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BEFORE THE ARIZONA CORPORATION COMMISSION

KRISTIN K. MAYES, CHAIRPERSON
GARY PIERCE
SANDRA KENNEDY
PAUL NEWMAN
BOB STUMP

2009 APR 17 P 2:33

AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE COMPLAINT
OF THE BUREAU OF INDIAN AFFAIRS,
UNITED STATES OF AMERICA,
AGAINST MOHAVE ELECTRIC
COOPERATIVE, INC. AS TO SERVICES
TO THE HAVASUPAI AND
HUALAPAI INDIAN RESERVATIONS

DOCKET NO. E-01750A-05-0579

BUREAU OF INDIAN AFFAIRS'
NOTICE OF FILING AFFIDAVITS OF (1)
JACK EHRHARDT; (2) DON E.
WATAHOMIGIE; and (3) JAMES
WILLIAMS

Complainant Bureau of Indian Affairs files the following affidavits:

1. Jack Ehrhardt
Hualapai Tribe
Director of Planning and Economic Development
2. Don E. Watahomigie
Tribal Chairman of the Havasupai Tribe
3. James Williams
Bureau of Indian Affairs
Superintendent, Truxton Canon Agency

Arizona Corporation Commission

DOCKETED

APR 17 2009

DOCKETED BY

Respectfully submitted this 17 day of April, 2009.

DIANE J. HUMETEWA
United States Attorney
District of Arizona

MARK J. WENKER
Assistant U.S. Attorney
Attorneys for the Bureau of Indian Affairs

Original and 13 copies filed
this 17 day of April, 2009, with:

Docket Control Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

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Copies delivered this
17th day of April, 2009, to:

Teena Wolfe
Administrative Law Judge, Hearing Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Janice Alward
Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Ernest Johnson
Director, Utilities Division
Arizona Corporation Division
1200 West Washington Street
Phoenix, Arizona 85007

Steven A. Hirsch
Rodney Ott
Bryan Cave
Two N. Central Ave., Suite 2200
Phoenix, AZ 85004-4406

Copy mailed this
17th day of April, 2009, to:

Michael A. Curtis
William P. Sullivan
Curtis, Goodwin, Sullivan, Udall & Schwab
501 East Thomas Road
Phoenix, AZ 85012

R. Leharo

EXHIBIT 1

1
2 BEFORE THE ARIZONA CORPORATION COMMISSION

3 KRISTIN K. MAYES, CHAIRPERSON
4 GARY PIERCE
5 SANDRA KENNEDY
6 PAUL NEWMAN
7 BOB STUMP

8 IN THE MATTER OF THE COMPLAINT
9 OF THE BUREAU OF INDIAN AFFAIRS,
10 UNITED STATES OF AMERICA,
11 AGAINST MOHAVE ELECTRIC
12 COOPERATIVE, INC. AS TO SERVICES
13 TO THE HAVASUPAI AND
14 HUALAPAI INDIAN RESERVATIONS

DOCKET NO. E-01750A-05-0579
AFFIDAVIT OF JACK EHRHARDT

15 Jack Ehrhardt, being duly sworn, deposes and says:

16 1. I am employed by the Hualapai Tribe as the Director, Planning and
17 Economic Development. I have served in this capacity for six years and supervise four
18 staff persons. My responsibilities include facilitating Tribal consideration and approval
19 for permits and rights-of-way requests, providing staff support to the Tribe on planning
20 and economic development matters, electric utility issues, and environmental
21 compliance, and managing tribal governmental capital building projects.

22 2. I reviewed an affidavit dated February 13, 2009, signed by Mr. Thomas
23 Longtin, the Manager of Operations and Engineering of Mohave Electric Cooperative,
24 Inc. ("Mohave") concerning a right-of-way issue on the Hualapai Indian Reservation,
25 which was filed with the Arizona Corporation Commission on February 18, 2009. Mr.
26 Longtin's affidavit describes an event which occurred on February 5, 2009, on the
27 Hualapai Indian Reservation adjacent to the Cesspooch home. I was personally
28 present at and during the event described in Mr. Longtin's affidavit. Mr. Longtin was
not personally present at the time and place described in his affidavit.

1 3. On February 5, 2009, about 3 p.m., Ms. Patricia Cesspooch, a tribal
2 community member, came to my office to ask why the electricity at her house was
3 turned off without any notice. I was not aware of any power outage, so I accompanied
4 Ms. Cesspooch to her house to investigate the matter.
5

6 4. When I arrived at the Cesspooch house, I noticed two workers and trucks
7 from Mohave Electric. We exchanged greetings, handshakes, and business cards.
8 One of the
9 Mohave workers was Mr. Ron Driver, an individual I have known from numerous times
10 in the past on Mohave activities on the Reservation. I did not record the name of the
11 second gentleman.
12

13 5. I asked the Mohave workers what they were doing, and they told me they
14 had approval from the Bureau of Indian Affairs to be on the site and to do the work. I
15 told them that I was not aware of any approvals, and that they would have to stop work
16 until I cleared up the matter. I asked them to come to my office the next morning to
17 discuss the permit process and access to the Cesspooch house. In the course of our
18 discussion at the Cesspooch site, I briefly explained some of the tribal process for
19 obtaining permission to construct a power line on Tribal land, and the consequences of
20 trespass.
21

