

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Authorizing the Chairman of the Nation to Apply for a Water Storage Permit to  
Store CAP Water at a Groundwater Savings Facility)**

**RESOLUTION NO. 12-137**

1 **WHEREAS, the Tohono O'odham Nation is entitled to receive a total of 66,000 acre-feet of Central**  
2 **Arizona Project ("CAP") per year and since 2010 has fully utilized its entitlement; and**

3 **WHEREAS, Resolution No. 09-511 authorized and directed the Nation's Chairperson, in**  
4 **consultation with the Water Resources Committee, the Office of Attorney General, and**  
5 **the Water Resources Department, to make application to the Arizona Department of**  
6 **Water Resources for water storage permits and to apply for consents to store some of**  
7 **the Nation's CAP water at permitted underground storage facilities and to enter into**  
8 **storage agreements for that purpose; and**

9 **WHEREAS, the Nation's storage of CAP water at underground storage facilities generates**  
10 **marketable long-term storage credits that may be sold in the future or used by the**  
11 **Nation to recover its CAP water from storage and use it for its own future uses; and**

12 **WHEREAS, in addition to storing CAP water at underground storage facilities, Arizona law permits**  
13 **the storage of that CAP water at another type of storage facility known as a**  
14 **groundwater savings facility that are generally operated by irrigation districts located**  
15 **within the CAP service area, including irrigation districts in the Phoenix Active**  
16 **Management Area, as defined under Arizona law; and**

17 **WHEREAS, groundwater savings facilities also generate marketable long-term storage credits**  
18 **through the use by the owner of the facility of CAP water in place of pumping and using**  
19 **groundwater; and**

20 **WHEREAS, the Nation currently accrues marketable long-term storage credits at a unique**  
21 **groundwater savings facility authorized by Arizona law where the Asarco Mission Mine**  
22 **takes delivery of and uses the Nation's CAP water instead of pumping groundwater**  
23 **thereby generating credits for the Nation; and**

24 **WHEREAS, Resolution No. 09-511 provides authority to the Chairperson to take certain actions**  
25 **with respect to underground storage facility but does not apply to taking the same**  
26 **actions with respect to groundwater savings facilities; and**

27 **WHEREAS, the Nation has an opportunity to store some of its CAP water at a groundwater savings**  
28 **facility located within the Phoenix AMA, and must obtain a separate water storage**  
29 **permit from the State in order to store its CAP at that facility; and**

30 **WHEREAS, the process whereby the Arizona Department of Water Resources ("ADWR") issues**  
31 **water storage permits can be time consuming and therefore the application process**

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1                   **should be commenced as far in advance of the contemplated storage as possible since**  
2                   **no storage may take place without such a permit; and**

3 **WHEREAS, obtaining a water storage permit from the State does not obligate the applicant to**  
4                   **actually store water pursuant to the permit at any particular time or in any particular**  
5                   **amount; and**

6 **WHEREAS, an application for a water storage permit from ADWR must be accompanied by**  
7                   **standard fees determined by ADWR which are published on ADWR's website, including**  
8                   **an initial fee of \$1,000; and**

9 **WHEREAS, the Water Resources Committee has reviewed this resolution and recommends**  
10                  **approval by the Legislative Council.**

11 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Nation Legislative Council:**

- 12                  **1. Authorizes the Nation's Chairman, in consultation with the Water Resources**  
13                  **Committee, the Office of Attorney General, and the Water Resources Department,**  
14                  **to apply to the ADWR for water storage permits on behalf of and in the name of the**  
15                  **Tohono O'odham Nation to store CAP water at groundwater savings facilities; to**  
16                  **obtain consents to store from the owner(s) of those types of facilities; and to**  
17                  **negotiate and enter into storage agreements with the owner(s) of such facilities**  
18                  **authorizing the storage of the Nation's CAP water.**
- 19                  **2. Authorizes the Nation's Chairman, subject to a duly approved budget, to pay any**  
20                  **application or other fees associated with obtaining or implementing the water**  
21                  **storage permit from the Water Resources Department SAWRSA Trust Fund budget.**
- 22                  **3. Authorizes the Nation's Chairman to execute water storage permits and storage**  
23                  **agreements and to direct the delivery of CAP water to such storage facilities;**  
24                  **provided that any storage agreements with the owner(s) of any groundwater**  
25                  **savings facility must be submitted to the Legislative Council for its further review**  
26                  **and approval.**

