

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Approving Revenue Account Within the SAWRSA Trust Fund for Revenues from the Sale**  
**of Long-term Water Storage Credits Derived from the Asarco Settlement Agreement)**

**RESOLUTION NO. 09-604**

1 **WHEREAS, on December 10, 2004 the Southern Arizona Water Rights Settlement Act Amendments**  
2 **(“SAWRSA Amendments”) were signed into law as Title III of the Arizona Water**  
3 **Settlements Act, P.L. 108-451; and**

4 **WHEREAS, the SAWRSA Amendments allowed the Tohono O’odham Nation (“Nation”) to enter into**  
5 **an agreement with ASARCO Incorporated (now called ASARCO LLC) whereby the Nation**  
6 **would provide Central Arizona Project (“CAP”) water to ASARCO in order to enable**  
7 **ASARCO to use CAP water for its mining operations instead of groundwater and**  
8 **whereby the Nation would provide ASARCO an \$800,000 loan for infrastructure**  
9 **construction necessary to permit ASARCO to deliver and use the CAP water; and**

10 **WHEREAS, in exchange for providing ASARCO CAP water, the Nation accrues long-term storage**  
11 **credits pursuant to an Arizona state statute, A.R.S. § 45-841.01; and**

12 **WHEREAS, ASARCO’s use of CAP water, the extension of the loan to ASARCO by the Nation and the**  
13 **accrual of long-term storage credits by the Nation were approved by the Nation and**  
14 **the San Xavier District as a part of the Asarco Settlement Agreement dated June 12,**  
15 **2006; and**

16 **WHEREAS, A.R.S. § 45-841.01 requires the Nation to offer to sell ten percent of any long-term**  
17 **storage credits accrued to the Nation in relation to ASARCO’s use of CAP water to the**  
18 **Arizona Water Banking Authority (“Water Bank”) at a price equal to the cost at which**  
19 **the Water Bank could deliver and store water at the Pima Mine Road underground**  
20 **storage facility; and**

21 **WHEREAS, the Nation has offered to sell, and the Water Bank has agreed to purchase, 234 long-**  
22 **term storage credits, which quantity is ten percent of the long-term storage credits**  
23 **accrued to the Nation under the Asarco Settlement Agreement in 2008, at a price of**  
24 **\$97.00 per credit, for a total price of \$22,698.00; and**

25 **WHEREAS, before the transaction with the Water Bank is processed, the Nation should create a**  
26 **revenue account where the funds received for the long-term storage credits can be**  
27 **held; and**

28 **WHEREAS, the Water Resources Committee and the Budget and Finance Committee have**  
29 **recommended that the Nation’s Treasurer establish a revenue account within the**

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1                   **SAWRSA trust fund for revenues from sales of long-term storage credits derived from**  
2                   **the Asarco Settlement Agreement.**

3 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby:**

- 4                   **1. Authorizes and directs the Treasurer of the Nation to establish a revenue**  
5                   **account within the SAWRSA trust fund account in the Nation's accounting system**  
6                   **for revenues from sales of long-term storage credits derived from the Asarco**  
7                   **Settlement Agreement.**
- 8                   **2. Authorizes and directs the Treasurer to open an additional investment account**  
9                   **with Bank of America for this purpose.**
- 10                  **3. Directs the Treasurer to put the proceeds from all sales of long-term storage**  
11                  **credits derived from the Asarco Settlement Agreement, and the interest earned**  
12                  **from this investment, into this account.**
- 13                  **4. Directs the Treasurer to annually report to the Investment Committee and the**  
14                  **Water Resources Committee on the status of this account.**

15 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 18<sup>TH</sup>. Day**  
16 **of NOVEMBER, 2009 at a meeting at which a quorum was present with a vote of 1,869.05 FOR; 551.95**  
17 **AGAINST; 174.50 [04] NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council**  
18 **by Article IV, Section 1 (d)(2) and Article XVII, Section 2 of the Constitution of the Tohono O'Odham**  
19 **Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting**  
20 **Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16**  
21 **of the Act of June 18, 1934 (48 Stat. 984).**

24 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

26   
27 **Verlon M. Jose, Legislative Chairman**  
28  
29 23<sup>rd</sup> day of November, 2009

32 **ATTEST:**

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35 **Evonne Wilson, Legislative Secretary**

36 18 day of November, 2009.  
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1 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham  
2 Nation on the 23<sup>rd</sup> day of November, 2009 at 11:03 o'clock, a.M.,  
3 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective  
4 upon his approval or upon his failure to either approve or disapprove it within 48 hours of  
5 submittal.

