

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving the Agreement Regarding Semi-Annual Assessments and
Well Lease and Pumping Right Payments with the
Central Arizona Irrigation and Drainage District)**

RESOLUTION NO. 93-393

WHEREAS, in March of 1991 the Tohono O'Odham Farm Board entered into an Agreement for Water Project Services with the Central Arizona Irrigation and Drainage District ("CAIDD") to provide deliveries of Central Arizona Project water to the San Lucy Farm; and

WHEREAS, the Agreement for Water Project Service provides that the landowner will pay taxes and assessments levied by Pinal County on behalf of the CAIDD and charges for acre-feet of water delivered, and that the landowner will further allow CAIDD to use landowner's irrigation grandfathered water rights and to lease to the CAIDD irrigation wells on the Farm, and that CAIDD will pay to landowner a specified dollar amount for said lease; and

WHEREAS, the taxes levied by Pinal County include the costs to repay bonds issued to fund construction of the project and to repay the federal government for additional construction costs, as well as the costs of acquiring landowner water rights and well leases; and

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WHEREAS, until 1993 CAIDD only made well lease payments to landowners after Pinal County collected the taxes using the money collected as taxes to make the well lease payments; and

WHEREAS, CAIDD has proposed an Agreement Regarding Semi-Annual Assessments and Well Lease and Pumping Right Payments ("Well Lease Agreement"), attached as an exhibit hereto, that would allow the CAIDD to collect, and a landowner to pay, only the difference between the taxes owed by a landowner and the amount CAIDD is obligated to pay the landowner as a well lease payment; and

WHEREAS, the Nation disputes that it is obligated to pay CAIDD's charges whether levied by Pinal County or CAIDD directly, and the Farm Board has paid charges levied by the CAIDD in the past under protest in order that water service to the San Lucy Farm not be discontinued; and

WHEREAS, entering into the Well Lease Agreement will allow the Farm Board to off-set amounts returned by CAIDD as well lease payments against amounts levied by CAIDD as bi-annual assessments, and the Council having reviewed the Well Lease

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4 Agreement believes that execution of the Well Lease Agreement
5 will be beneficial to the Farm Board and the Nation; and

6 **WHEREAS,** the Council does not intend, by entering into the Well Lease
7 Agreement proposed by CAIDD, to acknowledge the validity of
8 the Agreement for Water Project Service, to acknowledge the
9 right of Pinal County or the CAIDD to impose charges, taxes or
10 assessments on the San Lucy Farm, the Nation, or the Farm
11 Board, or to concede or compromise any other claim the Nation
12 has made or may in the future make.

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16 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'Odham
17 Legislative Council does hereby approve the Agreement
18 Regarding Semi-Annual Assessments and Well Lease and
19 Pumping Rights Payments, and authorizes and directs the
20 Chairman of the Nation to execute the Agreement in the form
21 attached hereto, subject to any modifications recommended by
22 the Attorney General as are necessary to protect the rights of the
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The foregoing Resolution was passed by the Tohono O'Odham Legislative Council on the 29TH. day of OCTOBER, 1993 at a meeting at which a quorum was present with a vote of 1,551.5 FOR; -0- AGAINST; 75.5 NOT VOTING; and 136.0 [08] ABSENT, pursuant to the powers vested in the

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Council by Section 1(f) & (i) 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).

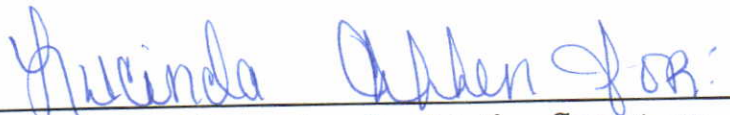
TOHONO O'ODHAM LEGISLATIVE COUNCIL



Alex J. Ramon, Legislative Chairman

29th day of October, 1993

ATTEST:



Teresa M. Choyguha, Legislative Secretary

29th day of October, 1993.

Said Resolution was submitted for approval to the office of the Chairman of
the Tohono O'Odham Nation on the 29th day of October, 1993 at
4:27 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, Legislative Chairman

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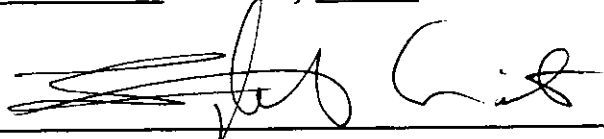
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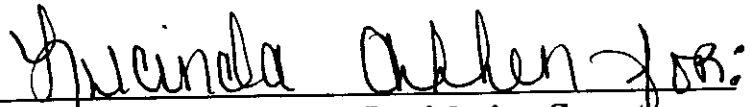
APPROVED on the 20 day of October, 1993

DISAPPROVED) at 12:24 o'clock, 0. .M.



**SYLVESTER LISTO, Chairman
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 1st day of November
1993, at 9:01 o'clock, A .M.



Teresa M. Choyguha, Legislative Secretary

