

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

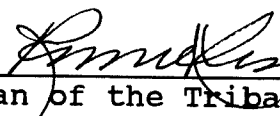
**WHEREAS,** the Indian Health Service has entered into a Memorandum of Agreement with the White Mountain Apache Tribe of the Fort Apache Indian Reservation, in furtherance of a project for the installation and/or improvement of domestic water supply and sewage disposal facilities; and

**WHEREAS,** such services have been completed by the Indian Health Service, and are being transferred to the White Mountain Apache Tribe of the Fort Apache Indian Reservation.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe hereby declares its intent to enter into a Transfer Agreement accepting transfer of the sanitation facilities associated with Project PH-88-667 as more fully described by the attached Transfer Agreement.

**BE IT FURTHER RESOLVED** by the Tribal Council that the Tribal Chairman is hereby authorized to sign a Transfer Agreement accepting the sanitation facilities associated with Project PH-88-667.

The foregoing resolution was on October 14, 1992, duly adopted by a vote of six 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

**RECEIVED**

OCT 20 1992

FORT APACHE INDIAN AGENCY  
WHITERIVER, ARIZONA

TRANSFER AGREEMENT  
BETWEEN  
THE UNITED STATES OF AMERICA  
AND  
THE WHITE MOUNTAIN APACHE TRIBE  
FOR  
DOMESTIC WATER SUPPLY AND SEWAGE DISPOSAL FACILITIES  
FORT APACHE INDIAN RESERVATION, ARIZONA  
APACHE AND NAVAJO COUNTIES, ARIZONA

PUBLIC LAW 86-121  
PROJECT NUMBER PH 88-667

PREPARED BY

DON MOORE, P.E.  
DISTRICT ENGINEER

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

JANUARY 1991

TRANSFER AGREEMENT  
BETWEEN  
THE UNITED STATES OF AMERICA  
AND  
THE WHITE MOUNTAIN APACHE TRIBE  
FOR  
DOMESTIC WATER SUPPLY AND SEWAGE DISPOSAL FACILITIES  
FORT APACHE INDIAN RESERVATION, ARIZONA

PUBLIC LAW 86-121  
PROJECT NUMBER 88-667

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 Chairman, White Mountain Apache Tribal Council; entered into a Memorandum of Agreement executed for the IHS on July 28, 1988, and for the Tribe on August 15, 1988, 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 have been provided; and

WHEREAS, the parties are desirous of providing for and assuring the proper and efficient maintenance and continued operation of said water supply and waste disposal facilities; and

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 rights-of-way, materials, supplies, and equipment provided for and incorporated in such facilities. Refer to Attachment A for a list of the premises where facilities were installed.
2. The IHS assisted the Utility Authority in start up operations of the system and in correction of any defect related to material or workmanship jointly identified by the Tribe, Utility Authority, and the IHS for a period of one year from the date of beneficial operation which was September 1, 1989.
3. The Utility Authority, through the Tribe, hereby accepts such transfer 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 keep the facilities in an effective and operating condition.

4. The IHS hereby transfers, assigns and conveys to the homeowners, through the Tribe, without a money consideration, all of the right, title and interest of the United States of America in all individual facilities and appurtenances constructed and installed on his/her 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. Septic Tank and Drainfield Systems
  - C. Sewage Service Lines and Connections
5. The Tribe hereby agrees to enforce appropriate ordinances and regulations to assure continued operation, maintenance and repair of community facilities operated and maintained by the Utility Authority.

