

RESOLUTION OF THE PAPAGO TRIBAL COUNCIL

Res. No. 1477

WHEREAS, the Papago Tribal Chairman, Tribal Mining Consultant, Tribal Attorney, Superintendent of the Papago Agency, BIA officials of the Area Office and BIA officials from Washington have been negotiating a mining lease with Newmont Exploration Ltd. for a period in excess of one year, and

WHEREAS, the Papago Tribal Council has been kept informed of the negotiations by its Tribal Mining Consultant, Vernon Smith, during the time of negotiation, and

WHEREAS, the Tribal Chairman, Tribal Attorney and Mining Consultant negotiated the terms of a lease with Mr. Robert Fulton of Newmont Exploration Ltd. which were to the best interests of the Papago Tribe, and

WHEREAS, a conference was held in the Area Office of the BIA on June 17, 1966, at which the Tribe, the BIA and Newmont Exploration Ltd. were each represented, and

WHEREAS, the Area Office set the limit of the royalty rate from 0-\$3.50 at a 5% royalty net smelter return with an increase of 1% with each 50¢ in net smelter return, and

WHEREAS, Newmont rejected this offer and notified the Tribal Chairman by letter dated June 21, 1966, that Newmont wished to withdraw their proposed lease modification, and

WHEREAS, the Tribal Mining Consultant has advised that the 0-\$5.00 at 5% net smelter return was acceptable as a fair royalty schedule, and

WHEREAS, Newmont agreed to this schedule, and

WHEREAS, a complete evaluation of Newmont's proposal would reveal a large work commitment, the acquisition of royalty on leased minerals that do not belong to the Tribe and a projected income when in full operation of approximately \$500,000.00 to \$750,000.00 to the Tribe on an annual basis,

NOW, THEREFORE, LET IT BE RESOLVED that the Papago Tribal Council directs the Tribal Chairman to communicate with the Honorable Stewart Udall, Secretary of the Interior, and Robert Bennett, Commissioner of

Indian Affairs, requesting that they approve the Newmont lease with the royalty rate schedule beginning at 0-\$5.00 at 5% net smelter return based upon the foregoing information and the fact that the contract is fair and beneficial to the best interests of the Papago Tribe.

The foregoing Resolution was duly enacted by the Papago Council on July 1, 1966, with a vote of 20 for, 0 against and 0 not voting, during a meeting at which a quorum was present, pursuant to authority vested in the Council by Section 2(f) of Article V of the Constitution and By-Laws of the Papago Tribe, ratified by the Tribe on December 12, 1936 and approved by the Secretary of Interior on January 6, 1937, (Stat. 984), pursuant to Section 16 of the Act of June 18, 1934.

THE PAPAGO TRIBAL COUNCIL

ATTEST:

By: Robert C. Mackett  
ROBERT C. MACKETT, Chairman

H. Malinda Miguel  
H. MALINDA MIGUEL, Secretary

APPROVED AS TO FORM:

Edward B. Berger  
EDWARD B. BERGER, Tribal Attorney