

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

WHEREAS, the Phelps Dodge Corporation has an approved right of way for the transmission of water from Show Low Creek from the boundary line into the Salt River, a part of the said right of way consisting of the channel of Forestdale Canyon, and

WHEREAS, a portion of the channel of said Forestdale Canyon has been damaged by soil erosion resulting from water delivered from Show Low Creek, and

WHEREAS, the Phelps Dodge Corporation, in its letter dated June 24, 1961, has applied for a right of way to install a concrete pipeline the distance of 1.127 miles for the transmission of said water.

BE IT RESOLVED that the offer of Phelps Dodge Corporation to pay the Tribe the sum of Six Thousand (\$6,000.00) Dollars as and for full payment of the damage done to the said Forestdale Canyon and the further offer to construct and maintain a concrete pipeline hereinabove mentioned is accepted by the Tribe in full payment and satisfaction for damages to the said right of way.

BE IT FURTHER RESOLVED that upon receipt of Six Thousand (\$6,000.00) Dollars the Tribal Council will reslope, reseed and maintain the damaged portion of the channel of Forestdale Canyon and Phelps Dodge Corporation is thereafter relieved of any further responsibility to maintain and repair said damaged portion of the channel.

The foregoing resolution was on June 28, 1961 duly adopted by a vote of 9 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 (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

Marjorie E. Smith
Secretary of the Tribal Council

JUL -5 1961

Mr. F. M. Haverland
Director, Phoenix Area Office

Dear Mr. Haverland:

Resolution No. 61-71 was enacted on June 28, 1961 by the Council of the White Mountain Apache Tribe, pursuant to Article V, Section 1 (i) of the Tribe's constitution. Under this authority this resolution is not subject to rescission of the Secretary of the Interior.

The Phelps Dodge Corporation has agreed to pay the Tribe the sum of \$8,000 for full payment of the damages to the Forestdale Canyon and also agrees to construct and maintain a concrete pipeline for a distance of 1.127 miles for the transmission of water. The resolution further resolves that the \$8,000 received for damages from the Phelps Dodge Corporation will be used to reslope, reseed and maintain the damaged portion of the channel of Forestdale Canyon. Following the repair of the above-mentioned damage the resolution relieves said Phelps Dodge Corporation of any further responsibility to maintain and repair the said damaged portion of the channel of Forestdale Canyon.

Phelps Dodge Corporation has made application for the new alignment for the above-mentioned concrete pipeline and this application will be acted on August 2, 1961 at a regular Tribal Council meeting.

Sincerely yours,

757 ALBERT W. Hawley

Superintendent

Enclosure