



RESOLUTION NO. 13-12-07

A RESOLUTION OF THE GILA COUNTY BOARD OF SUPERVISORS SUPPORTING THE SUBMISSION OF THE TOWN OF PAYSON'S RURAL WATER SUPPLY PROGRAM GRANT APPLICATION; AND SUPPORTING AND ACKNOWLEDGING THE PRINCIPLES INCLUDED IN THE TONTO APACHE TRIBE'S RESOLUTION NO. 41-13 APPROVING THE SUBMISSION OF ADDENDUM NO. 1 TO THE APPLICATION.

WHEREAS, the Town of Payson ("Town") has obtained a permanent water supply and water right in the C.C. Cragin Reservoir ("C.C. Cragin"); and

WHEREAS, up to 500 acre feet of water annually were also reserved to meet the needs of northern Gila County residents outside of the corporate boundary of the Town out of C.C. Cragin; and

WHEREAS, the Town has submitted an application for funding through the Rural Water Supply Program (RWSP) to assist with capital costs associated with making water from C.C. Cragin available to the citizens of Payson ("the RWSP Grant Application"); and

WHEREAS, said capital costs associated with making water from C.C. Cragin available to the citizens of Payson will also provide a significant amount of the infrastructure required to provide water to other northern Gila County residents outside of the corporate boundary of the Town; and

WHEREAS, the Tonto Apache Tribe ("Tribe") is currently working toward settling its water rights claims including obtaining a water right in C.C. Cragin, and contracting with the Town to use the Town's pipeline, filtration plant, and other infrastructure to utilize C.C. Cragin water on Tribal lands; and

WHEREAS, the Tribe is actively working with the Town and others to resolve the outstanding water issues, including supporting the Town's RWSP Grant Application; and

WHEREAS, on November 12, 2013, the Tribe's governing body approved Tribal Resolution No. 41-13 (attached as Exhibit A). Tribal Resolution No. 41-13 (1) confirmed the Tribe's participation in the Town's RWSP Grant Application, (2) supported the submission of Addendum No. 1 to the Town's RWSP Grant Application, and (3) authorized the Tribe's

Chairperson and Legal Counsel to take other actions to support the Town's RWSP Grant Application; and

WHEREAS, Gila County desires to recognize the Tribe's efforts to resolve long standing water issues and to support the Town's RWSP Grant Application which will benefit northern Gila County.

NOW, THEREFORE, THE GILA COUNTY BOARD OF SUPERVISORS DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The Gila County Board of Supervisors does hereby concur with the intent of Tonto Apache Tribe Resolution No. 41-13 which supports the Town of Payson's Rural Water Supply Program Grant Application and approves the Tonto Apache Tribe's submission of Addendum No. 1 to the Grant Application.

Section 2. The Gila County Board of Supervisors supports and acknowledges the principles included in Addendum No. 1, including the use of up to 200 acre feet per annum of water in the C.C. Cragin Reservoir, and contracting with the Town of Payson to use the Town of Payson's pipeline, filtration plant, and other infrastructure in order to utilize C.C. Cragin Reservoir water on Tribal lands as described in the Rural Water Supply Program Grant Application.

PASSED AND ADOPTED this 17th day of December 2013, at Globe, Gila County Arizona.

Attest:

GILA COUNTY BOARD OF SUPERVISORS

Marian Sheppard
Clerk of the Board

Michael A. Pastor, Chairman

Approved as to form:

Bryan Chambers
Deputy Attorney Principal



Tonto Apache Tribe

Tonto Apache Reservation #30
Payson, Arizona 85541
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**RESOLUTION NO. 4/13
OF THE GOVERNING BODY OF THE
TONTO APACHE TRIBE
(A Federally Recognized Indian Tribe)
PAYSON, ARIZONA**

