

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

WHEREAS, the Indian Health Service has entered into a Memorandum of Agreement with the White Mountain Apache Tribe of the Fort Apache Indian Reservation and the White Mountain Apache Utility Authority in furtherance of a project for the installation and/or improvement of domestic water supply and sewage disposal facilities; and

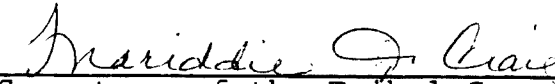
WHEREAS, services identified on Attachment A have been completed by the Indian Health Service, and are being transferred to the White Mountain Apache Tribe of the Fort Apache Indian Reservation;

NOW, THEREFORE, BE IT RESOLVED that the Tribal Council of the White Mountain Apache Tribe hereby declares our intent to enter into a Transfer Agreement accepting transfer of the sanitation facilities and identified on Attachment A herein attached;

BE IT FURTHER RESOLVED that the Chairman is hereby authorized to sign such Transfer Agreement as approved by the Tribal Council.

The foregoing resolution was on November 10, 1988, duly adopted by a vote of EIGHT for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1(i) of the Amended Constitution and Bylaws of the Tribe, ratified by the Tribe June 27, 1958, and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).


Chairman of the Tribal Council


Secretary of the Tribal Council

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DEC - 6 1988

Fort Apache Indian Agency
White River, Arizona

RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION
PH-85-487

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BE IT FURTHER RESOLVED that the Chairman is hereby authorize to sign such Transfer Agreement as approved by the Tribal Council.

C E R T I F I C A T I O N

The foregoing resolution was on 1988 duly adopted by a vote of for and against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (i) of the Amended Constitution and Bylaws of the Tribe, ratified by the Tribe June 27, 1958 and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

Date

Secretary, White Mountain Apache
Tribal Council



Chairman, White Mountain Apache
Tribal Council

Date

ATTACHMENT A

LIST OF FACILITIES INSTALLED AND RECEIVING AGENCY
PROJECT NO. PH-85-487

| Description of Items to be Transferred | Receiving Agency | | |
|--|-------------------|-----------|-----------|
| | Utility Authority | Homeowner | Tribe |
| <u>WATER SYSTEMS:</u> | | | |
| <u>Water Line:</u> | | | |
| 2" PVC Water Main | 2,849 Ft. | | |
| 4" PVC Water Main | 410 Ft. | | |
| 6" PVC Water Main | 261 Ft. | | |
| 8" PVC Water Main | 385 Ft. | | |
| <u>Gate Valves:</u> | | | |
| 2" Gate Valves | 16 Ea. | | |
| 4" Gate Valves | 1 Ea. | | |
| 6" Gate Valves | 1 Ea. | | |
| <u>Water Service Saddles w/Corp Stop:</u> | | | |
| Saddles w/1" Tap | 50 Ea. | | |
| Corp Stops | 50 Ea. | | |
| <u>Curb Stop and Box:</u> | | | 54 Ea. |
| <u>Individual Yard Hydrants:</u> | | | 8 Ea. |
| <u>1" P.E. Service Line:</u> | | | 4,140 Ft. |
| <u>SEWER SYSTEMS:</u> | | | |
| <u>Sewer Main:</u> | | | |
| 8" PVC Sewer Main | 665 Ft. | | |
| Sewer Main Cleanouts | 2 Ea. | | |
| Sewer Saddles | 24 Ea. | | |
| <u>4" PVC Sewer Service:</u> | | | 3,239 Ft. |
| <u>1,000 Gallon Concrete Septic Tanks:</u> | | | 29 Ea. |
| <u>4" Perforated Drainfield:</u> | | | 4,449 Ft. |
| <u>4" Sewer Cleanouts:</u> | | | 62 Ea. |
| <u>EQUIPMENT:</u> | | | |
| Blueprint Machine (Tribal Housing Authority) | | | 1 Ea. |
| Davey 260 Air Compressor | | | 1 Ea. |
| Hydro Pressure Pump | | | 1 Ea. |

