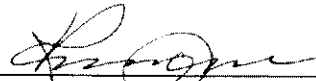


**RESOLUTION OF THE  
WHITE MOUNTAIN APACHE TRIBE OF THE  
FORT APACHE INDIAN RESERVATION**

- WHEREAS**, the Tribal Council is advised that there has been erosion problems associated with the Forestdale Canyon water diversion from Show Low Creek which was engineered by the Phelps Dodge Corporation in 1951-52; and
- WHEREAS**, the Tribal Council by resolution in 1951 and amended resolution in 1952 granted a right of way over Tribal lands to Phelps Dodge for said diversion; and
- WHEREAS**, said right of way agreement required the Phelps Dodge Corporation to be responsible for the correction and alleviation of any erosion problems caused by the water diversion from Show Low Creek; and
- WHEREAS**, the Tribal Council questions the current legality of the right of way, the failure of the Bureau of Indian Affairs to conduct periodic appraisals for the annual fee for the right of way and is concerned about erosion caused by the diversion, including possible water quality problems from the diversion and which may now be affecting the Tribal communities of Cedar Creek and Carrizo; and
- WHEREAS**, the Tribal Council is aware that Phelps Dodge has recently tendered to the White Mountain Apache Tribe an annual right of way fee in the amount of \$512.40; and
- WHEREAS**, the Tribal Council directs the Tribal Legal Department to place the Phelps Dodge Corporation on notice that the Tribe is refusing to accept said check at this time and that the Tribal Council has directed an investigation of erosion and water quality problems that may be associated with the water diversion from Show Low Lake and that the Tribal Council wishes to review the current legalities of said right of way.
- BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs the Tribal Legal Department and the Tribal Environmental Planning Department to conduct a legal and environmental evaluation of the Forestdale Creek water diversion.
- BE IT FURTHER RESOLVED** by the Tribal Council that it hereby directs the Legal Department and Environmental Planning Department to plan a Tribal Council field trip to the right of way diversion for purposes of investigating any erosion and water quality problems caused by the water diversion.

**Resolution No. 03-98-40**

The foregoing resolution was on March 4, 1998 duly adopted by a vote of seven for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (i), (s), (t), and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).



Chairman of the Tribal Council

1998

  
Secretary of the Tribal Council