

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Pipeline Indemnity and Use Agreement for WPO-76-99)**


RESOLUTION NO. 99-652

- 1 **WHEREAS, the delivery pipeline for the Schuk Toak New Farm Development is completed**
2 **and ready for use by the Tohono O'odham Nation for delivery of Central Arizona**
3 **Project Water; and**
- 4 **WHEREAS, ongoing construction activities will require water for earthwork and structures,**
5 **as well as dust control under the Nation's Environmental Commitments; and**
- 6 **WHEREAS, the contractor intends to purchase water for construction directly from the**
7 **Central Arizona Water Conservation District and has requested use of the**
8 **Nation's delivery pipeline for transport of that water to the project site; and**
- 9 **WHEREAS, the Water Projects Office has reviewed the request and determined it would be**
10 **beneficial to the Tohono O'odham Nation to accommodate the contractor, and**
11 **has developed a use agreement which incorporates the appropriate legal**
12 **requirements and proposes a rental rate which is fair and adequate and**
13 **acceptable to the contractor; and**
- 14 **WHEREAS, the Water Projects Office proposes that the proceeds generated from the**
15 **pipeline rental could be used to offset costs associated with land subjugation,**
16 **which remain the responsibility of the Nation under SAWRSA, the Southern**
17 **Arizona Water Rights Settlement Act.**
- 18 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that use of**
19 **the Nation's water delivery pipeline for transmission of construction water is an**
20 **acceptable use, provided that all liabilities, risks and repair costs are assumed**
21 **by the contractor, as stipulated in the attached Pipeline Indemnity and Use**
22 **Agreement.**
- 23 **BE IT FURTHER RESOLVED by the Tohono O'odham Legislative Council that all proceeds**
24 **from the pipeline use agreement shall be deposited into the SAWRSA Trust Fund**
25 **accounts and that the use of these funds specifically authorized for the purpose**

1 of offsetting the costs of land subjugation on the Schuk Toak Farm Development.
2 **BE IT FINALLY RESOLVED** that the Tohono O'odham Legislative Council hereby approves the
3 attached Pipeline Indemnity and Use Agreement and authorizes the Chairman
4 of the Nation to execute the agreement on behalf of the Tohono O'odham Nation.

5 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 08TH,
6 day of DECEMBER, 1999 at a meeting at which a quorum was present with a vote of 1,877.4
7 FOR; 160.0 AGAINST; 128.1 NOT VOTING; and [05] ABSENT, pursuant to the powers vested in
8 the Council by Section 1 (f) of Article VI of the Constitution of the Tohono O'Odham Nation,
9 adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting
10 Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section
11 16 of the Act of June 18, 1934 (48 Stat. 984).
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13 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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16 **Dennis Ramon, Legislative Chairman**

17 10th day of December, 19 99

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21 **ATTEST:**

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25 **Julianna Saraficio, Acting Legislative Secretary**

26 09 day of December, 19 99.

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29 **Said Resolution** was submitted for approval to the office of the Chairman of the Tohono
30 O'Odham Nation on the 10th day of December, 19 99 at 5:01
31 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and
32 will become effective upon his approval or upon his failure to either approve or disapprove
33 it within 48 hours of submittal.

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35 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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38 **Dennis Ramon, Legislative Chairman**


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Page 3 of 3

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APPROVED on the 13th day of December, 19 99

DISAPPROVED at 11:42 o'clock, A.M.


EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 13 day of
December, 19 99, at 11:55 o'clock, A.M.


Julianna Saraficio, Acting Legislative Secretary

ACTION: PIPELINE INDEMNITY AND USE AGREEMENT FOR WPO-76-99

MOVED: COUNCILWOMAN MARY ANN ANTONE

SECOND: COUNCILWOMAN RITA MARTINEZ

DATE: DECEMBER 08, 1999

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF ODAK 171.8	1. MARY ANN ANTONE (Darlene Andrew)	85.9	X			
	2. RITA MARTINEZ (Nicholas Jose)	85.9	X			
SELLS 372.7	1. DENNIS E. JOSE ()	186.35	X			
	2. EVELYN JUAN ()	186.35	X			
SCHUK TOAK 133.4	1. MARY FLORES ()	66.7	X			X
	2. AMBROSE ENCINAS ()	66.7	X			
SAN XAVIER 165.9	1. TONY BURRELL ()	82.95	X			X
	2. DENNIS RAMON ()	82.95	X			
BABOQUIVARI 286.5	1. FRANCES MIGUEL ()	143.25	X			
	2. FRANCES G. ANTONE (Edward N. Kisto)	143.25	X			X
GU ACHI 209.6	1. CAMILLUS LOPEZ (Louis Johnson)	104.8	X			
	2. ALEX J. RAMON ()	104.8	X			
PISINEMO 156.8	1. BARBARA SALVICIO (Alex Antone)	78.4	X			
	2. JOHNSON JOSE ()	78.4	X			
SAN LUCY 128.1	1. ALBERT MANUEL, JR. ()	64.05			X	X
	2. GLORIA RAMIREZ ()	64.05			X	
GU VO 160.0	1. FERN SALCIDO ()	80.0		X		
	2. GLORIA MONTANA (Phillip Antone)	80.0		X		
HICKIWAN 158.1	1. ALEX JOSE (Shirley Santos)	79.05	X			
	2. LLOYD FRANCISCO (Susan Sam)	79.05	X			
CHUKUT KUK 222.6	1. KENNETH WILLIAMS ()	111.3	X			X
	2. DAVID GARCIA (Mary Audrey Juan)	111.3	X			
TOTAL		2,165.5	1877.4	160.0	128.1	[05]

**PASSED VOTES