

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

WHEREAS, the White Mountain Apache Tribal Council recognizes their responsibility towards furthering maximum utilization of its water and land resources, and

WHEREAS, the Secretary of the Interior has recently published an assessment order for Irrigation Project 69, Fort Apache Indian Reservation, and

WHEREAS, the White Mountain Apache Tribal Council has appropriated funds to pay this assessment.

BE IT RESOLVED that the Chairman of the Tribal Council be hereby authorized to execute the attached agreement with the Superintendent, Fort Apache Indian Agency, for operation and maintenance of Irrigation Project 69 on the Fort Apache Indian Reservation.

The foregoing resolution was on August 5, 1959 duly adopted by a vote of 10 for and 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (b) and (i) of the Amended Constitution and By-Laws 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).

Lester Oliver

Chairman of the Tribal Council

Marion L. Confield

Secretary of the Tribal Council

UNITED STATES
DEPARTMENT OF THE INTERIOR
Office of Indian Affairs

AGREEMENT between the WHITE MOUNTAIN APACHE TRIBAL COUNCIL, State of Arizona, hereinafter referred to as the TRIBAL COUNCIL, and the OFFICE OF INDIAN AFFAIRS, FORT APACHE INDIAN AGENCY, hereinafter referred to as the "OFFICE."

This Agreement, entered into between the Fort Apache Indian Agency, Office of Indian Affairs, Department of the Interior, and the White Mountain Apache Tribal Council, of the State of Arizona, relates to the cooperative operation and maintenance of irrigation works on lands of the Fort Apache Indian Reservation administered by the Office. The authorities under which the two parties enter into this Agreement are Acts of August 1, 1914 and March 7, 1928 (38 Stat. 583 and 45 Stat. 210; 25 U.S.C. 385,387).

The Office is responsible for the operation and maintenance of the Fort Apache Irrigation Project. The lands of the project are located within the boundaries of the Fort Apache Indian Reservation and are planted, cultivated, irrigated and cropped by the Livestock Associations and by individual members of the White Mountain Apache Tribe. It is desirable that the Tribal Council take over the day-to-day operation and maintenance of the irrigation works serving lands on the Fort Apache Indian Reservation. It is therefore mutually agreed:

1. The Tribal Council will carry out the operation and maintenance of irrigation works serving irrigated lands on the Fort Apache Reservation. These works include the pumps and the diversion dams on the several rivers and creeks of the Reservation, the ditches and laterals leading from the ditches to the irrigated lands, and all structures and devices on these ditches and laterals.
2. After due inspection and acceptance of the operation and maintenance plan for the year, the Office shall credit the Tribal Council an amount administratively determined by the Office to be proper, which shall be determined by applying the approved assessment rate of the total number of acres of irrigated land.
3. The Tribal Council shall keep and maintain adequate records and accounts of all costs connected with carrying out such operations, and the same shall be subject to audit by the Office. The Office also shall be given any available pertinent information it may require relative to the work of the Tribal Council under this agreement.
4. Either the Office or the Tribal Council may cancel this Agreement by giving notice in writing to the other 60 days prior to January 1 of any year, but such cancellation will not relieve the Tribal Council from completion of work up to the date of cancellation.
5. Final responsibility for the operation and maintenance of the Project continues to be vested in the Office; it is not transferred to the Tribal Council. If the Office finds that the Tribal Council is not maintaining and operating the Project in accordance with the terms of this Agreement, the Office upon written notice to the Tribal Council will immediately take over the maintenance and operation. To be informed of the condition of operation and maintenance the Office is free to make inspections at any time.

6. Operation and maintenance assessments may be adjusted in accordance with actual costs and under applicable regulations.

This Agreement shall take effect _____, 19_____, and remain in force until cancelled as above provided.

IN WITNESS whereof the parties hereunto executed this Agreement in triplicate this _____ day of _____, 19_____.

WITNESSES:

White Mountain Apache Tribal Council

By _____
Chairman

Fort Apache Indian Agency

By _____
Superintendent

Date _____

APPROVED:

Area Director
Phoenix Area Office