

106TH CONGRESS
1ST SESSION

S. 1913

To amend the Act entitled “An Act relating to the water rights of the Ak-Chin Indian Community” to clarify certain provisions concerning the leasing of such water rights, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 10, 1999

Mr. LOTT (for Mr. McCAIN (for himself and Mr. KYL)) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To amend the Act entitled “An Act relating to the water rights of the Ak-Chin Indian Community” to clarify certain provisions concerning the leasing of such water rights, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. CONSTITUTIONAL AUTHORITY.**

4 The Constitutional authority for this Act rests in ar-
5 ticle I, section 8, authorizing Congress to “regulate Com-
6 merce with foreign Nations, and among the several States,
7 and with the Indian tribes”.

1 **SEC. 2. TECHNICAL AMENDMENTS TO AK-CHIN WATER USE**
2 **ACT OF 1984.**

3 (a) **SHORT TITLE.**—This section may be cited as the
4 “Ak-Chin Water Use Amendments Act of 1999”.

5 (b) **AUTHORIZATION OF USE OF WATER.**—Section
6 2(j) of the Act of October 19, 1984 (Public Law 98–530;
7 98 Stat. 2698) is amended to read as follows:

8 “(j)(1) The Ak-Chin Indian Community (hereafter in
9 this subsection referred to as the ‘Community’) shall have
10 the right to devote the permanent water supply provided
11 for by this Act to any use, including agricultural, munic-
12 ipal, industrial, commercial, mining, recreational, or other
13 beneficial use, in the areas initially designated as the
14 Pinal, Phoenix, and Tucson Active Management Areas
15 pursuant to the Arizona Groundwater Management Act of
16 1980, laws 1980, fourth special session, chapter 1. The
17 Community is authorized to lease or enter into options to
18 lease, to renew options to lease, to extend the initial terms
19 of leases for the same or a lesser term as the initial term
20 of the lease, to renew leases for the same or a lesser term
21 as the initial term of the lease, to exchange or temporarily
22 dispose of water to which it is entitled for the beneficial
23 use in the areas initially designated as the Pinal, Phoenix,
24 and Tucson Active Management Areas pursuant to the Ar-
25 izona Groundwater Management Act of 1980, laws 1980,
26 fourth special session, chapter 1.

1 “(2) Notwithstanding paragraph (1), the initial term
2 of any lease entered into under this subsection shall not
3 exceed 100 years and the Community may not perma-
4 nently alienate any water right. In the event the Commu-
5 nity leases, enters into an option to lease, renews an option
6 to lease, extends a lease, renews a lease, or exchanges or
7 temporarily disposes of water, such action shall only be
8 valid pursuant to a contract that has been accepted and
9 ratified by a resolution of the Ak-Chin Indian Community
10 Council and approved and executed by the Secretary.”.

11 (c) APPROVAL OF LEASE AND AMENDMENT OF
12 LEASE.—The option and lease agreement among the Ak-
13 Chin Indian Community, the United States, and Del Webb
14 Corporation, dated as of December 14, 1996, and the
15 Amendment Number One thereto among the Ak-Chin In-
16 dian Community, the United States, and Del Webb Cor-
17 poration, dated as of January 7, 1999, are hereby ratified
18 and approved. The Secretary of the Interior is hereby au-
19 thorized and directed to execute Amendment Number One,
20 and the restated agreement as provided for in Amendment
21 Number One, not later than 60 days after the date of the
22 enactment of this Act.

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