27 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 25<sup>TH</sup> Day**  
28 **of APRIL, 2012 at a meeting at which a quorum was present with a vote of 2,568.70 FOR; -0-**  
29 **AGAINST; -0- NOT VOTING; and 211.90[04] ABSENT, pursuant to the powers vested in the Council**  
30 **by Article XVII, Section 2 of the Constitution of the Tohono O'odham Nation, adopted by the**  
31 **Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**  
32 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**  
33 **18, 1934 (48 Stat. 984).**

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

*Timothy Joaquin*

Timothy Joaquin, Legislative Chairman

27 day of April, 2012

ATTEST:

*Evonne Wilson*

Evonne Wilson, Legislative Secretary

26 day of April, 2012.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 27 day of April, 2012 at 8:39 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.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

*Timothy Joaquin*

Timothy Joaquin, Legislative Chairman

APPROVED

on the 27 day of April, 2012

DISAPPROVED

at 11:24 o'clock, a.M.

*Ned Norris, Jr.*

NED NORRIS, JR., CHAIRMAN

TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 27 day of

April, 2012, at 11:33 o'clock, a.M.

*Evonne Wilson*

Evonne Wilson, Legislative Secretary

**ACTION: AUTHORIZING THE CHAIRMAN OF THE NATION TO APPLY FOR A WATER STORAGE PERMIT TO STORE CAP WATER AT A GROUNDWATER SAVINGS FACILITY**

**MOVED: COUNCILMAN HILARION CAMPUS**

**SECOND: COUNCILMAN FREDERICK JOSE**

**DATE: APRIL 25, 2012**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> <b>342.0</b>	1. FRANCES MIGUEL (Roberta Harvey)	171.0	X			
	2. FRANCES G. ANTONE (Vernon Smith)	171.0	X			
<b>CHUKUT KUK</b> <b>302.2</b>	1. ETHEL GARCIA (Sara Mae Williams)	151.10	X			
	2. BILLMAN LOPEZ ( )	151.10	X			
<b>GU ACHI</b> <b>244.9</b>	1. TIMOTHY L. JOAQUIN ( )	122.45	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	122.45	X			
<b>GU VO</b> <b>226.7</b>	1. GRACE MANUEL ( <i>Absent</i> ) (Floyd Flores) ( <i>Present</i> )	113.35	X			
	2. PAMELA ANGHILL (Roselda Lewis)	113.35	X			
<b>HICKIWAN</b> <b>186.3</b>	1. LOUIS R. LOPEZ (Michelle Ortega)	93.15	X			
	2. SANDRA ORTEGA ( )	93.15	X			X
<b>PISINEMO</b> <b>200.7</b>	1. CHESTER ANTONE (Tony Murrietta)	100.35	X			
	2. EDWARD MANUEL (Gerald Fayuant)	100.35	X			
<b>SAN LUCY</b> <b>204.6</b>	1. LORRAINE EILER ( )	102.30	X			
	2. JANA MONTANA (Gloria Ramirez)	102.30	X			
<b>SAN XAVIER</b> <b>215.8</b>	1. HILARION CAMPUS ( )	107.90	X			
	2. OLIVIA VILLEGAS-LISTON ( <i>Absent</i> ) (Eugene Enis) ( <i>Present</i> )	107.90	X			
<b>SCHUK TOAK</b> <b>169.8</b>	1. FRANCES B. CONDE ( <i>Absent</i> ) (Anthony J. Rios) ( <i>Present</i> )	84.90	X			X
	2. FREDERICK JOSE (Phyllis Cachora)	84.90	X			
<b>SELLS</b> <b>475.7</b>	1. ARTHUR WILSON (Kimberly Mull)	237.85	X			
	2. EVELYN B. JUAN MANUEL ( )	237.85	X			
<b>SIF OIDAK</b> <b>211.9</b>	1. NICHOLAS JOSE ( )	105.95				X
	2. MARY LOPEZ ( )	105.95				X
<b>TOTAL</b>		<b>2,780.60</b>	<b>2,568.70</b>	<b>-0-</b>	<b>-0-</b>	<b>211.90</b> <b>[04]</b>