RESOLUTION OF THE PAPAGO TRIBAL COUNCIL

RES. NO. 67-77

- 1 WHEREAS, the United States, in its own right and as Trustee for the Papago Tribe
 and for individual allottees of the San Xavier Reservation, brought suit
 in the United States District Court for the District of Arizona (CIV.
 75-39 TUC.), seeking (1) a declaration of rights in and to the use of
 surface and ground waters of the Upper Santa Cruz Basin; (2) damages
 resulting from the use of such waters in derogation of and to the detriment
 of the Tribe and such allottees; and (3) injunctive relief to prohibit the
 withdrawal of such waters; and
- 9 NHEREAS, the Papago Tribe by its attorneys, WILLIAM E. STRICKLAND and the NATIVE
 10 AMERICAN RIGHTS FUND, in its own right and on behalf of the individual
 11 allottees of the San Xavier Reservation, brought a companion suit for the
 12 adjudication of such rights, damages and injunctive relief in the U. S.
 13 District Court for the District of Arizona (CIV. 75-51 TUC.); and
 14 WHEREAS, both of these suits were consolidated into a single action (CIV. 75-39
 15 TUC. CONSOLIDATED CASES); and
- 16 WHEREAS, it appears that once the claimed damages and the water rights of the
 17 United States, the Papago Tribe and the individual allottees have been
 18 adjudicated, the United States and the Papago Tribe may have claims which
 19 are independent of those of the individual allottees of the San Xavier
 20 Reservation which would made it advisable and necessary that the allottees
 21 be represented by independent counsel of their own; and
- WHEREAS, Papago Legal Services has indicated its willingness to act as counsel for
 the allottees; and
- 24 WHEREAS, neither Papago Legal Services, nor the individual allottees have funds
 with which to pay for such services.

NOW, THEREFORE, BE IT RESOLVED by the Papago Council that it finds that it would
be in the best interest of the United States, of the Papago Tribe and of
the individual allottees of the San Xavier Reservation that the Papago
Legal Services be associated with Native American Rights Fund and William
E. Strickland to represent the individual allottees as independent counsel
in civil action 75-51 TUC., of the United States District Court for the
District of Arizona.

TWC PAPAGO COUNCIL RES. NO. 67-77 β E IT FURTHER RESOLVED that the Papago Council hereby requests the Secretary of 1 Interior for funds to pay the attorneys' fees and costs necessary or 2 incidental to the prosecution of such action on behalf of the individual 3 allottees of the San Xavier Reservation. 4 etaE IT FURTHER RESOLVED that this Resolution shall supersede and replace Resolution 5 No. 64-76. 6 The foregoing Resolution was duly enacted by the Papago Council on the 11th day of 7 August, 1977, at a meeting at which a quorum was present with a vote of 1065.0 8 for; <u>0</u> against; <u>0</u> not voting; and 1 absent, pursuant to 9 authority vested in the Papago Council by Section 2 (a) and (d) of Article V of 10 the Constitution and By-laws of the Papago Tribe of Arizona, ratified by the Tribe 11 pn December 12, 1936, and approved by the Secretary of the Interior on January 6, 12 13 1937, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984). Said 14 Resolution is effective as of the date of its approval by the Superintendent of the 15 Papago Agency and is not subject to review by the Secretary of the Interior. 16 THE PAPAGO COUNCIL 17 18 19 20 ATTEST: 21 22 23 JANE JONES, Secretary 24 25 RESOLUTION APPROVED this 20th day of Guguss 26 1977. 27 28 29 CHRISTMAN. 30 Supérintendent, Papago Agency 31 32

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VOTE OF THE PAPAGO COUNCIL

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DATE OF MEETING: AUGUST 11, 1977

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