

Public Law 106-285
106th Congress

An Act

Oct. 10, 2000
[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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSTITUTIONAL AUTHORITY.

The Constitutional authority for this Act rests in article I, section 8, authorizing Congress to “regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes”.

Ak-Chin Water
Use Amendments
Act of 2000.
Arizona.

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

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

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

“(j)(1) The Ak-Chin Indian Community (hereafter in this Act referred to as the ‘Community’) shall have the right to devote the permanent water supply provided for by this Act to any use, including agricultural, municipal, industrial, commercial, mining, recreational, or other beneficial use, in the areas initially designated as the Pinal, Phoenix, and Tucson Active Management Areas pursuant to the Arizona Groundwater Management Act of 1980, laws 1980, fourth special session, chapter 1. The Community is authorized to lease or enter into options to lease, to renew options to lease, to extend the initial terms of leases for the same or a lesser term as the initial term of the lease, to renew leases for the same or a lesser term as the initial term of the lease, to exchange or temporarily dispose of water to which it is entitled for the beneficial use in the areas initially designated as the Pinal, Phoenix, and Tucson Active Management Areas pursuant to the Arizona Groundwater Management Act of 1980, laws 1980, fourth special session, chapter 1.

“(2) Notwithstanding paragraph (1), the initial term of any lease entered into under this subsection shall not exceed 100 years and the Community may not permanently alienate any water right. In the event the Community leases, enters into an option to lease, renews an option to lease, extends a lease, renews a lease, or exchanges or temporarily disposes of water, such action shall only be valid pursuant to a contract that has been accepted and ratified

by a resolution of the Ak-Chin Indian Community Council and approved and executed by the Secretary.”.

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

Deadline.

Approved October 10, 2000.

LEGISLATIVE HISTORY—H.R. 2647:

HOUSE REPORTS: No. 106-598 (Comm. on Resources).

SENATE REPORTS: No. 106-415 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 146 (2000):

May 9, considered and passed House.

Sept. 27, considered and passed Senate.

