

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

WHEREAS, the Phelps Dodge Corporation, a corporation organized and existing under and by virtue of the laws of the State of New York, has been permitted the use of rights-of-way on the Fort Apache Indian Reservation, Navajo County, Arizona, for the purpose of making delivery of water from Show Low Creek into the Salt River, and

WHEREAS, the Council of the White Mountain Apache Tribe on May 7, 1951, did grant a right-of-way to Phelps-Dodge Corporation by Resolution No. 51-14.

BE IT RESOLVED by the Council of the White Mountain Apache Tribe that the application for right-of-way be granted to Phelps-Dodge Corporation, thirty (30) feet in width and 1.127 miles in length, for the construction and operation and maintenance of a concrete pipeline which will be used for transportation of water down to the outlet instead of the use of the corresponding portion of the natural channel of Forestdale Canyon for this purpose. Such pipeline right-of-way shall extend from the Reservation boundary at Forestdale Canyon as shown on the application for right-of-way.

BE IT FURTHER RESOLVED that this right-of-way is supplementary to the application approved April 11, 1952 for the purpose of making deliveries of water from Show Low Creek into the Salt River.

BE IT FURTHER RESOLVED that the Phelps-Dodge Corporation will comply with the Code of Federal Regulations, Title 25, Indians, and Phoenix Area Instructions, Realty, 54 IAM 7.2.0, Rights of Way Over Indian Lands.

BE IT FURTHER RESOLVED that all of the terms and conditions of the former contract relating to payments for the use of the said lands to transport water over and across the Fort Apache Indian Reservation by the Phelps-Dodge Corporation shall be applicable to the new right-of-way.

The foregoing resolution was on August 3, 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

Marion S. Goodfield

Secretary of the Tribal Council

Received in Superintendent's Office

AUG 9 1961

(Date)

AUG 14 1961

Mr. F. M. Haverland

Area Director, Phoenix, Arizona

Dear Mr. Haverland:

Resolution No. 61-80 grants the Phelps Dodge Corporation the use of rights of way for the purpose of making deliveries of water from Show Low Creek into the Salt River. This right of way is thirty feet in width and 1.127 miles in length. Phelps Dodge Corporation is to construct a concrete pipe line from the Reservation boundary at Forestdale Canyon to the stablized creek bed of Forestdale Canyon. It further resolves that all the terms and conditions relating to payments for the use of the lands to transport water over and across the Reservation by Phelps Dodge Corporation shall be applicable to the new right of way.

The resolution was adopted August 3, 1961 by the Tribal Council pursuant to authority vested in Article V, Section 1 (1) of the Tribe's Constitution. Under this authority the resolution is not subject to rescission by the Secretary of the Interior.

Sincerely yours,

7S/ Albert M. Hawley

Superintendent