22 6 The discussion with the Mohave workers lasted approximately 10-15
23 minutes and was entirely cordial. I did not threaten the Mohave workers. In fact, I have
24 been acquainted with Mr. Driver for a long time, and believe that I have a collegial
25 relationship with him.
26

27 7. After the discussion with Mr. Driver and his co-worker, I went back to my
28 office and explained the situation to Tribal Chairman, Wilfred Whatoname. I

1 researched the Tribal records and could not find a right-of-way application from
2 Mohave, nor could I find a Tribal resolution approving the work to construct new electric
3 lines serving the Cesspooch home. Eventually my research did uncover a copy of
4 undated correspondence from Mr. John H. Williams, Line Extension Supervisor,
5 Mohave Electric Cooperative, to Mr. Clint Walker, Bureau of Indian Affairs, Truxton
6 Canon Agency. The copy of this document indicates it was received by the Bureau of
7 Indian Affairs on January 30, 2009, and included a document titled "Right-Of-Way
8 Easement" dated December 10, 2008, and signed by Tribal Vice-Chairman Richard
9 Walema, Sr., on December 23, 2008. This document did not include a resolution or a
10 properly filled out application by the applicant. Also missing was any paper work from
11 B.I.A. or Tribal Council approving the right-of-way request.
12
13

14 8. In his affidavit, Mr. Longtin states that the Hualapai Tribe issued an easement
15 to Mohave and that the easement allowed Mohave to construct, operate and maintain a
16 power line to the Cesspooch home. However, Mohave has not yet submitted a
17 completed right-of-way application to the BIA or the Tribe for any proposed work to
18 construct a new power line across Tribal land to the Cesspooch home. The Cesspooch
19 home currently receives its electricity from the Mohave power line which traverses from
20 the Nelson substation to Long Mesa.
21
22

23 9. With the permission of Chairman Whatoname, I called Mohave Electric
24 General Manager and their Engineering Department and explained that the work would
25 have to stop until the right-of-way issue was cleared up, and asked him to call me. I did
26 not receive a return phone call from anyone from at M.E.C..
27
28

EXHIBIT 2

BEFORE THE ARIZONA CORPORATION COMMISSION

KRISTIN K. MAYES, CHAIRPERSON
GARY PIERCE
SANDRA KENNEDY
PAUL NEWMAN
BOB STUMP

IN THE MATTER OF THE COMPLAINT
OF THE BUREAU OF INDIAN AFFAIRS,
UNITED STATES OF AMERICA,
AGAINST MOHAVE ELECTRIC
COOPERATIVE, INC. AS TO SERVICES
TO THE HAVASUPAI AND
HUALAPAI INDIAN RESERVATIONS

DOCKET NO. E-01750A-05-0579

**AFFIDAVIT OF DON E.
WATAHOMIGIE**

Don E. Watahomigie, being duly sworn, deposes and says:

1. I am a member of the Havasupai Tribe. Since 2008, I have been the Tribal Chairman of the Havasupai Tribe.

2. Because the Havasupai Tribe had become dependent upon electricity, on January 14, 1975 the Tribe passed resolution no. 4-75 in which the Tribe requested that (a) Mohave Electric Cooperative, Inc. ("Mohave") build an electric line from Peach Springs, located on the Hualapai reservation, to Long Mesa, located on the Havasupai reservation; and (b) all appropriate agencies assist Mohave in its efforts to build such a line. With the authorization of the Havasupai Tribe, the Bureau of Indian Affairs granted Mohave an easement across a portion of the Havasupai reservation to "construct, install, operate and maintain an electric distribution line."

3. Mohave built an electric line (the "Line") from its Nelson Substation to Long Mesa. Approximately the last ten miles of the Line run across the Havasupai reservation.

1 4. The Line delivers electricity to Long Mesa where it is sent down to
2 Havasupai Village, which is located in Havasupai Canyon. Electricity in Havasupai
3 Village is used by, among others, the Havasupai Tribe for its tribal facilities and by tribal
4 members in their homes. The electricity supplied by the Line and used in Havasupai
5 Village is essential to the well-being and safety of the Havasupai members living in
6 Havasupai Village. The reliable supply of electricity from the Line also is essential for
7 the economic well-being of the Tribe. A large portion of the Tribe's and tribal members'
8 income is earned from tourism. The Line, and Mohave's maintenance of it, is critical to
9 the Tribe and its members. Without reliable electricity supplied through the Line, the
10 Tribe faces the risk of losing income from its tourists.
11

12
13 5. I believe Mohave built the Line, and began operating, maintaining, and
14 supplying electricity through it approximately 25 years ago. Over the past 25 years, the
15 Havasupai Tribe has never threatened Mohave's employees or prevented them from
16 accessing the Line. If Mohave asked the Havasupai Tribe for an extension of its
17 easement across the Havasupai reservation, I believe the Havasupai Tribe would
18 authorize the BIA to grant such an extension. The Tribe wants Mohave to continue to
19 supply electricity through the length of the Line and to continue to operate and maintain
20 the Line. The Tribe will do whatever is needed to accomplish this.
21

22
23 6. So long as Mohave complies with the easement and any extension of the
24 easement, the Havasupai Tribe will allow Mohave to have access to its Line.
25

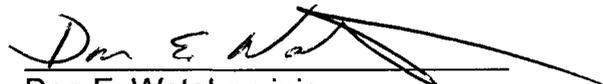
26 7. The Tribe understands that Mohave is a public service corporation
27 licensed by the Arizona Corporation Commission and, accordingly, it must comply with
28 Arizona laws and regulations concerning utilities.

