

RESOLUTION OF THE PAPAGO TRIBAL COUNCIL
(H.R. 5118 - Water Bill)

RES. NO. 155-81

- 1 WHEREAS, Non-Indian surface water diversion and/or groundwater pumping near
2 or bordering the San Xavier Reservation, the eastern portion of the
3 Schuk Toak District, the Chui Chu area of the Sif Oidak District
4 and the Gila Bend Reservation has resulted in the lowering of ground-
5 water tables, the compaction of subterranean lands, the periodic
6 flooding of land and the deterioration of water quality, all in
7 derogation and to the detriment of the rights of the Papago people
8 and its members; and
- 9 WHEREAS, the United States and the Papago Tribe and certain allotment owners,
10 in their own right and on behalf of the Papago Tribe and individual
11 allottees of the San Xavier District, filed suit in 1975 in the
12 United States District Court for the District of Arizona (respect-
13 ively Cause No. CIV 75-39 and CIV 75-51) seeking, among other
14 remedies, a declaration of their rights in and to the use of surface
15 and groundwaters; damages resulting from the use of surface and
16 groundwater in derogation of their rights; and injunctive relief to
17 prohibit withdrawals of surface and groundwaters of the Upper Santa
18 Cruz Basin; and
- 19 WHEREAS, the Papago Council did appoint a Water Commission made up, among
20 others, of members residing within the San Xavier, the Schuk Toak,
21 the Sif Oidak, and the San Lucy Districts, in order to review and
22 study all available materials and data relative to said water basins,
23 and to negotiate and develop a legislative settlement of their
24 respective water rights claims in said Basins, and to conduct public
25 hearings in the Districts; and
- 26 WHEREAS, on the 14th day of February, 1980, the Papago Tribal Council passed
27 Resolution No. 10-80, wherein it authorized and approved the negotia-
28 tion and development of a legislative settlement of the water right
29 claims of the Papago Tribe and its members in the water basins on,
30 near or under the San Lucy, San Xavier, Schuk Toak and Sif Oidak
31 Districts by means of a Congressional bill to be enacted into Public
32 Law of the United States which would provide the terms and conditions
of the settlement and would establish the method and means of the
implementing the settlement, and delegated to the Water Commission
and the Chairman of the Papago Council full authority to negotiate
and develop such legislative settlement; and
- WHEREAS, on July 31, 1981, Congressman Udall introduced a Bill (H.R. 4363) to
provide water to the Papago Tribe of Arizona and its members, to
settle tribal and individual water right claims in portions of the
Papago Reservation, and for other purposes; and
- WHEREAS, on August 25, 1981, the Papago Tribal Council passed Resolution No.
104-81, wherein it cited the deficiencies in H.R. 4363 and recommended
that H.R. 4363 be amended to correct said deficiencies; and

1 WHEREAS, on December 3, 1981, Congressman Udall introduced a new bill
2 (H.R. 5118) to provide water to the Papago Tribe of Arizona and
3 its members, to settle tribal and individual water right claims in
4 portions of the Papago Reservation, and for other purposes; and

5 WHEREAS, the four affected Districts reviewed and studies the terms and
6 provisions of H.R. 5118 and passed resolutions in regards thereto,
7 citing certain deficiencies in H.R. 5118 (San Lucy District,
8 December 12, 1981; Sif Oidak District on December 15, 1981; San
9 Xavier District on December 16, 1981; and Schuk Toak District on
10 December 17, 1981); and

11 WHEREAS, the Papago Tribal Council has reviewed H.R. 5118 and finds that
12 this Congressional bill fails to make any provision for the
13 settlement of the water right claims of the Chui Chu area of the
14 Sif Oidak District; and

15 WHEREAS, unless an amendment is made to H.R. 5118 to provide for and qualify
16 the water claims of the Chui Chu area of the Sif Oidak District and
17 to provide the means to put this water to a beneficial use prior to
18 H.R. 5118 being enacted into law, the Papago Tribe will be forced to
19 instigate litigation against all non-Indian water users in the Casa
20 Grande-Maricopa-Stanfield water basin and against the United States
21 Government on or before December 31, 1982; and

22 WHEREAS, although the Papago Tribal Council continues to commend Congressman
23 Udall and his staff on their efforts and endeavors to draft a
24 Congressional bill that would settle the San Xavier and Schuk Toak
25 Districts' water right claims, H.R. 5118 as introduced is still
26 deficient in certain other aspects that could prove detrimental to
27 the Papago Tribe.