EXHIBIT A  
PH 88-667  
LIST OF FACILITIES INSTALLED

<u>NAME</u>	<u>COMMUNITY</u>	<u>WATER SERVICE</u>	<u>SEPTIC SYSTEM</u>	<u>SEWER SERVICE</u>
1. ADAY, Omar	U. East Fork	X	X	
2. ADLEY, Cindy	L. East Fork	X	X	
3. ALCHESAY, Roy	NE Diamond Creek	X		X
4. ALTAHA, Carl	Yucca Flats	X		X
5. BONITO, Helena C.	Carrizo	X		
6. BROWNING, Rita	E. Whiteriver	X		X
7. BURNETTE, Delores	Canyon Day	X		X
8. BURNETTE, Rachel	Alchesay Flats	X	X	
9. CADDO, Eddy	Cibecue	X	X	
10. CLARKSON, Beverly	Fort Apache	X		X
11. CLASSAY, Stacey	Whiteriver	X		X
12. COOLEY, Charlie	Cibecue	X	X	
13. COSEN, Thomas, III	Diamond Creek	X		X
14. CROMWELL, Allen	Cibecue		X	
15. CROMWELL, Kenneth	Canyon Day	X		X
16. CROMWELL, Tennyson	Canyon Day			X
17. DAHKOSHAY, Boyd	Alchesay Flats	X	X	
18. DAZEN, Willie	N. Whiteriver	X		X
19. DOSELA, Floyd	N. Whiteriver			X
20. FORREST, Edith	East Fork	X	X	
21. FOSTER, Carson	Carrizo	X	X	
22. GEORGE, Prince	N. Whiteriver	X		X
23. HARVEY, Chris	McNary	X		X
24. JOHN, Fannie	Cibecue			X
25. JOHNSON, Krista	Rainbow City			X
26. JOSAY, Helen	Carrizo	X	X	
27. JOSAY, Albert, Sr.	Cibecue	X	X	
28. KASEY, Eva & Isaac	Alchesay Flats	X	X	
29. KINNEY, Nina Jean	Rainbow City	X		X
30. LEE, Theresa	Cibecue			X
31. LUPE, Brian	Cibecue	X		X
32. MANUEL, Kenzie	S. Whiteriver	X		X
33. MOODY, Irene	East Fork	X	X	
34. NACHU, Mary	Whiteriver	X		X
35. NACHU, Roxie	N. Rainbow City			X
36. PAXSON, Phillip	Canyon Day	X		X
37. RILEY, Jimmie T.	Canyon Day	X		X
38. ROBINETT, Doris	Alchesay Flats	X	X	
39. SEYMOUR, Priscilla	Whiteriver	X		X
40. SHORTY, Sherman	Whiteriver	X		X
41. SKIDMORE, Ronnie	Whiteriver	X		X
42. TAYLAY, Iretta	Cibecue	X	X	

FACILITIES INSTALLED

<u>NAME</u>	<u>COMMUNITY</u>	<u>WATER SERVICE</u>	<u>SEPTIC SYSTEM</u>	<u>SEWER SERVICE</u>
43. TENIJIETH, Fernando	Diamond Creek	X		X
44. THOMAS, Harold	Whiteriver	X		X
45. THOMPSON, Dollie	Cibecue		X	
46. VELASQUEZ, Kasey	Canyon Day	X		X
47. WALKER, Ronald	Canyon Day	X		X
48. ZAHGOTAH, Delbert	Whiteriver	<u>X</u>	<u>      </u>	<u>X</u>
	TOTAL:	40	16	31

A total of 48 households were served.

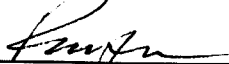
TRANSFER AGREEMENT  
BETWEEN  
THE UNITED STATES OF AMERICA  
AND  
THE WHITE MOUNTAIN APACHE TRIBE  
FOR  
DOMESTIC WATER SUPPLY AND SEWAGE DISPOSAL FACILITIES  
FORT APACHE INDIAN RESERVATION, ARIZONA

PUBLIC LAW 86-121  
PROJECT NUMBER PH-88-667

IN WITNESS WHEREOF, the parties have subscribed their names.

FOR THE TRIBE:

\_\_\_\_\_  
(Date)

  
\_\_\_\_\_  
Chairman, White Mountain Apache Tribe

FOR THE UNITED STATES OF AMERICA:

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Director, Phoenix Area Indian Health  
Service, Department of Health and Human  
Services