

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Authorizing Application to Secure Federal Funding**  
**for Expert and Attorney Services in SAWRSA**  
**and Sif Oidak Water Claims)**

**RESOLUTION NO. 92-092**

1  
2  
3  
4 **WHEREAS,** *federal funding may be available through the Bureau of Indian*  
5 *Affairs ("BIA"), under P. L. 93-638 or other contractual*  
6 *arrangements, to pay for the costs of technical experts and*  
7 *attorney services in connection with the water claims of the*  
8 *Tohono O'Odham Nation in the Sif Oidak District, and under the*  
9 *Southern Arizona Water Rights Settlement Act of 1982*  
10 *("SAWRSA") and related lawsuit entitled U.S. v. Tucson; and*

11  
12  
13 **WHEREAS,** *the Nation has committed in excess of \$240,000 in Tribal funds*  
14 *to engage technical experts to conduct studies associated with*  
15 *these claims; and*

16  
17 **WHEREAS,** *for fiscal year 1992 the Nation appropriated and obligated by*  
18 *contract \$145,000 for special water counsel in connection with*  
19 *these claims; and*

20  
21 **WHEREAS,** *additional funding for technical and legal services is an essential*  
22 *condition to formulating settlements and avoiding the substantial*  
23 *time and expense of litigation; and*  
24

**RESOLUTION NO. 92-092**

***(Authorizing Application to Secure Federal Funding  
for Expert and Attorney Services in SAWRSA  
and Sif Oidak Water Claims)***

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

***WHEREAS, the Nation has less than a \$45,000 reserve for contingencies in  
fiscal year 1992 which cannot be devoted to supplemental funding  
of these services; and***

***WHEREAS, the United States has conflicts of interest with respect to all  
pending water claims either because it has divided trust  
responsibilities or the Nation has claims against the United States;  
and***

***WHEREAS, under these circumstances, representation of the Nation by the  
United States would be inadequate and contrary to the legal  
interests of the Nation; and***

***WHEREAS, attached to this Resolution is an Application for federal funding  
in the amount of \$245,000 (\$145,000 for attorney's fees and  
expenses and \$100,000 for technical consultants costs); and***

***WHEREAS, the Application seeks reimbursement from the requested federal  
funding for costs incurred by the Nation since October 1, 1991;  
and***

***WHEREAS, the Budget & Finance, Domestic Affairs and Water Resources  
Committees recommend that the Legislative Council authorize***

**RESOLUTION NO. 92-092**

**(Authorizing Application to Secure Federal Funding  
for Expert and Attorney Services in SAWRSA  
and Sif Oidak Water Claims)**

*submission of the Application to secure additional funding for the  
technical and legal work.*

**NOW, THEREFORE, BE IT RESOLVED THAT:**

- 1. The Tohono O'Odham Legislative Council hereby authorizes  
filing of the Application for funding attorney and technical  
expert services, in the form attached hereto and in the  
amount of \$245,000 (\$145,000 for attorney's fees and  
expenses and \$100,000 for technical consultant costs).*
- 2. The Chairman of the Nation is authorized and directed to  
execute the Application on behalf of the Nation.*

*The foregoing Resolution was passed by the Tohono O'Odham Legislative  
Council on the 12TH. day of MARCH, 1992 at a meeting at which a quorum  
was present with a vote of 941.0 FOR; 435.0 AGAINST; 348.0 NOT VOTING;  
and -0- ABSENT, pursuant to the powers vested in the Council by Section 1 (d),  
(f), (i)(2), 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**

*Mary Ann Antone*  
\_\_\_\_\_  
Mary Ann Antone, Legislative Chairwoman


*12<sup>th</sup>* day of *March*, 19*92*



**RESOLUTION NO. 92-092**

**(Authorizing Application to Secure Federal Funding  
for Expert and Attorney Services in SAWRSA  
and Sif Oidak Water Claims)**

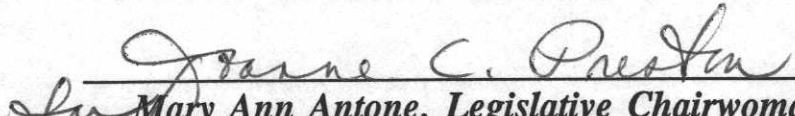
**ATTEST:**

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

12<sup>th</sup> day of March, 1992.


Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 12<sup>th</sup> day of March, 1992, at 5:03 o'clock, P.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**

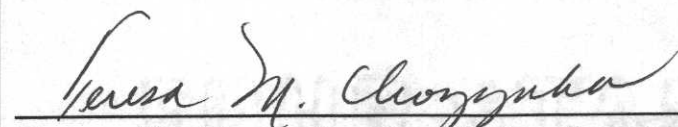
  
\_\_\_\_\_  
for **Mary Ann Antone, Legislative Chairwoman**

**APPROVED** on the 16 day of March, 1992

**DISAPPROVED**) at 9:53 o'clock, A.M.

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

Returned to the Legislative Secretary on the 16<sup>th</sup> day of March,  
1992, at 11:47 o'clock, A.M.

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

MOVED: COUNCILMAN WILLARD JUAN, SR.SUBJECT: AUTHORIZING APPLICATION TO SECURE FEDERALSECOND: COUNCILWOMAN FRANCES FRANCISCOFUNDING FOR EXPERT AND ATTORNEY SERVICES IN SAWRSADATE: MARCH 12, 1992AND SIF OIDADK WATER CLAIMS

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. 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			
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			
SIF OIDADK 158.0	1. Mary Ann Antone (Nina Jose)	79.0		X		
	2. Willard Juan, Sr. (Delbert Thomas)	79.0	X			
TOTAL		1,724.0	941.0	435.0	348.0	-0-

\*\*PASSED VOTES