

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

WHEREAS, in the Case of U. S. v. Akin, the Federal District Court, Denver, Colorado granted a motion to dismiss the case filed by United States to adjudicate certain water rights of the Ute Mountain and the Southern Ute Indian Tribes, and

WHEREAS, basing, in major part, its decision on the Federal Doctrine of "Absention" which doctrine provides that a Federal Court will stay or dismiss proceedings until an issue of state law is authoratively determined by a state court, and

WHEREAS, the court further found that Colorado had a workable and well-defined system for adjudication of water rights; and that the United States was subject to state jurisdiction in water rights proceedings, and

WHEREAS, if this decision is affirmed and becomes the law of the land, it would strike a crippling blow against Indian water rights and make it virtually impossible to adjudicate those rights in Federal Court, and


WHEREAS, the White Mountain Apache Tribe is vitally dependent upon its existence the use of the water that emanates from and flows through its reservation, and

WHEREAS, in the future these water rights will probably be adjudicated, and

WHEREAS, if these water rights are adjudicated in state court, tribe will in all probability be denied its right to use the water of its reservation as needed.

BE IT RESOLVED that the tribe hereby request the law firm of Wilkinson, Cragun & Barker to participate as Amicus Curiae, for and on behalf of the White Mountain Apache Tribe, Fort Apache Indian Reservation in United States v. Akin.

The foregoing resolution was on September 13, 1973 duly adopted by a vote of 7 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 Samsbury Jr.
Chairman of the Tribal Council

Mary C. Endfield
Secretary of the Tribal Council