

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Recognizing individual Indian ownership of water rights  
appurtenant to individual Indian trust allotments on the  
San Xavier Reservation)**

**D E F E A T E D  
RESOLUTION NO. 94-543**

**WHEREAS, the San Xavier District Council (SXDC), the San Xavier Allottees Association (SXAA) and the San Xavier Cooperative Association (SXCA) oppose the implementation of the Southern Arizona Water Rights Settlement Act of 1982 (SAWRSA); and**

**WHEREAS, the litigation in U.S. v. Tucson has not been dismissed and as a consequence SAWRSA cannot be fully implemented; and**

**WHEREAS, the SXDC, SXAA and SXCA oppose the dismissal of U.S. v. Tucson and the implementation of SAWRSA because of their dispute with the Tohono O'Odham Nation over the ownership of water rights appurtenant to individual Indian trust allotments on the San Xavier Reservation; and**

**WHEREAS, the SXDC, SXAA, SXCA and the Tohono O'Odham Nation have been unable to resolve this dispute internally; and**

**WHEREAS, it is vitally important for the San Xavier District, the San Xavier allottees and the Tohono O'Odham Nation to resolve this dispute as quickly as possible so that the full benefits of SAWRSA can be realized; and**

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**WHEREAS, by letter dated November 16, 1994 from Austin Nunez to Sylvester Listo, the SXDC, SXAA and SXCA proposed binding arbitration to resolve the central issue that divides San Xavier from the Nation; and**

**WHEREAS, the central issue that the SXDC, the SXAA and the SXCA proposed to submit to binding arbitration is the relative rights of the Nation and the Allottees to the water resources of the San Xavier Reservation, under existing federal law; and**

**WHEREAS, if this basic issue could be resolved, all other disputes between the Nation and the Allottees would be relatively easy to settle; and**

**WHEREAS, the Tohono O'Odham Legislative Council does not wish to submit the issue of the ownership of water rights appurtenant to individual Indian allotments on the San Xavier Reservation to binding arbitration.**

**NOW, THEREFORE, BE IT RESOLVED that in recognition of the necessity to resolve the dispute between the SXDC, SXAA and SXCA and the Tohono O'Odham Nation as quickly as possible for the good of the Nation, the Tohono O'Odham**

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**Legislative Council hereby recognizes allottee ownership of water rights appurtenant to their individual Indian allotments on the San Xavier Reservation as such water rights are described and adjudicated in the decisions of the Ninth Circuit Court of Appeals in Colville Confederated Tribes v. Walton.**

**BE IT RESOLVED that the Executive Office of the Nation, together with the Attorney General of the Nation, are hereby instructed to negotiate a resolution of the water rights dispute between the SXDC, SXAA and SXCA; and the Nation; as quickly as possible, including appropriate amendments to SAWRSA, on the basis of the Nation's recognition of the San Xavier allottees ownership of appurtenant water rights.**

**BE IT FINALLY RESOLVED that this resolution supersedes all other resolutions of the Tohono O'Odham Legislative Council on the subject of SAWRSA and San Xavier Allottees ownership of appurtenant water rights.**

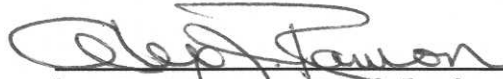
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**The foregoing Resolution was presented to the Tohono O'odham Council on the 20TH. day of DECEMBER, at a meeting at which a quorum was present, and by a vote of 135.0 FOR; 1,283.0 AGAINST; 194.0 NOT VOTING; AND 151.0 [04] ABSENT, failed to pass because it did not receive a majority of the votes cast as required by Section 2 of Article V of the Constitution of the Tohono O'Odham Nation.**

**TOHONO O'ODHAM LEGISLATIVE COUNCIL**



**Alex J. Ramon, Legislative Chairman**

**ATTEST:**



**Acting Legislative Secretary**

**ACTION:** RECOGNIZING INDIVIDUAL INDIAN OWNERSHIP OF WATER RIGHTS APPURTENANT TO INDIVIDUAL INDIAN TRUST ALLOTMENTS ON THE SAN XAVIER RESERVATION

**MOVED:** COUNCILMAN DENNIS RAMON

**SECOND:** COUNCILMAN EUGENE ENIS

**DATE:** DECEMBER 20, 1994

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>SIF OIDAK</b> 151.0	1. WILLARD JUAN, SR. (Delbert Thomas)	75.5				X
	2. MARY ANN ANTONE (Nellie Miguel)	75.5				X
<b>SELLS</b> 290.0	1. ANDREW M. PATRICIO (Lucille Encinas)	145.0		X		
	2. JOSEPH T. JOAQUIN (Allen W. Garcia, Jr.)	145.0		X		
<b>SCHUK TOAK</b> 113.0	1. FRANCES FRANCISCO ( )	56.5		X		
	2. KENNETH J. ANTONE ( )	56.5		X		X
<b>SAN XAVIER</b> 135.0	1. EUGENE ENIS, SR. ( )	67.5	X			
	2. DENNIS RAMON ( )	67.5	X			
<b>BABOQUIVARI</b> 230.0	1. FRANCES MIGUEL ( )	115.0		X		
	2. EARL A. FRANCISCO ( )	115.0		X		
<b>GU ACHI</b> 180.0	1. WILLARD ANITA ( )	90.0		X		
	2. ALEX J. RAMON (Marian Johnson)	90.0		X		
<b>PISINEMO</b> 128.0	1. CHESTER ANTONE (Fernando Valentine)	64.0		X		
	2. JOHNSON M. JOSE (Roseleen Antone)	64.0			X	
<b>SAN LUCY</b> 98.0	1. JOHN RENO ( )	49.0		X		
	2. ALBERT MANUEL, JR. (Ernestine Marquez)	49.0		X		
<b>GU VO</b> 124.0	1. EMILIO LEWIS ( )	62.0		X		
	2. MICHAEL FLORES (Fern Salcido)	62.0			X	
<b>HICKIWAN</b> 136.0	1. MANUEL OSEQUEDA, JR. ( )	68.0		X		
	2. LLOYD FRANCISCO ( )	68.0			X	
<b>CHUKUT KUK</b> 178.0	1. MARILYN FRANCISCO	89.0		X		
	2. KENNETH WILLIAMS ( )	89.0		X		X
<b>TOTAL</b>		<b>1,763.0</b>	<b>135.0</b>	<b>1,283.0</b>	<b>194.0</b>	<b>151.0</b> [04]

**\*\*PASSED VOTES**