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7 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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10 Felicia Nunez  
11 Verlon M. Jose, Legislative Chairman

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15  APPROVED

on the 23 day of November, 2009

16  
17  DISAPPROVED

at 4:10 o'clock, P.M.

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

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26 Returned to the Legislative Secretary on the 23 day of

27 November, 2009, at 4:50 o'clock, P.M.

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30 Evonne Wilson  
31 Evonne Wilson, Legislative Secretary  
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**ACTION: APPROVING REVENUE ACCOUNT WITHIN THE SAWRSA TRUST FUND FOR REVENUES FROM THE SALE OF LONG-TERM WATER STORAGE CREDITS DERIVED FROM THE ASARCO SETTLEMENT AGREEMENT**

**MOVED: COUNCILWOMAN OLIVIA VILLEGAS-LISTON**

**SECOND: COUNCILWOMAN MARY LOPEZ**

**DATE: NOVEMBER 18, 2009**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>SIF ODAK</b> <b>198.7</b>	1. WAVALENE ROMERO (Nicholas Jose)	99.35	X			X
	2. MARY LOPEZ ( )	99.35	X			
<b>SELLS</b> <b>449.6</b>	1. KIMBERLY LISTO ( )	224.80		X	X	
	2. EVELYN B. JUAN MANUEL ( )	224.80		X		
<b>SCHUK TOAK</b> <b>159.0</b>	1. FRANCES B. CONDE (Fredrick Jose)	79.50	X			
	2. LINDA PARLEY (Agnes Joaquin)	79.50	X			
<b>SAN XAVIER</b> <b>204.7</b>	1. FELICIA NUÑEZ ( )	102.35		X		
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	102.35	X			
<b>SAN LUCY</b> <b>187.1</b>	1. LORRAINE EILER (Charlotte Cadavas)	93.55	X			
	2. GLORIA RAMIREZ ( )	93.55	X			
<b>PISINEMO</b> <b>184.5</b>	1. CHESTER ANTONE (Tony Murrietta)	92.25	X			
	2. EDWARD MANUEL (Gerald Fayuant)	92.25	X			
<b>HICKIWAN</b> <b>174.5</b>	1. MICHELLE ORTEGA ( )	87.25			X	X
	2. SANDRA ORTEGA ( )	87.25			X	
<b>GU VO</b> <b>206.3</b>	1. GRACE MANUEL ( )	103.15	X			
	2. PAMELA ANGHILL ( <i>Absent</i> ) (Angela Ortiz) ( <i>Present</i> )	103.15	X			
<b>GU ACHI</b> <b>230.1</b>	1. TIMOTHY L. JOAQUIN ( )	115.05	X			
	2. CYNTHIA E. MANUEL (Louis J. Johnson)	115.05	X		X	
<b>CHUKUT KUK</b> <b>277.0</b>	1. ETHEL GARCIA (Sara Mae Williams)	138.50	X			
	2. VERLON M. JOSE ( )	138.50	X			
<b>BABOQUIVARI</b> <b>324.0</b>	1. FRANCES MIGUEL (Roberta Harvey)	162.0	X			
	2. FRANCES G. ANTONE ( <i>Absent</i> ) (Vernon Smith) ( <i>Present</i> )	162.0	X			
<b>TOTAL</b>		<b>2,595.50</b>	<b>1,869.05</b>	<b>551.95</b>	<b>174.50</b> <b>[04]</b>	<b>[02]</b>