


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

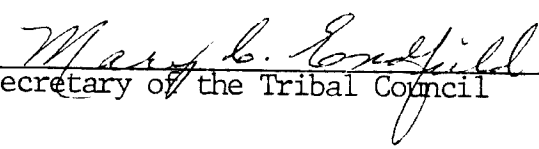
- WHEREAS, the White Mountain Apache Tribe, as grantee, is in the construction phase of a Wastewater Management System; said construction phase including Segments I and II; and
- WHEREAS, Segment I of the project encompasses the Canyon Day Community and the White Mountain Apache Agriculture Enterprise (WMAAE) irrigation agricultural area to the west of the community; the collector system pipeline passing through the irrigated alfalfa fields of White Mountain Apache Agricultural Enterprise; and
- WHEREAS, the construction of the pipeline through the White Mountain Apache Agricultural Enterprise irrigated fields has resulted in extensive and severe damage during the period from April 1st through the present date (with no cessation in sight), to the pipelines, irrigation systems, and crops of the White Mountain Apache Agriculture Enterprise; and
- WHEREAS, the direct causes of the said severe and continuing damages to Tribal properties (including crops) are as follows:
1. The incompetence, the negligence, and the uncooperative conduct of the Tribe's consultant, Architect/Engineer firm Adam, Hamlyn and Anderson, Phoenix, Arizona, and its field personnel;
 2. The incompetence, the negligence, and the failure to perform to schedule of the prime construction contractor, Lufkin Construction Company of Tucson, Arizona; and
- WHEREAS, the severe and continuing damages to Tribal properties (including crops) include, but are not limited to, the following:
1. Loss of all crop production for 1982 on at least three fields totaling 61 acres;
 2. Loss of at least one 1982 cutting of alfalfa on approximately 421 acres;
 3. Damages to an unspecified number of irrigation systems - pivots and siderollers; and
 4. Losses of wages paid to White Mountain Apache Agriculture Enterprise workers idled by delays resulting from the malfeasance, misfeasance and nonfeasance of the said Architect/Engineer and the prime contractor;
- the above-listed damage estimates to be confirmed and quantified by detailed investigation;
- BE IT RESOLVED that the White Mountain Apache Tribal Council hereby authorizes and directs the Tribal Chairman, the Tribal Attorney, (aided by Tribal Special Counsel) and all required members of Tribal staff to take the

following actions:

1. Obtain a detailed and exact inventory of the above-listed damages to Tribal properties (including crops), with dollar assessments of same;
2. To demand from the parties specified above full compensation for damages, and to negotiate settlement of all claims;
3. Failing an acceptable settlement, to initiate such further legal actions as may be required to satisfy all claims, including legal expenses.

The foregoing resolution was on July 7, 1982 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 (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).


Chairman of the Tribal Council


Secretary of the Tribal Council

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