

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

(Extending Expert Consultant Contract for Elmer M. Clark)

WHEREAS, the Tribal Council on May 1, 2009, adopted Resolution No. 05-2009-122 approving an extension of a expert consultant contract for Elmer M. Clark and said extension expired on December 31, 2009; and

WHEREAS, it is necessary that Elmer M. Clark's consultant contract be amended in the form attached hereto for one year to expire on December 31, 2010, so that he can finish his work in support of the Tribe's land claim; that to date he has submitted a draft report to Special Counsel Robert C. Brauchli for his review and comment before finalizing and presenting to the Tribal Council; and

WHEREAS, expert consultant Elmer M. Clark has been paid for his consultant services from BIA water rights litigation support grant funds to assist the White Mountain Apache Tribe in recovery of 16,355 acres of land erroneously surveyed out of the Executive Order boundaries of the Fort Apache Indian Reservation in 1887 as the result of survey errors committed by U. S. Deputy Surveyor Wallace; and

WHEREAS, past payments to Consultant Elmer M. Clark to prepare his affidavit and to digitalize and copy maps and documents in support of the Tribe's land claim have been made from federally funded sources and not Tribal funds and future payments will also be made from said federal grant funds; and

WHEREAS, the Tribal Council concludes that approval of the expert consultant contract extension between the Tribe and Elmer M. Clark as attached hereto is essential in order to complete the Survey Error Report and documents in support of the Tribe's land claim as described herein.

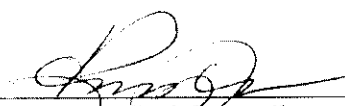
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves an extension of the expert consultant contract between the Tribe and Elmer M. Clark for one year commencing January 1, 2010, and expiring on December 31, 2010, in conformity with the form and content of the contract extension amendment attached and incorporated by reference herein.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall govern.

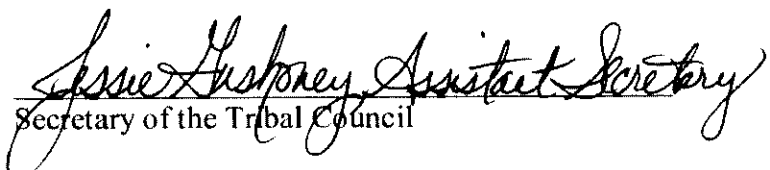
Resolution No. 05-2010-124

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on **MAY 19, 2010**, duly adopted by a vote of **NINE** 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)(i)(s)(t) and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).



Chairman of the Tribal Council



Secretary of the Tribal Council

AMENDMENT No. 3
PROFESSIONAL SERVICES AGREEMENT
Between
WHITE MOUNTAIN APACHE TRIBE
And
ELMER M. CLARK

This Amendment shall apply to and become part of the Professional Services Agreement dated January 2005 (the "Agreement") by and between White Mountain Apache Tribe and Elmer Clark. The parties agree that the Agreement is hereby amended by the addition of the following provisions to paragraph 13 thereto, which shall be deemed incorporated therein and made a part of the Agreement:

1. This Agreement shall be extended and continue in force until December 31, 2010.
2. All other provisions of the Agreement not inconsistent with this Amendment shall be deemed in full force and effect.

<p>Elmer M. Clark</p> <p>By: _____ (Date)</p>	<p>White Mountain Apache Tribe</p> <p>By: _____ Ronnie Lupe (Date) Chairman</p>
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