

HOTEVILLA VILLAGE

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May 23, 2012

The Honorable Hopi Tribal Council
c/o Martha Mase, Secretary
The Hopi Tribe
PO Box 123
Kykotsmovi, AZ 86039

Honorable Council Representatives:

The Hotevilla Village Board of Directors, on behalf of members of the Village of Hotevilla, hereby submits the enclosed Proclamation and Resolution pertaining to Senate Bill 2109, Navajo-Hopi Little Colorado River Water Settlement Act of 2012.

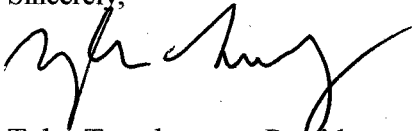
The Hotevilla Village Proclamation and Resolution formally rejects S.2109 in its present form; mandates the Hopi Tribal Council formally reject S.2109 by tribal council resolution; and prohibits the tribal council and its representatives from further negotiations regarding S.2019. The Proclamation and Resolution documents the Village of Hotevilla's inherent and aboriginal sovereign rights and powers, including rights to aboriginal and federal reserved water rights. It also documents and asserts that rights to water remain vested in the Village of Hotevilla, and not in the Hopi Tribal Council.

What is the true cost of this Agreement in Principle? Does anyone fully understand the language in the legislation? Our Navajo Aquifer and natural resources have been damaged through mining activity on Black Mesa, yet S.2109 requires our tribe to waive any future claims to past, current and future damages. The bill also provides for a water delivery system that has is only conceptual in nature, villages have been left out of the discussions, and funding is not guaranteed.

What are we giving up in return for this "municipal" water delivery system? Who will guarantee that what the Water & Energy Team negotiated in good faith will be reflected in the legislation and honored by the federal government, State of Arizona, and other private water users?

We implore the Hopi Tribal Council to recall the words of our elders. Do not be misled by promises and "good" words. Senator Jon Kyl is not representing the best interests of the Hopi people. What has Senator Kyl asked his non-Native constituents to waive or give up? The answer is nothing, and this goes to the heart of the purpose of the Agreement and SB 2109 – it is to serve non-Indian interests.

Sincerely,



Tyler Tawahongva, President
Hotevilla Village Board of Directors

Tyler Tawahongva
President

Eric Tewa, Sr.
Vice President

Clawsen Masayesva
Secretary/Treasurer

Kevin Lomatska
Member

Cheryl Tenakhongva
Member

A PROCLAMATION and RESOLUTION

By and Of

The Autonomous Hopi Village of Hotevilla

HV-101-2012

WHEREAS, Water is sacred to our way of life as Hopi Senom; it sustains all living things and is essential for preserving our future as Hopi Senom; and Water is at the center of our culture, our tradition and our ceremonies; and

WHEREAS, our people have occupied and inhabited our homelands and aboriginal lands since time immemorial; and by our traditional customs and laws, and by the laws of the United States, we have inherent aboriginal and federal rights to the waters that sustain us and our homelands; and

WHEREAS, as Hopi Senom, we live by, and in accordance with the instruction of our Caretaker, Maasaw, to be good stewards of our lands, our natural resources, and our people; and

WHEREAS, our traditional villages maintain and exercise sovereign and inherent rights and powers over all matters and resources belonging to our village; and

WHEREAS, as Hopi Senom, we shall never surrender, waive, or extinguish our rights, and our sacred responsibility to protect our sacred waters and our homelands for and on behalf of all Hopi Senom; and

WHEREAS, our villages and our people maintain and retain all rights and powers over our sacred water and lands since time immemorial; and

WHEREAS, the rights, powers, and authorities of the Hopi Tribal Council as provided in the Constitution and By Laws of the Hopi Tribe are rights, powers, and authorities specifically delegated to the Hopi Tribal Council by the Hopi Villages, and

WHEREAS, there are no rights, powers, or authorities of the Hopi Tribal Council other than those specifically delegated in the Constitution and By Laws of the Hopi Tribe, and

WHEREAS, the Constitution and By Laws of the Hopi Tribe specifically admonishes the Hopi Tribal Council that it shall not sell or lease tribal properties including water rights; and

WHEREAS, our sacred water is “property” properly belonging to our villages; and

WHEREAS, we did not delegate, nor do we intend to delegate our aboriginal village rights or powers over our sacred waters and lands to the Hopi Tribal Council through the Constitution and By-Laws of the Hopi Tribe.

NOW, THEREFORE, WE PROCLAIM THAT, since time immemorial and on this day forward, and based on previously established inherent aboriginal sovereign powers and rights we, the Hotevilla Village Board of Directors on behalf of its members and residents, hereby declare that our village is the rightful owner of the rights to the sacred waters that sustain our ancestral homelands and our people; that these rights predate the establishment of the Hopi Tribal Council; that we shall never surrender those rights and powers; and that we respectfully request the Hopi Tribal Council and other sovereigns and entities to respect these and all of our sacred and inherent village rights and powers.

FURTHER, WE PROCLAIM THAT, the Hopi Tribal Council is not vested with the authority in the Constitution and By-Laws of the Hopi Tribe, to make any decisions regarding our aboriginal and Federal reserved water rights.

THEREFORE, BE IT RESOLVED THAT, we of Hotevilla Village hereby reject Senate Bill 2109, “Navajo – Hopi Little Colorado River Water Rights Settlement Act of

2012”; and any form of an agreement intended to waive or extinguish our rights to our sacred waters.

BE IT FINALLY RESOLVED THAT, we of Hotevilla Village, hereby direct and mandate that the Hopi Tribal Council reject Senate Bill 2109, “Navajo – Hopi Little Colorado River Water Rights Settlement Act of 2012”; and that failure to honor this directive shall constitute Gross Neglect of Duty as defined in ARTICLE V, Section 2, of the Constitution and By-Laws of the Hopi Tribe.

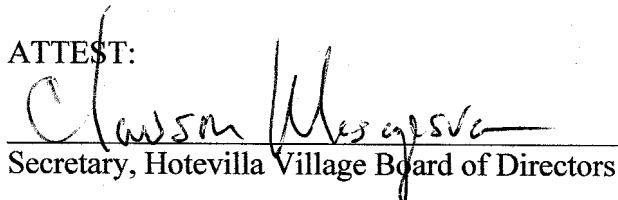
CERTIFICATION

The duly elected Hotevilla Village Board of Directors duly adopted the foregoing Proclamation and Resolution on May 21, 2012, at a meeting at which a quorum was present with a vote of 3 in favor, 0 opposed, 0 abstaining (Vice-President presiding and not voting) pursuant to the Constitution and By-Laws of the Hopi Tribe at Article III – Organization SECTION III which states, “each village shall decide for itself how it shall be organized”; and as one of the villages that comprise the Union known as the Hopi Tribe described in the Hopi Tribal Constitution and By-Laws of the Hopi Tribe of Arizona, as ratified by the Tribe on October 24, 1936; and approved by the Secretary of Interior on December 14, 1936, pursuant to Section 16 of the Act of June 18, 1934. Said resolution is effective as of the date of adoption and does not require Secretarial approval.



President, Hotevilla Village Board of Directors

ATTEST:



Secretary, Hotevilla Village Board of Directors