

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Affirming the Tohono O'odham Nation's Consent to San Xavier District Being Treated as a Tribal Organization for Self-Determination Contracts as Provided by Section 4107 of 25 T.O.C. Chapter 4, Including for the San Xavier Cooperative Association Farm Extension)

RESOLUTION NO. 22-331

- 1 **WHEREAS,** "All waters which originate in or flow in, into or through the Tohono O'odham
2 Nation, or which are stored in or by the Tohono O'odham Nation, whether found
3 on the surface or underground, are a sacred and valuable public resource of the
4 Tohono O'odham Nation to be protected for the present and future use of the
5 Tohono O'odham Nation as a whole." 25 T.O.C. Chapter 3, Tohono O'odham Nation
6 Water Code, Preamble; Constitution, Article XVII, Section 1; and
- 7 **WHEREAS,** the Nation's Water Code provides that, "All rights of the Nation to its water
8 resources, whether founded on federal, state or international law or the Nation's
9 law shall be protected and preserved. Nothing in this Code shall be construed to
10 be a waiver or limitation on these rights of the Nation." Water Code, Section
11 3101(B); and
- 12 **WHEREAS,** the Nation's Water Code authorizes the Nation's Water Resources Department
13 director to "consult and cooperate with, advise or negotiate with any federal,
14 state, or local jurisdictional authority regarding matters related to the Nation's
15 Water." Water Code, Section 3202(A)(12); and
- 16 **WHEREAS,** by Resolution No. 98-188, the Tohono O'odham Legislative Council authorized the
17 San Xavier District Council to "prepare a Cooperative Agreement with the Bureau
18 of Reclamation for the review, planning, and final design and construction of the
19 CAP Link Pipeline and the design review of the Farm Rehabilitation Plan for the
20 San Xavier Cooperative Farm"; provided that the Cooperative Agreement would
21 be subject to Legislative Council approval; and
- 22 **WHEREAS,** by Resolution No. 2000-349, the Legislative Council did "amend the scope of work
23 in Resolution 98-188 to include 1) the development of a revised plan and design
24 for the Farm Rehabilitation for the San Xavier Cooperative Association Farm; 2)
25 the implementation of the Farm Rehabilitation; 3) the development of a farm
26 plan, design and implementation strategy for the Farm Extension; and 4) the
27 construction of the Farm Extension"; and
- 28 **WHEREAS,** in accordance with Title III of the Arizona Water Settlements Act, Pub. L. 108- 451,
29 the Southern Arizona Water Rights Settlement Amendments Act of 2004 ("SAWRSA
30 Amendments") and by Section 4107 of 25 T.O.C. Chapter 4, the Nation has
31 consented

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Page 2 of 3

1 to the San Xavier District being deemed a Tribal Organization . . . for purposes
2 limited solely to contracts for: (1) the design and construction of the delivery and
3 distribution system and the rehabilitation of the irrigation system for the
4 Cooperative Farm; (2) the extension of the irrigation system for the Cooperative
5 Farm; (3) the subjugation of land to be served by the extension of the irrigation
6 system for the Cooperative Farm

7 ; and

8 **WHEREAS,** by Section 4107, the Nation also has consented to the District being deemed a
9 tribal organization for self-determination contracts for "the completion by the
10 Secretary of the Interior of a water resources study of the San Xavier Reservation
11 and the subsequent preparation of water management plans as provided for and
12 described in § 308(d) of the SAWRSA Amendments"; provided that a water
13 management plan "shall become effective upon its approval by the Legislative
14 Council" (Section 3702(B) of 25 T.O.C. Chapter 3 Tohono O'odham Nation Water
15 Code); and

16 **WHEREAS,** the San Xavier District has reported that the Cooperative Farm rehabilitation
17 design and construction have been completed, the turnover of the completed
18 Cooperative Farm rehabilitation is pending the completion of the standard
19 operating procedures, and rehabilitation features have been accepted for use by
20 the Cooperative Farm; and