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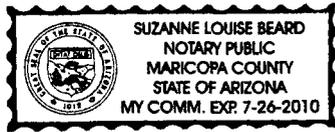
STATE OF ARIZONA)
) ss.
County of Maricopa)

DON E. WATAHOMIGIE, being first duly sworn, deposes and says:

That I prepared the above testimony and know the contents therefore; that it is true and correct to the best of my knowledge; and that it reflects my sworn testimony in this matter.


Don E. Watahomigie

SUBSCRIBED AND SWORN TO before me this 8th day of April, 2009, by Don E. Watahomigie.




Notary Public

EXHIBIT 3

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400
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BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED - BIA - WRO
2009 APR 14 P 2:05
REGIONAL DIRECTOR

KRISTIN K. MAYES, CHAIRPERSON
GARY PIERCE
SANDRA KENNEDY
PAUL NEWMAN
BOB STUMP

IN THE MATTER OF THE COMPLAINT
OF THE BUREAU OF INDIAN AFFAIRS,
UNITED STATES OF AMERICA,
AGAINST MOHAVE ELECTRIC
COOPERATIVE, INC. AS TO SERVICES
TO THE HAVASUPAI AND
HUALAPAI INDIAN RESERVATIONS

DOCKET NO. E-01750A-05-0579
AFFIDAVIT OF JAMES E. WILLIAMS

James E. Williams, being duly sworn, deposes and says:

1. I am the Superintendent, Truxton Canon Agency, Bureau of Indian Affairs (BIA), located in Valentine, Arizona. I have served in this capacity since February 2006.

2. I have administrative and programmatic jurisdiction over real estate transactions on Indian and Tribal trust lands on five Reservations, including the Hualapai Indian Reservation and the Havasupai Indian Reservation.

3. I reviewed an affidavit dated February 13, 2009, signed by Mr. Thomas Longtin, the Manager of Operations and Engineering of Mohave Electric Cooperative, Inc. ("Mohave") concerning a right-of-way issue on the Hualapai Indian Reservation, which was filed with the Arizona Corporation Commission.

4. An Application for a right-of-way on Indian or tribal trust land must be approved by the Bureau of Indian Affairs in order to be legally valid. See 25 U.S.C. 323 and 25 CFR Part 169.

5. An application for right-of-way on Indian or tribal trust land must include, among other things, a legal description, the purpose for the easement, and the proposed term. Also, consent of the Indian or tribal landowner is required. See 25 CFR Part 169.3

1 6. On January 30, 2009, the BIA received and date stamped an undated
2 letter from Mohave advising BIA that Mohave had received a right-of-way permit from
3 the Hualapai Tribe to extend a line to Tribal and other customers within the Mohave
4 CCN, and that Mohave intended to "forthwith make use of the Right of way to extend
5 service." See Attachment A. The "right-of-way permit" attached to Mohave's letter does
6 not grant a valid right-of-way across tribal trust land because the Tribal Council had not
7 consented to the right-of-way.
8

9 7. Between January 30, 2009, and February 18, 2009, I or my staff tried
10 several times unsuccessfully to reach Mr. Longtin by telephone to advise Mohave that
11 its right-of-way request was incomplete because it did not contain an adequate legal
12 description of the proposed easement, nor did it include a tribal resolution consenting to
13 the right-of-way. On or about February 19, 2009, my staff was able to talk to Mr. John
14 H. Williams, Line Extension Supervisor for Mohave.
15

16 8. On February 19, 2009, I signed a letter to Mr. John H. Williams, Line
17 Extension Supervisor for Mohave, confirming a telephone conversation with Mr.
18 Williams that the BIA needed a valid legal description citing metes and bounds in order
19 for BIA to consider Mohave's right-of-way request for the proposed line extension. See
20 Attachment B.
21

22 9. On February 26, 2009, the BIA received and date stamped a letter dated
23 February 23, 2009, from Mr. John H. Williams of Mohave, which contained a map and
24 legal description. See Attachment C. Based on Mr. Williams' letter, I believed that
25 Mohave had submitted an application for right-of-way to the Tribe. Upon review of all
26 of the information submitted by Mohave, either to BIA or the Tribe, BIA discovered that
27 Mohave had not completed and submitted an application for right-of-way to the Tribe or
28

1 the BIA for the proposed line extension. Therefore, on March 5, 2009, BIA requested
2 the application for right-of-way from Mohave and provided Mohave with the requisite
3 application form. See Attachment D.

