

RESOLUTION OF THE PAPAGO TRIBAL COUNCIL

P.L. 97-293 - Contract Between U.S. and the Papago Tribe

RES. NO. 158-83

1 WHEREAS, Non-Indian surface water diversion and/or groundwater pumping near  
2 or bordering the San Xavier Reservation, portions of the Garcia  
3 Strip and the Vaya Strip of the Schuk Toak District and the Gila  
4 Bend Reservation has resulted in the lowering of groundwater tables,  
5 the compaction and periodic flooding of land, the deterioration of  
6 water quality, all in derogation and to the detriment of the rights  
7 of the Papago Tribe and its members; and

8 WHEREAS, the United States and the Papago Tribe and certain allotment owners,  
9 in their own right and on behalf of the Papago Tribe, and individual  
10 allottees of the San Xavier District, filed suit in 1975 in the  
11 United States District Court for the District of Arizona (respectively  
12 Cause No. CIV 75-39 and DIV 75-51) seeking, among other remedies a  
13 declaration of their rights in and to the use of surface and ground-  
14 waters; damages resulting from the use of surface and groundwater in  
15 derogation of their rights; and injunctive relief to prohibit with-  
16 drawals of surface and groundwaters of the Upper Santa Cruz Basin; and

17 WHEREAS, the Papago Council did appoint a Water Commission made up, among  
18 others, of members residing within the San Xavier, the Schuk Toak,  
19 the Sif Oidak and the San Lucy Districts, in order to review and  
20 study all available materials and data relative to the water basins  
21 on, near or under their respective Districts, and to negotiate and  
22 develop a legislative settlement of the water rights claims of their  
23 respective Districts in said basins, and to conduct public hearings  
24 in the Districts; and

25 WHEREAS, on the 14th day of February, 1980, the Papago Tribal Council passed  
26 Resolution No. 10-80, wherein it authorized and approved the negotia-  
27 tion and development of a legislative settlement of the water right  
28 claims of the Papago Tribe and its members in the water basins on,  
29 near or under the San Lucy District, San Xavier District, Garcia  
30 Strip and Vaya Strip of the Schuk Toak District and the ChuiChu area  
31 of the Sif Oidak District by means of a congressional bill to be  
32 enacted into Public Law of the United States which would provide the  
terms and conditions of the settlement and would establish the method  
and means of 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 December 3, 1981, Congressman Udall introduced a bill in the U.S.  
House of Representatives, H.R. 5118, and Senators Goldwater and  
DeConcini subsequently introduced a corresponding bill in the Senate,  
S. 2114, which were processed through the appropriate committees and  
passed by both Houses and sent to the President of the United States  
for enactment into law; and

1 WHEREAS, during the legislative process the proposed legislative settlement  
2 of the water right claims of the ChuiChu area of the Sif Oidak  
3 District and of the San Lucy District were eliminated from both bills  
4 with assurances from members of the congressional delegation that a  
5 subsequent bill would be introduced within this or the next session  
6 of Congress which would resolve the water problems of these two  
7 Districts; and

8 WHEREAS, on June 1, 1982, President Reagan vetoed H.R. 5118, and after addi-  
9 tional negotiations with the Federal Government and major local water  
10 users, Title III of P.L. 97-293, entitled the "Southern Arizona Water  
11 Rights Settlement Act of 1982" was enacted into law on October 12,  
12 1982; and

13 WHEREAS, the terms and conditions of the contract (authorized by the Act)  
14 between the Secretary of the Interior, on behalf of the United States  
15 Government and the Papago Indian Tribe, have been under negotiation  
16 for approximately 11 months; and

17 WHEREAS, a final contract has been negotiated subject to the approval of the  
18 Districts involved and the Papago Tribal Council; and

19 WHEREAS, the terms of this contract have been read and explained to members  
20 of San Lucy District, the Schuk Toak District, the San Xavier District  
21 and the Sif Oidak District and each District Council passed a resolu-  
22 tion recommending that the Tribal Council approve this contract and  
23 authorize the Papago Tribal Chairman and Secretary to execute the  
24 contract on behalf of the Papago Tribe; and

25 WHEREAS, the terms of this contract have been read and explained to the Papago  
26 Tribal Council, and after due consideration, the Council decided that  
27 it would be in the best interest of the Papago Tribe that said  
28 contract be approved by the Papago Tribal Council.

