

## **TITLE 25 - WATER**

### **CHAPTER 1 - WATER TRUST**

*Legislative History: Ordinance No. 03-83, "Creating Papago P. L. 97-293 Trust," was enacted by the Papago Council on August 4, 1983 and approved by the Papago Agency Superintendent on August 4, 1983.*

ORDINANCE OF THE PAPAGO TRIBAL COUNCIL

CREATING  
PAPAGO P.L. 97-293 TRUST

ORD. NO. 03-83

1 STATEMENT OF PURPOSE: An ordinance to create and establish and irrevocable  
2 and perpetual trust for the benefit of the Papago Tribe in accordance with  
3 the provisions of Section 309 of the Southern Arizona Water Rights Settlement  
4 Act of 1982, Public Law 97-293 (96 Stat. 1274) (the "Act"), which reads as  
5 follows:

5 Sec. 309. (a) Pursuant to appropriations the Secretary of the  
6 Treasury shall pay to the authorized governing body of the Papago  
7 Tribe the sum of \$15,000,000 to be held in trust for the benefit  
8 of such Tribe and invested in interest bearing deposits and  
9 securities including deposits and securities of the United States.

8 (b) The authorized governing body of the Papago Tribe,  
9 as trustee for such Tribe, may only spend each year the interest  
10 and dividends accruing on the sum held and invested pursuant to  
11 subsection (a). Such amount may only be used by the Papago Tribe  
12 for the subjugation of land, development of water resources, and  
13 construction, operation, maintenance, and replacement of  
14 related facilities on the Papago Reservation which are not the  
15 obligation of the United States under this or any other Act of  
16 Congress.

12 BE IT ENACTED by the Papago Council, the governing body of the Papago Tribe  
13 of the Papago Reservation, as follows:

- 14 A. The Papago Council does hereby ordain that in accordance with the  
15 provisions of Section 309 of the Act the funds received by this Council  
16 pursuant thereto shall irrevocably be held in a perpetual trust by this  
17 Council for the benefit of the Papago Tribe, designated as the "Papago  
18 P.L. 97-293 Trust," and the corpus and income accruing thereto shall be  
19 deposited, invested, reinvested and expended only for the purposes  
20 designated in the Act and in accordance with the provisions of this  
21 ordinance.
- 21 B. The Papago Tribal Council does hereby appoint the Chairman, Treasurer  
22 and Comptroller of the Council to serve as a standing trust investment  
23 committee with the following delegated powers and duties:
- 23 1. To receive and receipt for, subject to collection, payment from the  
24 Secretary of the Treasury of the sum of \$15,000,000 payable under  
25 the Act.
  - 25 2. To select and designate a bank which is subject to the regulations of  
26 the Board of Governors of the Federal Reserve System and to deposit  
27 said sum in an account with said bank designated as the "Papago  
28 P.L. 97-293 Trust-Corpus" account.
  - 28 3. To invest and reinvest the corpus of the trust designated as the  
29 "Papago P.L. 97-293 Trust-Corpus" account in interest bearing deposits  
30 and securities, including deposits of other banks which are subject  
31 to the regulations of the Board of Governors of the Federal Reserve  
32 System and deposits and securities of the United States, and in bonds,  
33 debentures and corporate stock of any class, and in trust interests

1 including common trust funds and investment trust shares, provided,  
2 however, that all investments shall be in the name of the trust  
3 designated as the "Papago P.L. 97-293 Trust-Corpus" and shall be  
4 in deposits or securities which will assure a high degree of  
5 security for the trust corpus, and that all interest and dividends  
6 accruing thereon shall be deposited to a separate trust designated  
7 as the "Papago P.L. 97-293 Trust-Income" and described in paragraph  
8 4 below.