4 10. The BIA will review and process Mohave's right-of-way application in the
5 normal course of business once it is received from Mohave. This process will include
6 presenting Mohave's right-of-way application to the Hualapai Indian Tribe. A letter
7 signed by the Vice-Chairman of the Tribal Council, absent an underlying resolution duly
8 enacted by the Tribal Council, does not constitute the tribal consent required by 25 CFR
9 Part 169.

10 11. Between January 30, 2009, and February 19, 2009, my staff was
11 contacted by Mr. Jack Ehrhardt, Planning and Economic Development Director for the
12 Tribe. Mr. Ehrhardt informed my staff that the Tribe had discovered Mohave engaged in
13 ground disturbance and construction on Tribal land near the Cesspooch residence,
14 without a valid right-of-way. Mr. Ehrhardt further informed my staff that the Tribe had
15 directed Mohave to cease this activity. Mr. Ehrhardt advised my staff that as of
16 February 5, 2009, he was not aware of a right-of-way application for a line extension
17 from Mohave pending with the Tribe near the Cesspooch residence.

18 12. Mr. Longtin's statement on February 12, 2009, that Mohave received an
19 easement from the Hualapai Tribe to construct, operate and maintain a free-standing
20 line to serve the two accounts in question is incorrect. Mohave has not yet submitted to
21 BIA a completed right-of-way application for a line extension near the Cesspooch
22 residence. To the best of my knowledge, Mohave has not yet submitted a right-of-way
23 application to the Hualapai Tribe, nor is there an approved resolution from the Tribal
24 Council for this action.

25 13. Mr. Longtin states in paragraphs 5 and 6 of his affidavit that Mohave was
26 installing power poles on the Hualapai reservation pursuant to the terms of an
27 easement. That is inaccurate. On February 5, 2009, Mohave had not yet obtained an
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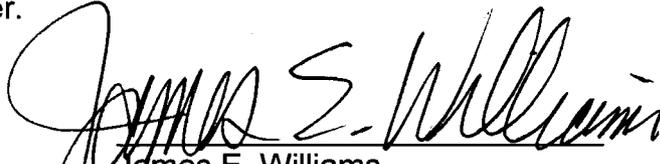
1 approved right-of-way for this line extension work as required by 25 U.S.C. 323 and 25
2 CFR Part 169, and was therefore in trespass.

3 14. I believe the Hualapai Tribe was within its rights to inform Mohave: (a) that
4 Mohave was in trespass on February 5, 2009; and (b) that Mohave should cease its
5 work until Mohave obtained the necessary right-of-way.
6

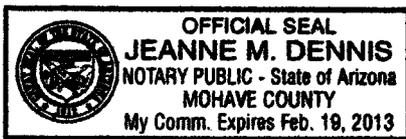
7
8 STATE OF ARIZONA)
9 County of Mohave) ss.

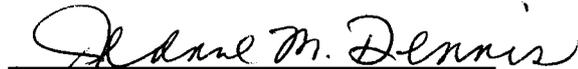
10
11 JAMES E. WILLIAMS, being first duly sworn, deposes and says:

12 That I prepared the above testimony and know the contents therefore, and that
13 my responses to the questions are true and correct to the best of my knowledge and
14 reflect my sworn testimony in this matter.

15
16 
17 James E. Williams

18 SUBSCRIBED AND SWORN TO before me this 10th day of April, 2009, by
19 James E. Williams.



22 
23 Notary Public
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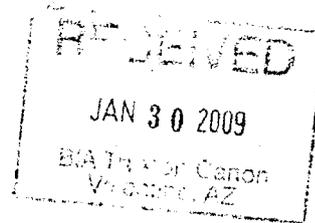
ATTACHMENT A



P.O. Box 1045, Bullhead City, AZ 86430

Clint Walker
U.S. Department of the Interior
Bureau of Indian Affairs
Truxton Canon Field Office
13067 Highway 66
Valentine, AZ 86437

*Nelson
Road*



Via Certified Mail

Re: Right of Way Easement on Hualapai Tribal Lands

Dear Mr. Walker;

Attached is a copy of the Hualapai Tribe Right of Way permit issued to Mohave Electric Cooperative, Inc. to extend a line to Tribal and other customers within the approved Arizona Certificate of Convenience and Necessity of Mohave.

The Cooperative intends to forthwith make use of the Right of way and extend service.

If you have questions or need more information please call me at (928) 758-0580.

Sincerely,

Mohave Electric Cooperative, Inc.

John H. Williams
Line Extension Supervisor

Enclosure: Tribal Grant of Right-of-way (1)



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
TRUXTON CANON AGENCY
P.O. BOX 37/13067 E. Hwy. 66
Valentine, AZ 86437



IN REPLY REFER TO
Office of the Superintendent

FEB 19 2009

John Williams
Mohave Electric Cooperative
P.O. Box 1045
Bullhead City, AZ 86430

Dear Mr. Williams:

Enclosed is your request for a right of way easement on Hualapai Tribal Lands.

As was explained on the phone, we need a valid legal description citing metes and bounds for your service request to be processed.

If you have questions or need assistance, please call me at (928) 769-2286.

