

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing Request for Appointment of Federal
Negotiating Team on the Sif Oidak Water Claims)

RESOLUTION NO. 94-014

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4 WHEREAS, the Nation has two water rights claims pending in the Gila
5 River General Stream Adjudication: (1) claims in the
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7 Tucson Active Management Area ("AMA"), affecting water
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9 resources in the San Xavier and eastern Schuk Toak
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11 Districts, which are the subject of a settlement confirmed
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13 by Congress in the Southern Arizona Water Rights
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15 Settlement Act ("SAWRSA"); and (2) claims in the Pinal
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17 AMA, affecting water resources in the Sif Oidak, western
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19 Schuk Toak, Sells, Gu Achi and HICKIWAN Districts (the "Sif
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21 Oidak Claims"), which have not been settled; and

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23 WHEREAS, the initial legal and technical assessment was confined to
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25 the Sif Oidak District, the area most directly impacted by
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27 non-Indian water diversions and withdrawals, and is
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substantially completed; and

WHEREAS, by Resolution No. 93-072, the Legislative Council
authorized an expansion of the assessment to the other

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4 affected Districts in the Pinal AMA, which is projected for
5 completion within six months; and

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7 WHEREAS, the Bureau of Reclamation has announced that it will
8 commence negotiations with the Central Arizona Water
9 Conservation District ("CAWCD") in January 1994 on the
10 restructuring of the Central Arizona Project ("CAP"),
11 including the quantity of CAP water required to settle
12 Indian water claims in Arizona and allocation of
13 responsibility for payment of the related delivery costs; and

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17 WHEREAS, CAP water is the likely source of supply (1) to enable the
18 United States to fulfill its obligation to deliver 28,200 acre-
19 feet of water under section 305 of SAWRSA and (2) to
20 serve as a primary substitute resource in settlement of
21 that part of the Sif Oidak claims based on non-Indian
22 misappropriation of the Nation's water; and

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26 WHEREAS, since the negotiations between Reclamation and CAWCD
27 will directly impact the Nation's water claims, the Nation
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is a necessary participant in all such discussions; and

WHEREAS, lack of funding commitments have caused a long delay in completion of the feasibility study on diversion of the Santa Cruz River to the Tat Momolikot Dam for flood protection in Sif Oidak and neighboring non-Indian communities; and

WHEREAS, if determined feasible, the diversion would mitigate flood damages and provide storage water required to resolve the Sif Oidak claims, and would further make available recreation and other benefits which were promised when the dam was constructed (but not realized); and

WHEREAS, there is a need for federal funding of legal and technical support for the Nation in connection with the Sif Oidak claims and related settlement negotiations; and

WHEREAS, the Water Resources Committee recommends that the Legislative Council authorize an immediate request for appointment of a federal negotiating team on the Sif Oidak claims; and

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WHEREAS, the Sif Oidak District Council supports the Committee's
recommendation, and the other affected Districts have
expressed no objection.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Water Resources Committee and the Chairman of
the Nation are hereby authorized and directed to
transmit a letter to the Secretary of Interior (a)
requesting the appointment of a federal negotiating
team for the Sif Oidak claims, (b) recommending the
names of federal officials for appointment to the
negotiating team; (c) requesting immediate funding for
completion of a feasibility study on diverting the Santa
Cruz River to the Tat Momolikot Dam for flood
protection, water storage, recreation and other
purposes, (d) requesting direct participation by the
Nation in the negotiations on CAP restructuring, and
(e) addressing such other matters as may be

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advisable regarding the Sif Oidak claims.

2. The Water Resources Committee and the Chairman of the Nation are further authorized and directed to select those officials of the Nation, as well as legal and technical consultants, who will serve as the Nation's negotiating team for the Sif Oidak claims.

3. The Water Resources Committee and the Chairman of the Nation are authorized and directed to continue to consult with and inform the affected Districts with respect to all significant developments and issues concerning the Sif Oidak claims and related CAP negotiations.

The foregoing Resolution was passed by the Tohono O'Odham Legislative Council on the 7TH day of JANUARY, 1994 at a meeting at which a quorum was present with a vote of 1,763.0 FOR; 0 AGAINST; 0 NOT VOTING; and 06 ABSENT, pursuant to the powers vested in the Council by Section 1(li)(2) and 2(d) of Article VI and Section 2 of Article XVII 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).

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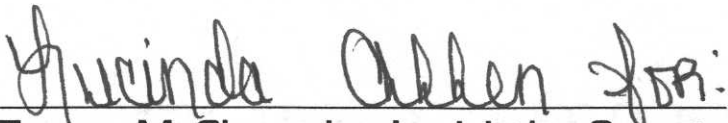
TOHONO O'ODHAM LEGISLATIVE COUNCIL



Alex J. Ramon, Legislative Chairman

10th day of January, 1994

ATTEST:

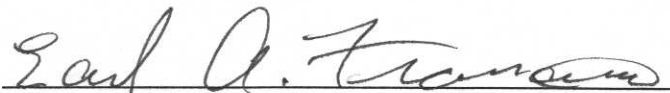


Teresa M. Choyguha, Legislative Secretary

10th day of January, 1994.

Said Resolution was submitted for approval to the office of the
Chairman of the Tohono O'Odham Nation on the 11 day of
Jan, 1994 at 10:06 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



~~For~~ Alex J. Ramon, Legislative Chairman

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APPROVED on the 11 day of January, 1994

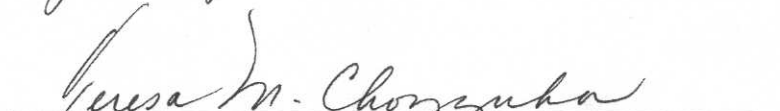
DISAPPROVED at 6:29 o'clock, 8. .M.



SYLVESTER LISTO, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 12th day of

January, 1994, at 8:40 o'clock, A .M.



Teresa M. Choyguha, Legislative Secretary

ACTION: AUTHORIZING REQUEST FOR APPOINTMENT OF FEDERAL NEGOTIATING TEAM ON THE SIF Oidak WATER CLAIMS

MOVED: COUNCILWOMAN MARY ANN ANTONE

SECOND: COUNCILWOMAN ALBERTA LOPEZ

DATE: JANUARY 07, 1994

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			
SELLS 290.0	1. ANDREW M. PATRICIO (Lucille Encinas)	145.0	X			
	2. JOSEPH T. JOAQUIN (Allen W. Garcia, 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			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			X
PISINEMO 128.0	1. CHESTER ANTONE (Fernando Valentine)	64.0	X			
	2. JOHNSON M. JOSE (Roseleen Antone)	64.0	X			X
SAN LUCY 98.0	1. JOHN RENO ()	49.0	X			
	2. ALBERT MANUEL, JR. (Ernestine Marquez)	49.0	X			X
GU VO 124.0	1. EMILIO LEWIS ()	62.0	X			
	2. MICHAEL FLORES (Fern Salcido)	62.0	X			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			X
	2. KENNETH WILLIAMS ()	89.0	X			
TOTAL		1,763.0	1,763.0	-0-	-0-	06

****PASSED VOTES**