



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approval of Precipitation Gauge Network Memorandum of Understanding with Salt River Project)

- WHEREAS,** the White Mountain Apache Tribe has sovereign authority over the water resources within the Fort Apache Indian Reservation including investigation and research of precipitation and snowfall and long-range planning for the Tribe's water resources, water conservation and development; and
- WHEREAS,** the establishment of two precipitation gauges within the White River and Bonita Creek watersheds at sites agreed to by the White Mountain Apache would be beneficial to the White Mountain Apache Tribe for purposes of investigation and research of precipitation and snowfall and long-range planning for water resources, water conservation, and development; and
- WHEREAS,** the White Mountain Apache Tribe has been offered financial and other assistance from the Salt River Project ("SRP") for the installation, maintenance and operation of two precipitation gauges within the White River and Bonita Creek watersheds on the Reservation; and
- WHEREAS,** SRP has agreed to provide the equipment, labor and expertise needed to initially install the precipitation gauges at no expense or cost to the Tribe; and, further, will calibrate, operate, and maintain the precipitation gauges and conduct semi-annual operation and maintenance in the fall and spring, including needed repairs or replacement of the equipment and will coordinate access to the site for routine maintenance with Cheryl Pailzote, WMAT Water Resources Manager; and
- WHEREAS,** Cheryl Pailzote, WMAT Water Resources Program Manager, has negotiated the terms of a proposed Memorandum Of Understanding ("MOU") between the White Mountain Apache Tribe and SRP, with the assistance of water rights counsel Robert Brauchli, who advises that he has no legal objection to the data being collected by the MOU, and said MOU is attached to this resolution and incorporated by reference herein; and
- WHEREAS,** the MOU provides that either party can terminate the MOU upon written request to the other party with not less than thirty (30) days advance notice of the effective date of the termination; and
- WHEREAS,** the MOU expressly states that the sovereign immunity of the White Mountain Apache Tribe is not waived by the Tribe entering into the MOU; and
- WHEREAS,** it is recommended by Pailzote that the MOU be approved, and advises the Tribal Council that the two precipitation gauges will transmit the precipitation data via GOES telemetry; that the data will be assessable through the United States Geological Survey ("USGS") and

Resolution No. 10-2016-218A

National Weather Service ("NWS") Hydrometeorological Automated Data System ("HADS") websites, and further advises the Tribal Council that the precipitation gauges will not only provide valuable water resource forecasting information to the Tribe's Water Resources Program, but will also provide the opportunity for Tribal staff to further their professional experience as it is anticipated that Water Resources Program staff will work closely with SRP to construct, operate and maintain the two precipitation gauges; and

WHEREAS, the Tribal Council concludes that it would be in the best interests of the White Mountain Apache Tribe at this time to approve the MOU between the Salt River Project and the Tribe in the form and content attached to this resolution.

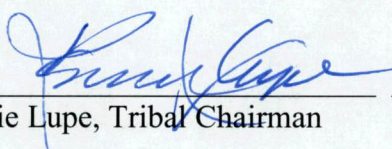
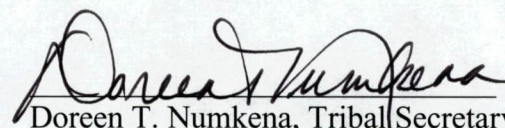
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the Memorandum of Understanding between the Salt River Project and the White Mountain Apache Tribe for the installation, operation and maintenance of two precipitation gauges in the White River and Bonita Creek watersheds, at sites agreed to by the Tribe, in the form and content attached hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

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 **OCTOBER 19, 2016** duly adopted by a vote of **EIGHT** for, **ZERO** against, and **ZERO** abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

	
Ronnie Lupe, Tribal Chairman	Doreen T. Numkena, Tribal Secretary
1/3/17	1-3-2017
Date	Date