

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Agreement With City of Tucson and ASARCO Incorporated
Regarding Monitor Well on ASARCO Business Lease)**

RESOLUTION NO. 98-325

WHEREAS, the City of Tucson ("Tucson") drilled a monitor well in 1974 on tribal trust land within the ASARCO Incorporated ("Asarco") Business Lease to gather data for the Upper Santa Cruz Basin Mines Task Force of the Pima Association of Governments; and

WHEREAS, Tucson did not at any time obtain authorization from the Papago Tribal Council nor was any written approval granted by the Bureau of Indian Affairs; and

WHEREAS, the monitor well is now needed for use in a groundwater monitor program to be implemented by Asarco under the terms of an Intergovernmental Agreement ("IGA") between the Bureau of Land Management, the Bureau of Indian Affairs, and the Arizona Department of Environmental Quality ("ADEQ") and an Aquifer Protection Permit to be issued to by the ADEQ in accordance with the terms of the IGA; and

WHEREAS, Tucson has agreed to relinquish its claim to ownership of the monitor well, the Tohono O'odham Nation has agreed to waive and release any claims and causes of action it may have against Tucson for unauthorized construction of a well on tribal trust land, and Asarco has agreed to provide groundwater monitoring data from the well to Tucson, as described in the agreement attached hereto; and

WHEREAS, the agreement between Tucson, the Tohono O'odham Nation and Asarco attached hereto has been reviewed by the Natural Resources Committee and the Water Resources Committee of the Legislative Council and is recommended for approval.

NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council

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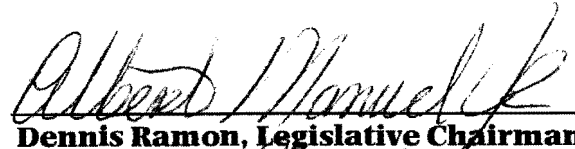
(Approving Agreement with City of Tucson and ASARCO Incorporated Regarding Monitor Well on ASARCO Business Lease)

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3 **approves the agreement between Tucson, the Tohono O'odham Nation**
4 **and Asarco as attached hereto, and authorizes the Chairman of the**
5 **Nation to sign it.**

6 **The foregoing Resolution was passed by the Tohono O'odham Council on the 06TH**
7 **day of AUGUST, 1998 at a meeting at which a quorum was present with a vote of 1,738.0**
8 **FOR; -0- AGAINST; -0- NOT VOTING; and 189.0 [04] ABSENT, pursuant to the powers**
9 **vested in the Council by Section 1(f) of Article VI of the Constitution of the Tohono**
10 **O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and**
11 **approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on**
12 **March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).**

13 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

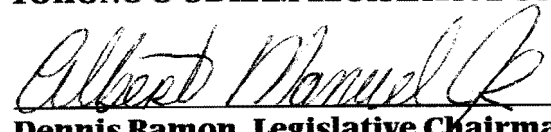
14 
15 **Dennis Ramon, Legislative Chairman**
16 7th day of August, 19 98

17 **ATTEST:**

18 
19 **Julianna Saraficio, Acting Legislative Secretary**
20 6th day of August, 19 98.

21 **Said Resolution was submitted for approval to the office of the Chairman of the**
22 **Tohono O'Odham Nation on the 7th day of August, 19 98 at**
23 **4:25 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the**
24 **Constitution and will become effective upon his approval or upon his failure to either**
25 **approve or disapprove it within 48 hours of submittal.**

26 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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28 **Dennis Ramon, Legislative Chairman**

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APPROVED

on the 11th day of August, 19 98

DISAPPROVED

at 12:55 o'clock, P.M.



**EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 11th day of

August, 19 98, at 2:10 o'clock, P.M.



Julianna Saraficio, Acting Legislative Secretary

ACTION: APPROVING AGREEMENT WITH CITY OF TUCSON AND ASARCO INCORPORATED REGARDING MONITOR WELL ON ASARCO BUSINESS LEASE

Moved: COUNCILMAN ALEX RAMON

SECOND: COUNCILWOMAN RITA MARTINEZ

DATE: AUGUST 04, 1998

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 189.0	1. DAVID GARCIA (Marvin Thomas)	94.5				X
	2. KENNETH WILLIAMS (Arnold F. Smith Sr.)	94.5				X
HICKIWAN 146.0	1. ALEX JOSE ()	73.0	X			
	2. LLOYD FRANCISCO (Susan Sam)	73.0	X			
GU VO 142.0	1. FERN SALCIDO (Larry Montana)	71.0	X			
	2. GLORIA MONTANA (Phillip Antone)	71.0	X			
SAN LUCY 114.0	1. JOHN RENO (Mary Hoffman)	57.0	X			
	2. ALBERT MANUEL, JR. ** (Jana Montana)	57.0	X			
PISINEMO 139.0	1. BARBARA SALVICIO ()	69.5	X			
	2. JOHNSON JOSE ()	69.5	X			
GU ACHI 190.0	1. LOUIS JOHNSON ()	95.0	X			
	2. ALEX J. RAMON ()	95.0	X			
BABOQUIVARI 258.0	1. FRANCES MIGUEL ()	129.0	X			
	2. FRANCES G. ANTONE (Edward N. Kisto)	129.0	X			
SAN XAVIER 146.0	1. TONY BURRELL ()	73.0	X			
	2. DENNIS RAMON ()	73.0	X			
SCHUK TOAK 120.0	1. JOSEPH JUAN ()	60.0	X			
	2. AMBROSE ENCINAS ()	60.0	X			X
SELLS 322.0	1. DENNIS E. JOSE ()	161.0	X			
	2. EVELYN JUAN ()	161.0	X			
SIF ODAK 161.0	1. RITA MARTINEZ (Maxine Norris)	80.5	X			
	2. MARY ANN ANTONE (Darlene Andrew)	80.5	X			X
TOTAL		1,927.0	1,738.0	-0-	-0-	189.0 [04]

**PASSED VOTES