Sincerely,

/s/ JAMES E. WILLIAMS

Superintendent

Enclosures

cc: Chairman, Hualapai Tribe
Subject file
Agency chrono

DDEVLIN:jmd:02-19-09

When recorded return to:
Mohave Electric Cooperative
P.O. Box 1045
Bullhead City, AZ. 86430

Page 1 of 4
December 10, 2008

RIGHT OF WAY EASEMENT

Easement Number _____

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned (whether one or more),

The Hualapai Tribe

for a good and valuable consideration, the receipt of which is hereby acknowledged, hereby irrevocably grants, assigns and conveys unto Mohave Electric Cooperative, Inc., a cooperative corporation (hereinafter called the "Cooperative"), whose post office address is P.O. Box 1045, Bullhead City, Arizona 86430, and to it's successors and assigns, perpetual rights to enter upon the lands of the undersigned, situated in the State of Arizona, and more particularly described as follows:

A Sixteen (16) Foot Mohave Electric Utility Easement located in a portion of Sections 13 and 24, Township 25 North, Range 10 West, Gila and Salt River Meridian, County of Mohave, State of Arizona. Easement is best described on the attached map designated Exhibit "A".

COLONINDJW

and to construct, operate, rebuild, patrol, and maintain on the above-described lands and/or in or upon all streets, roads, or highways abutting said lands, an electric transmission or distribution line or system, and to cut and trim trees and shrubbery that may interfere with or threaten to endanger the operation and maintenance of said line or system. The undersigned agree that this right of way easement shall remain clear of any obstructions which would impair vehicular access to these facilities, or which would endanger or interfere with these facilities. The expenses associated with any relocation, modification, or adjustment of these facilities shall be paid for by the requesting party. The undersigned agree that all poles, wires, and other facilities installed on the above-described lands at the Cooperative's expense shall remain the property of the Cooperative, with removal at the option of the Cooperative, upon termination of service to or on said lands.

The undersigned covenant that they are the owners of the above-described lands and that said lands are free and clear of encumbrances and liens of whatsoever character except those held by the following persons:

IN WITNESS WHEREOF, the undersigned have set their hand and seals this 23rd day of December, 2008, signed, sealed, and delivered in the presence of:

Richard A. Walema Sr.
Signature of Authorized
Hualapai Tribal Officer

Richard Walema Sr.
Printed Name of Authorized
Hualapai Tribal Officer

State of Arizona
County of Mohave

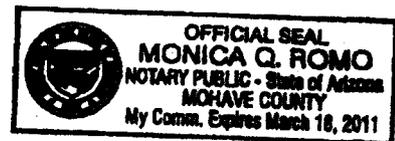
On this 23rd day of December, 2008, before me personally appeared Richard Walema Sr., whose identity was proven to me on the basis of satisfactory evidence to be the person whose name is subscribed to this document, and who acknowledged that he/she signed the above document.

Monica Q. Romo
Notary Public

Seal

My Commission Expires March 18, 2011

Rev. 8/04



Affidavit

As an Authorized Officer of The Hualapai Tribe, I hereby acknowledge that I am authorized and empowered by the Hualapai Tribal Council and Tribal Laws to grant and convey easements, rights-of-way, and other encumbrances on the real property of The Hualapai Tribe on behalf of said Hualapai Tribe, and to execute all easements and other documents necessary to carry into effect the encumbrance of this property.

Richard Whitema, Sr.
Authorized Officer
The Hualapai Tribe

State of Arizona
County of Mohave

On this 23rd day of December, 2008, before me personally appeared Richard Whitema, Sr., whose identity was proven to me on the basis of satisfactory evidence to be the person whose name is subscribed to this document, and who acknowledged that he/she signed the above document.

