

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Proposed Water Settlement Legislation
Chuichu Area of the Sif Oidak District)

RES. NO. 85-89

1 WHEREAS, non-Indian surface water diversion and ground water
2 pumping near or bordering the Chuichu area of the Sif
3 Oidak District has resulted in water withdrawals, the
4 depletion of ground water, the compaction of
5 subterranean lands, and the deterioration of water
6 quality on, under and from the Maricopa-Stanfield-Casa
7 Grande water basin, all in derogation and to the
8 detriment of the rights of the members of the Papago
9 Tribe residing in the Chuichu area of the Sif Oidak
10 District; and

11 WHEREAS, on the 14th day of February, 1980, the Papago Tribal
12 Council passed Resolution No. 10-80 wherein it
13 authorized and approved the negotiation and development
14 of a legislative settlement of the water rights claims
15 of the Papago Tribe and its members in the water basins
16 on, near or under the San Lucy, San Xavier, Schuk Toak
17 and Sif Oidak Districts by means of a congressional bill
18 to be enacted into Public Law of the United States which
19 would state the terms and conditions of the settlement
20 and would establish the method and means of implementing
21 such settlement; and

22 WHEREAS, on December 3, 1981, Congressman Udall introduced a bill
23 in the U.S. House of Representatives, (H.R. 5118) and
24 subsequently Senator Goldwater and Senator DeConcini
25 introduced a corresponding bill in the Senate (S.2114)
26 which were processed through the appropriate committees
27 and passed by both the Houses and sent to the President
28 of the United States for enactment into law; and

29 WHEREAS, during the legislative process the proposed legislative
30 settlement of the water right claims of the Gila Bend
31 Reservation (San Lucy District) and the Chuichu area of
32 the Sif Oidak District of the Sells Reservation were
eliminated from the bill that passed the Senate and

1 House of Representatives with assurances from members of
2 the congressional delegation that a second bill would be
3 introduced within this or the next session of Congress
4 that would resolve the water problems of these two
5 Districts; and

6 WHEREAS, on October 12, 1983, Public Law 97-293 was enacted into
7 law for the purpose of settling the water right claims
8 of the Nation with respect to the San Xavier Reservation
9 and the Schuk Toak District of the Sells Reservation and
10 on October 20, 1986, Public Law 99-503 was enacted for
11 the purposes of settling the land and water claims of
12 the Nation with respect to the Gila Bend Reservation;
13 and

14 WHEREAS, although Congressional bills have been introduced for
15 the purpose of settling the water right claims of the
16 Nation with respect to the Chuichu area of the Sells
17 Reservation, the Nation has been unsuccessful in
18 acquiring the enactment of those bills into law; and

19 WHEREAS, after many district, public and council meetings to
20 consider proposed options for the settlement of the
21 Nation's water claims with respect to the Chuichu area
22 of the Sif Oidak District, the District Council has
23 passed a resolution agreeing that the proposed
24 legislation, a copy of which is attached hereto and made
25 a part hereof, if passed by Congress and enacted into
26 law would be in the best interest of the Sif Oidak
27 District and the Tohono O'Odham Nation; and

28 WHEREAS, the Sif Oidak District Council understands that during
29 the legislative process this proposed legislation is
30 subject to modifications, alterations, changes or
31 additions and that if such should occur, any and all
32 material modifications, alterations, changes or
additions that would affect the benefits to be received

1 by the District and the Nation must be subject to the
2 approval of the District and the Nation; and

3 WHEREAS, the Sif Oidak District Council has approved by Council
4 resolution, a copy of the resolution is attached hereto
5 and made a part hereof, the terms and conditions of the
6 proposed legislation attached hereto and made a part
7 hereof, and hereby request that the Tohono O'Odham
8 Legislative Council, and the Chairman of the Nation
9 approve said legislation and authorized the Water
10 Resource Committee, Lobbyist, Attorneys, along with the
11 Chairman of the Nation and all other necessary Nation's
12 officials to do whatever is necessary to have this
13 proposed settlement legislation introduced in the U.S.
14 Congress and engineered through the legislative process
15 as quickly as possible and enacted into law.

16 NOW, THEREFORE, BE IT RESOLVED that the Tohono O'Odham
17 Legislative Council does hereby approve the terms and
18 conditions of the proposed water settlement legislation
19 attached hereto and made a part hereof, and hereby
20 authorize and direct the Nation's Water Resource
21 Committee, Lobbyist, Attorneys, along with the Chairman
22 of the Nation and all other necessary Nation's Officials
23 to do whatever is necessary to have this settlement
24 legislation introduced in the U.S. Congress and
25 engineered through the legislative process as quickly as
26 possible and enacted into law.

27 BE IT FURTHER RESOLVED that any material modification,
28 alteration, changes, additions to the legislation that
29 would affect the benefits to be received by the
30 Districts and the Nation must first be subject to the
31 approval of the Districts and the Nation.

32

1 The foregoing Resolution was passed by the Tohono O'odham Council
2 on the 2nd. day of March, 1989 at a meeting at which a quorum
3 was present with a vote of 1,581.5 for; -0- against; 58.5 not
4 voting; and 07 absent, pursuant to the powers vested in the
5 Council by Section 1 (c) & (f) of Article VI of the
6 Constitution of the Tohono O'odham Nation, adopted by the Tohono
7 O'odham Nation on January 18, 1986, and approved by the Acting
8 Deputy Assistant Secretary - Indian Affairs (Operations) on March
9 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48
10 Stat. 984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Harriet Toro

Harriet Toro, Legislative Chairperson

10th day of March, 1989.

11 ATTEST:

12
13 *Teresa M. Choyguha*
14 Teresa M. Choyguha, Legislative Secretary

15 10th. day of March, 1989.

16 Said Resolution was submitted for approval to the office of the
17 Chairman of the Tohono O'odham Nation on the 10th. day of
18 MARCH, 1989, at 8:40 o'clock, A.M.,
19 pursuant to the provisions of Section 5 of Article VII of the
20 Constitution and will become effective upon his approval or upon
21 his failure to either approve or disapprove it within 48 hours of
22 submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Harriet Toro

Harriet Toro, Legislative Chairperson

23 APPROVED) on the 15th day of March, 1989.

24 DISAPPROVED) at 8:44 o'clock, A.M.

25
26 *Enos J. Francisco, Jr.*
27 ENOS J. FRANCISCO, JR., Chairman
28 TOHONO O'ODHAM NATION

29 Returned to the Legislative Secretary on the 15th. day of
30 March, 1989, at 9:05 o'clock, A.M.

31 *Teresa M. Choyguha*
32 Teresa M. Choyguha
Legislative Secretary

MOVED: Willard Juan, Sr.

SUBJECT: Proposed Water

SECOND: Nicholas Jose

Settlement Legislation-Chuichu

DATE: March 02, 1989

Area of the Sif Oidak District

RESOLUTION #85-89

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 169.0	1. Rosita Ruiz (Rosemary Lopez)	84.5	X			X
	2. Harriet Toro ()	84.5	X			
HICKIWAN 128.0	1. Lloyd Francisco (Eleanor Santos)	64.0	X			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			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			X
SELLS 257.0	1. Fred Stevens ()	128.5	X			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	1,581.5	-0-	58.5	07