

1 WHEREAS, the United States Supreme Court has granted certiorari in the case of
2 United States v. Akin; and

3 WHEREAS, at issue in that case is, or may be, whether the McCarren Amendment
4 (43 U.S.C. Sec. 666) has granted to the State courts jurisdiction over,
5 and has waived the sovereign immunity of the United States so as to
6 allow the adjudication of, Indian water rights to the use of water
7 under the Winters Doctrine; and

8 WHEREAS, the Papago Council has been informed that 16 western States propose to
9 file amicus curiae briefs in support of the State of Colorado and of
10 its interpretation that the McCarren Amendment gives the State courts
11 exclusive jurisdiction to adjudicate all water rights claims within
12 each State's geographical boundaries; and

13 WHEREAS, the position of such States and their interpretation of the McCarren
14 Amendment is diametrically opposed to that of the Papago Tribe as
15 pleaded in the case of The Papago Indian Tribe v. Pima Mining Company,
16 et al., (U.S. District Court of Arizona-Civ. 75-51 Tuc-JAW); and

17 WHEREAS, an adverse construction by the U. S. Supreme Court in the case of
18 United States v. Akin, would adversely affect the suit of the Papago
19 Tribe against the water users adjacent to the San Xavier Reservation;
20 and

21 WHEREAS, the Native American Rights Fund proposes to file an amicus curiae
22 brief in the Akin case on behalf of the National Tribal Chairman's
23 Association and the Southern Ute Tribe,

24 NOW, THEREFORE, BE IT RESOLVED that the Papago Council does hereby authorize
25 and request the Native American Rights Fund to join and endorse the
26 name of the Papago Tribe on its amicus curiae brief to be filed in
27 the case of United States v. Akin.

28 BE IT FURTHER RESOLVED that Cecil Williams, Chairman of the Papago Council and
29 William E. Strickland, the attorney of the Papago Tribe, are hereby
30 authorized and directed to perform all acts necessary to give effect
31 to this Resolution.

32 The foregoing Resolution was duly enacted by the Papago Council on the 25th

1 day of July, 1975, at a meeting at which a quorum was present with a vote of
2 834.0 for; 0 against; 0 not voting; and 0 absent, pursuant
3 to authority vested in the Papago Council by Section 2 (c) (f) and (m) of
4 Article V of the Constitution of the Papago Tribe of Arizona, ratified by the
5 Tribe on December 12, 1936 and approved by the Secretary of the Interior on
6 January 6, 1937 (48 Stat. 984) pursuant to Section 16 of the Act of June 18,
7 1934. Said Resolution is effective as of the date of its approval by the
8 Superintendent of the Papago Agency and is not subject to review by the
9 Secretary of the Interior.

11 THE PAPAGO COUNCIL

13 ATTEST:

Cecil Williams, Chairman
Cecil Williams, Chairman

Delma M. Garcia
Delma M. Garcia, Secretary

Joseph M. Lucero
Superintendent, Papago Agency

APPROVED: Aug 4, 1975



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VOTE OF THE PAPAGO COUNCIL

Date of Meeting: 7-25-75

Resolution or Ordinance No. 55-75

Districts	Representatives	No. of Votes	For	Against	Not Voting	Absent
<u>BABOQUIVARI</u> 127	1. Edward Kisto (Joan Garcia) 2. Louis Harvey, Sr. (Marvin Garcia)	63.5 63.5	127			
<u>CHUKUT KUK</u> 64	1. Nathan Hendricks (Rosemary Lopez) 2. Harriet Lewis (Archie Hendricks)	32.0 32.0	64			
<u>GU ACHI</u> 81	1. Joseph P. Ramon (Stephen Listo) 2. Juan P. Lopez (Nolea J. Ramon)	40.5 40.5	81			
<u>GU VO</u> 49	1. Cross Antone (Edward J. Lopez) 2. William Lewis, Sr. (Frances Cochora)	24.5 24.5	49			
<u>HICKIWAN</u> 81	1. Henry A. Ramon (James Angea) 2. Archie Pilone (Emellio Francisco)	40.5 40.5	81			
<u>PISINEMO</u> 52	1. Lamando Francisco (Andrew Lorentine) 2. Jose Manuel, Jr. (Alice Juan)	26.0 26.0	52			
<u>SAN LUCY</u> 32	1. Max Jose (Jeannie Morris) 1. Elee Sam (Ricardo M. Baptisto)	16.0 16.0	32			
<u>SAN XAVIER</u> 66	1. Tony Felix (Rosemary D. Secundino) 2. Carmalita Matthews (Lauro J. Smith)	33.0 33.0	66			
<u>SCHUK TOAK</u> 46	1. Joe Enriquez (JoAnn Francisco) 2. Ramon Campillo, Jr. (Felix Juan)	23.0 23.0	46			
<u>BELLS</u> 147	1. Molly Garcia (Jacob Lewis) 2. Larry Garcia (Tony Lopez)	73.5 73.5	147			
<u>WIF OIDAK</u> 89	1. Edward Juan (Vincent Manuel) 2. Melissa Norris (Fernando Jose)	44.5 44.5	89			
<u>TOTALS</u>		834.0	834.0			