

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

- WHEREAS, William French Smith, Attorney General, Chief Law Officer of the United States of America, wholly without authority, illegally and with the sole objective of intentionally violating the invaluable and life-sustaining rights to the use of water in the Salt River and its tributaries of the White Mountain Apache Tribe, has announced, over the repeated objections of the White Mountain Apache Tribe, that on January 4, 1982, that officer will, acting through the Department of Justice, file in the Superior Court of Maricopa County, State of Arizona, a "pleading" purporting to be the claim of the Tribe in and to rights to the use of water in the Salt River and its tributaries; and
- WHEREAS, William French Smith, Attorney General, by and through the Justice Department intends to submit to the Superior Court of Maricopa County "purportedly" as the legitimate claim of the White Mountain Apache Tribe to the use of water of the Salt River and its tributaries, and
- WHEREAS, said materials are grossly misleading, under estimate a thousand fold the potential use and need for water by the White Mountain Apache Tribe, are not based on a reasonable and scientific factual basis and, moreover, will lay the foundation for the planned confiscatory seizure of the water rights of the White Mountain Apache Tribe by the Secretary of the Interior, by and through his attorney, the Attorney General of the United States, and
- WHEREAS, said materials have been in the custody of the Bureau of Indian Affairs and the Secretary of the Interior, including Mr. Henry Dodge, the Superintendent of the Fort Apache Indian Agency on the Fort Apache Indian Reservation, and his agents, employees, and representatives, and in the custody of the director of the Area Office, Mr. Curtis Geiogomah, and his agents, employees, representatives and attorneys, and may be in the custody of Secretary of Interior officials, employees, subordinate personnel within the Bureau of Indian Affairs in Washington, D. C. and throughout the United States, and

WHEREAS, the aforementioned personnel may transfer said misleading and fraudulently based hydrology materials and documentation to the Attorney General of the United States and his Assistant Attorneys in the Justice Department for introduction into the Maricopa County Superior Court in violation of the attorney-client privilege and in violation of the right to privacy and first amendment rights on the White Mountain Apache Tribe as well as the due process rights of the White Mountain Apache Tribe to a fair and impartial hearing and to their constitutional right to chose their own attorney to represent them, and

WHEREAS, the White Mountain Apache Tribal Council hereby places the Superintendent of the Fort Apache Indian Agency, Henry Dodge, his employees, agents, and attorneys and the Director of the Area Office, Curtis Geiogomah, his agents, representatives, employees, and attorneys, as well as any and all Bureau of Indian Affairs personnel acting on behalf of the Secretary of the Interior that they shall be held personally liable for the transfer of privileged and fraudulently misleading hydrology materials prepared by HKM Associates and other agents of the Secretary of the Interior, all in violation of the invaluable and life-sustaining rights of the White Mountain Apache Tribe to the waters in the Salt River and its tributaries and in violation of the sovereign immunity and constitutional rights of the White Mountain Apache Tribe.

NOW, THEREFORE, BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby makes a demand upon the Bureau of Indian Affairs, by and through its agents and employees, Henry Dodge, Superintendent of the Fort Apache Indian Agency, his employees, representatives, and attorneys; the Director of the Area Office of the Bureau of Indian Affairs, Curtis Geiogomah, his agents, employees, representatives and attorneys; and any and all employees, attorneys, and agents of the Bureau of Indian Affairs, including agents and attorneys representing the Attorney General of the United States in the Justice Department, that they immediately cease and desist from submitting any hydrology materials, studies, or evidence of any kind or nature to the Superior Court of Maricopa County in the purported Water Adjudication proceedings.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe, that any persons within the Secretary of the Interior or the Justice Department or their agents or attorneys who turn over and submit evidence, documentation or materials to the Maricopa County Superior Court, shall be held personally liable in law and equity for violation of the Tribe's constitutional rights, Winter Rights, Sovereignty Rights, and for violation of the attorney-client privilege, violation of the trust and fiduciary duties of

the Secretary of the Interior and the Attorney General of the United States to the White Mountain Apache Tribe, and for conspiracy to deprive the White Mountain Apache Tribe of rights to water guaranteed it by the Winter's Doctrine.

BE IT FURTHER RESOLVED that the Chairman, Ronnie Lupe, is directed to take any and all action requisite, both in and out of court, to implement this resolution and to protect and preserve the invaluable rights to the use of water of the White Mountain Apache Tribe to the Salt River and its tributaries.

The foregoing resolution was on December 2, 1981, duly adopted by a vote of 10 for and 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article V, Sections (a,f,h,i and u) 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).

**RECEIVED**

(Acting)

DEC 16 1981

FORT APACHE INDIAN  
AGENCY  
WHITERIVER, ARIZ

Lynn Cody  
Chairman of the Tribal Council

Mary L. Goodfield  
Secretary of the Tribal Council