

106TH CONGRESS
1ST SESSION

H.R. 2647

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 HOUSE OF REPRESENTATIVES

JULY 29, 1999

Mr. SHADEGG introduced the following bill; which was referred to the
Committee on Resources

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), as amended by section 10 of the Act of
8 October 24, 1992 (Public Law 102–497; 106 Stat. 3258),
9 is amended to read as follows:

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

1 izona Groundwater Management Act of 1980, laws 1980,
2 fourth special session, chapter 1.

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

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

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