

RESOLUTION
OF THE
PAPAGO COUNCIL

RES. NO. 1036

WHEREAS, The present village of Sil Munk on the Gila Bend Reservation will be flooded from time to time after completion of the Painted Rocks Reservoir on the Gila Bend River, and

WHEREAS, The Corps of Engineers wishes to move the present Sil Munk village, which will be covered during times of high water, to a 40 acre tract about one-half mile east of the present village which will join on to the present Reservation, and which will be above the high water mark, the exact area being as shown on a map furnished by the Papago Agency, and

WHEREAS, The Corps of Engineers, in their letter of January 29, 1959, addressed to the Superintendent of the Papago Agency, wrote in part as follows: "This is to assure you that this agency in conjunction with other government agencies, will work out some arrangement whereby title will not be taken by the individuals concerned, thereby eliminating the burden of taxes. In all probability, temporarily at least, the individuals concerned will occupy the homsites on a permanent basis of some sort", and

WHEREAS, The Papago Agency has explained that in this letter the Corps of Engineers are definitely stating that the 40 acre tract will be held in trust by the United States of America, and the land and houses, and other improvements on the land will not be subject to taxes of any kind, and

WHEREAS, The Corps of Engineers have promised to construct suitable houses on the 40 acre tract for the present residents of Sil Munk village, at the expense of the Corps of Engineers, in accordance with construction plans submitted by the Engineers, which have been examined and approved by the residents of Sil Munk village, and

WHEREAS, The Corps of Engineers have also agreed to drill and equip a new domestic water well on Reservation Land next to the 40 acre tract, and

WHEREAS, After an arrangement has been made for moving the Sil Munk village residents and providing them with adequate, tax free housing, and a new well, it is understood that negotiations will then be entered in to determine the damages to be paid for the flooding of Reservation land at Gila Bend, the proceeds of which will be paid in accordance with present regulations in the Papago Constitution covering leases of Tribal land, and

WHEREAS, It is understood that the Papago Tribe will retain ownership of the Reservation, and will have the right to use the land if it is not under water.

WHEREAS, The Corps of Engineers have agreed to acquire title to the 40 acres of land in the name of the United States of America, and withdraw the land from public domain for the exclusive use of the Papago Tribe and the people of the Sil Mark village, and

WHEREAS, The Gila Bend District Council in a meeting held in conjunction with the Sil Mark residents on February 19, 1959, has unanimously agreed to accept the use of the 40 acre tract of land and to move to the new site provided the conditions outlined in this Resolution are met;

THEREFORE, LET IT BE RESOLVED by the Papago Tribal Council that it approves the said 40 acres being withdrawn from public domain by the Corps of Engineers and its occupancy and use by the Papago Tribe until such time as legislation can be enacted to add the 40 acres to the Gila Bend Indian Reservation.

The foregoing resolution was on March 6, 1959, duly enacted by a vote of 22 for and 0 against by the Papago Council, at a meeting at which a quorum was present, pursuant to authority vested in it by Section 2 (a), (c) and Section 3 (h) Article V of the Constitution of the Tribe ratified by the Tribe on December 12, 1936 and approved by the Secretary of the Interior on January 6, 1937, pursuant to Section 16 of the Act of June 16, 1934 (48 Stat. 984). Said resolution is effective as of the date of its approval by the Superintendent of the Papago Agency and is subject to the rescission by the Secretary of the Interior, pursuant to Section 6 of Article V of the Constitution and By-Laws of the Papago Tribe.

THE PAPAGO COUNCIL

BY: *Enos J. Francisco*

Enos J. Francisco, Chairman

ATTEST:

Evelyn Antonio
Evelyn Antonio, Secretary

APPROVED: *March 16, 1959*

Harry W. Gilmore
Harry W. Gilmore, Superintendent