  
4                   *provided however, that the grantee abides by 25 CFR 169 with*  
5                   *particular reference to 169.20 - Termination of Rights-of-Way*  
6                   *grants.*  
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9       ***BE IT FURTHER RESOLVED by the Tohono O'Odham Legislative Council that***  
10                   *the Tohono O'Odham Nation's Officials, to wit; the Chairman,*  
11                   *Vice-Chairman and any designated official are hereby authorized*  
12                   *to negotiate and execute the grant of permanent rights-of-way and*  
13                   *temporary easements, provided however, that any amendments*  
14                   *affecting the funding or funding levels shall be submitted for*  
15                   *further prior approval by this Council.*  
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18       ***BE IT FURTHER RESOLVED by the Tohono O'odham Legislative Council that***  
19                   *the amount paid to the Nation by the Bureau of Reclamation, in*  
20                   *the amount of \$6,480.00, for the tribal land portion be paid to the*  
21                   *San Xavier District upon receipt by the Nation.*  
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24       ***The foregoing Resolution was passed by the Tohono O'Odham Legislative***  
25       ***Council on the 6TH. day of JANUARY, 1992 at a meeting at which a quorum***  
26       ***was present with a vote of 1,388.0 FOR; 336.0 AGAINST; -0- NOT VOTING;***  
27       ***and 02 ABSENT, pursuant to the powers vested in the Council by Section 2 (d)***  
28       ***of Article VI 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).***

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5 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

6 Mary Ann Antone

7 **Mary Ann Antone, Legislative Chairwoman**

8 07<sup>th</sup> day of January, 1992

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11 **ATTEST:**

12 Teresa M. Choyguha

13 **Teresa M. Choyguha, Legislative Secretary**

14 17<sup>th</sup> day of January, 1992.

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18 **Said Resolution was submitted for approval to the office of the Chairman of the**  
19 **Tohono O'Odham Nation on the 07<sup>th</sup> day of January, 1992, at**  
20 **3:11 o'clock, P.M., pursuant to the provisions of Section 5 of**  
21 **Article VII of the Constitution and will become effective upon his approval or**  
22 **upon his failure to either approve or disapprove it within 48 hours of submittal.**

23 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

24  
25 Mary Ann Antone

26 **Mary Ann Antone, Legislative Chairwoman**

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**RESOLUTION NO. 92-002**

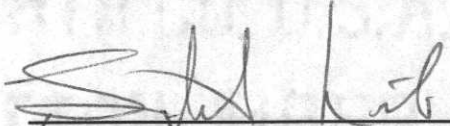
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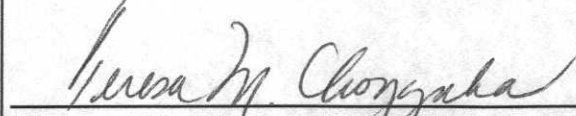
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**APPROVED** on the 7 day of January, 1992

**DISAPPROVED** at 3:54 o'clock, P..M.

  
\_\_\_\_\_  
**JOSIAH MOORE, Chairman  
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 7<sup>th</sup> day of January,  
1992, at 4:32 o'clock, P..M.

  
\_\_\_\_\_  
**Teresa M. Choyguha, Legislative Secretary**

MOVED: COUNCILWOMAN JOANNE PRESTONSUBJECT: RIGHT-OF-WAY FOR THE I-19 PORTION OFSECOND: COUNCILMAN EUGENE ENISTHE C.A.P. LINK PIPELINEDATE: JANUARY 06, 1992

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 163.0	1. Kenneth Williams (Harriet Toro)	81.5	X			
	2. Alberta M. Lopez (Berdella Jose)	81.5	X			
HICKIWAN 125.0	1. Lloyd Francisco (Billy C. Manuel)	62.5	X			
	2. Manuel Osequeda, Jr. ( )	62.5	X			
GU VO 114.0	1. Virgil Lewis (Michael Flores)	57.0	X			
	2. Emilio Lewis (Anthony Flores)	57.0	X			
SAN LUCY 106.0	1. Albert Manuel, Jr. (Max P. Jose)	53.0	X			
	2. John Reno ( )	53.0	X			X
PISINEMO 119.0	1. Johnson Jose ( )	59.5	X			
	2. Chester Antone (Fernando Valentine)	59.5	X			
GU ACHI 166.0	1. Alex Ramon (Fernando Joaquin)	83.0	X			
	2. Willard Anita ( )	83.0	X			
BABOQUIVARI 229.0	1. Earl A. Francisco (Kenneth Chico, Sr.)	114.5		X		
	2. Frances Miguel ( )	114.5		X		
SAN XAVIER 127.0	1. Joanne C. Preston (Carmelita Mattias)	63.5	X			
	2. Eugene Enis, Sr. (Michael R. Rios)	63.5	X			
SCHUK TOAK 107.0	1. JoAnn Francisco (David Valenzuela Sr.)	53.5		X		
	2. Frances Francisco (Joseph Juan)	53.5		X		
SELLS 310.0	1. Joseph T. Joaquin (Larry Garcia)	155.0	X			
	2. Andrew Patricio (Lucille Encinas)	155.0	X			X
SIF OIDAK 158.0	1. Mary Ann Antone (Nina Jose)	79.0	X			
	2. Willard Juan, Sr. (Delbert Thomas)	79.0	X			
TOTAL		1,724.0	1,388.0	336.0	-0-	02

\*\*PASSED VOTES