

RESOLUTION OF THE PAPAGO COUNCIL

RES. NO. 57-77

- 1 WHEREAS, the El Paso Natural Gas Company (El Paso) was on June 12,  
2 1937, granted a twenty year right-of-way 20 feet in width  
3 for the construction and maintenance of an 8 5/8-inch pipe-  
4 line for the transportation of natural gas for domestic and  
5 industrial uses in Ajo, across 52.7 miles (31.2 miles, or  
6 59.2%, within the Sif Oidak District, and 21.5 miles, or  
7 40.8%, within the Hickiwan District) of the Papago Reserva-  
8 tion, described in Drawing Nos. 2025.4-11, 2025.4-12 and  
9 2025.4-13; and
- 10 WHEREAS, said right-of-way was extended on June 12, 1957, and  
11 expired by its terms on June 12, 1977; and
- 12 WHEREAS, El Paso did acquire a right-of-way for a Gas Meter Station  
13 Site described in Drawing 2025.9-x-7 dated August 5, 1960;  
14 and
- 15 WHEREAS, El Paso did construct a Cathodic Protection Station for the  
16 purpose of providing a low resistance ground bed to which  
17 soil-generated current on the natural gas pipeline would be  
18 directed under a right-of-way dated August 5, 1959 (Cathodic  
19 Protection Station #162 described in Drawing 2025.10-x-5);  
20 and
- 21 WHEREAS, El Paso has requested the consent of the Tribe for the grant  
22 of a new right-of-way for the operation and maintenance of  
23 the aforementioned natural gas pipeline, Gas Meter Station  
24 Site, and Cathodic Protection Station covering the same  
25 areas as the existing or expired rights-of-way; and has  
26 requested the consent of the Tribe to include into such  
27 right-of-way three additional areas described in Drawings  
28 2025.10-x-14, 2025.10-x-15 and 2025.10-x-10 for the con-  
29 struction, operation and maintenance of three additional  
30 Cathodic Protection Stations, numbered respectively 537,  
31 1247 and 33; and
- 32 WHEREAS, by Resolution No. 9-77, the Papago Council did authorize

1 and direct the Papago Tribal Utility Authority (PTUA) to  
2 negotiate the terms and conditions of such tribal consent,  
3 being mindful of the wishes of the District Councils of the  
4 Sif Oidak and Hicikiwan Districts; and

5 WHEREAS, after consultation with the District Councils of both of  
6 said Districts, PTUA has recommended that the Papago Tribe  
7 consent to the grant of such requested rights-of-way to  
8 El Paso upon certain terms and conditions which are to be  
9 included in the application of El Paso for, and in the  
10 Secretary of Interior's grant of such right-of-way.

11 NOW, THEREFORE, BE IT RESOLVED by the Papago Council that it does  
12 hereby consent to the grant to El Paso Natural Gas Company  
13 of a right-of-way for the operation and maintenance of an  
14 existing 8 5/8-inch pipeline for the transportation of  
15 natural gas for domestic and industrial uses in Ajo, of a  
16 Gas Meter Station Site described in Drawing 2025.9-x-7, and  
17 for the construction, operation and maintenance of four  
18 Cathodic Protection Stations, numbered 162, 537, 1247 and  
19 33, and located on the lands described respectively in  
20 Drawings 2025.10-x-5, 10, 14 and 15, which right-of-way  
21 shall be subject to the following terms and conditions:

22 1. The right-of-way shall be in the nature of an  
23 easement and shall be for a term of twenty (20) years,  
24 provided, however, that El Paso agrees to review and  
25 re-negotiate the consideration paid for the right-of-  
26 way after ten (10) years in order to make adjustment  
27 and pay for any increase during said ten (10) year  
28 period in the fair market value of the rights granted.  
29 At the end of the primary twenty (20) year term, the  
30 Tribe agrees to negotiate with El Paso for an exten-  
31 sion of the term of the right-of-way as may be per-  
32 mitted by law up to an additional twenty (20) years

1 upon such terms and conditions as may be acceptable  
2 to the Tribe and El Paso, including but not limited  
3 to the consideration to be paid by El Paso to the  
4 Tribe for any extension or renewal of the term of the  
5 right-of-way.

6 2. El Paso shall pay the Tribe the sum of \$140,800.00  
7 prior to the execution of any grant of easement for  
8 right-of-way, for the fair market value of the rights  
9 granted and severance damages, which sum shall be  
10 distributable by the Tribe as follows:

11 (a) One-half (1/2) or \$70,400.00, to the Papago  
12 Tribe, and

13 (b) the balance, or \$70,400.00 divided as  
14 follows:

15 (i) 59.2%, or \$41,677.00 to the Sif Oidak  
16 District,

17 (ii) 40.8%, or \$28,723.00 to the HICKIWAN  
District.

18 3. El Paso agrees to comply with all applicable laws  
19 and regulations governing rights-of-way across Indian  
20 lands.

21 4. El Paso agrees to leave the pipeline right-of-way  
22 unfenced so as to permit free grazing and pasture of  
23 Papago livestock, through, across and upon the right-  
24 of-way, and so as not to interfere with or obstruct  
25 the use of land included within the right-of-way for  
26 farming or other agricultural purposes; and, upon no  
27 less than sixty days notice in writing to the Chairman  
28 or other appropriate officer of the Papago Council,  
29 agrees to erect such gates or fences across the right-  
30 of-way as may be necessary to prevent the unauthorized  
31 use of or passage over the right-of-way.

