

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approval of Agreement in Principle for Cost Sharing of
Joint Use Facilities to be Designed and Constructed as
Part of San Xavier New Farm Development)

RES. NO. 20-89

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2 WHEREAS, the Tohono O'Odham Legislative Council convened in a
3 meeting on August 4, 1988 and approved the preferred
4 plan (9B) in Chapter 6 of the draft San Xavier
5 Development Plan; and

6 WHEREAS, the Legislative Council recognizes the need to expedite
7 activities to initiate design of the preferred plan in
8 order to complete construction by October 12, 1992; and

9 WHEREAS, the Southern Arizona Water Rights Settlement Act (P.L.
10 97-293 October 12, 1982) states that the Tohono O'Odham
11 Nation (Nation) is responsible for the cost of
12 developing the land that receives "Exchange" water; and

13 WHEREAS, on August 23, 1988 a meeting was held between
14 representatives of the Nation and the United States
15 Department of the Interior to come to an agreement on
16 cost sharing for Joint-Use Facilities to be constructed
17 on the San Xavier New Farm Development; and

18 WHEREAS, it was concluded during the meeting that the Nation
19 would be responsible for the incremental costs
20 associated with the "Exchange" water; and

21 WHEREAS, in order to simplify contracting and avoid the mixing of
22 funds it was found to be to the Nation's advantage to
23 identify features which have Nation costs totaling the
24 incremental cost between the two systems and which could
25 be designed and constructed separately by the Nation;
26 and

27 WHEREAS, the Nation shall design and construct the north-south
28 laterals, field ditches, irrigation works, and
29 associated appurtenances in Sectors 1 and 2, and the
30 floodway between Sectors 1 and 2, and the flood berm
31 east of Sector 1, and all land subjugation; and

32 WHEREAS, the Department of the Interior shall design and
construct all of the north-south laterals, field

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ditches, irrigation works, floodways, and associated appurtenances in Sectors 3, 4, 5, 6, 7, 8, and 9, of Enclosure 1, and the entire main pipeline and main canal, and the floodway between Sectors 2 and 3; and

WHEREAS, the Nation is not required to construct Sectors 1 and 2 before October 12, 1992, so that the Nation can do phased construction; and

WHEREAS, the Department of the Interior has already signed an Agreement In Principal, and is awaiting the Nation's signature.

NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Nation agree in principle to the construction cost sharing, as outlined above and set forth in the agreement attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that this Council authorizes the Chairman of the Nation to execute this agreement and to do all things necessary to implement this agreement and the purpose of this resolution.

The foregoing Resolution was passed by the Tohono O'odham Council on the 26th day of January, 1989 at a meeting at which a quorum was present with a vote of 1,121.0 for; 200.5 against; 318.5 not voting; and 02 absent, pursuant to the powers vested in the Council by Section 1 (f) of Article VI of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986, and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Harriet Loro
Harriet Loro, Legislative Chairperson

30th day of January, 1989.

ATTEST:

Teresa M. Choyguba
Teresa M. Choyguba, Legislative Secretary

30th day of January, 1989.

(Approval of Agreement in Principle for Cost Sharing of Joint Use Facilities to be Designed and Constructed as Part of San Xavier New Farm Development)

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 31 day of Jan., 1989, at 10:07 o'clock, A.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Andrew M. Patricio
Harriet Toro, Legislative Chairperson

[] APPROVED) on the 3rd day of February, 1989.
[✓] DISAPPROVED) at 8:35 o'clock, A.M.

Enos J. Francisco Jr
ENOS J. FRANCISCO, JR., Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 3rd day of February, 1989, at 8:56 o'clock, A.M.

Teresa M. Choyguha
Teresa M. Choyguha
Legislative Secretary

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MOVED: Willard Juan, Sr.

SUBJECT: Appr. of Agreement in

SECOND: Tony Felix

Principle for Cost Sharing of

DATE: Janaury 26, 1989

Joint Use Facilities - SX New Farm

RESOLUTION # 20-89

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 169.0	1. Rosita Ruiz (Rosemary Lopez)	84.5	X			
	2. Harriet Toro ()	84.5	X			
HICKIWAN 128.0	1. Lloyd Francisco (Eleanor Santos)	64.0	X			
	2. Henry Ramon (Billy Manuel)	64.0	X			
GU VO 117.0	1. Cross Antone (Juan Joe Cipriano)	58.5			X	
	2. Virgil Lewis (Roy Montana)	58.5		X		
SAN LUCY 85.0	1. John Reno ()	42.5	X			
	2. Max Jose (Dewey Ortega)	42.5	X			X
PISINEMO 116.0	1. Edward Manuel (Alex Antone)	58.0	X			
	2. Johnson Jose ()	58.0	X			X
GU ACHI 158.0	1. Fernando Joaquin ()	79.0		X		
	2. Percy Lopez ()	79.0			X	
BABOQUIVARI 241.0	1. Joann Garcia (Frances Miguel)	120.5	X			
	2. Kenneth Chico, Sr. ()	120.5	X			
SAN XAVIER 126.0	1. Tony Felix (Carmelita Mattias)	63.0	X			
	2. Eugene Enis (Michael Rios)	63.0		X		
SCHUK TOAK 105.0	1. Joseph Juan (Frances Francisco)	52.5			X	
	2. Julia Carrillo (JoAnn Francisco)	52.5	X			
SELLS 257.0	1. Fred Stevens ()	128.5			X	
	2. Andrew Patricio (Daniel Lopez)	128.5	X			
SIF OIDAK 138.0	1. Willard Juan, Sr. (Melissa Gregorio)	69.0	X			
	2. Nicholas Jose (Letitia Garcia)	69.0	X			
TOTAL		1,640.0	1,121.0	200.5	318.5	02