

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Amending Section 3304 and Section 3602 of 25 Tohono O'odham Code Chapter 3
to Extend the Declaration of Existing Use Filing Deadline and
Registration of Existing Wells Deadline)**

RESOLUTION NO. 12-177

1 **WHEREAS, "All waters which originate in or flow in, into or through the Tohono O'odham Nation,**
2 **or which are stored in the Tohono O'odham Nation, whether found on the surface or**
3 **underground, are a valuable public resource of the Tohono O'odham Nation to be**
4 **protected for the present and future use of the Tohono O'odham Nation as a whole."**
5 **(Constitution, Article XVII, Section 1); and**

6 **WHEREAS, the Nation's Constitution provides that the Tohono O'odham Legislative Council "shall**
7 **have, consistent with federal law, the control and management of these waters and**
8 **shall have the power to: (a) Determine how these waters shall be developed, used and**
9 **conserved for the greatest public benefit. . ." (Constitution, Article XVII, Section 2, (a));**
10 **and**

11 **WHEREAS, the Nation's Water Code was enacted and codified by Resolution No. 11-198 as 25**
12 **Tohono O'odham Code Chapter 3 effective July 1, 2011; and**

13 **WHEREAS, Section 3304(A) of the Nation's Water Code states that a person who is using any of the**
14 **Nation's Water shall file a Declaration of Existing Use with the Director of the Nation's**
15 **Water Resources Department; and**

16 **WHEREAS, Section 3304(B) and (C) of the Nation's Water Code states that a Declaration of Existing**
17 **Use must be filed with the Director no later than June 1, 2012; and**

18 **WHEREAS, Section 3602(A) of the Nation's Water Code similarly provides a June 1, 2012 deadline**
19 **for registering an Existing Well with the Director of the Nation's Water Resources**
20 **Department; and**

21 **WHEREAS, the Director of the Nation's Water Resources Department is requesting that the**
22 **deadline for filing a Declaration of Existing Use and for registering an Existing Well be**
23 **extended by 12 months until June 1, 2013; and**

24 **WHEREAS, the Director of the Nation's Water Resources Department is requesting the extension**
25 **to allow for more time to educate the districts, communities, and members about the**
26 **Nation's Water Code and the Declaration of Existing Use submittal process; and**

27 **WHEREAS, the Water Resources Committee has reviewed the requested amendment to the**
28 **Nation's Water Code and recommends its approval and adoption.**

29

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1 NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby amends
2 the date "June 1, 2012" in Section 3304(B) and (C), and Section 3602(A), of 25 Tohono
3 O'odham Code Chapter 3 to "June 1, 2013," thereby extending the deadline for filing
4 a Declaration of Existing Use and for registering an Existing Well with the Director of
5 the Nation's Water Resources Department; provided that all other provisions of the
6 Nation's Water Code shall remain in full force and effect.

7 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 18TH Day
8 of MAY, 2012 at a meeting at which a quorum was present with a vote of 2,780.60 FOR; -0- AGAINST;
9 -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Article V Section
10 I; Article VI, Section 1; and XVII, Section 2 of the Constitution of the Tohono O'odham Nation,
11 adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy
12 Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act
13 of June 18, 1934 (48 Stat. 984).

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15 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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18 _____
19 Timothy Joaquin, Legislative Chairman

20
21 21 day of May, 2012
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23

24 ATTEST:

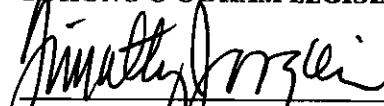
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26 _____

27 Evonne Wilson, Legislative Secretary

28
29 21 day of May, 2012.
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31 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham
32 Nation on the 21 day of May, 2012 at 2:52 o'clock, P.M.,
33 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective
34 upon his approval or upon his failure to either approve or disapprove it within 48 hours of
35 submittal.

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37 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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41 Timothy Joaquin, Legislative Chairman

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APPROVED

on the 21 day of May, 2012

DISAPPROVED

at 3:44 o'clock, p.M.

Ned Norris, Jr. (Vice Chairman)
NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 22 day of

May, 2012, at 8:50 o'clock, a.M.

Evonne Wilson
Evonne Wilson, Legislative Secretary

ACTION: AMENDING SECTION 3304 AND SECTION 3602 OF 25 TOHONO O'ODHAM CODE CHAPTER 3 TO EXTEND THE DECLARATION OF EXISTING USE FILING DEADLINE AND REGISTRATION OF EXISTING WELLS DEADLINE

MOVED: COUNCILWOMAN OLIVIA VILLEGAS-LISTON

SECOND: COUNCILMAN HILARION CAMPUS

DATE: MAY 18, 2012

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 342.0	1. FRANCES MIGUEL (<i>Absent</i>) (Roberta Harvey)(<i>Present</i>)	171.0	X			
	2. FRANCES G. ANTONE (Vernon Smith)	171.0	X			
CHUKUT KUK 302.2	1. ETHEL GARCIA (Sara Mae Williams)	151.10	X			
	2. BILLMAN LOPEZ ()	151.10	X			
GU ACHI 244.9	1. TIMOTHY L. JOAQUIN ()	122.45	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	122.45	X			
GU VO 226.7	1. GRACE MANUEL (Floyd Flores)	113.35	X			
	2. PAMELA ANGHILL (Roselda Lewis)	113.35	X			
HICKIWAN 186.3	1. LOUIS R. LOPEZ (Michelle Ortega)	93.15	X			
	2. SANDRA ORTEGA ()	93.15	X			
PISINEMO 200.7	1. CHESTER ANTONE (Tony Murrietta)	100.35	X			
	2. EDWARD MANUEL (Gerald Fayuant)	100.35	X			
SAN LUCY 204.6	1. LORRAINE EILER ()	102.30	X			X
	2. JANA MONTANA (Gloria Ramirez)	102.30	X			
SAN XAVIER 215.8	1. HILARION CAMPUS (Racheal Vilson-Stoner)	107.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	107.90	X			
SCHUK TOAK 169.8	1. FRANCES B. STEPHENS (Anthony J. Rios)	84.90	X			X
	2. FREDERICK JOSE (Phyllis Cachora)	84.90	X			
SELLS 475.7	1. ARTHUR WILSON (Kimberly Mull)	237.85	X			
	2. EVELYN B. JUAN MANUEL ()	237.85	X			
SIF OIDAK 211.9	1. NICHOLAS JOSE ()	105.95	X			
	2. MARY LOPEZ ()	105.95	X			
TOTAL		2,780.60	2,780.60	-0-	-0-	[02]