



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

**(Approving and Authorizing Execution of Loan Repayment Contract No. 11-XX-30-W0559
between the United States of America and the White Mountain Apache Tribe)**

- WHEREAS,** the White Mountain Apache Tribe Rural Water System Loan Authorization Act ("WMAT Loan Authorization Act") (Pub. L. 110-390, 122 Stat. 4191), requires that the Secretary of the Interior shall provide to the White Mountain Apache Tribe ("WMAT"), a loan in an amount equal to \$9.8 million, adjusted, as appropriate, based on ordinary fluctuations in engineering cost indices applicable to the Miner Flat Project during the period beginning on October 1, 2007, and ending on the date on which the loan is provided, as determined by the Secretary, to carry out the planning, engineering and design of the "Miner flat project" as that Project is defined in the WMAT Loan Authorization Act; and
- WHEREAS,** the WMAT Loan Authorization Act pursuant to Section 3(a) requires that the loan is subject to the availability of appropriations and the condition that the WMAT and the Secretary have executed a cooperative agreement under Section 4(a) of the WMAT Loan Authorization Act for the planning, engineering, and design of the Miner Flat Project, not later than 90 days after the date on which amounts are made available to carry out Section 3(a) of the WMAT Loan Authorization Act; specifically, the planning, engineering, and design of the Miner Flat Project, and the cooperative agreement has been executed; and
- WHEREAS,** the WMAT Loan Authorization Act pursuant to Section 3(b) provides the terms and conditions of the loan to be paid at the rate of interest of 0% and to be repaid over a term of 25 years, beginning on January 1, 2013, but said repayment date has been changed by the White Mountain Apache Tribe Water Rights Quantification Act of 2010 (Pub. L. 111-291, Title III, 124 Stat. 3073), pursuant to Section 311 (h) of that Act, from January 1, 2013 to May 1, 2021;and
- WHEREAS,** the White Mountain Apache Tribe Water Rights Quantification Act of 2010 further provides that once that Act becomes enforceable, funds in the White Mountain Apache Tribe Water Rights Settlement Subaccount as provided under Section 310(b)(2)(B) of that Act shall be used to repay the loan; and
- WHEREAS,** pursuant to Section 4 (a) of the WMAT Loan Authorization Act, the planning, engineering, and design of the Miner Flat Project will be completed pursuant to a cooperative agreement under the Indian Self-Determination and Education Assistance Act (Pub. L. 93-638), to be entered into by the Bureau of Reclamation and WMAT, and such cooperative agreement has been assigned Contract No. R11AV32054, with the funding to be provided to WMAT pursuant to the terms and conditions that will be contained in that proposed contract; and

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WHEREAS, the Loan Repayment Contract No. 11-XX-30-W0559("Loan Repayment Contract"), for repayment of a loan for the Miner Flat Project is attached to this Resolution and incorporated by reference herein; and

WHEREAS, the Loan Repayment Contract only pertains to repayment of both the funding provided to WMAT and such funding retained and expended by Reclamation to conduct Federal oversight of the Miner Flat Project pursuant to the proposed Contract No. R11AV32054; and

WHEREAS, the WMAT wishes to secure the loan funding as provided in Pub. L. 110-390, to conduct planning, engineering, and design activities for the Miner Flat Project, and agrees that should the enforceability date as defined in Section 309 (d) of Pub. L. 111-291 not occur; WMAT would be solely responsible for repayment of the amounts provided to WMAT pursuant to the proposed Contract No. R11AV32054, as well as funding retained by Reclamation to conduct Federal oversight, in accordance with the attached Loan Repayment Contract, unless otherwise specifically provided by a subsequent act of Congress.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves, authorizes, and directs Tribal Chairman Ronnie Lupe, and in his absence, the Vice Chairman to execute the Loan Repayment Contract No. 11-XX-30-W0559, attached to this resolution and incorporated by reference herein.

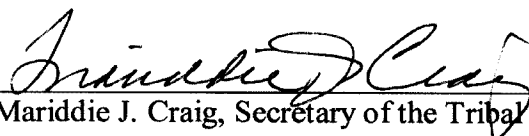
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall govern.

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

The foregoing resolution was on AUGUST 19, 2011 duly adopted by a vote of EIGHT 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), (i), (j), (k), (l), (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).



Ronnie Lupe, Chairman of the Tribal Council



Mariddie J. Craig, Secretary of the Tribal Council