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- 10 4. To select and designate one or more banks which are subject to the  
11 regulations of the Board of Governors of the Federal Reserve System  
12 and to deposit all interest and dividends accruing on the trust  
13 designated as "Papago P.L. 97-293 Trust-Corpus" in accounts with  
14 said banks designated as "Papago P.L. 97-293 Trust-Income" accounts.
- 15 5. To invest and reinvest the corpus and income of the trust designated  
16 as the "Papago P.L. 97-293 Trust-Income" in interest bearing deposits  
17 and securities, including deposits and securities of the United  
18 States, and in bonds, debentures and corporate stock of any class,  
19 and in trust interests including common trust funds and investment  
20 trust shares, provided, however, that all investments shall be in  
21 the name of the trust designated as the "Papago P.L. 97-293 Trust-  
22 Income" and shall be in deposits or securities which will assure a  
23 high degree of security for the trust corpus.
- 24 6. To recommend to this Council how expenditures of corpus and income  
25 from the corpus of the trust designated "Papago P.L. 97-293 Trust-  
26 Income" should be made, giving priority first to the subjugation of  
27 land, the development of water resources and the construction,  
28 operation, maintenance and replacement of related facilities on the  
29 San Xavier Reservation and the eastern portion of the Schuk Toak  
30 District which lies within the Tucson Active Management Area to the  
31 end that water which is to be delivered to them by the Secretary of  
Interior as provided in the Act will be put to timely and beneficial  
use, and giving subsequent priority to the subjugation of land, the  
development of water resources, and the construction, operation,  
maintenance of related facilities of the Papago Reservation as a  
whole which are not the obligation of the United States under the  
Act or any other act of Congress.
7. To select and retain, as necessary, the services of investment  
experts for the purposes of investment selections and retention.
8. Any funds deposited in banks pursuant to this ordinance shall be  
subject to withdrawal or charge at any time upon checks or other  
instruments or orders for the payment of money when made, signed,  
drawn, or accepted on behalf of this Council by any two of the

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following three officers: the Chairman, Treasurer and Comptroller of the Papago Council.

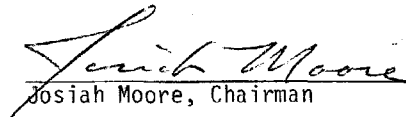
9. The Committee shall keep full books of account showing the condition of the trusts and shall render quarterly statements to this Council showing receipts and disbursements of principal and income.

C. Interest and dividends accruing to the trust designated as the "Papago P.L. 97-293 Trust-Corpus" and the corpus and all income accruing to the trust designated as the "Papago P.L. 97-293 Trust-Income" shall be expended only for the purposes designated in the Act and upon formal resolution of the Papago Council.

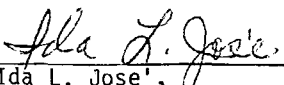
D. The Papago Council reserves the right to amend this ordinance, provided that such amendment does not violate any of the provisions of the Act or the duration of the trust created herewith.

The foregoing Ordinance was duly enacted by the Papago Council on the 4<sup>th</sup> day of August, 1983, at a meeting at which a quorum was present with a vote of 1318.0 for; 122.0 against; 0 not voting; 2 absent, pursuant to the authority vested in the Papago Council by Section 2 (a), (c), (d) and (e) and Section 3 (a) and (h) of Article V of the Constitution and By-laws of the Papago Tribe of Arizona as amended, ratified by the Papago Tribe on December 12, 1936, and approved by the Secretary of the Interior on January 6, 1937, pursuant to Section 16 of the Act of June 18, 1934, (48 Stat. 984). Said Ordinance is effective as of the date of its approval by the Superintendent of the Papago Agency and is subject to review by the Secretary of the Interior.

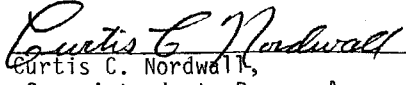
THE PAPAGO COUNCIL

  
Josiah Moore, Chairman

ATTEST:

  
Ida L. Jose,  
Acting Tribal Secretary

ORDINANCE APPROVED this 4<sup>th</sup> day of Aug, 1983.

  
Curtis C. Nordwall,  
Superintendent, Papago Agency