Monica S. Pomo
Notary Public

Seal

My Commission Expires March 18, 2011

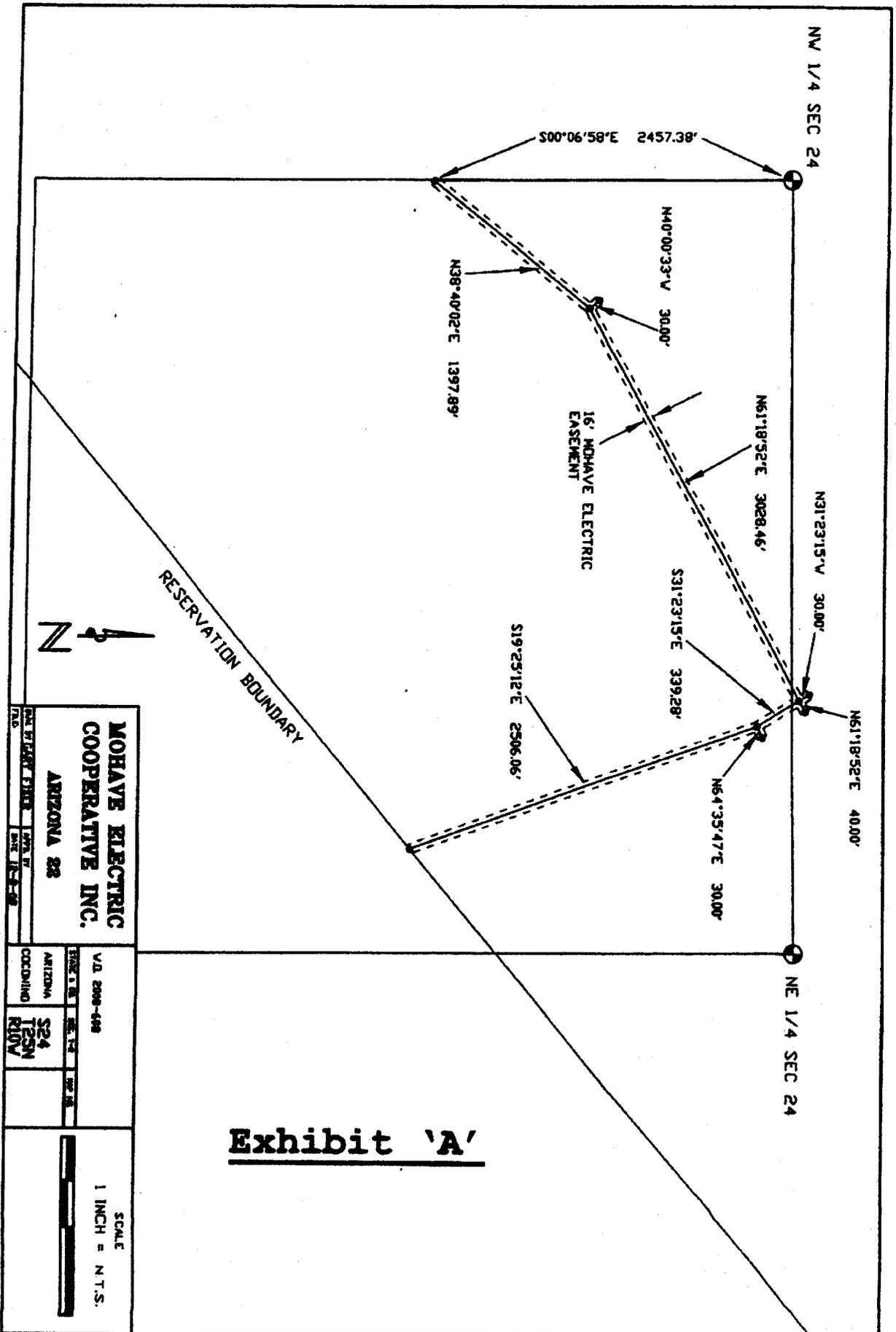


Exhibit 'A'

**MOHAVE ELECTRIC
 COOPERATIVE INC.**
 ARIZONA 22

DATE OF SURVEY	FILE NO.
APR 17, 1958	15-5-28
ARIZONA	SECTION
COCONINO	R10V

V.L. 2000-400
 SCALE
 1 INCH = N.T.S.

ATTACHMENT B



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
TRUXTON CANON AGENCY
P.O. BOX 37/13067 E. Hwy. 66
Valentine, AZ 86437



IN REPLY REFER TO
Office of the Superintendent

FEB 19 2009

John Williams
Mohave Electric Cooperative
P.O. Box 1045
Bullhead City, AZ 86430

Dear Mr. Williams:

Enclosed is your request for a right of way easement on Hualapai Tribal Lands.

As was explained on the phone, we need a valid legal description citing metes and bounds for your service request to be processed.

If you have questions or need assistance, please call me at (928) 769-2286.

Sincerely,

/s/ JAMES E. WILLIAMS

Superintendent

Enclosures

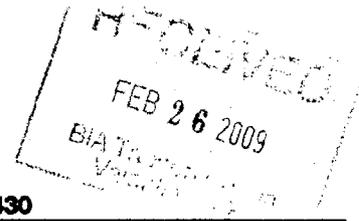
cc: Chairman, Hualapai Tribe
Subject file
Agency chrono

DDEVLIN:jmd:02-19-09

ATTACHMENT C



P.O. Box 1045, Bullhead City, AZ 86430



February 23, 2009

James E. Williams
U.S. Department of the Interior
Bureau of Indian Affairs
Truxton Canon Field Office
13067 Highway 66
Valentine, AZ 86437

Via Certified Mail

Re: Right of Way Easement on Hualapai Tribal Lands

Dear Mr. Williams;

As you requested in your letter dated February 19, 2009, the legal description is enclosed.

If you have questions or need more information please call me at (928) 758-0580.

Sincerely,

Mohave Electric Cooperative, Inc.

A handwritten signature in black ink, appearing to read "John H. Williams", with a long horizontal flourish extending to the right.

John H. Williams
Line Extension Supervisor

Enclosure: Map (1)
Legal Description (1)

February 23, 2009

Narrative Easement Description
Nelson, Arizona Easement on Hualapai Tribal Lands

A sixteen (16) foot Mohave Electric Utility Easement located in a portion of Sections 13 and 24, Township 25 North, Range 10 West, Gila and Salt River Meridian, County of Coconino, State of Arizona. The Centerline of Said Easement is best described on the easement map, and as follows:

Commencing at the Northwest Section Corner of Said Section 24; thence South $00^{\circ}06'58''$ East along the West line of Said Section 24 a distance of 2,457.38 feet to the Point of Beginning; thence North $38^{\circ}40'02''$ East a distance of 1,397.89 feet to Reference Point 'A'; thence North $61^{\circ}18'52''$ East a distance of 3,028.46 feet to Reference Point 'B'; thence South $31^{\circ}23'15''$ East a distance of 339.28 feet to Reference Point 'C'; thence South $19^{\circ}25'12''$ East 2,506.06 feet to the point of terminus, which is coincident with the Southern Boundary of the Hualapai Indian Reservation within Said Section 24.

