

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Approving Comments on S.B. 1146)**

**RESOLUTION NO. 93-327**

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3 **WHEREAS, the Tohono O'odham Nation is entitled to receive 28,200 acre-**  
4 **feet of water under section 305 (the "305 Water") of the**  
5 **Southern Arizona Water Rights Settlement Act of 1982**  
6 **("SAWRSA"); and**  
7

8 **WHEREAS, the United States has not identified the source of supply for the**  
9 **305 Water; and**

10 **WHEREAS, paragraph (A) of subsection 313(a) of SAWRSA provides that**  
11 **the costs of delivery for the 305 Water shall be paid from**  
12 **interest accrued on the Cooperative Fund established by section**  
13 **313; and**  
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15 **WHEREAS, the Nation has substantial water rights claims in the Sif Oidak**  
16 **and adjoining Districts which have not been resolved (the "Sif**  
17 **Oidak Claims"); and**  
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19 **WHEREAS, significant substitute water supplies will be required to satisfy**  
20 **the Sif Oidak Claims beyond the 8,000 acre-feet of Central**  
21 **Arizona Project ("CAP") water allocated to the Nation for this**  
22 **area; and**  
23

24 **WHEREAS, the United States has not identified the source of supply for**  
25 **additional water required to satisfy the Sif Oidak Claims; and**  
26

27 **WHEREAS, CAP water is a primary source for the 305 Water and the**  
28 **substitute water for the Sif Oidak Claims; and**

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**WHEREAS, S.B. 1146 has been introduced in Congress for the purpose of settling the water claims of the Yavapai-Prescott Indian Tribe in Arizona (the "Yavapai-Prescott Bill"); and**

**WHEREAS, under subsection 5(b) of the Yavapai-Prescott Bill, CAP water acquired by the Secretary of the Interior (the "Secretary") from the Harquahala Valley Irrigation District ("HVID Water") may be subject to allocation only to "Arizona Indian tribes, bands or communities with claims to the Salt and Verde River System"; and**

**WHEREAS, because the Nation's rights to 305 Water and substitute water for the Sif Oidak Claims relate to areas outside the Salt and Verde River System, the Nation would be ineligible to receive any of the HVID water in satisfaction of its water rights claims; and**

**WHEREAS, subsection 5(c) of the Yavapai-Prescott Bill provides that other CAP water supplies acquired by the Secretary may be allocated to Arizona tribes, bands or communities on the condition that the recipient is required to pay the delivery costs for such water; and**

**WHEREAS, because the delivery costs of the 305 Water are not an obligation of the Nation, the required payment thereof under subsection**

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**5(c) of the Yavapai-Prescott Bill effectively disqualifies the Nation as a potential recipient of this water or would require, as a prerequisite to eligibility, an amendment to SAWRSA imposing on the Nation the financial burden for such delivery costs; and**

**WHEREAS, the condition in subsection 5(c) also constitutes an unwarranted and pre-emptive limitation on negotiation of the Sif Oidak Claims by excluding the water as a potential settlement source in the absence of an agreement to pay the associated delivery costs; and**

**WHEREAS, the foregoing conditions on eligibility of the Nation for allocations of CAP water are inconsistent with the trust obligations of the United States to preserve, protect and enhance the Nation's water rights; and**

**WHEREAS, the Water Resources Committee recommends that the Legislative Council authorize and direct objections to such conditions in the Yavapai-Prescott Bill.**

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

- 1. The Tohono O'odham Legislative Council voices its objection to the conditions in subsections 5(b) and 5(c) of the Yavapai-Prescott Bill which constitute an unwarranted (a)**

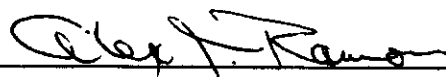
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disqualification of the Tohono O'odham Nation as a prospective recipient of available CAP supplies as a source for the 305 Water or settlement water for the Sif Oidak Claims and (b) pre-emptive limitation on settlement negotiations with respect to the Sif Oidak Claims.

2. The Chairman of the Legislative Council and the Chairman of the Nation are authorized and directed to transmit such objections in writing to appropriate Congressional Committees, federal officials and other persons.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 16TH day of SEPTEMBER, 1993 at a meeting at which a quorum was present with a vote of 1,763.0 FOR; -0- AGAINST; -0- NOT VOTING; and 01 ABSENT, pursuant to the powers vested in the Council by Section 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



Alex J. Ramon, Legislative Chairman

21<sup>st</sup> day of September, 1993

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ATTEST:

Teresa M. Choyguha  
Teresa M. Choyguha, Legislative Secretary

21<sup>st</sup> day of September, 1993.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 21<sup>st</sup> day of September, 1993 at 1:18 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

Alex J. Ramon  
Alex J. Ramon, Legislative Chairman

APPROVED on the 21 day of September, 1993

DISAPPROVED) at 7:23 o'clock, A.M.

Sylvester Listo  
SYLVESTER LISTO, Chairman  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 23<sup>rd</sup> day of September,  
1993, at 9:02 o'clock, A.M.

Teresa M. Choyguha  
Teresa M. Choyguha, Legislative Secretary

ACTION: APPROVING COMMENTS ON S.B. 1146

MOVED: COUNCILWOMAN ALBERTA LOPEZ

SECOND: COUNCILMAN JOHN RENO

DATE: SEPTEMBER 16, 1993

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF Oidak 151.0	1. WILLARD JUAN, SR. (Delbert Thomas)	75.5	X			
	2. MARY ANN ANTONE (Nellie Miguel)	75.5	X			X
SELLS 290.0	1. ANDREW M. PATRICIO (Lucille Encinas)	145.0	X			
	2. JOSEPH T. JOAQUIN (Allen W. Garica, Jr.)	145.0	X			
SCHUK TOAK 113.0	1. FRANCES FRANCISCO ( )	56.5	X			
	2. KENNETH J. ANTONE ( )	56.5	X			
SAN XAVIER 135.0	1. EUGENE ENIS, SR. ( )	67.5	X			
	2. DENNIS RAMON ( )	67.5	X			
BABOQUIVARI 230.0	1. FRANCES MIGUEL ( )	115.0	X			
	2. EARL A. FRANCISCO (Lucilda Norris)	115.0	X			
GU ACHI 180.0	1. WILLARD ANITA ( )	90.0	X			
	2. ALEX J. RAMON (Marian Johnson)	90.0	X			
PISINEMO 128.0	1. CHESTER ANTONE (Fernando Valentine)	64.0	X			
	2. JOHNSON M. JOSE (Roseleen Antone)	64.0	X			
SAN LUCY 98.0	1. JOHN RENO ( )	49.0	X			
	2. ALBERT MANUEL, JR. (Ernestine Marquez)	49.0	X			
GU VO 124.0	1. EMILIO LEWIS ( )	62.0	X			
	2. MICHAEL FLORES (Fern Salcido)	62.0	X			
HICKIWAN 136.0	1. MANUEL OSEQUEDA, JR. ( )	68.0	X			
	2. LLOYD FRANCISCO (Henry A. Ramon)	68.0	X			
CHUKUT KUK 178.0	1. ALBERTA M. LOPEZ (Berdella Jose)	89.0	X			
	2. KENNETH WILLIAMS ( )	89.0	X			
<b>TOTAL</b>		<b>1,763.0</b>	<b>1,763.0</b>	<b>- 0 -</b>	<b>- 0 -</b>	<b>01</b>

\*\*PASSED VOTES