

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Priorities for Use of SAWRSA Trust Fund Income)**

**RESOLUTION NO. 95-070**

1  
2  
3  
4 **WHEREAS,** Section 309(a) of the Southern Arizona Water Rights Settlement Act  
5 of 1982 ("SAWRSA") established a Trust Fund, with the Legislative  
6 Council designated as trustee for the Tohono O'odham Nation; and  
7

8 **WHEREAS,** Section 309(b) of SAWRSA authorizes the Legislative Council to  
9  
10 expend interest and dividends accruing on the Trust Fund "for the  
11 subjugation of land, development of water resources, and the  
12 construction, operation, maintenance and replacement of related  
13 facilities [within the Nation] which are not the obligation of the  
14 United States under [SAWRSA] or any other Act of Congress"; and  
15  
16  
17

18 **WHEREAS,** by Resolution No. 843-85, the Legislative Council established certain  
19  
20 priorities for expenditure of Trust Fund interest and dividends for  
21 a five-year period ended November 22, 1990; and

22 **WHEREAS,** Resolution No. 92-156 was approved adopting the interim priorities  
23  
24 for use of the SAWRSA Trust Fund; and

25 **WHEREAS,** although the previous use priority to submit settlement legislation  
26  
27 for the San Lucy District has been accomplished through the  
28 passage by Congress of the Gila Bend Indian Reservation Land

**RESOLUTION NO. 95-070**

**(Priorities for Use of SAWRSA Trust Fund Income)**

**Page 2 of 6**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Replacement Act, P.L. 99-503 ("San Lucy Settlement Act"), significant implementation problems have been encountered regarding federal acknowledgement of both the trust status of the San Lucy Farm and liability for payment of Irrigation District in lieu of taxes; and

**WHEREAS,** the Water Resources Committee recommends adoption of the priorities noted below.

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

1. The Tohono O'odham Legislative Council approves the following priorities for use of Trust Fund interest and dividends, as adopted in Resolution No. 843-85 (with a change in activities support to the Water Resources Committee from the Water Commission, and substitution of implementation of the San Lucy Settlement Act for Congressional passage thereof):
  - (a) To pay the costs associated with the subjugation of tribal trust lands in San Xavier and Schuk Toak Districts which

**RESOLUTION NO. 95-070**

**(Priorities for Use of SAWRSA Trust Fund Income)**

**Page 3 of 6**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

are identified as the lands for the farm projects referred to in Section 303(a) of SAWRSA; and

(b) To support the activities of the Water Resources Committee; and

(c) To pay technical consultants for the preparation of supporting data and assisting in the (i) development of settlement legislation for the water claims affecting Sif Oidak, Hickiwan, Gu Achi, Sells, and Schuk Toak Districts, (ii) development of a Tribal Water Code and (iii) implementation of the San Lucy Settlement Act in terms of securing federal acknowledgement of both the trust status of the San Lucy Farm and liability for payment of the Irrigation District in lieu of taxes.

(d) To pay attorneys' fees incurred in any of the foregoing matters and to pay the cost of Legislative Council Sessions which are directly devoted to any of the foregoing matters.

**RESOLUTION NO. 95-070**

**(Priorities for Use of SAWRSA Trust Fund Income)**

**Page 4 of 6**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

2. Council representatives shall continue to consult with their respective Districts to secure recommendations regarding Trust Fund priorities.

3. The Districts' views shall be presented to the Water Resources Committee for consideration and recommendation to the Legislative Council regarding any changes in the Trust Fund priorities.

The foregoing Resolution was passed by the Tohono O'Odham Legislative Council on the 10TH day of FEBRUARY, 1995 at a meeting at which a quorum was present with a vote of 1,763.0 FOR; -0- AGAINST; -0- NOT VOTING; and 05 ABSENT, pursuant to the powers vested in the Council by Section 1(d)(2) 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).

**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

*for* *Alex J. Ramon*  
Alex J. Ramon, Legislative Chairman

14 day of February, 1995

RESOLUTION NO. 95-070

(Priorities for Use of SAWRSA Trust Fund Income)

Page 5 of 6

ATTEST:

Frances Antone

Frances Antone, Legislative Secretary

14 day of February, 1995

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 14 day of February, 1995 at 1:23 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

for Alex J. Ramon, Legislative Chairman

APPROVED

on the 14 day of February, 1995

DISAPPROVED

at 3:10 o'clock, P.M.

Sylvester Listo

SYLVESTER LISTO, Chairman  
TOHONO O'ODHAM NATION

**RESOLUTION NO. 95-070**

**(Priorities for Use of SAWRSA Trust Fund Income)**

**Page 6 of 6**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Returned to the Legislative Secretary on the 14 day of

February, 1995, at 3:59 o'clock, P.M.

Frances Antone

Frances Antone, Legislative Secretary

ACTION: PRIORITIES FOR USE OF SAWRSA TRUST FUND INCOME

MOVED: COUNCILMAN JOHN RENO

SECOND: COUNCILWOMAN FRANCES FRANCISCO

DATE: FEBRUARY 10, 1995

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. 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. EDWARD KISTO (Idella Stanley)	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			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			X
HICKIWAN 136.0	1. MANUEL OSEQUEDA, JR. ( )	68.0	X			X
	2. LLOYD FRANCISCO ( )	68.0	X			
CHUKUT KUK 178.0	1. MARILYN FRANCISCO	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>05</b>

\*\*PASSED VOTES