

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Declaring Interest in Participation in the State of Arizona Governor's Water
Policy Council and Appointing the Nation's Chairperson)

RESOLUTION NO. 23-028

1 **WHEREAS,** the Constitution of the Tohono O'odham Nation provides that "[a]ll waters which
2 originate in or flow in, into or through the Tohono O'odham Nation, or which are
3 stored in the Tohono O'odham Nation, whether found on the surface or
4 underground, are a valuable public resource of the Tohono O'odham Nation to be
5 protected for the present and future use of the Tohono O'odham Nation as a
6 whole" (Constitution, Article XVII, Section 1); and

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

13 **WHEREAS,** the Constitution authorizes the Legislative Council to "provide for, appoint, or
14 provide for the appointment of, and prescribe the duties and powers of
15 committees, board, officers and agents" (Constitution, Article VI, Section 1(b));
16 and

17 **WHEREAS,** under the Southern Arizona Water Rights Settlement Act, Pub. L. 97-293 (1982)
18 (SAWRSA), as amended by the Arizona Water Settlements Act, Pub. L. 108-451
19 (2004) (AWSA), the Nation gave up its significant claims concerning damages to
20 groundwater and surface water on the Nation's reservation lands in the Tucson
21 Active Management Area, in return for reliable, affordable, and long-term access
22 to Central Arizona Project (CAP) water, as well as on-reservation groundwater
23 protections; and

24 **WHEREAS,** while SAWRSA settled the Nation's water rights claims to a little over 100,000
25 acres, the vast majority of the Nation's federal reserved water rights underlying
26 its two million acre reservation, both within and outside of current Active
27 Management Areas, remain unquantified, and are the subject of ongoing
28 settlement negotiations with the United States and others; and

29 **WHEREAS,** historic drought conditions and chronic over-allocation of Colorado River water
30 have resulted in diminished availability of CAP and surface water from other
31 sources in Arizona, and has increased demand for groundwater in ways that have
32 and will significantly impact the Nation and its water resources; and

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1 **WHEREAS,** on January 9, 2023, the Governor of the State of Arizona, in recognition of these
2 conditions, created the Governor's Water Policy Council to analyze and
3 recommend updates to the 1980 Arizona Groundwater Management Act; and

4 **WHEREAS,** among other stakeholders, the Governor has solicited membership on the
5 Governor's Water Policy Council from Tribes both within and outside current
6 Active Management Areas, as recommended by the Inter Tribal Council of
7 Arizona; and

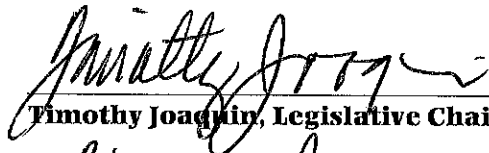
8 **WHEREAS,** it is in the Nation's interest to participate in the Governor's Water Policy Council,
9 and the Water Resources Committee recommends that the Nation (1) notify the
10 Inter Tribal Council and the Governor, as appropriate, of its interest in such
11 participation, and (2) if selected to participate, appoint the Nation's chairperson
12 to represent the Nation's interests through membership on the Governor's Water
13 Policy Council.

14 **NOW, THEREFORE, BE IT RESOLVED** by the Tohono O'odham Legislative Council that it declares
15 its interest in participation on the Governor's Water Policy Council.

16 **BE IT FINALLY RESOLVED** that the Tohono O'odham Legislative Council appoints the Nation's
17 chairperson to represent the Nation's interests on the Governor's Water Policy
18 Council, and authorizes the Nation's chairperson and the Water Resources
19 Committee to take all necessary actions to carry out the intent of this resolution.

20 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 13th
21 day of **JANUARY, 2023** at a meeting at which a quorum was present with a vote of **2,975.4 FOR; -0-**
22 **AGAINST; -0- NOT VOTING;** and **242.6 [05] ABSENT**, pursuant to the powers vested in the Council
23 by, Article XVII, Section 1 and Article VI, Section 1(b) and Section 1(f) of the Constitution of the
24 Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and
25 approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6,
26 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).

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29 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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33 **Timothy Joaquin, Legislative Chairman**

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35 20 day of January, 2023
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ATTEST:

Evonne Wilson
Evonne Wilson, Legislative Secretary

20 day of January, 2023

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 20 day of January, 2023 at 8:09 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
Timothy Joaquin, Legislative Chairman

APPROVED

on the 20 day of January, 2023

DISAPPROVED

at 8:17 o'clock, P.m.

Ned Norris, Jr.
NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 20 day of

January, 2023, at 8:26 o'clock, P.m.

Evonne Wilson
Evonne Wilson, Legislative Secretary

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ACTION: DECLARING INTEREST IN PARTICIPATION IN THE STATE OF ARIZONA GOVERNOR'S WATER POLICY COUNCIL AND APPOINTING THE NATION'S CHAIRPERSON**MOVED: COUNCILWOMAN LUCINDA ALLEN****SECOND: COUNCILWOMAN DELISA RAMON****DATE: JANUARY 13, 2023**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 245.6	1. MARY LOPEZ (Ann M. Garcia)	122.8	X			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			
	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 X
	2. JANICE FELIX ()	121.3				
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. DELMAM, GARCIA ()	108.3	X			
GU VO 270.7	1. GRACE MANUEL ()	135.35	X			
	2. CYNTHIA SAAVEDRA (<i>Absent</i>) (Dallas Lewis) (<i>Present</i>)	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			
BABOQIVARI 388.9	1. ALBERTA J. RAY (<i>Absent</i>) (Frances G. Antone) (<i>Present</i>)	194.45	X			X
	2. LEANDER MASE (Francine Schooling)	194.45	X			
TOTAL		3,218.0	2,975.4	-0-	-0-	242.6 [05]