

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Appointing Nation's Negotiating Team for a Comprehensive Water Rights Settlement)

RESOLUTION NO. 12-460

1 **WHEREAS, the Constitution of the Tohono O'odham Nation provides that "[a]ll waters which**
2 **originate in or flow in, into or through the Tohono O'odham Nation, or which are**
3 **stored in the Tohono O'odham Nation, whether found on the surface or underground,**
4 **are a valuable public resource of the Tohono O'odham Nation" and vests the**
5 **Legislative Council with "control and management of these waters" (Constitution,**
6 **Article XVII, Sections 1 and 2); and**

7 **WHEREAS, the Constitution of the Tohono O'odham Nation further vests the Legislative Council**
8 **with the authority to "consult with the Congress of the United States and appropriate**
9 **federal agencies regarding federal activities that affect the Tohono O'odham Nation.**
10 **. ." (Constitution, Article VI, Section 1(j)); and**

11 **WHEREAS, since 1994 the Tohono O'odham Nation has sought the appointment of a federal**
12 **negotiating team to negotiate a settlement to the Nation's Sif Oidak water claims**
13 **(Resolution No. 94-014); and**

14 **WHEREAS, in 1998 the Department of the Interior appointed a Federal Assessment Working**
15 **Group to determine whether establishment of a Federal Negotiating Team was**
16 **warranted; and**

17 **WHEREAS, by Resolution No. 99-244, the Nation established the Nation's Negotiating Team for the**
18 **Sif Oidak Water Claims, consisting of the Water Resources Committee of the**
19 **Legislative Council, the Chairman of the Nation, and a representative and alternate**
20 **from the Sif Oidak District; and**

21 **WHEREAS, in 2008 the Water Resources Committee met with representatives of districts within**
22 **the Gila River Adjudication boundary, namely Sif Oidak, Gu Achi, Schuk Toak,**
23 **Hickiwan, Sells, and Gu Vo Districts, to discuss how to proceed with negotiating the Sif**
24 **Oidak Water Claims; and**

25 **WHEREAS, by Resolution No. 09-095, the Nation approved a settlement proposal for the Sif Oidak**
26 **Water Claims which was submitted to Secretary of the Interior Ken Salazar on April 8,**
27 **2009, and also agreed that the Sif Oidak Water Claims would be defined as claims**
28 **arising from the Nation's lands and waters within Sif Oidak District alone, and that Sif**
29 **Oidak District be represented on the Nation's negotiating team for the Sif Oidak Water**
30 **Claims; and**

31 **WHEREAS, by letter dated July 6, 2011, the Department of the Interior informed the Nation that,**
32 **in accordance with the Nation's numerous requests, the Department of the Interior**

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1 **would appoint a Federal Indian Water Rights Negotiating Team to assist in settling the**
2 **Nation's water rights claims, on the condition that the negotiation is a comprehensive**
3 **negotiation of the Nation's remaining water rights claims in the State of Arizona; and**

4 **WHEREAS, such a comprehensive negotiation would include lands of the Nation whose surface**
5 **waters flow into Mexico rather than into the Gila River basin, and could potentially**
6 **involve claims against the United States related to groundwater pumping in Mexico**
7 **close to the Nation's boundary; and**

8 **WHEREAS, by letter dated August 11, 2011, the Nation expressed its concerns to the Department**
9 **of the Interior about expanding the negotiation process to include claims arising from**
10 **all lands of the Nation except for eastern Schuk Toak and San Xavier Districts whose**
11 **claims were settled in the SAWRSA amended settlement of 2004, the primary concern**
12 **being the delay that would result from involving ten districts rather than one district**
13 **in the negotiation process; and**

14 **WHEREAS, in a meeting on November 29, 2011, the Nation's negotiating team and the Federal**
15 **negotiating team agreed that issues involving groundwater pumping in Mexico or**
16 **surface waters flowing into and from Mexico would be excluded from the current**
17 **negotiation, and that issues involving the original Sif Oidak Water Claims could be**
18 **negotiated and resolved while issues involving water resources of the Nation within**
19 **the remaining nine districts were being researched and discussed; and**

20 **WHEREAS, the Nation's comprehensive water settlement negotiation must be concluded as**
21 **quickly as possible because other Arizona Indian tribes are also negotiating for a**
22 **limited amount of CAP water and limited federal funds available for Arizona Indian**
23 **water settlements under the provisions of the Arizona Water Settlements Act; and**

24 **WHEREAS, the Legislative Water Resources Committee and Nation's Chairperson have been**
25 **authorized by Resolution No. 12-030 to negotiate contracts or other agreements for the**
26 **Nation's SAWRSA CAP water; and**

27 **WHEREAS, the Water Resources Committee recommends that the comprehensive settlement for**
28 **the Nation's water resources, as proposed by the Department of the Interior, should**
29 **be negotiated on the Nation's behalf by the Legislative Water Resources Committee**
30 **and the Nation's Chairperson or, in the Chairperson's absence, the Nation's Vice-**
31 **Chairperson.**

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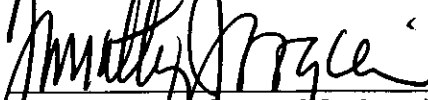
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1 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council appoints the**
2 **Legislative Water Resources Committee and the Nation's Chairperson or, in the**
3 **Chairperson's absence, the Nation's Vice-Chairperson as the Nation's negotiating**
4 **team for a comprehensive water claims settlement; provided that the negotiating**
5 **team appointed by this resolution shall replace the Sif Oidak negotiating team**
6 **established by Resolution No. 99-244 and affirmed by Resolution No. 09-095.**

7 **BE IT FINALLY RESOLVED that the Nation's negotiating team is directed to communicate at least**
8 **twice a year with the districts of the Nation affected by the comprehensive water**
9 **claims settlement to provide updates and seek comments about the settlement**
10 **process.**

11 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 19TH Day**
12 **of NOVEMBER, 2012 at a meeting at which a quorum was present with a vote of 1,926.55 FOR;**
13 **854.05 AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by**
14 **Article XVII of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham**
15 **Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs**
16 **(Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).**

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18 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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22 **Timothy Joaquin, Legislative Chairman**

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24 26 day of November, 2012

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27 **ATTEST:**

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30 **Evonne Wilson, Legislative Secretary**

31 21 day of November, 2012.

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34 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham**
35 **Nation on the 26 day of November, 2012 at 1:21 o'clock, 9 .M.,**
36 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**
37 **upon his approval or upon his failure to either approve or disapprove it within 48 hours of**
38 **submittal.**

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40 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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44 **Timothy Joaquin, Legislative Chairman**

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APPROVED

on the 26 day of November, 2012

DISAPPROVED

at 1:35 o'clock, P.M.

Wendene A. Romero (Vice Chairman)
NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 26 day of

November, 2012, at 1:36 o'clock, P.M.

Evonne Wilson
Evonne Wilson, Legislative Secretary

ACTION: APPOINTING NATION'S NEGOTIATING TEAM FOR A COMPREHENSIVE WATER RIGHTS SETTLEMENT

MOVED: COUNCILWOMAN OLIVIA VILLEGAS-LISTON

SECOND: COUNCILMAN HILARION CAMPUS

DATE: NOVEMBER 19, 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 (<i>Absent</i>) (Vernon Smith) (<i>Present</i>)	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			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			
	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		
	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	1,926.55	854.05	-0-	[01]