32 5. The United States and the Tribe reserve, without

1 cost to the United States or Tribe, the right to cross  
2 or parallel the natural gas pipeline at any point, or  
3 points, with fields, canals, laterals, ditches and  
4 other works necessary or incidental to irrigation,  
5 flood control, prevention of erosion and like purposes;  
6 and to cross or parallel said pipeline with roads or  
7 highways; provided that any expense incidental to  
8 changing the grade or level of said pipeline for the  
9 purposes mentioned herein shall be borne by El Paso;  
10 and provided further that El Paso shall be given no  
11 less than sixty days notice in writing by the Chairman  
12 or other appropriate officer of the Papago Council of  
13 the intention of the United States or the Tribe to cross  
14 or parallel said pipeline with any of the works men-  
15 tioned in said section.

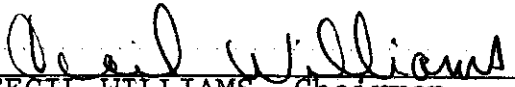
16 6. El Paso agrees to use and will use its best efforts  
17 to secure the necessary approval of the Federal Power  
18 Commission, or other appropriate regulatory body, in  
19 order to supply, and upon grant of such approval agrees  
20 to supply, the Tribe with up to two million cubic feet  
21 of gas per day for industrial or domestic purposes at  
22 points to be agreed upon and at prices, terms and con-  
23 ditions as may be prescribed by any regulatory body  
24 having jurisdiction at the time of request.

25 BE IT FURTHER RESOLVED that the Chairman or other appropriate offi-  
26 cers of this Council are hereby authorized to execute, and  
27 the attorneys of the Papago Tribe are authorized to approve  
28 as to form, any formal consent to, or, grant of right-of-  
29 way, and they are hereby authorized and directed to do any-  
30 thing necessary to give effect to the purposes of this  
31 Resolution.

32 The foregoing Resolution was duly enacted by the Papago Council on

1 the 13th day of July, 1977, at a meeting at which a quorum was present  
2 with a vote of 1065.0 for; 0 against; 0 not voting; and 1 absent,  
3 pursuant to the authority vested in the Council by Section 2 (a)  
4 (c) and (e) and Section 3 (a) and (h) of Article V of the Constitu-  
5 tion and By-laws of the Papago Tribe as amended, ratified by the  
6 Papago Tribe on December 12, 1936, and approved by the Secretary of  
7 the Interior on January 6, 1937, pursuant to Section 16 of the Act  
8 of June 18, 1934 (48 Stat. 984). Said Resolution is effective as  
9 of the date of its approval by the Superintendent of the Papago  
10 Agency and is subject to review by the Secretary of the Interior.

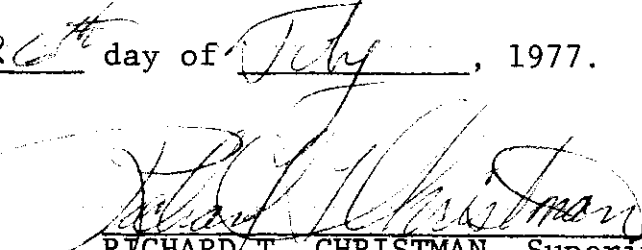
11 THE PAPAGO COUNCIL

12  
13   
14 CECIL WILLIAMS, Chairman

15 ATTEST:

16  
17   
18 MARY JANE JONES, Secretary

19  
20 RESOLUTION APPROVED this 20<sup>th</sup> day of July, 1977.

21  
22   
23 RICHARD T. CHRISTMAN, Superintendent  
24 Papago Agency



VOTE OF THE PAPAGO COUNCIL

DATE OF MEETING: July 13, 1977

RESOLUTION OR ORDINANCE NO.: 57-77

DISTRICTS	REPRESENTATIVES	NO. OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<u>BABOQUIVARI</u> 143	1. Edward N. Kisto (Joann Garcia) 2. <del>Robt's Alchbdy, / Sr.</del> (Enos Francisco, Jr.)	71.5 71.5	143.0			
<u>CHUKUT KUK</u> 161	1. Rosemary Lopez (Nellie Martin) 2. Harriet Toro (Henry Jose)	80.5 80.5	161.0			1
<u>GU ACHI</u> 108	1. Joseph P. Ramon (Stephen Listo) 2. <del>Stphn Lppd</del> (Cipriano Manuel)	54.0 54.0	108.0			
<u>GU VO</u> 47	1. Cross Antone (Edward J. Lopez) 2. Williams Lewis, Sr. (Juan Joe Cipriano)	23.5 23.5	47.0			
<u>HICKIWAN</u> 86	1. Henry A. Ramon (James Angea) 2. Edward Manuel (Archie Pilone)	43.0 43.0	86.0			
<u>PISINEMO</u> 68	1. Lamando Francisco ( ) 2. Jose Manuel, Jr. (Richard Jones)	34.0 34.0	68.0			
<u>SAN LUCY</u> 35	1. Jeannie Morris ( ) 2. Ricardo M. Baptisto (Albert Gomez)	17.5 17.5	35.0			
<u>SAN XAVIER</u> 99	1. Tony Felix (Rosemary D. Secundino) 2. Arnold Smith (Carmen Mattias)	49.5 49.5	99.0			
<u>SCHUK TOAK</u> 76	1. Joseph Enriquez ( ) 2. Ramon Campillo, Jr. (Joann Francisco)	38.0 38.0	76.0			
<u>SELLS</u> 139	1. Mollie Garcia (Jacob Lewis) 2. Fred Stevens (Jacob Escalante)	69.5 69.5	139.0			
<u>SIF OIDAK</u> 103	1. Vincent Manuel ( ) 2. Nicholas Jose (Melissa Norris)	51.5 51.5	103.0			
<u>TOTALS</u>		1065.0	1065.0	0	0	1