

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving in Principle Proposed Amendments to SAWRSA)**

**[D E F E A T E D]
RES. NO. 92-155**

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3 **WHEREAS, by Resolution 92-089, the Legislative Council established the**
4 **parameters for negotiating a final resolution of the Tohono**
5 **O'odham Nation's water rights under the Southern Arizona Water**
6 **Rights Settlement Act of 1982 ("SAWRSA") and the related law**
7 **suit entitled U.S. v. Tucson; and**

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10 **WHEREAS, representatives of the Nation have engaged in extensive settlement**
11 **negotiations in meetings with representatives of the United States,**
12 **City of Tucson, and San Xavier allottees, in which officials of**
13 **Schuk Toak District, San Xavier District and the Cooperative Farm**
14 **Association were invited to participate; and**

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17 **WHEREAS, with the exception of the allottee representatives, the parties'**
18 **negotiating representatives agreed to certain principles of settlement**
19 **("Settlement Principles") which, among other things, (1)**
20 **acknowledge the Nation's rights to manage and control the**
21 **SAWRSA water entitlements, subject only to limitations prescribed**
22 **in SAWRSA, as it may be amended, and (2) delete final dismissal**
23 **of U.S. v. Tucson as a condition which now applies under**
24 **SAWRSA to certain of the United States' obligations owed to the**
25 **Nation; and**
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WHEREAS, the negotiating representatives of the Nation, United States, and City of Tucson have drafted proposed amendments to SAWRSA which are attached hereto and are marked "STK Draft 3/27/92, Fri., 16:39:06 (the "Amendments"); and

WHEREAS, the allottee representatives have rejected the Amendments; and

WHEREAS, the United States' representative is recommending approval of the Amendments by authorized officials in the Department of the Interior, with the deletion of certain Amendments; and

WHEREAS, the Tucson representatives are recommending approval of the Amendments by the City, with the deletion of certain Amendments; and

WHEREAS, the Water Resources Committee, Chairman of the Nation, and Attorney General recommend approval of the Amendments, with the deletion of certain Amendments.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Tohono O'odham Legislative Council hereby approves the Amendments in principle, with the deletion of the following provisions:

(a) The clause "consisting of _____ irrigable acres" in Section 302(23);

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(b) Section 303(a)(7);

(c) Section 306(a)(4)(A)-(D);

(d) The clause "and (a)(7)" in Section 316; and

(e) Section 317;

provided that approval of the Legislative Council of the final Amendment package shall be required prior to introduction of the Amendments in Congress.

2. The Water Resources Committee, Chairman of the Nation, and Attorney General are authorized and directed to meet with appropriate officials in the Department of Interior to communicate this action of the Legislative Council and to take all necessary and reasonable steps to secure final Amendments substantially in the form attached hereto which protect and enhance the Nation's water resources and the Nation's governmental authority over such resources.

The foregoing Resolution was presented to the Tohono O'Odham Legislative Council on the 15TH day of April, 1992 at a meeting at which a quorum was present with a vote of 614.5 FOR; 943.5 AGAINST; -0- NOT VOTING; and 166.0 [06] ABSENT, failed to pass because it did not receive a majority of the votes cast, as required by Section 2 of Article V of the Constitution of the Tohono O'Odham Nation.

[D E F E A T E D]

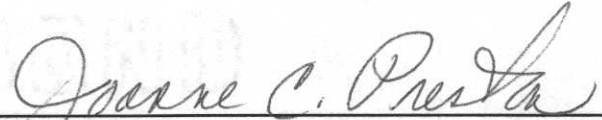
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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Mary Ann Antone, Legislative Chairwoman

16th day of April, 1992

ATTEST:



Teresa M. Choyguha, Legislative Secretary

MOVED: COUNCILMAN EARL A. FRANCISCOSUBJECT: APPROVING IN PRINCIPLE PROPOSEDSECOND: COUNCILWOMAN ALBERTA LOPEZAMENDMENTS TO SAWRSA [DEFEATED]DATE: APRIL 15, 1992

| DISTRICTS | REPRESENTATIVES | # OF VOTES | FOR | AGAINST | NOT VOTING | ABSENT |
|----------------------|--|------------|-------|---------|------------|------------|
| CHUKUT KUK 163.0 | 1. Kenneth Williams (Harriet Toro) | 81.5 | X | | | 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 | | | X |
| | 2. Frances Francisco (Joseph Juan) | 53.5 | X | | | |
| SELLS 310.0 | 1. Joseph T. Joaquin (Larry Garcia) | 155.0 | | X | | X |
| | 2. Andrew Patricio (Lucille Encinas) | 155.0 | | X | | |
| SIF OIDAK 158.0 | 1. Mary Ann Antone (Nina Jose) | 79.0 | | X | | X |
| | 2. Willard Juan, Sr. (Delbert Thomas) | 79.0 | | X | | |
| TOTAL | | 1,724.0 | 614.5 | 943.5 | -0- | 166.0 [06] |

**PASSED VOTES