



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

(Pledging its full faith and credit for the purposes of the enforcement of any judgment against the Tribe in the event of a breach of the underlying USDA-RD grant/loan package for the North Fork Diversion and Water Treatment Plant Project)

WHEREAS, pursuant to Article IV, Section 1(a) of the Constitution of the White Mountain Apache Tribe, *inter alia*, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe; and

WHEREAS, Tribal Council Resolution Nos. 05-2005-148 and 08-2005-230A approved the Tribe's application to U.S. Department of Agriculture-Rural Development (USDA-RD), for a grant/loan package to fund the construction of a new surface water diversion and drinking water treatment plant on the North Fork of the White River to replace the failing Minter Flat well field, and pledged that revenue generated by the installation of water meters would be used to fund the repayment of the Tribal Utility Authority (TUA) debt and operation and maintenance of TUA water systems; and

WHEREAS, the USDA-RD awarded the Tribe a grant/loan package of \$1.243 million in loan funds to be repaid in 40 years, and \$3.15 million in grant funds for the North Fork Drinking Water Project via a "Letter of Conditions" addressed to then Chairman Dallas Massey, Sr. on April 25, 2006, as attached and incorporated by this reference; and

WHEREAS, Chairman Massey submitted a signed "Letter of Intent to Meet Conditions" to USDA-RD on April 25, 2006, as attached and incorporated by this reference; and

WHEREAS, the terms of the USDA-RD Letter of Conditions require a Resolution of the Tribal Council providing the Tribe's "Full Faith and Credit" as additional security for the loan portion of the North Fork project, such that in the event of a judgment against the tribe for breach of contract, the USDA-RD can be assured of a process for obtaining an enforceable judgment based on a "foreign" judgment that may be obtained in a court of competent jurisdiction; and

WHEREAS, the White Mountain Apache Tribal Utility Authority is now ready to begin purchasing and installing water meters as required by the USDA-RD grant/loan Letter of Conditions and authorized by Tribal Council Resolution 11-2007-478 (attached and incorporated by this reference) but the loan portion of the funding cannot be closed (to initiate spending) until all terms of the Letter of Conditions are met; and

WHEREAS, the Tribal Council finds that the assurance of Full Faith and Credit is in the best interest of the North Fork Drinking Water Project and the Tribe.

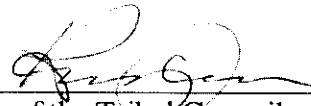
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby provides its full faith and credit for the purposes of the enforcement of any judgment against the Tribe in the

Resolution No. 06-2008-121

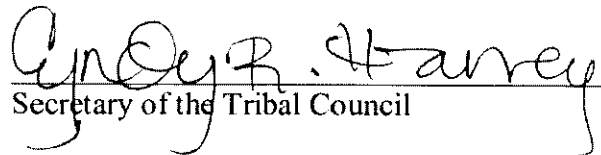
event of a breach of the underlying USDA-RD grant/loan package and to execute all other required grant/loan package documents as outlined in the April 26, 2006 Letter of Conditions.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice Chairwoman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on June 11, 2008, duly adopted by a vote of SIX for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), (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



Secretary of the Tribal Council