

RESOLUTION OF THE PAPAGO COUNCIL

RES. NO. 71-75

1 WHEREAS, the Papago Tribe has filed a suit in the United States District Court
2 for the District of Arizona (CIV. Case No. 75-51 TUC-JAW) on behalf of
3 the San Xavier District and its residents seeking a declaration of
4 rights to the use of, and damages resulting from other persons' use of
5 surface and ground waters of the Upper Santa Cruz River Basin, includ-
6 ing the Santa Cruz River and its tributaries within said basin; and
7 WHEREAS, basic to that suit and the claims of Indians and Indian Reservations
8 generally are the legal conclusions found in Winters v. United States,
9 207 U.S. 564, (1) that private landowners cannot impair Indian rights
10 in a river which formed one boundary of a Reservation, even though the
11 Congressional grant of land to the Indians had not mentioned water
12 rights, and in United States v. Cappaert (U.S. Court of Appeals, Ninth
13 Circuit, Cause No. 74-2186) (2) that the principles of the Winters
14 doctrine apply not only to surface waters of a river, but to ground
15 water as well, and (3) that the McCarren Amendment (43 U.S.C. Sec.666)
16 has not granted to States and State Courts jurisdiction over, and has
17 waived the sovereign immunity of the United States so as to allow them
18 to adjudicate the rights to the use of Reservation waters; and
19 WHEREAS, the defendants in United States v. Cappaert are appealing that Court's
20 decision; and
21 WHEREAS, a reversal of such opinion would seriously and adversely affect the
22 rights of the Papago Tribe and other Indian Reservations to surface
23 and ground waters, under or adjoining their Reservations; and
24 WHEREAS, the Native American Rights Fund proposes to file an amicus curiae
25 brief in the United States v. Cappaert case on behalf of Reservation
26 Indians.
27 NOW, THEREFORE, BE IT RESOLVED that the Papago Council hereby authorizes and
28 requests the Native American Rights Fund to join and endorse the name
29 of the Papago Tribe on its amicus curiae brief to be filed in the case
30 of United States v. Cappaert.
31 BE IT FURTHER RESOLVED that Cecil Williams, Chairman of the Papago Council and
32 William E. Strickland, the attorney for the Papago Tribe, are hereby

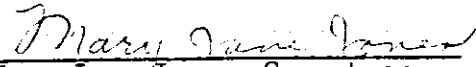
1 authorized and directed to perform all acts necessary to give effect
2 to this Resolution.

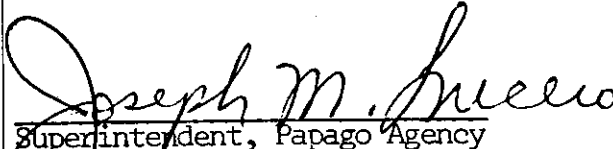
3 The foregoing Resolution was duly enacted by the Papago Council on the 25th
4 day of September, 1975, at a meeting at which a quorum was present with a vote
5 of 834.0 for; 0 against; 0 not voting; and 1 absent, pur-
6 suant to authority vested in the Papago Council by Section 2 (c) (f) and (m)
7 of Article V of the Constitution of the Papago Tribe of Arizona, ratified by
8 the Tribe on December 12, 1936, and approved by the Secretary of the Interior
9 on January 6, 1937 (48 Stat. 984) pursuant to Section 16 of the Act of June 18,
10 1934. Said Resolution is effective as of the date of its approval by the
11 Superintendent of the Papago Agency and is not subject to review by the
12 Secretary of the Interior.

13
14 THE PAPAGO COUNCIL

15 
16 Cecil Williams, Chairman

17
18 ATTEST:

19
20 
21 Mary Jane Jones, Secretary

22 
23 Joseph M. Sweeney
24 Superintendent, Papago Agency

25
26 APPROVED: October 2, 1975



VOTE OF THE PAPAGO COUNCIL

DATE OF MEETING September 25, 1975

RESOLUTION OR ORDINANCE NO. 71-75

DISTRICTS	REPRESENTATIVES	NO. OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SABOQIVARI 127	1. Edward Kisto (Joan Garcia) 2. Louis Harvey (Marvin Garcia)	63.5 63.5	127			
CHUKUT KUK 64	1. Nathan Hendricks (Rosemary Lopez) 2. Harriet Lewis (Archie Hendricks)	32.0 32.0	64			
U ACHI 81	1. Joseph Ramon (Stephan Listo) 2. Juan P. Lopes (Nolea J. Ramon)	40.5 40.5	81			
U VO 49	1. Cross Antone (Edward J. Lopez) 2. William Lewis, Sr. (Frances Cachora)	24.5 24.5	49			
HICKIWAN 81	1. Henry A. Ramon (James Angea) 2. Archie Pilone (Emillio Francisco)	40.5 40.5	81			
SINIMO 52	1. Lamando Francisco (Andrew Lorentine) 2. Jose Manual, Jr. (Alice Juan)	26.0 26.0	52			
AN LUCY 32	1. Max Jose (Jeannie Morris) 2. Elee Sam (Ricardo M. Baptisto)	16.0 16.0	32			
AN XAVIER 66	1. Tony Felix (Rosemary D. Secundino) 2. Carmelita Matthews (Lauro J. Smith)	33.0 33.0	66			
CHUK TOAK 46	1. Joe Enriquez (JoAnn Francisco) 2. Ramon Campillo, Jr. (Felix Juan)	23.0 23.0	46			1
WELLS 147	1. Molly Garcia (Jacob Lewis) 2. Larry Garcia (Tony Lopez)	73.5 73.5	147			
IF ODAK 89	1. Edward Juan (Vincent Manuel) 2. Melissa Norris (Fernando Jose)	44.5 44.5	89			
TOTALS		834.0	834.0	0	0	1