

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

- WHEREAS,** the Tribal Council is advised that Richard Powers, the District Engineer for the Arizona Department of Transportation (ADOT) reports that the Indian Pine Maintenance Camp, (Camp) located across from the Hon-Dah Resort and Convention Center (Hon-Dah) has experienced recurring problems with water supply from the existing well at the Camp; and
- WHEREAS,** the Council is further advised that Mr. Powers has requested on behalf of ADOT, Tribal Council approval to connect the Camp to the water supply at Hon-dah, and that ADOT would pay the reasonable costs of a normal service connection and usage fee based on gallons used; and
- WHEREAS,** the Maintenance Camp currently uses approximately 1,000 gallons per day, but would require a minimum of 250 gallons per minute line capacity for fire protection provided by a four-inch (4") line and meter to service the Maintenance Camp; and
- WHEREAS,** ADOT has funding in the current fiscal year to complete this work, provided it can arrive at an agreement with the Tribe and contract for the work by June 30, 1999; and
- WHEREAS,** ADOT will also need a temporary construction easement from the Tribal Council for the service connection; and
- WHEREAS,** the Indian Pines Maintenance Camp has been located across from Hon-Dah at the junction of Route 260 and State Route 73 for many years, and is currently operating under a five year revocable permit from the Tribal Council, which commenced July 1, 1996, and will terminate June 30, 2001, and said permit is temporary and revocable at the discretion of the White Mountain Apache Tribe, at any time; and
- WHEREAS,** the existing well at the Indian Pines Maintenance Camp was completed April 23, 1965, and on May 28, 1982, ADOT registered the well with the Arizona Department of Water Resources; and
- WHEREAS,** the Tribal Council regards the well as the property of the White Mountain Apache Tribe and as a permanent improvement under the terms of the revocable permit; and
- WHEREAS,** the Tribal Council is advised that the Hon-Dah well generates 137,000 gallons per day, and ADOT's peak need for fire flow over a two hour period would be 30,000 gallons; and

WHEREAS, the Maintenance Camp is strategically located to provide essential governmental services on the State right-of-way, which has proven beneficial to the White Mountain Apache Tribe by keeping the roads clear for the Sunrise Ski Area; and

WHEREAS, ADOT has benefitted from the Camp's location and has purchased cinders from the Tribe for use by the Maintenance Camp; and

WHEREAS, if the ADOT Maintenance Camp was not located there, the Tribe would utilize the requested water for Tribal Public Works to perform similar essential governmental services now being performed by ADOT pursuant to its highway right-of-way maintenance responsibilities; and

WHEREAS, the Tribal Council concludes that it would be in the interests of the White Mountain Apache Tribe to delegate authority to the Tribal Chairman to negotiate the terms of any addendum to the current revocable permit to allow ADOT to purchase water from the Tribe's existing Hon-Dah well for Maintenance Camp purposes; and

WHEREAS, the Tribal Council has also metered and sold water to the Bureau of Indian Affairs, Fort Apache Agency, and the Indian Health Service for governmental purposes and the amount of water being purchases by ADOT is insignificant and does not constitute surplus waters of the White Mountain Apache Tribe.

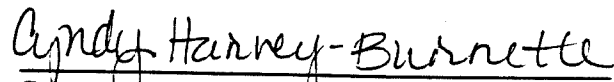
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the Tribal Chairman to negotiate, with the technical assistance of the Tribal Planning and Environmental Department and Legal Department, an addendum to the current revocable permit issued by the White Mountain Apache Tribal Council to the Arizona Department of Transportation for the Indian Pines Maintenance Camp, said addendum to specify the terms and conditions for the purchase of any water by ADOT from the well serving the Hon-Dah Resort and Convention Center, payment of the cost of a normal service connection and usage, a temporary construction easement, and other appropriate provisions and conditions.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby authorizes the Tribal Chairman, and in his absence the Vice Chairman, to sign any and all necessary addenda and documents necessary to carry out the purposes of this Resolution, if the Tribal Chairman's office and the Arizona Department of Transportation are able to mutually agree upon the terms and conditions thereof.

Resolution No. 06-99-131

The foregoing resolution was on June 4, 1999 duly adopted by a vote of seven for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (b), (f), (h), (i), (s), (t), and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).


ACTING Chairman of the Tribal Council


Secretary of the Tribal Council