

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Approving Updated 2022 Annual Scheduling Agreement with New Magma  
Irrigation and Drainage District)**

**RESOLUTION NO. 22-068**

1 **WHEREAS,** the Constitution of the Tohono O'odham Nation vests the Legislative Council with  
2 the power "to consult, negotiate and conclude agreements and contracts on  
3 behalf of the Tohono O'odham Nation with Federal, State and local governments  
4 and other Indian tribes or their departments, agencies, or political subdivisions,  
5 or with private persons or organizations on all matters within the authority of the  
6 Tohono O'odham Council." (Constitution, Article VI, Section 1(f)); and

7 **WHEREAS,** by Resolution No. 15-351 the Tohono O'odham Nation approved an agreement  
8 with the New Magma Irrigation and Drainage District providing for delivery of a  
9 portion of the Nation's CAP water for water storage at a groundwater savings  
10 facility (the "Agreement"), and the Agreement was executed by the parties on  
11 December 12, 2015; and

12 **WHEREAS,** the original term of the Agreement was for two calendar years, from January 1,  
13 2016 to December 31, 2017; and

14 **WHEREAS,** the term of the Agreement was subsequently amended to end on December 31,  
15 2022; and

16 **WHEREAS,** the Agreement allows the parties to negotiate a quantity of water and a price each  
17 year, as set forth in an Annual Scheduling Agreement; and

18 **WHEREAS,** the Legislative Council through Resolution No. 22-011 approved a 2022 Annual  
19 Scheduling Agreement with New Magma Irrigation and Drainage District; and

20 **WHEREAS,** the San Xavier District has first right of beneficial use of the Nation's Central  
21 Arizona Project water; and

22 **WHEREAS,** the San Xavier Coop Farm has amended its water order to request additional  
23 Central Arizona Project water, which leaves less water for delivery to the New  
24 Magma Irrigation and Drainage District; and

25 **WHEREAS,** the Water Resources Committee recommends a quantity of water and a price as  
26 set forth in the Updated 2022 Annual Scheduling Agreement attached to this  
27 resolution.

28 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council approves the  
29 Updated 2022 Annual Scheduling Agreement with the New Magma Irrigation and  
30 Drainage District substantially in the form attached hereto, and authorizes the  
31 Chairman of the Nation to execute it.  
32

**RESOLUTION NO. 22-068**

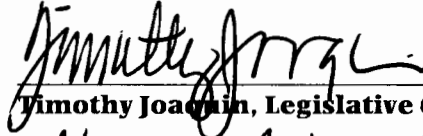
**(Approving Updated 2022 Annual Scheduling Agreement with New Magma Irrigation and Drainage District)**

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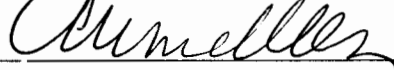
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The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 17<sup>TH</sup> day of FEBRUARY, 2022 at a meeting at which a quorum was present with a vote of 3,218.0 FOR; -0- AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by, Article VI, Section 1(f) and Article XVII, Section 2 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

  
\_\_\_\_\_  
Timothy Joaquin, Legislative Chairman  
22 day of February, 2022

ATTEST:

  
\_\_\_\_\_  
Evonne Wilson, Legislative Secretary  
22 day of February, 2022

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 22 day of February, 2022 at 4:39 o'clock, P .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

  
\_\_\_\_\_  
Timothy Joaquin, Legislative Chairman

APPROVED

on the 23 day of February, 2022

DISAPPROVED

at 3:05 o'clock, P .m.

  
\_\_\_\_\_  
NED NORRIS, JR., CHAIRMAN  
TOHONO O'ODHAM NATION

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Returned to the Legislative Secretary on the 23 day of  
February, 2022, at 3:48 o'clock, P.m.

Evonne Wilson  
Evonne Wilson, Legislative Secretary

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**ACTION: APPROVING UPDATED 2022 ANNUAL SCHEDULING AGREEMENT WITH NEW MAGMA IRRIGATION AND DRAINAGE DISTRICT****MOVED: COUNCILMAN DANIEL L.A. PRESTON III****SECOND: COUNCILWOMAN LUCINDA ALLEN****DATE: FEBRUARY 17, 2022**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 245.6	1. MARY LOPEZ (Ann M. Garcia)	122.8	X			
	2. LUCINDA ALLEN (Francis Homewytewa)	122.8	X			
SELLS 556.5	1. ARTHUR WILSON ( )	278.25	X			
	2. EVELYN JUAN-MANUEL (Arvada Liston)	278.25	X			
SCHUK TOAK 190.5	1. TERESA F. DONAHUE (Alberta Espinoza)	95.25	X			
	2. DELISA M. RAMON (Sharon A. Francisco)	95.25	X			
SAN XAVIER 242.6	1. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner)	121.3	X			
	2. JANICE FELIX (Adam P. Andrews)	121.3	X			
SAN LUCY 243.8	1. JANA MONTANA (Lorraine M. Eiler)	121.9	X			
	2. ROGER MANUEL (Christina Andrews)	121.9	X			
PISINEMO 232.7	1. MARIETTA MARTIN ( )	116.35	X			
	2. EDWARD D. MANUEL (Monica Morgan)	116.35	X			
HICKIWAN 216.6	1. LOUIS R. LOPEZ ( )	108.3	X			X
	2. SANDRA D. ORTEGA (Absent) (Delma M. Garcia) (Present)	108.3	X			
GU VO 270.7	1. GRACE MANUEL ( )	135.35	X			
	2. CYNTHIA SAAVEDRA (Dallas Lewis)	135.35	X			
GU ACHI 278.5	1. TIMOTHY L. JOAQUIN ( )	139.25	X			
	2. VICTORIA HOBBS (Tonya L. Joaquin)	139.25	X			
CHUKUT KUK 351.6	1. MARLAKAY HENRY (Billman Lopez)	175.8	X			
	2. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	175.8	X			
BABOQUIVARI 388.9	1. ALBERTA J. RAY (Frances G. Antone)	194.45	X			
	2. LEANDER MASE (Francine Schooling)	194.45	X			
	<b>TOTAL</b>	<b>3,218.0</b>	<b>3,218.0</b>	<b>-0-</b>	<b>-0-</b>	<b>[01]</b>