

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Right-of-Way for C.A.P. Water Pipeline)

RES. NO. 22-89

1 WHEREAS, the Bureau of Reclamation has need for a right-of-way  
2 across two (2) miles of Tribal land in the San Xavier  
3 District for the purpose of installing a 78" underground  
4 pipeline, as part of the main C.A.P. water delivery  
5 system, for the delivery of C.A.P. water to the Nation's  
6 new farm area, the San Xavier Co-operative Association  
7 farms and to the Southern Boundary of the San Xavier  
8 Reservation ending at Pima Mines Roads, a copy of the  
9 route map is attached hereto and made a part hereof; and

10 WHEREAS, allottees' lands, located on the San Xavier Reservation,  
11 are also subject to the Bureau of Reclamation requests  
12 for right-of-ways for the purpose of the installation of  
13 this underground pipeline and above-ground appurtenances  
14 utilized for the delivery of C.A.P. water to the San  
15 Xavier Co-operative Association farms and to the  
16 Southern Boundary of the San Xavier Reservation ending  
17 at Pima Mines Road; and

18 WHEREAS, an appraisal of the value of the tribal and allottees'  
19 land to be utilized for this right-of-way has been done  
20 and the conclusion of the appraiser was that the two (2)  
21 mile right-of-way across tribal land, with and 80%  
22 taking, would have a value of \$75,000.00 based on the  
23 value of the total land utilized for the right-of-way of  
24 \$93,000.00; and

25 WHEREAS, the Nation's Legislative Natural Resource Committee has  
26 reviewed the appraisal and the purpose and basis for  
27 determining the value of the land to be utilized for the  
28 requested right-of-way and after several meetings with  
29 parties involved, has decided that the purposes for the  
30 right-of-way will require a 100% taking of the land  
31 involved and that the Bureau of Reclamation should pay  
32 the Nation 100% of the appraised value thereof; and

1 WHEREAS, it would be in the best interest of the Nation if the  
2 Nation made a demand for payment of 100% of the  
3 appraised value (\$93,000.00) for the land to be utilized  
4 for this right-of-way.

5 NOW, THEREFORE, BE IT RESOLVED, that the Tohono O'odham  
6 Legislative Council does hereby demand that the Bureau  
7 of Reclamation pay to the Nation 100% of the appraisal  
8 value (\$93,000.00) for the right-of-way across the two  
9 miles of Tribal lands within the San Xavier Reservation,  
10 to be utilized for the purpose of the installation of a  
11 78" pipeline for the delivery of C.A.P. water to the  
12 Nation's new farm area, the San Xavier Co-operative  
13 Association farms and to the Southern Boundary of the  
14 San Xavier Reservation.

15 BE IT FURTHER RESOLVED, that the Chairman of the Nation forward  
16 this demand to the Bureau of Reclamation and if  
17 accepted, the Chairman of the Nation is authorized to  
18 execute all necessary agreements or other documents to  
19 effectuate this two (2) mile right-of-way.

20 The foregoing Resolution was passed by the Tohono O'odham Council  
21 on the 26th. day of Janaury, 1989 at a meeting at which a quorum  
22 was present with a vote of 962.5 for; 566.5 against; 111.0 not  
23 voting; and 01 absent, pursuant to the powers vested in the  
24 Council by Section 1 (f) & 2 (d) of Article VI of the Consti-  
25 tution of the Tohono O'odham Nation, adopted by the Tohono  
26 O'odham Nation on January 18, 1986, and approved by the Acting  
27 Deputy Assistant Secretary - Indian Affairs (Operations) on March  
28 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48  
29 Stat. 984).

30 TOHONO O'ODHAM LEGISLATIVE COUNCIL

31 Harriet Toro  
32 Harriet Toro, Legislative Chairperson  
33 27<sup>th</sup> day of January, 1989.

34 ATTEST:

35 Teresa M. Choyguha  
36 Teresa M. Choyguha, Legislative Secretary  
37 27<sup>th</sup> day of January, 1989.

1 Said Resolution was submitted for approval to the office of the  
2 Chairman of the Tohono O'odham Nation on the 31 day of  
3 Jan., 19 89, at 10:08 o'clock, A.M.,  
4 pursuant to the provisions of Section 5 of Article VII of the  
5 Constitution and will become effective upon his approval or upon  
6 his failure to either approve or disapprove it within 48 hours of  
7 submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

8 Andrew M. Daticio  
9 Harriet Toro, Legislative Chairperson

10 [ ] APPROVED ) on the 3rd day of February, 1989,  
11 [  ] DISAPPROVED ) at 8:49 o'clock, A.M.

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

15 Returned to the Legislative Secretary on the 3rd day of  
16 February, 19 89, at 8:57 o'clock, A.M.

17 Teresa M. Choyguha  
18 Teresa M. Choyguha  
19 Legislative Secretary  
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MOVED: Julia Carrillo

SUBJECT: Right-of-way for the

SECOND: Tony Felix

C.A.P. Water Pipeline

DATE: January 26, 1989

RESOLUTION # 22-89

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 169.0	1. Rosita Ruiz (Rosemary Lopez) 2. Harriet Toro ( )	84.5 84.5	X X			
HICKIWAN 128.0	1. Lloyd Francisco (Eleanor Santos) 2. Henry Ramon (Billy Manuel)	64.0 64.0	X	X		
GU VO 117.0	1. Cross Antone (Juan Joe Cipriano) 2. Virgil Lewis (Roy Montana)	58.5 58.5		X	X	
SAN LUCY 85.0	1. John Reno ( ) 2. Max Jose (Dewey Ortega)	42.5 42.5		X X		
PISINEMO 116.0	1. Edward Manuel (Alex Antone) 2. Johnson Jose ( )	58.0 58.0	X X			X
GU ACHI 158.0	1. Fernando Joaquin ( ) 2. Percy Lopez ( )	79.0 79.0		X X		
BABOQUIVARI 241.0	1. Joann Garcia (Frances Miguel) 2. Kenneth Chico, Sr. ( )	120.5 120.5	X X			
SAN XAVIER 126.0	1. Tony Felix (Carmelita Mattias) 2. Eugene Enis (Michael Rios)	63.0 63.0	X	X		
SCHUK TOAK 105.0	1. Joseph Juan (Frances Francisco) 2. Julia Carrillo (JoAnn Francisco)	52.5 52.5			X	
SELLS 257.0	1. Fred Stevens ( ) 2. Andrew Patricio (Daniel Lopez)	128.5 128.5	X X			
SIF OIDAK 138.0	1. Willard Juan, Sr. (Melissa Gregorio) 2. Nicholas Jose (Letitia Garcia)	69.0 69.0		X X		
TOTAL		1,640.0	962.5	566.5	111.0	01