

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Approving Interim and Temporary Disposition Agreements**  
**for Short-term Water Lease with City of Tucson)**

**RESOLUTION NO. 92-437**

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4 **WHEREAS, by Resolution 92-391 passed on September 23, 1992, the**  
5 **Legislative Council approved certain technical amendments (the**  
6 **"Technical Amendments") to the Southern Arizona Water Rights**  
7 **Settlement Act of 1982 ("SAWRSA") and urged their enactment**  
8 **by Congress; and**

9  
10 **WHEREAS, the Technical Amendments were introduced as part of H.R. 5686**  
11 **and were respectively passed by the Senate and House of**  
12 **Representatives on October 1 and October 3, 1992; and**

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14 **WHEREAS, the Technical Amendments provide the legal foundation which**  
15 **enables the Tohono O'Odham Nation to enter into a short-term**  
16 **water lease with the City of Tucson; and**

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18 **WHEREAS, by Resolution 92-391, the Legislative Council (a) authorized and**  
19 **directed the Water Resources Committee, the Chairman of the**  
20 **Nation and the Nation's Attorney General, in conjunction with**  
21 **the Schuk Toak District, the San Xavier Cooperative Association**  
22 **(the "Cooperative Association") and the San Xavier Allottees**  
23 **Association (the "Allottees Association"), (i) to negotiate a short-**  
24 **term water lease with the City of Tucson for a period ending June**  
25 **30, 1993, and (ii) to present such lease to the Legislative Council**  
26 **for approval, (b) approved, and directed the incorporation of,**  
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*provisions in such water lease which provide that (i) the City of Tucson shall pay the lease proceeds to the Secretary of Interior for disbursement in accordance with law, and (ii) neither the lease nor any of its terms shall have any relevance to the issues which are or may be in dispute between the Nation, allottees or other parties in U.S. v. Tucson, and (c) approved the negotiation of a provision in such water lease whereby the allottee representatives signify their consent to the lease by (i) execution thereof by the Cooperative Association and the Allottee Association and (ii) the concurrence therein of the allottee representatives named in U.S. v. Tucson (the "Allottee Representatives"); and*

**WHEREAS,** *following adoption of Resolution 92-391, the Cooperative Association, Allottee Association and Allottee Representatives passed a joint resolution on September 29, 1992 which rejected the proposal for a short-term water lease with Tucson; and*

**WHEREAS,** *a lease negotiation session was held in Phoenix on October 8, 1992, attended by the Water Resources Committee, the Attorney General, representatives of Schuk Toak District and the attorney for the City of Tucson; and*

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3 **WHEREAS, the Cooperative Association, Allottees Association, Allottee**  
4 **Representatives and their legal counsel were invited to attend and**  
5 **participate in the negotiation session, but declined the invitation**  
6 **and the opportunity to negotiate the lease terms; and**

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9 **WHEREAS, consistent with Resolution No. 92-391, a subsidiary agreement**  
10 **(the "Interim Agreement") and an agreement for temporary**  
11 **disposition of water (the "Temporary Disposition Agreement"),**  
12 **copies of which are attached hereto, were negotiated and contain**  
13 **provisions (a) for a term ending June 30, 1993, (b) requiring**  
14 **Tucson to pay the lease proceeds to the Secretary of Interior for**  
15 **disbursement in accordance with law, and (c) expressly**  
16 **disclaiming that the lease or its terms have any relevance to the**  
17 **issues which are or may be in dispute between the Nation,**  
18 **allottees or other parties in U.S. v. Tucson; and**

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22 **WHEREAS, the Agreements each provide for leasing up to 37,800 acre-feet of**  
23 **water, plus such additional amounts not exceeding 66,000 acre-**  
24 **feet as may be approved by the Secretary of Interior; and**

25  
26 **WHEREAS, the Interim Agreement will be in effect until June 30, 1993**  
27 **unless, prior to that date, the Secretary of Interior issues a notice**  
28 **of substantial completion for the Central Arizona Project, in**

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3                   *which event the Temporary Disposition Agreement will govern the*  
4                   *lease conditions for the balance of the term; and*

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6       **WHEREAS,** *the Water Resources Committee and the Chairman of the Nation*  
7                   *recommend approval of the Interim Agreement and the Temporary*  
8                   *Disposition Agreement.*

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

- 11                   1. *The Tohono O'Odham Legislative Council hereby approves the*  
12                   *Interim Agreement and the Temporary Disposition Agreement*  
13                   *in the forms attached hereto.*
- 14                   2. *The Legislative Council authorizes and directs the Chairman*  
15                   *of the Nation (a) to execute each Agreement, and (b) upon*  
16                   *execution of such Agreements by the City of Tucson, to*  
17                   *transmit the Agreements to the Secretary of Interior for*  
18                   *approval.*

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23       *The foregoing Resolution was passed by the Tohono O'Odham Legislative*  
24       *Council on the 19TH. day of OCTOBER, 1992 at a meeting at which a quorum*  
25       *was present with a vote of 877.0 FOR; 790.0 AGAINST; 57.0 NOT VOTING;*  
26       *and -0- ABSENT, pursuant to the powers vested in the Council by Section 1 (d),*  
27       *(f), and (i)(l) of Article VI and Sections 2(a) & 2(b) of Article XVII of the*  
28       *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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**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

*Jeanne C. Pusta*  
**Mary Ann Antone, Legislative Chairwoman**  
22<sup>nd</sup> day of October, 1992

**ATTEST:**

*Teresa M. Choyguña*  
**Teresa M. Choyguña, Legislative Secretary**

22<sup>nd</sup> day of October, 1992.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 22<sup>nd</sup> day of October, 1992, at 8:48 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**

*Jeanne C. Pusta*  
**Mary Ann Antone, Legislative Chairwoman**

**APPROVED** on the 22<sup>nd</sup> day of October, 1992

**DISAPPROVED** at 10:16 o'clock, A.M.

*Josiah Moore*  
**JOSIAH MOORE, Chairman**  
**TOHONO O'ODHAM NATION**

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Returned to the Legislative Secretary on the 22<sup>nd</sup> day of October,  
19 92, at 11:01 o'clock, A.M.

Guacinda Allen for:  
Teresa M. Choyguha, Legislative Secretary

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MOVED: COUNCILMAN JOHN RENOSUBJECT: APPROVING INTERIM AND TEMPORARY DISPOSITIONSECOND: COUNCILWOMAN ALBERTA LOPEZAGREEMENTS FOR SHORT-TERM WATER LEASE WITHDATE: OCTOBER 19, 1992CITY OF TUCSON

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	877.0	790.0	57.0	-0-

\*\*PASSED VOTES