

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Delegation to Farming Authority the Responsibility for P.L. 97-293 Schuk Toak  
District Agricultural Development and Construction)**

**DEFEATED  
RESOLUTION NO. 95-487**

**WHEREAS, the Southern Arizona Water Rights Settlement Act of 1982 (Title III  
of Public Law 93-293) ("Act") provided for annual delivery of  
16,000 acre feet of water suitable for irrigation to the boundary of  
the Schuk Toak District by October 12, 1992; and**

**WHEREAS, the Secretary of the Interior, ("Secretary") acting through the  
Bureau of Reclamation ("BOR") in Consultation with the Tohono  
O'odham Nation ("Nation"), as soon as possible, but no later than  
October 12, 1992 was mandated by the Act and the Water  
Settlement Contract to design and construct within the eastern  
Schuk Toak District, such additional canals, laterals, farm ditches  
and irrigation works as are necessary for the efficient distribution  
for agricultural purposes of 10,800 acre feet of 16,000 acre feet set  
forth hereinabove, and**

**WHEREAS, under the provisions of the Act and the Water Settlement Contract,  
the Nation agreed, at no cost to the United States, to subjugate the**

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4 land for which the distribution systems as set forth herein above,  
5  
6 were to be planned, designed and constructed by the Secretary; and

7 **WHEREAS,** on May 9, 1990, by Resolution No. 148-90 the Nation authorized the  
8  
9 Tohono O'odham Farming Authority ("Farming Authority") to  
10 submit a proposal and application for a small reclamation loan and  
11  
12 to enter into a repayment contract pursuant to the terms of the  
13  
14 Small Reclamation Project Act for the purpose of subjugating the  
15 land for the Schuk Toak District Agricultural Project; and

16  
17 **WHEREAS,** the Nation and the Farming Authority, under the provisions of the  
18  
19 Small Reclamation Project Act, submitted in May, 1990 an  
20 application and proposal for a Small Reclamation loan in an amount  
21  
22 not to exceed \$7,599,977 for the purpose of subjugating the Schuk  
23 Toak District agricultural land, which application and proposal was  
24  
25 accepted and approved by the Secretary on June 18, 1991; and

26 **WHEREAS,** the BOR has budgeted but not yet appropriated approximately  
27  
28 \$15,400,000 and the Bureau of Indian Affairs ("BIA") has budgeted

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4 approximately \$6,800,000 for the purpose of carrying out the  
5 obligation of the Secretary under the Act and the Settlement  
6 Contract which are subject to 638 Contracting by the Nation; and  
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8  
9 **WHEREAS,** the Legislative Council has previously delegated the responsibility  
10 and duty for the development and construction of the Schuk Toak  
11 District Agricultural Project to the Tohono O'odham Water Project  
12 Office and as of this date the Small Reclamation Loan Contract  
13 authorized by Resolution No. 148-90 (May 9, 1990) has yet to be  
14 finalized and the funding available thereunder is subject to  
15 reallocation to other Indian projects if a contract is not finalized  
16 within this fiscal year; and  
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21 **WHEREAS,** as of this date, the approximately \$15,400,000 contained in the BOR  
22 budget and the approximately \$6,800,000 contained in the BIA  
23 budget have not been appropriated by Congress due to the lack of  
24 progress of the Schuk Toak Agricultural Project including the  
25 subjugation of the Project land; and  
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**WHEREAS,** due to the fact the statutory date for completion of the Schuk Toak was **October 12, 1992,** there is an urgent need to create a process and acquire the personnel that have the necessary capabilities and expertise to efficiently do or cause to be done all things necessary to develop and construct the Schuk Toak Agricultural Project, including, but not limited to, the finalization of the Small Reclamation Project loan timely and generate the necessary progress in the development of this project to warrant the appropriation of the **BOR and BIA** budgeted funds for this project, including the necessary data to enable the Nation to **638 Contract the Secretary's** obligations mandated by the Act and the Water Settlement Contract;; and

**WHEREAS,** the Tohono O'odham Farming Authority Restated Plan of Operation, adopted and approved by this Legislative Council delegates to its Management Board the duty and power to develop the agricultural resources on land set aside therefore by this

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4 Legislative Council and the responsibility for the planning,  
5 construction and operation of all new farms and agricultural  
6 facilities and for the taking of any and all usual, necessary and  
7 convenient action incidental thereto including, should it be deemed  
8 advisable or desirable, the borrowing of funds, and the making  
9 of contracts and commitments necessary to the functioning of the  
10 organization; and  
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15 **WHEREAS,** this Council, through Farming Authorities Plan of Operation, has  
16 stated that the Management Board of the Authority shall exercise  
17 full power and shall be responsible for the custody and  
18 management, operation, inventory and maintenance of all farms  
19 and agricultural facilities owned or operated by the Nation; and  
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23 **WHEREAS,** the Farming Authority, throughout the years has gained  
24 considerable experience and expertise in the development and  
25 construction of farming projects and under the definition set forth  
26 in Section 4(L) of P.L. 93-638, as amended, the Farming Authority  
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4                   qualifies as a "Tribal organization" under the Act and therefore is  
5  
6                   the proper organization of the Nation to delegate the authority to  
7  
8                   develop, draft and submit the necessary planning, design and  
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10                  construction proposal to the Secretary and to negotiate and execute  
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12                  the final contracts necessary to ensure the timely completion of the  
13  
14                  Schuk Toak District Agricultural Project: and