- WHEREAS**, the Tonto Apache Tribe (the "Tribe") is a federally-recognized Indian Tribe organized pursuant to Section 16 of the Indian Reorganization Act of 1934; (48 Stat. 984); and
- WHEREAS**, the Tribe is entitled to an annual allocation of 128 acre-feet of Central Arizona Project water ("CAP Water") pursuant to the Central Arizona Project Indian Water Delivery Contract Between the United States and the Tonto Apache Tribe dated December 11, 1980 ("Tribe's CAP Water Contract"); and
- WHEREAS**, the Tribe presently lacks the requisite delivery treatment and distribution system to make use of its CAP Water entitlement; and
- WHEREAS**, the Tribe wishes to begin receiving delivery of its CAP Water as soon as possible; and
- WHEREAS**, the Town of Payson ("Payson") is currently working toward the construction of a pipeline ("Pipeline") and water treatment facilities for domestic water ("Treatment Facilities") which will deliver water from the C. C. Cragin Reservoir to Payson; and
- WHEREAS**, Payson has offered to increase the size of its planned Pipeline to accommodate delivery of the Tribe's CAP Water to the Tonto Apache Reservation; and
- WHEREAS**, the Tribe finds that the transport of the Tribe's CAP Water via the Pipeline, by exchange, would be the most practical means for the Tribe to take delivery of its CAP Water; and
- WHEREAS**, the Tribal Council finds it to be in the best interest of the Tribe to work with Payson and participate in the planning and construction of the Pipeline; and
- WHEREAS**, the Tribe understands that the Tribe will be expected to pay, or cause to be paid on its behalf, a share of the construction costs of the Pipeline and related Treatment Facilities, proportionate to the percentage of capacity constructed to deliver water through the Pipeline to the Tribe; and

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WHEREAS, Payson has applied for funding under the Rural Water Supply Program, which was authorized by the Rural Water Supply Act of 2006, Pub. L. No. 109-451, to assist in the capital costs required for the construction of the Pipeline and Treatment Facilities; and

WHEREAS, Payson would like to include the Tribe as a co-applicant in its application for Rural Water Supply Program funding in order to increase the likelihood that funding will be secured for the costs of the construction of the Pipeline and Treatment Facilities; and

WHEREAS, the Tribal Council deems it in the best interest of the Tribe to participate with Payson in the Rural Water Supply Program funding application;

WHEREAS, The Sparks Law Firm, P.C., as general counsel for the Tribe has worked with representatives of Payson to draft an addendum (attached here as Exhibit A) to Payson's original funding application, which will add the Tribe as an applicant and provide information about the Tribe and its resources, as required by the Rural Water Supply Program;

WHEREAS, The draft provides general information concerning the Tribe's present intentions concerning its future water needs and plans, which may be subject to future revisions as its formal water budget implementation plans are developed.

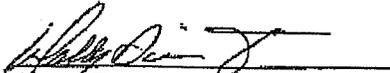
NOW, THEREFORE, be it resolved as follows:

1. The Tribal Council approves of participating with the Town of Payson in an application for funding through the Rural Water Supply Program.
2. The Tribal Council approves of submitting the attached funding application addendum to the Bureau of Reclamation as part of the Town of Payson's application for funding under the Rural Water Supply Program.
3. The Sparks Law Firm, P.C., as General Counsel to the Tribe, is authorized to take any action necessary to submit the attached addendum to the Bureau of Reclamation or to approve any necessary revisions which do not materially change content of the attached addendum.
4. The Chairwoman and Vice Chairman are authorized and directed to take any action necessary to effect the intent of this Resolution.

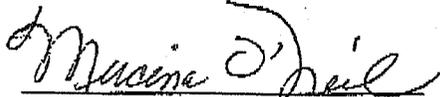
BE IT FURTHER RESOLVED, that the tribal Chairperson, or in her absence the Vice Chairman has authority to sign and execute this tribal council action.

CERTIFICATION

I, the undersigned, as Chairwoman of the Tonto Apache Tribal Council, hereby certify that the Tribal Council is composed of five (5) members of whom, four (4) were present at a Regular Council Meeting held on the 12th day of November, 2013; and that the foregoing resolution was duly adopted by an affirmative vote of four (4) Council Members.


Wally Davis, Jr., Vice Chairman

ATTEST:


Mercina O'Neil, Tribal Secretary