TRANSFER AGREEMENT
AMONG
THE UNITED STATES OF AMERICA
AND
THE WHITE MOUNTAIN APACHE TRIBE
AND
THE WHITE MOUNTAIN APACHE UTILITY AUTHORITY
FORT APACHE INDIAN RESERVATION
NAVAJO AND GILA COUNTIES, ARIZONA

PUBLIC LAW 86-121
PROJECT NUMBER PH 85-487

PREPARED BY

VICTOR N. BYERLY, P.E.
SENIOR FIELD ENGINEER

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
PUBLIC HEALTH SERVICE
INDIAN HEALTH SERVICE
PHOENIX AREA OFFICE

JANUARY 1988

TRANSFER AGREEMENT
AMONG
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FORT APACHE INDIAN RESERVATION
NAVAJO AND GILA COUNTIES, ARIZONA

PUBLIC LAW 86-121
PROJECT NUMBER 85-487

WHEREAS, the United States of America, acting through the Indian Health Service, Department of Health and Human Services, under and pursuant to the provisions of Public Law 86-121 (73 Stat. 267), hereinafter called the IHS; and the White Mountain Apache Tribe, hereinafter called the Tribe, acting through the White Mountain Apache Tribal Council; and the White Mountain Apache Utility Authority, hereinafter called the Utility Authority, entered into a Memorandum of Agreement executed for the IHS on January 9, 1985, for the Tribe on January 23, 1985, and for the Utility Authority on January 25, 1985, regarding the provision of sanitation facilities on the Fort Apache Indian Reservation; and

WHEREAS, the project provided for in that agreement has been completed; and

WHEREAS, the domestic water supply and waste disposal facilities and the appurtenances thereto and the materials, supplies and equipment provided for and incorporated therein pursuant to that agreement are the property of the United States; and

~~WHEREAS, the parties are entitled to the same for the same of the same~~
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WHEREAS, under Section 7 (a)(4) of Public Law 86-121, the IHS on behalf of the United States of America is authorized to transfer the completed facilities with or without a money consideration, and under such terms and conditions as are appropriate, having regard to the contributions made and the maintenance responsibility undertaken, and the special health needs of the Indian people.

NOW THEREFORE, in accordance with the terms of said agreement, and pursuant to Section 7 (a)(4) of Public Law 86-121:

1. The IHS hereby transfers, assigns, and conveys to the Utility Authority through the Tribe, without a money consideration and under the terms and conditions set forth in the aforesaid agreement, all of the right, title and interest of the United States of America in all community facilities and appurtenances thereto constructed, including all materials, supplies, and equipment provided for and incorporated in such facilities. These facilities include but are not limited to the items listed in Attachment A. Attachment A also lists the appropriate receiving party.
2. The IHS assisted the Utility Authority in startup operations of the system and corrected any defects related to material or workmanship as jointly identified by the Tribe, Utility Authority, and the IHS for the period of one year from the date of beneficial operation which was September 30, 1986.
3. The Utility Authority, through the Tribe, hereby accepts such transfer of the community facilities under the terms and conditions set forth in the aforesaid Memorandum of Agreement and agrees to operate, maintain and repair such facilities as the property of the Utility Authority, to enforce existing ordinances and regulations and to keep the facilities in an effective and operating condition.

4. The IHS hereby transfers, assigns and conveys to the head of each household, without a money consideration, all of the right, title and interest of the United States of America in all individual facilities and appurtenances thereto constructed and installed on his premises in accordance with the Project Summary pursuant to the aforesaid Memorandum of Agreement, including materials, supplies and equipment provided for and incorporated in such facilities. These facilities include but are not limited to:
 - A. Water Service Lines and Connections
 - B. Sewage Service Connections or septic tank/drainfield systems
5. The Tribe hereby accepts such transfer on behalf of the head of each household and agrees to enforce existing ordinances and regulations to assure continued operation, maintenance and repair of individual facilities by the person served thereby.

