

Calendar No. 813

106TH CONGRESS
2^D SESSION

H. R. 2647

IN THE SENATE OF THE UNITED STATES

MAY 10, 2000

Received; read twice and referred to the Committee on Indian Affairs

SEPTEMBER 19, 2000

Referred by Mr. CAMPBELL, without amendment

AN ACT

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,*

1 **SECTION 1. CONSTITUTIONAL AUTHORITY.**

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

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

8 (a) **SHORT TITLE.**—This section may be cited as the
9 “Ak-Chin Water Use Amendments Act of 2000”.

10 (b) **AUTHORIZATION OF USE OF WATER.**—Section
11 2(j) of the Act of October 19, 1984 (Public Law 98–530;
12 98 Stat. 2698), as amended by section 10 of the Act of
13 October 24, 1992 (Public Law 102–497; 106 Stat. 3258),
14 is amended to read as follows:

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

1 of the lease, to renew leases for the same or a lesser term
2 as the initial term of the lease, to exchange or temporarily
3 dispose of water to which it is entitled for the beneficial
4 use in the areas initially designated as the Pinal, Phoenix,
5 and Tucson Active Management Areas pursuant to the Ar-
6 izona Groundwater Management Act of 1980, laws 1980,
7 fourth special session, chapter 1.

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

18 (c) APPROVAL OF LEASE AND AMENDMENT OF
19 LEASE.—The option and lease agreement among the Ak-
20 Chin Indian Community, the United States of America,
21 and Del Webb Corporation, dated as of December 14,
22 1996, and the Amendment Number One thereto among
23 the Ak-Chin Indian Community, the United States of
24 America, and Del Webb Corporation, dated as of January
25 7, 1999, are hereby ratified and approved. The Secretary

1 of the Interior is hereby authorized and directed to execute
2 Amendment Number One, and the restated agreement as
3 provided in Amendment Number One, not later than 60
4 days after the date of the enactment of this Act.

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