

RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

WHEREAS, the Phelps Dodge Corporation, a corporation organized and existing under and by virtue of the laws of the State of New York has made application for a permit for use of rights-of-way on the Fort Apache Indian Reservation, Navajo County, Arizona, for the purpose of making deliveries of water from Shewlow Creek into Salt River in exchange for equivalent diversions to be made by the Phelps Dodge Corporation from Black River to the mines and plants of the applicant for use in the operation of said mines and plants and,

WHEREAS, the council of the White Mountain Apache Tribe on March 16, 1951 by Tribal Resolution No. 51-7 did authorize said Phelps Dodge Corporation to proceed with surveys for the said proposed right-of-way application.

NOW THEREFORE BE IT RESOLVED by the Council of the White Mountain Apache Tribe that application of the Phelps Dodge Corporation for permit for use of rights-of-way on the Fort Apache Indian Reservation be hereby approved as set forth in the application and as set forth in the letter of May 1, 1951 attached thereto and made a part of said application PROVIDED that the Phelps Dodge Corporation will install or arrange to have installed, maintained and operated adequate gaging stations along the stream beds and adjacent tributaries of the natural water courses below Forestdale Canyon tunnel outlet as may be necessary to adequately show the water which may be contributed to the Salt River Drainage by the water courses conveying waters diverted from Shewlow Creek.

BE IT FURTHER RESOLVED that the Phelps Dodge Corporation shall obtain authorization to proceed with construction of said tunnel before any construction is actually undertaken within the Fort Apache Indian Reservation.

BE IT FURTHER RESOLVED that the Phelps Dodge Corporation shall give assurance of preference to Indians of the Fort Apache Reservation in employment on all work performed within the reservation for which said Indians may be qualified.

BE IT FURTHER RESOLVED that said right-of-way permit will be issued in accordance with existing regulations and that damages for timber removed or destroyed will be assessed and payment made by the Corporation to the White Mountain Apache Tribe.

The foregoing Resolution was on May 7, 1951 duly adopted by a vote of 8 for and 0 against, by the Tribal Council of the White Mountain Apache Tribe pursuant to authority vested in it by Article VI, Section (c) of the Constitution and By-Laws of the Tribe, ratified by the Tribe on August 15, 1938 and approved by the Secretary of the Interior on August 26, 1938 pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

/s/ Nelson Lupo
Chairman of the Tribal Council

/s/ Mary C. Andfield
Secretary of the Tribal Council

Recommended:

/s/ R. B. Helts
R. B. Helts, Superintendent

Resolution No. 51-14

C O P Y

C O P Y

C O P Y