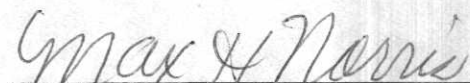
28 NOW, THEREFORE, BE IT RESOLVED by the Papago Council that it requests that
29 H.R. 5118 be amended in the following manner:

- 30 1. To provide an equitable and reasonable firm water supply
31 to the Chui Chu area of the Sif Oidak District and to
32 provide the means to put this water to a beneficial use;
2. To authorize the continued development of the Vaiva Vo
irrigation project using groundwater recharge created by
Reservation flood waters stored behind Tat Momolikot Dam;
3. To quantify Gila Bend Reservation water rights and provide
the means to put the water to a beneficial use;
4. To provide the means to put the total quantity of water to
be delivered to the San Xavier Reservation and the Schuk
Toak District to a beneficial use;
5. To define firm water supply as an assured annual quantity
of water suitable for diversified agricultural cropping
patterns;
6. To provide for the improvement and extension of the existing
irrigation system on the San Xavier Reservation and the
protection of that water source.

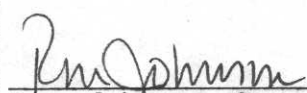
1 BE IT FURTHER RESOLVED that the Papago Council does hereby continue to
2 authorize and approve the negotiation and development of a
3 legislative settlement, and it hereby authorizes the Water
4 Commission, the Chairman of the Papago Tribe and the attorneys
5 and lobbyists to do whatever is necessary to seek amendment of
6 H.R. 5118 as set forth hereinabove, and to secure enactment of
7 the amended bill into law.

8 The foregoing Resolution was duly enacted by the Papago Council on the 22nd
9 day of December 1981, at a meeting at which a quorum was present with a vote
10 of 1054.5 for; 0 against; 93.5 not voting; and 0 absent,
11 pursuant to the authority vested in the Papago Council by Section 2 (a), (d)
12 and (m) of Article V of the Constitution and By-laws of the Papago Tribe of
13 Arizona as amended, ratified by the Papago Tribe on December 12, 1936, and
14 approved by the Secretary of the Interior on January 6, 1937, pursuant to
15 Section 16 of the Act of June 18, 1934 (48 Stat. 984). Said Resolution is
16 not subject to review by the Secretary of the Interior and is effective as
17 of the date of its enactment by the Papago Council.

18 THE PAPAGO COUNCIL

19 
20 Max H. Norris, Chairman

21 ATTEST:

22 
23 Rose Johnson, Secretary

Moved: John Narcho

RESOLUTION- HR 5118 - Water Bill

Seconded: Nicholas Jose

Date: December 18, 1981

Resolution
or
Ordinance # 155-81

Districts	Representatives	No of Votes	For	Against	Not Voting	Absent
BABOQUIVARI 175	1. Edward N. Kisto (Joann Garcia) 2. Kenneth Chico, Sr. (Donald Harvey)	87.5 87.5	X X			
CHUKUT KUK 117	1. Rosemary Lopez (2. Harriet Toro (Lawrence Jose)	58.5 58.5	X X			
GU ACHI 123	1. Angelo J. Joaquin, Sr. (Joseph Pete Ramon) 2. Cipriano Manuel (Fernando Joaquin)	61.5 61.5	X X			
GU VO 54	1. Cross Antone (Juan Joe Cipriano) 2. Alvin Virgil Lewis (Henry F. Manuel)	27.0 27.0			X X	
HICKIWAN 79	1. Henry A. Ramon (James Angea) 2. Delma Garcia (Archie Pilone)	39.5 39.5	X		X	
PISINEMO 82	1. Lamando Francisco (Herman Lopez) 2. Johnson Jose (Frank Garcia)	41.0 41.0	X X			
SAN LUCY 44	1. Max P. Jose (Garfield Lenzo) 2. Albert Gomez (Jeannie Morris)	22.0 22.0	X X			
SAN XAVIER 107	1. John B. Narcho (Simon Mamake) 2. John Lewis (Carmelita Mattias)	53.5 53.5	X X			
SCHUK TOAK 83	1. Alex Juan (Francisco Jose, Jr.) 2. Jo Ann Francisco (Priscilla G. Domingo)	41.5 41.5	X X			
SELLS 168	1. Andrew M. Patricio (Larry Garcia) 2. Fred Stevens (Dennis Jose)	84.0 84.0	X X			
SIF OIDAK 116	1. Elliot Lewis (Eugene Jose) 2. Nicklos Jose (Alice Norris)	58.0 58.0	X X			
TOTALS		1148.0	1054.0	0	93.5	0