

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Pipeline Indemnity and Use Agreement)**

**RESOLUTION NO. 98-380**

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3 **WHEREAS, the delivery pipeline for the Schuk Toak New Farm Development is**  
4 **completed and ready for use by the Tohono O'odham Nation for delivery**  
5 **of Central Arizona Project water; and**

6 **WHEREAS, ongoing construction activities will require water for earthwork and**  
7 **structures, as well as for dust control under the Nation's Environmental**  
8 **Commitments; and**

9 **WHEREAS, the contractor is planning to purchase water for construction directly**  
10 **from the Central Arizona Water Conservation District and has requested**  
11 **the rental of the Nation's delivery pipeline for transport of that water to**  
12 **the project site; and**

13 **WHEREAS, the Water Projects Office has reviewed the request and determined it**  
14 **would be beneficial to the Tohono O'odham Nation to accommodate the**  
15 **contractors. The Water Projects Office has developed a use agreement**  
16 **which incorporates the appropriate legal requirements and proposes a**  
17 **rental rate which is fair and adequate and acceptable to the contractor;**  
18 **and**

19 **WHEREAS, the Water Projects Office proposes the proceeds generated from a**  
20 **pipeline rental could be used to offset some of the costs of land**  
21 **subjugation, which remain the responsibility of the Nation under**  
22 **SAWRSA, the Southern Arizona Water Rights Settlement Act.**

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24 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council, that**  
25 **use of the Nation's delivery pipeline for transmission of construction**  
26 **water is an acceptable use, provided that all liabilities, risks and repair**  
27 **costs are assumed by the Renter, as stipulated in the attached Pipeline**  
28 **Indemnity and Use Agreement.**

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1  
2 **BE IT FURTHER RESOLVED** by the Tohono O'odham Legislative Council, that all  
3 **proceeds from this rental agreement shall be deposited into the SAWRSA**  
4 **Trust Fund accounts and the use of these funds is specifically authorized**  
5 **for the purpose of offsetting the costs of land subjugation on the Schuk**  
6 **Toak New Farm Development.**

7 **BE IT FINALLY RESOLVED** that the Tohono O'odham Legislative Council hereby  
8 **approves the attached Pipeline Indemnity and Use Agreement and**  
9 **authorizes the Chairman of the Nation to execute the agreement on**  
10 **behalf of the Tohono O'odham Nation.**

11 **The foregoing Resolution was passed by the Tohono O'odham Council on the 16TH, day**  
12 **of SEPTEMBER, 1998 at a meeting at which a quorum was present with a vote of 1,785.0**  
13 **FOR; -0- AGAINST; 142.0 NOT VOTING; and (02) ABSENT, pursuant to the powers vested**  
14 **in the Council by Section 1 (d)(2) & (f) Article VI of the Constitution of the Tohono**  
15 **O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and**  
16 **approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March**  
17 **6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).**

18 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

19   
20 **Dennis Ramon, Legislative Chairman**

21 23<sup>rd</sup> day of September, 19 98

22 **ATTEST:**

23   
24 **Julianna Saraficio, Acting Legislative Secretary**

25 16<sup>th</sup> day of September, 19 98.

26 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono**  
27 **O'Odham Nation on the 23<sup>rd</sup> day of September, 19 98 at 9:19**  
28 **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.**

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TOHONO O'ODHAM LEGISLATIVE COUNCIL


  
\_\_\_\_\_  
Dennis Ramon, Legislative Chairman

APPROVED

on the 24<sup>th</sup> day of September, 1998

DISAPPROVED

at 4:44 o'clock, P.M.

  
\_\_\_\_\_  
EDWARD D. MANUEL, Chairman  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 28<sup>th</sup> day of

September, 1998, at 8:40 o'clock, A.M.

  
\_\_\_\_\_  
Julianna Saraficio, Acting Legislative Secretary

ACTION: PIPELINE INDEMNITY AND USE AGREEMENT

MOVED: COUNCILMAN JOHN RENO

SECOND: COUNCILMAN TONY BURRELL

DATE: SEPTEMBER 16, 1998

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>CHUKUT KUK</b> <b>189.0</b>	1. DAVID GARCIA (Marvin Thomas)	94.5	X			
	2. KENNETH WILLIAMS (Arnold F. Smith Sr.)	94.5	X			
<b>HICKIWAN</b> <b>146.0</b>	1. ALEX JOSE ( )	73.0	X			
	2. LLOYD FRANCISCO (Susan Sam)	73.0	X			
<b>GU VO</b> <b>142.0</b>	1. FERN SALCIDO (Larry Montana)	71.0			X	
	2. GLORIA MONTANA (Phillip Antone)	71.0			X	
<b>SAN LUCY</b> <b>114.0</b>	1. JOHN RENO (Mary Hoffman)	57.0	X			
	2. ALBERT MANUEL, JR. (Jana Montana)	57.0	X			
<b>PISINEMO</b> <b>139.0</b>	1. BARBARA SALVICIO ( )	69.5	X			X
	2. JOHNSON JOSE ( )	69.5	X			
<b>GU ACHI</b> <b>190.0</b>	1. LOUIS JOHNSON ( )	95.0	X			
	2. ALEX J. RAMON** ( )	95.0	X			
<b>BABOQUIVARI</b> <b>258.0</b>	1. FRANCES MIGUEL ( )	129.0	X			
	2. FRANCES G. ANTONE (Edward N. Kisto)	129.0	X			
<b>SAN XAVIER</b> <b>146.0</b>	1. TONY BURRELL ( )	73.0	X			
	2. DENNIS RAMON ( )	73.0	X			
<b>SCHUK TOAK</b> <b>120.0</b>	1. JOSEPH JUAN ( )	60.0	X			
	2. AMBROSE ENCINAS ( )	60.0	X			X
<b>SELLS</b> <b>322.0</b>	1. DENNIS E. JOSE ( )	161.0	X			
	2. EVELYN JUAN ( )	161.0	X			
<b>SIF Oidak</b> <b>161.0</b>	1. RITA MARTINEZ (Maxine Norris)	80.5	X			
	2. MARY ANN ANTONE (Darlene Andrew)	80.5	X			
<b>TOTAL</b>		<b>1,927.0</b>	<b>1,785.0</b>	<b>-0-</b>	<b>142.0</b>	<b>(02)</b>

\*\*PASSED VOTES