21 **WHEREAS,** the San Xavier District Council enacted Resolution No. SXDC 06-22-11 requesting
22 authorization from the Tohono O'odham Legislative Council to continue working
23 with the Bureau of Reclamation to plan, design, and facilitate the construction of
24 the Cooperative Farm extension; and

25 **WHEREAS,** the Tohono O'odham Legislative Council's Agricultural and Natural Resources
26 and Water Resources Committees have reviewed San Xavier District's request
27 and recommend that, pursuant to Section 4107 of 25 T.O.C. Chapter 4, the
28 Legislative Council affirm the Nation's consent to the District entering self-
29 determination contracts with the United States Bureau of Reclamation for the
30 limited purposes specified in Section 4107.

31 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council, pursuant to
32 Section 4107 of 25 T.O.C. Chapter 4, affirms the Nation's consent to the San Xavier
33 District being deemed a tribal organization for purposes limited solely to self-

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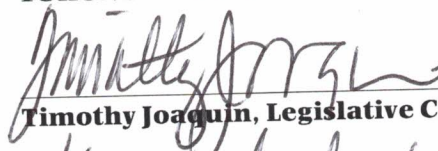
Page 2 of 3

determination contracts with the United States Bureau of Reclamation for: (1) the design and construction of the delivery and distribution system and the rehabilitation of the irrigation system for the Cooperative Farm, (2) the extension of the irrigation system for the Cooperative Farm, (3) the subjugation of land to be served by the extension of the irrigation system for the Cooperative Farm, and (4) the completion by the Secretary of the Interior of a water resources study of the San Xavier Reservation and the subsequent preparation of water management plans as provided for and described in § 308(d) of the SAWRSA Amendments"; provided that a water management plan "shall become effective upon its approval by the Legislative Council" (Section 3702(B) of 25 T.O.C. Chapter 3 - Tohono O'odham Nation Water Code).

BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that nothing in this Resolution shall be interpreted to delegate any authority of the Nation or the Nation's Water Resources Department or Department director to the San Xavier District or any other entity.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 14TH day of SEPTEMBER, 2022 at a meeting at which a quorum was present with a vote of 2,377.15 FOR; 840.85 AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by, Article VI, Section 1(f) and Section 2(d); 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

16 day of September, 2022

ATTEST:



Evonne Wilson, Legislative Secretary

15 day of September, 2022

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Page 4 of 4

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 16 day of September, 2022 at 8:15 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



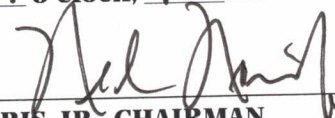
Timothy Joaquin, Legislative Chairman

APPROVED

on the 16 day of September, 2022

DISAPPROVED

at 12:15 o'clock, P .m.



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

Returned to the Legislative Secretary on the 19 day of

September, 2022, at 10:13 o'clock, a .m.



Evonne Wilson, Legislative Secretary

ACTION: AFFIRMING THE TOHONO O'ODHAM NATION'S CONSENT TO SAN XAVIER DISTRICT BEING TREATED AS A TRIBAL ORGANIZATION FOR SELF-DETERMINATION CONTRACTS AS PROVIDED BY SECTION 4107 OF 25 T.O.C. CHAPTER 4, INCLUDING FOR THE SAN XAVIER COOPERATIVE ASSOCIATION FARM EXTENSION

MOVED: COUNCILMAN DANIEL L.A. PRESTON III

SECOND: COUNCILWOMAN JANICE FELIX

DATE: SEPTEMBER 14, 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 (<i>Absent</i>) (Shelia Espino) (<i>Present</i>)	278.25	X	X		
	2. EVELYN JUAN-MANUEL (Arvada Liston)	278.25				
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			X
	2. EDWARD D. MANUEL (Monica Morgan)	116.35	X			
HICKIWAN 216.6	1. LOUIS R. LOPEZ ()	108.3		X		
	2. DELMA M. GARCIA ()	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			
TOTAL		3,218.0	2,377.15	840.85	-0-	[01]