14 **WHEREAS,** the Tohono O'odham Farming Authority has the expertise,  
15  
16                  experience, and is a qualified organization to be delegated the  
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18                  authority and responsibility to expedite the development and  
19  
20                  completion of the Schuk Toak District Agricultural Project; and

20 **WHEREAS,** it would be in the best interest of the Nation and the Schuk Toak  
21  
22                  District that the responsibility for all matters regarding the Schuk  
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24                  Toak District Agricultural Project; including, but not limited to, the  
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26                  modifications, revisions, additions or amendments to all existing  
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28                  contracts and the submission of all future proposals and the  
                    negotiation and execution of all future contracts, including the

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4                   **modification, revision, addition or amendment thereof, be delegated**  
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6                   **to the Farming Authority.**

7 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Farming  
8  
9                   **Authority shall be the authority to negotiate and execute all future**  
10                   **planning, designs and/or construction contracts for the development**  
11                   **of the Schuk Toak District Agricultural Project, including all**  
12                   **modifications, revision, additions or amendments thereto.**  
13  
14

15 **BE IT FURTHER RESOLVED** that the Tohono O'odham Farming Authority shall  
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17                   **have the authority to negotiate, approve and execute all contractual**  
18                   **modifications, revisions, additions or amendments to all existing**  
19                   **contracts regarding the development of the Schuk Toak District**  
20                   **Agricultural Project.**  
21  
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23 **BE IT FURTHER RESOLVED** that the full responsibility for the total development  
24                   **of the Schuk Toak District Agricultural Project is hereby delegated**  
25                   **to the Tohono O'odham Farming Authority.**  
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6 **4 The foregoing Resolution was presented to the Tohono O'Odham Council on the**  
7 **5 09TH. day of OCTOBER, 1995 at a meeting at which a quorum was present with**  
8 **6 a vote of 722.5 FOR; 1,036.5 AGAINST; -0- NOT VOTING; and 117.0 [04] ABSENT,**  
9 **7 failed to pass because it did not receive a majority of the votes casts as required**  
10 **8 by Section 2 of Article V of the Constitution of the Tohono O'odham Nation.**

11 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

12 

13 **Dennis Ramon, Legislative Chairman**

14 **ATTEST:**

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16 **Frances Antone, Legislative Secretary**

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RESOLUTION NO. 95-478

**ACTION:** DEFEATED - DELEGATION TO FARMING AUTHORITY THE RESPONSIBILITY FOR P.L. 97-293 SCHUK TOAK DISTRICT AGRICULTURAL DEVELOPMENT AND CONSTRUCTION

**MOVED:** COUNCILMAN KENNETH WILLIAMS

**SECOND:** COUNCILMAN DAVID GARCIA

**DATE:** OCTOBER 09, 1995

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>SIF Oidak</b> 160.0	1. MARY ANN ANTONE (Nellie Miguel)	80.0		X		
	2. RITA MARTINEZ (Maxine Norris)	80.0		X		
<b>SELLS</b> 314.0	1. JOSEPH T. JOAQUIN (Allen W. Garcia, Jr.)	157.0		X		X
	2. LUCILLE ENCINAS (Cynthia Chico)	157.0		X		
<b>SCHUK TOAK</b> 117.0	1. KENNETH J. ANTONE ( )	58.5				X
	2. MARY JANE JUAN-MOORE ( )	58.5				X
<b>SAN XAVIER</b> 142.0	1. DENNIS RAMON ( )	71.0	X			
	2. TONY BURRELL ( )	71.0	X			
<b>BABOQUIVARI</b> 257.0	1. EDWARD KISTO ( Idella Stanley)	128.5	X			
	2. FRANCES MIGUEL (Kenneth Chico, Sr.)	128.5		X		
<b>GU ACHI</b> 187.0	1. ALEX J. RAMON (Marian Johnson)	93.5		X		
	2. WILLARD ANITA (Louis Johnson)	93.5		X		
<b>PISINEMO</b> 135.0	1. JOHNSON JOSE (Roseleen Antone)	67.5		X		
	2. BARBARA SALVICIO ( )	67.5	X			
<b>SAN LUCY</b> 105.0	1. ALBERT MANUEL, JR. ( )	52.5		X		
	2. JOHN RENO (Mary Hoffman)	52.5		X		
<b>GU VO</b> 134.0	1. MICHAEL FLORES ( )	67.0	X			X
	2. FERN SALCIDO (Larry Montana)	67.0	X			
<b>HICKIWAN</b> 142.0	1. LLOYD FRANCISCO ( )	71.0		X		
	2. ALEX JOSE ( )	71.0		X		
<b>CHUKUT KUK</b> 183.0	1. KENNETH WILLIAMS ( )	91.5	X			
	2. DAVID GARCIA (Marvin Thomas )	91.5	X			
<b>TOTAL</b>		<b>1,876.0</b>	<b>722.5</b>	<b>1,036.5</b>	<b>-0-</b>	<b>117.0 [04]</b>

**\*\*PASSED VOTES**