

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Concept of Short-Term Water Lease with City of Tucson)**

RES. NO. 92-391

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3 **WHEREAS, by Resolution 92-204, the Legislative Council approved proposed**
4 **amendments to the Southern Arizona Water Rights Settlement Act**
5 **of 1982 ("SAWRSA"); and**

6 **WHEREAS, the amendments were introduced in the United States House of**
7 **Representatives and Senate in July 1992; and**

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9 **WHEREAS, on August 6, 1992, a joint hearing was held on the amendments**
10 **before the House Senate Select Committee on Indian Affairs and**
11 **the House Committee on Interior and Insular Affairs; and**

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13 **WHEREAS, Committee staff are preparing certain revisions to the amendments**
14 **based on testimony at the hearing and other information**
15 **submitted by the Tohono O'odham Nation and other interested**
16 **parties; and**

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18 **WHEREAS, officials of the Nation have been informed that there is**
19 **insufficient time during this session of Congress to present the**
20 **revised amendments for a vote, and the proposed amendments will**
21 **be considered during the next Congressional session; and**

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23 **WHEREAS, officials of the Nation, City of Tucson and United States, in**
24 **consultation with representatives of the San Xavier allottees and**
25 **the San Xavier and Schuk Toak Districts, have proposed certain**
26 **technical amendments to SAWRSA which would enable the**
27 **Nation to lease approximately 25,000 acre feet of SAWRSA water**
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to Tucson for a term ending on June 30, 1993; and

WHEREAS, *proposals were made and discussed regarding a sharing of lease revenues between the Nation and the San Xavier Cooperative Association; and*

WHEREAS, *the proposals stated that the share of revenues to the Cooperative Association would be designated for use as working capital on the allottees' Cooperative Farm; and*

WHEREAS, *the discussions included a proposed allocation to the Schuk Toak Farm for working capital purposes; and*

WHEREAS, *representatives of the Nation and the allottees were unable to agree on the percentages for sharing the lease revenues; and*

WHEREAS, *the Nation and allottee representatives (comprised of the San Xavier Cooperative Association, San Xavier Allottees Association and the individual allottee representatives named in U.S. v. Tucson) have agreed in principle that the lease revenues would be payable by Tucson to the Secretary of Interior to be disbursed in accordance with law; and*

WHEREAS, *the required technical amendments have been printed and presented to the United States Senate for action next week; and*

WHEREAS, *the technical amendments include amendments which the Legislative Council approved pursuant to Resolution No. 92-204*

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(such as restoration of the Cooperative Fund); and

WHEREAS, *in the absence of agreement between the Nation and the allottee representatives regarding disposition of the lease proceeds, the technical amendments will probably not be presented to Congress for a vote; and*

WHEREAS, *in the absence of the technical amendments, and such agreement, substantial lease revenues will be lost to the Nation; and*

WHEREAS, *the proposed water lease is subject to approval of the Legislative Council and Secretary of Interior; and*

WHEREAS, *the Water Resources Committee recommends approval by the Legislative Council of the means for disbursing lease proceeds and other provisions of the lease set forth in this Resolution.*

NOW, THEREFORE, BE IT RESOLVED that:

- 1. The Legislative Council of the Tohono O'odham Nation urges Congress to approve the technical amendments to SAWRSA.*
- 2. The Legislative Council authorizes and directs the Water Resources Committee, the Chairman of the Nation and the Nation's Attorney General, in conjunction with the Schuk Toak District, the San Xavier Cooperative Association and the San Xavier Allottees Association, to negotiate a short-term water lease with the City of Tucson for a period ending June*

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3 30, 1993, and to present such lease to the Legislative Council
4 for approval.

5 3. The Legislative Council approves, and directs the incorpora-
6 tion of, provisions in such water lease which provide that (a)
7 the City of Tucson shall pay the lease proceeds to the
8 Secretary of Interior for disbursement in accordance with law,
9 and (b) neither the lease nor any of its terms shall have any
10 relevance to the issues which are or may be in dispute between
11 the Nation, allottees or other parties in U.S. v. Tucson or in
12 other contexts.

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15 4. The Legislative Council approves the negotiation of a
16 provision in such water lease whereby the allottee
17 representatives signify their consent to the lease by (a)
18 execution thereof by the San Xavier Cooperative Association
19 and the San Xavier Allottee Association and (b) the
20 concurrence therein of the allottee representatives named in
21 U.S. v. Tucson.

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25 The foregoing Resolution was passed by the Tohono O'Odham Legislative
26 Council on the 23rd day of September, 1992 at a meeting at which a quorum
27 was present with a vote of 1,311.0 FOR; 292.5 AGAINST; 120.5 NOT
28 VOTING; and 02 ABSENT, pursuant to the powers vested in the Council by
 Section 1 (d) (2), 1(f), and 1(i)(1) of Article VI and Sections 2 (a) and 2 (b) of
 Article XVII of the Constitution of the Tohono O'Odham Nation, adopted by the

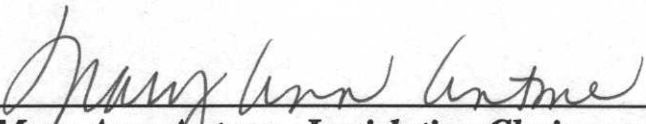
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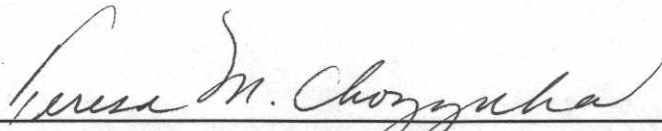
Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL


Mary Ann Antone, Legislative Chairwoman

24th day of September, 1992

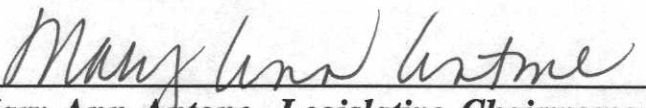
ATTEST:


Teresa M. Choyguha, Legislative Secretary

24th day of September, 1992.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 24th day of September, 1992, at 3:00 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


Mary Ann Antone, Legislative Chairwoman

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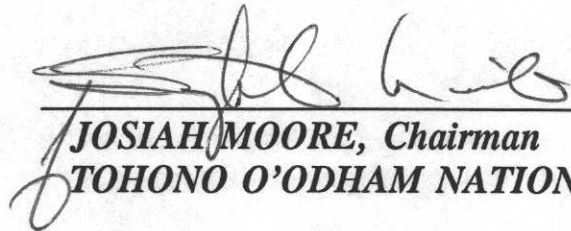
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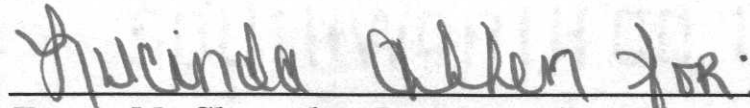
APPROVED on the 27 day of September, 1992

DISAPPROVED) at 06:50 o'clock, A.M.



JOSIAH MOORE, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 27th day of September,
1992, at 9:41 o'clock, A.M.



Teresa M. Choyguha, Legislative Secretary

MOVED: COUNCILWOMAN JOANN FRANCISCO SUBJECT: APPROVING CONCEPT OF SHORT-TERM WATER LEASESECOND: COUNCILWOMAN FRANCES FRANCISCO WITH THE CITY OF TUCSONDATE: SEPTEMBER 23, 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			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			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	1,311.0	292.5	120.5	02

**PASSED VOTES