Together with the following 16 foot guy and anchor easements, the centerline of which are best described as follows:

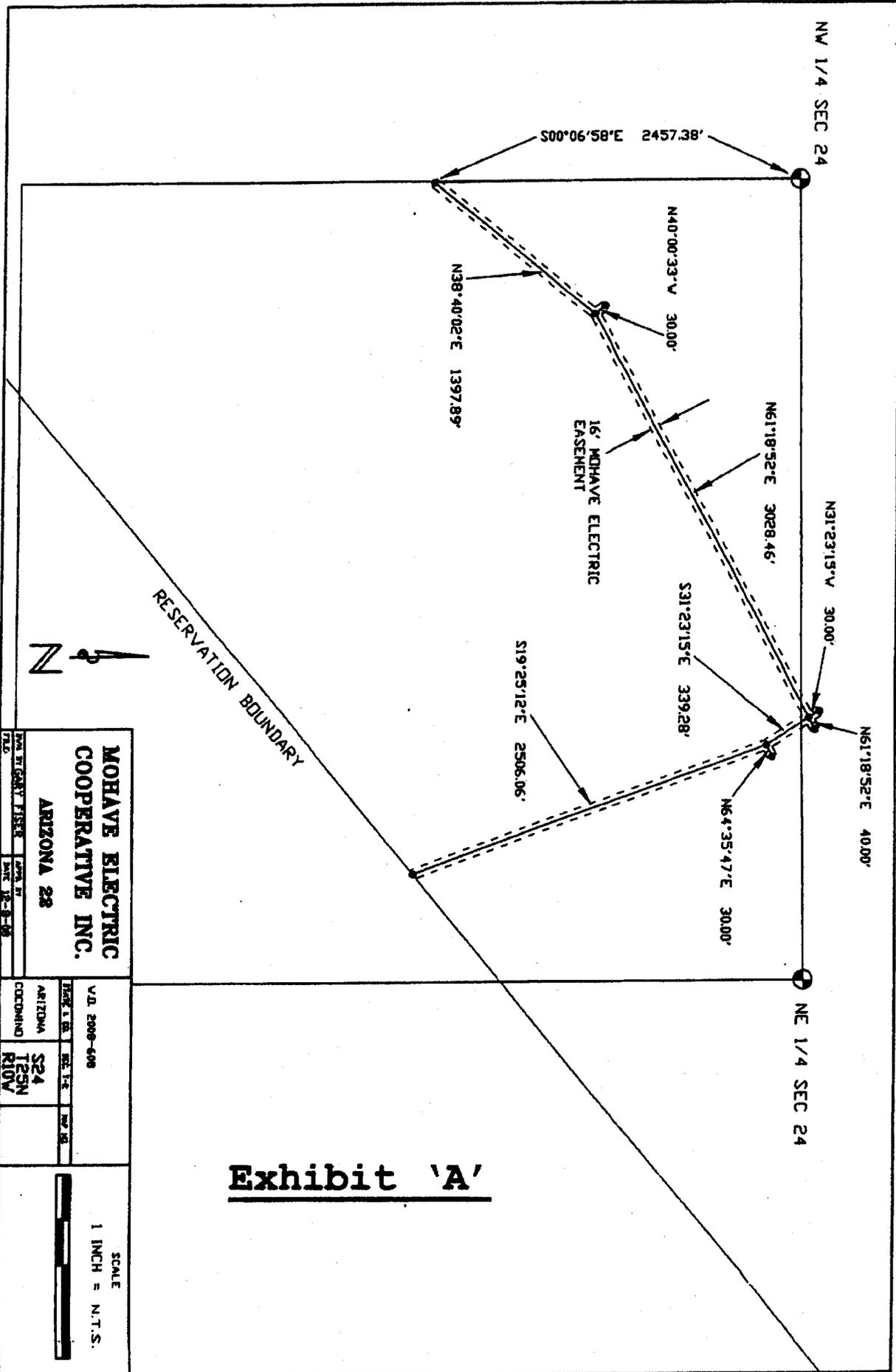
Commencing at the aforementioned Reference Point 'A'; thence North $40^{\circ}00'33''$ West a distance of 30.00 feet to the terminus.

Commencing at the aforementioned Reference Point 'B'; thence North $31^{\circ}23'15''$ West a distance of 30.00 feet to the terminus.

Commencing at the aforementioned Reference Point 'B'; thence North $61^{\circ}18'52''$ East a distance of 40.00 feet to the terminus.

Commencing at the aforementioned Reference Point 'C'; thence North $64^{\circ}35'47''$ East a distance of 30.00 feet to the terminus.

Easement lies eight (8) feet on each side of described lines.