29 NOW, THEREFORE, BE IT RESOLVED by the Papago Tribal Council that the attached  
30 contract (as authorized by P.L. 97-293) between the Secretary of  
31 the Interior, on behalf of the United States and the Papago Tribe  
32 is hereby approved, and hereby authorizes the Papago Tribal Chairman  
and Secretary to execute this contract on behalf of this Papago Tribe.

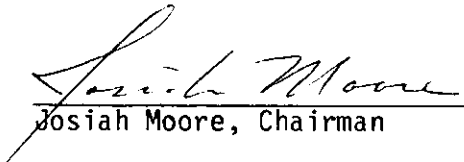
The foregoing Resolution was duly enacted by the Papago Council on the 30th  
day of September, 1983, at a meeting at which a quorum was present with a vote  
of 1008.5 for; 107.0 against; 324.5 not voting; and 0 absent  
pursuant to the authority vested in the Papago Council by Section 2 (a), (d)  
and (m) of Article V of the Constitution and By-laws of the Papago Tribe of  
Arizona as amended, ratified by the Papago Tribe on December 12, 1936, and  
approved by the Secretary of the Interior on January 6, 1937, pursuant to  
Section 16 of the Act of June 18, 1934 (48 Stat. 984). Said Resolution is  
not subject to review by the Secretary of the Interior and is effective as  
of the date of its enactment by the Papago Council.

THE PAPAGO COUNCIL

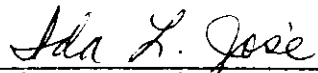
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Josiah Moore, Chairman

ATTEST:

  
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Ida L. Jose,  
Acting Tribal Secretary

Moved: Rosemary Lopez  
 Second: Carmelita Mattias  
 Date: September 30, 1983

SUBJECT- P.L. 97-293-Contract Between  
U.S. and the Papago Tribe

Resolution  
 or  
 Ordinance # 158-83

Districts	Representatives	No. of Votes	For	Against	Not Voting	Absent
BABOQUIVARI 203	1. Kenneth Chico, Sr. (Donald Harvey) 2. Joann Garcia (Edward N. Kisto)	101.5 101.5			X X	
CHUKUT KUK 138	1. Harriet Toro (Lawrence Jose) 2. Rosemary Lopez (Anita C. Clark)	69.0 69.0	X X			
GU ACHI 150	1. Fernando Joaquin (Fred Adams, Jr.) 2. Angelo J. Joaquin Sr. (Jonas R. Robles)	75.0 75.0	X X			
GU VO 107	1. Virgil Lewis (Henry F. Manuel) 2. Cross Antone (Fern. E. Salcido)	53.5 53.5		X X		
HICKIWAN 122	1. Delma Garcia (Archie Pilone) 2. Henry A. Ramon (Pablo Baptisto)	61.0 61.0	X			X
PISINEMO 105	1. Johnson Jose (Frank Garcia) 2. Lamando Francisco (Chester Antone)	52.5 52.5	X X			
SAN LUCY 51	1. Albert Gomez (Jeannie Morris) 2. John Reno (Max P. Jose)	25.5 25.5	X X			
SAN XAVIER 121	1. Carmelita Mattias ( ) 2. <del>XXXXXXXXXXXX</del> (Austin Nunez)	60.5 60.5	X			X
SCHUK TOAK 103	1. Jo Ann Francisco (Priscilla G. Domingo) 2. <del>XXXXXXXXXXXX</del> (Joseph Juan)	51.5 51.5	X X			
SELLS 235	1. <del>XXXXXXXXXXXX</del> (Dennis Jose) 2. Andrew M. Patricio (Nora Alvarez)	117.5 117.5	X X			
SIF OIDAK 105	1. Nicklos Jose (Alice Norris) 2. Elliot Lewis (Eugene F. Jose)	52.5 52.5	X X			
TOTALS		1440.0	1008.5	107.0	324.5	0