

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

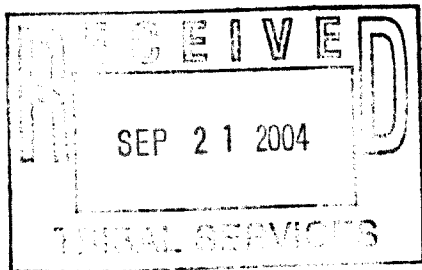
- WHEREAS**, in July, 2002 the White Mountain Apache Tribe received final notice of its allocation of federal hydroelectric power from the Colorado River Storage Project; and
- WHEREAS**, that allocation originally totaled 12,632,129 kWh/5,822 kW summer and 13,914,290kWh/5,999 kW winter, equaling approximately 55% of the total load on the Reservation; and
- WHEREAS**, Western subsequently reduced that allocation to 9,584,718 kWh/5,822 kW summer 10,557,567 kWh/5,999 kW winter because of extended drought conditions throughout the Colorado River Basin; and
- WHEREAS**, in March, 2004 the Tribe executed its Firm Electric Service contract with the Western Area Power Administration (WAPA) to guarantee its rights to this power; and
- WHEREAS**, the terms relating to delivery of the power must now be determined in order for the Tribe to obtain the benefits of its allocation; and
- WHEREAS**, delivery of power on the Tribe's behalf can commence as early as October 1, 2004 if necessary contracts are in place with Western; and
- WHEREAS**, the Tribe has met with representatives of various entities seeking to take actual delivery of the Tribe's allocation and offering a "benefit" to the Tribe; and
- WHEREAS**, these entities have presented agreements including a variety of terms, imposing a variety of conditions, and offering different benefits to the Tribe; and
- WHEREAS**, Western representatives have stated that they need the Tribe's delivery arrangements in place by September 20 to assure delivery of power to the Tribe or its designated partner by October 1; and
- WHEREAS**, if the Tribe misses this deadline, it could lose at least one month's benefit of its allocation; and
- WHEREAS**, Tribal staff therefore recommend that the Council approve completion of negotiations relating to a delivery contract, as is identified to be in the best interest of the Tribe; and
- WHEREAS**, the Tribe must decide how it wants to utilize the benefits that will flow from the contract so chosen before it can be executed; and

WHEREAS, these funds must be used for the benefit of the Tribe and cannot flow to individuals;
and

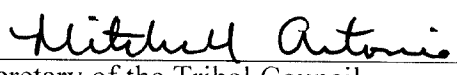
WHEREAS, Tribal staff recommend designating the Energy Benefit Account as the account to which benefit dollars are to be deposited until such time as the Council designates another use for the funds.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs the Tribal Attorney and Special Counsel Amy Mignella, in consultation with the Chairman or his designee, to finalize negotiations with a third party regarding the exact terms of its CRSP delivery agreements, that the Chairman or his designee is hereby authorized to execute the resulting contract, and that funds generated through the agreement so executed will be deposited in the Energy Benefit Account until the Council determines otherwise.

The foregoing resolution was on SEPTEMBER 9, 2004 duly adopted by a vote of SIX 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), (h), (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

ACTING 
Secretary of the Tribal Council