RESERVATION BOUNDARY



Exhibit 'A'

**MOHAVE ELECTRIC
COOPERATIVE INC.
ARIZONA 22**

PLAT	DATE	BY
MOHAVE ELECTRIC	12-3-88	...

SCALE	1 INCH = N.T.S.
ARIZONA	SECTION 24
COORDINATE	T25N R10W

ATTACHMENT D



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS TRUXTON CANON

AGENCY

P.O. BOX 37/13067 E. Hwy. 66

Valentine, AZ 86437

**TAKE PRIDE
IN AMERICA**

**IN REPLY REFER TO:
Office of the Superintendent**

MAR 05 2009

**John Williams
Mohave Electric Cooperative
P.O. Box 1045
Bullhead City, AZ 86430**

Dear Mr. Williams:

**Enclosed you will find a sample application for a right-of-way easement on Hualapai Tribal
Lands. Please complete and return to our office.**

If you have questions or need assistance, please call me at (928) 769-2286.

Sincerely,

Is/Barbara Fix

ACTING

Superintendent

Enclosure

cc: W. Whatoname, Chairman, Hualapai Tribe

SAMPLE

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF INDIAN AFFAIRS

RIGHT-OF-WAY APPLICATION

LANDOWNER NAME:

ALLOTMENT NUMBER:

ALLOTMENT DESCRIPTION:

COMES NOW THE APPLICANT _____ (applicant name) of this ___ day of _____, 20___, who hereby petition(s) the Bureau of Indian Affairs and respectfully files under the terms and provisions of the Act of February 5, 1948 (62 Stat. 17; 25 USC 323-328), and Departmental Regulations 25 CFR 169, an application of a (term of years) right-of-way for the following purposes and reasons:

Across the following described restricted land (easement description)

Said right-of-way to be _____ in length, _____ in width, and _____ in size (or area), as shown on attached map of definite location, attached hereto, and made a part hereof.

SAID APPLICANT UNDERSTANDS AND EXPRESSLY AGREES TO THE FOLLOWING STIPULATIONS:

1. To construct and maintain the right-of-way in a workmanlike manner.
2. To pay all damages and compensation, in addition to the deposit made pursuant to 169.4, determined by the Secretary to be due the landowners and authorized users and occupants of the land due to the survey, granting, construction and maintenance of the right-of-way.
3. To indemnify the landowners and authorized users and occupants against any liability for loss of life, personal injury and property damage arising from the construction, maintenance, occupancy or use of the lands by the applicant, his employees, contractors and their employees, or subcontractors and their employees.
4. To restore the lands as nearly as may be possible to their original condition upon the completion of construction, to the extent compatible with the purpose for which the right-of-way was granted.
5. To clear and keep clear the lands within the right-of-way to the extent compatible with the purpose of the right-of-way; and dispose of all vegetative and other material cut, uprooted or otherwise accumulated during construction and maintenance of the project.

6. To take soil and resources conservation protection measures, including weed control, on the land covered by the right-of-way.
7. To do everything reasonable within its power to prevent and suppress fires on or near the lands to be occupied under the right-of-way.
8. To build and repair such roads, fences and trails as may be destroyed or injured by construction work and to build and maintain necessary and suitable crossings for all roads and trails that intersect the works constructed, maintained, or operated under the right-of-way.
9. That upon revocation or termination of the right-of-way, the applicant shall, so far as in reasonably possible, restore the land to its original condition. The determination of "reasonably possible" is subject to Secretary's approval.
10. To at all times keep the Secretary informed of its address, and in case of corporations, of the address of its principal place of business and the names and addresses of its principal officers.
11. That the applicant will not interfere with the use of the lands by or under the authority of the landowners for any purpose not inconsistent with the primary purpose for which the right-of-way is granted.
12. During the term of this Grant of Easement, if any previously unidentified cultural resources are discovered within the easement area, work should be halted immediately and the BIA and/or Tribal Contractor should be contacted immediately.

THE APPLICANT FURTHER STIPULATES AND EXPRESSLY AGREES AS FOLLOWS:

To conform and to abide by all applicable requirements with respect to the right-of-way herein applied for. The applicant agrees to conform to and abide by the rules, regulations, and requirements contained in the *Code of Federal Regulations*, Title 25 Indians, Part 169, as amended, and by reference includes such rules, regulations and requirements as a part of this application to the same effect as if the same were herein set out in full.

DATE _____

APPLICANT _____

REQUIRED SUPPORTING DOCUMENTS:

1. () Written consent of landowner (ROW Form 94-7).
2. () Map (plats) of definite location (2 original mylars & 2 copies, See 25 CFR 169.6, 169.7, 169.8, 169.9, 169.10 and 169.11).
3. () Deposit of estimated damages or compensation (See 169.4 and 169.14).
4. () Evidence of Authority of Officers to Execute Papers (ROW Form 94-4)
5. () For corporation or business, requirements of 25 CFR 169.4 and 169.5 (unless previously filed):
 - () a. State certified copy of corporate charter or articles of incorporation.
 - () b. Certified copy of corporate resolution, by-laws, articles of partnership or association authorizing signatory to file the application.