

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

WHEREAS, the White Mountain Apache Tribe has entered into a contract with the Bureau of Sport Fisheries and Wildlife, U. S. Fish and Wildlife Service, Department of the Interior for the leasing of lands and the granting of right of ways appertaining to the construction of a fish hatchery on the Fort Apache Indian Reservation, and

WHEREAS, it is necessary to grant to the said Bureau of Sport Fisheries a right of way over and upon a certain parcel of ground of the Fort Apache Indian Reservation 2,386.76 feet in length and 30 feet in width from the Alchesay Springs area in order to effectuate the completion of the said fish hatchery and its appurtenances, and

WHEREAS, it is imperative to the tribe, in order to guarantee sufficient fish in its streams and lakes, that the said fish hatchery be completed.

BE IT RESOLVED that the Chairman of the White Mountain Apache Tribal Council and the Superintendent of the Fort Apache Agency be authorized and directed to execute a right of way agreement with the U. S. Department of the Interior, Fish and Wildlife Service, Bureau of Sport Fisheries and Wildlife authorizing said Bureau of Sport Fisheries and Wildlife to construct and maintain a water pipeline from the Alchesay Springs site approximately 2,386.76 feet in length and 30 feet in width to the Alchesay Fish Hatchery site as per the Alchesay National Fish Hatchery Water Pipeline Within the Fort Apache Indian Reservation Right of Way Map, which map is on file in the Fort Apache Agency, Whiteriver, Arizona and the description of the said right of way thereon is by reference made a part of this resolution.

BE IT FURTHER RESOLVED that the White Mountain Apache Tribe waives any and all damages which may be sustained by the Tribe as a result of the use of said right of way by the said Bureau of Sport Fisheries.

BE IT FURTHER RESOLVED that this right of way is terminable upon abandonment or discontinuance of use by the said Bureau of Sport Fisheries for which granted.

The foregoing resolution was on February 1, 1961 duly adopted by a vote of 8 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) 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

Mary C. Embfield  
Secretary of the Tribal Council

FEB 10 1961

Mr. F. M. Haverland

Area Director, Phoenix, Arizona

Dear Mr. Haverland:

The original site for the Alchesay National Fish Hatchery was to be located in the vicinity of Alchesay Springs, however, it was determined by the Bureau of Sport Fisheries and Wildlife that the area was not suitable for the construction of raceways, warehouses and housing for personnel. An alternate site was selected 2,386.7 feet downstream in an area which at one time was a small farm.

The purpose of Resolution No. 61-11 is to authorize and approve construction and maintenance of a water pipeline from Alchesay Springs to the new site, 2,386.7 feet in length and 30 feet in width. This resolution further resolves that the White Mountain Apache Tribe waives any and all damages. The Tribe was encouraged to waive damages because of the benefit that will accrue to the Tribe from the new fish hatchery. This pipeline right of way is terminable upon abandonment or discontinuance of use for which it was granted.

Resolution No. 61-11 was duly adopted on February 1, 1961 by the Council of the White Mountain Apache Tribe pursuant to authority vested in Article V, Section 1 (b) of the Tribe's Constitution. Under this authority the Tribe has the power to negotiate, make and perform contracts and agreements of every description, not inconsistent with law or their Constitution. This resolution is not inconsistent with law or their Constitution, therefore, is not subject to review or approval by the Secretary of the Interior.

Sincerely yours,

(SIGNED) ALBERT M. HAWLEY

Superintendent