

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

RES. NO. 92-204

1
2
3 **WHEREAS,** *by Resolution 92-089 (Exhibit "A" hereto), the Legislative*
4 *Council established the parameters for negotiating a final*
5 *resolution of the Tohono O'odham Nation's water rights under*
6 *the Southern Arizona Water Rights Settlement Act of 1982*
7 *("SAWRSA") and the related lawsuit entitled U.S. v. Tucson (the*
8 *"Lawsuit"); and*

9
10
11 **WHEREAS,** *representatives of the Nation have engaged in extensive settlement*
12 *negotiations in meetings with representatives of the United States,*
13 *City of Tucson and San Xavier allottees, in which officials of*
14 *Schuk Toak District, San Xavier District and the Cooperative*
15 *Farm Association were invited to participate; and*

16
17 **WHEREAS,** *the negotiating representatives for the Nation, United States and*
18 *Tucson have agreed to proposed amendments to SAWRSA which*
19 *are captioned "SAWRSA Amendments-Master Copy, 4/27/92" (the*
20 *"Proposed Amendments"), copies of which are attached hereto as*
21 *Exhibit "B"; and*

22
23
24 **WHEREAS,** *consistent with the principles of Resolution 92-089, the Proposed*
25 *Amendments are designed to (1) accomplish a final settlement of*
26 *the Nation's water rights under SAWRSA, (2) secure dismissal of*
27 *the Lawsuit and (3) enable the Nation to realize significant*
28

RESOLUTION NO. 92-204

(Approving Proposed Amendments to SAWRSA)

Page 2 of 5

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

revenues from a lease to Tucson of the Nation's Central Arizona Project ("CAP") water entitlement under SAWRSA (the "Tucson Water Lease"); and

WHEREAS, *the San Xavier allottees have rejected the Proposed Amendments; and*

WHEREAS, *as appears from the Memorial attached as Exhibit "C", the Council and Mayor of the City of Tucson approved the Proposed Amendments on May 4, 1992; and*

WHEREAS, *the Assistant Secretary--Indian Affairs has recommended approval of the Proposed Amendments by the Secretary of Interior; and*

WHEREAS, *the Water Resources Committee, Chairman of the Nation and Attorney General recommend approval of the Proposed Amendments, with the conditions stated herein.*

NOW, THEREFORE, BE IT RESOLVED THAT:

1. *The Tohono O'odham Legislative Council hereby approves the Proposed Amendments in the form attached as Exhibit "B" hereto; provided that the Council reserves the right to withdraw approval of any or all of the Proposed Amendments and to seek substitute Amendments or pursue other appropriate actions if:*

RESOLUTION NO. 92-204

(Approving Proposed Amendments to SAWRSA)

Page 3 of 5

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

(a) The terms of the Tucson Water Lease are unacceptable to the Legislative Council;

(b) The method for cashing out the Federal share of the 9B Farm is unacceptable to the Legislative Council;

(c) The Legislative Council finds unacceptable the periods of time inserted in the following provisions of the Proposed Amendments: Sections 303(a)(1) and 305(a)(3) (prior notice of water deliveries other than to Farms); Sections 303(a)(2)(A)-(D) (completion dates for Farms); Section 303(a)(2)(E) (deadline for Secretary's determination of size of Cooperative Farm); or Section 305(a)(4) (deadline for Secretary to identify long-term source of 305 water); or

(d) Any provision of the Proposed Amendments is modified in a manner which the Legislative Council determines is materially adverse to the Nation's interests.

2. Not later than 45 days following the effective date of this Resolution, the Water Resources Committee, Chairman of the Nation and Attorney General shall present to the Legislative Council for approval or disapproval proposed terms of the Tucson Water Lease agreed upon by Tucson,

RESOLUTION NO. 92-204

(Approving Proposed Amendments to SAWRSA)

Page 4 of 5

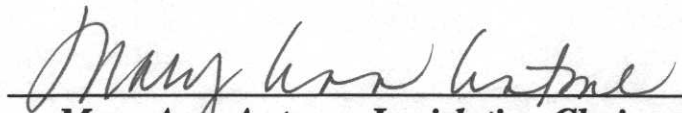
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

together with their recommendations.

3. *The Water Resources Committee, Chairman of the Nation and Attorney General are authorized and directed to take all necessary and reasonable steps to implement this Resolution and to keep the Legislative Council informed of all significant developments regarding the subject matters addressed herein.*

The foregoing Resolution was passed by the Tohono O'Odham Legislative Council on the 18TH day of May, 1992 at a meeting at which a quorum was present with a vote of 1,198.0 FOR; 526.0 AGAINST; -0- NOT VOTING; and 0 ABSENT, pursuant to the powers vested in the Council by Section 1 (d)(2), 1(f), 1(i)(1) & 1(j) 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).


TOHONO O'ODHAM LEGISLATIVE COUNCIL



Mary Ann Antone, Legislative Chairwoman

19th day of May, 1992

ATTEST:



Teresa M. Choyguha, Legislative Secretary

19th day of May, 1992

RESOLUTION NO. 92-204

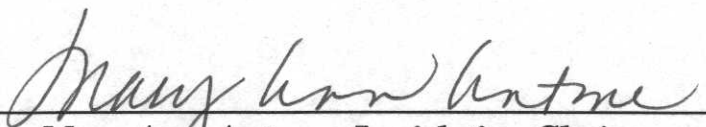
(Approving Proposed Amendments to SAWRSA)

Page 5 of 5

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

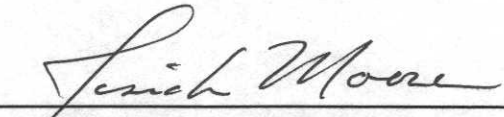
Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 19th day of May, 1992, at 9:36 o'clock, a.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

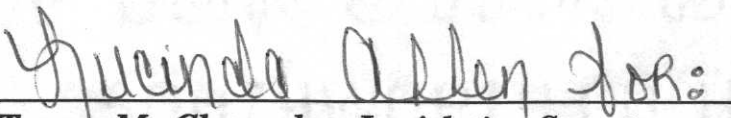

Mary Ann Antone, Legislative Chairwoman

APPROVED on the 19th day of May, 1992

DISAPPROVED) at 10:12 o'clock, A.M.


JOSIAH MOORE, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 19th day of May,
1992, at 10:32 o'clock, A.M.


Teresa M. Choyguha, Legislative Secretary

MOVED: COUNCILMAN JOHN RENO SUBJECT: APPROVING PROPOSED AMENDMENTS
 SECOND: COUNCILWOMAN FRANCES FRANCISCO TO SAWRSA
 DATE: MAY 18, 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. 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 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	1,198.0	526.0	-0-	-0-

**PASSED VOTES