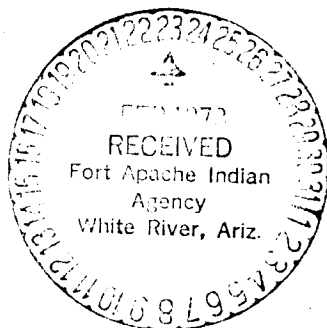


RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

- WHEREAS, the White Mountain Apache Tribe was living on the land that is presently their reservation, the Fort Apache Indian Reservation, for many years before the coming of the White man, and
- WHEREAS, the White Mountain Apache Tribe had used the water arising on/or within their homeland beneficially during those years, thereby, establishing rights by prior use, and are continuing to use those waters today, and
- WHEREAS, the continued use of the waters arising on/or within their reservation is necessary for the development and well-being of the present and future generations of the White Mountain Apache people, and
- WHEREAS, it is the White Mountain Apache Tribe's belief that the courts have upheld their right to use such waters beneficially, and
- WHEREAS, the White Mountain Apache Tribe does not presently have to answer in court without first granting permission for a court hearing, and
- WHEREAS, it is the belief of the White Mountain Apache Tribe that the National Water Commission's report may have overlooked this position in preparing their present study leading to the recommendations forthcoming in their report, and
- WHEREAS, the National Water Commission's report recommends that water adjudication be placed under the jurisdiction of State courts, thus, lessening or weakening the present position of the White Mountain Apache Tribe.
- BE IT RESOLVED that the proper steps be taken in the final preparation of the National Water Commission's report to assure that the rights of the White Mountain Apache Tribe not be lessened or abrogated by forthcoming regulations.
- BE IT FURTHER RESOLVED that the final report of the National Water Commission deal with the Indian Water Rights in a separate chapter so as to clearly state such rights, thus, avoiding any possible confusion that might arise in the future by having their rights covered, or thrown in, with chapters covering the comprehensive rights of others who came after the Indians.
- BE IT FURTHER RESOLVED that the final recommendations of the National Water Commission clearly state that the right of the White Mountain Apache Indian Tribe (or the right of Indians) to beneficially use the water arising on and including, but without limitation, surface and subsurface water be paramount to that of all others.
- BE IT FURTHER RESOLVED that copies of this resolution be forwarded immediately to the National Water Commission, Arizona's Congressional Delegates and to the Governor of Arizona.

The foregoing resolution was on February 7, 1973 duly adopted by a vote of 10 for and 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (f) of the Amended Constitution and By-Laws of the Tribe, ratified by the Tribe June 27, 1958 and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).



Fred Barnardley, Jr.
Chairman of the Tribal Council

Marybi Goodfield
Secretary of the Tribal Council