

RESOLUTION OF THE WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION, WHITERIVER, ARIZONA

OPPOSITION TO DOWNSTREAM SETTLEMENTS
AFFECTING THE TRIBE'S RIGHTS TO THE USE OF WATER
IN THE SALT RIVER OR ITS TRIBUTARIES

- WHEREAS, The Salt River rises at the point of confluence of the White and Black Rivers on the Fort Apache Indian Reservation, comprising a portion of the ancient homeland of the White Mountain Apache Tribe, in which streams and their tributaries the Tribe has vested in it invaluable rights to the use of water, its rights on those streams being prior and paramount with a priority date of time immemorial, which entitle the Tribe to divert and utilize water sufficient to meet its requirements for all purposes both now and in the future; and
- WHEREAS, Successive Secretaries of Interior, including the incumbent Secretary James G. Watt, and successive Attorneys General, including the incumbent Attorney General William French Smith, and their respective staffs have consistently attempted to diminish, limit, denigrate and violate the Tribe's rights to the use of water in the Salt River and its tributaries for the benefit of the downstream Salt River Federal Reclamation Project to the irreparable and continuing damage of the Tribe; and
- WHEREAS, The Secretary of Interior, finding the Colorado River grossly inadequate as a source of water for the Central Arizona Federal Reclamation Project, working in conjunction with the Attorney General, seeks to commit water from the Salt River and its tributaries to augment the drastically short supply of Colorado River water for that project and, in so doing, seeks to diminish, limit, denigrate and violate the Tribe's rights to the use of water; and
- WHEREAS, The Secretary of Interior has purportedly allotted Central Arizona Project water, including waters to be derived from the Salt River and its tributaries, to certain non-Indian water users and entities; and
- WHEREAS, The Secretary of Interior has attempted to settle adverse claims to water from the Salt River and its tributaries with Indian tribes whose reservations are located downstream on the Salt River or on tributaries of the Salt River and has undertaken to allocate to those tribes alleged quantities of water allegedly to be made available to the Indian tribes, all as set forth in the tabulation appearing immediately below:

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FORT APACHE INDIAN
AGENCY
WHITERIVER ARIZ

CAP WATER ALLOCATIONS
INDIAN COMMUNITIES

Units: Acre-feet

<u>Entity</u>	<u>Irrigation</u>	<u>Tribal Homeland</u>	<u>Total</u>
Ak Chin	58,300		58,300
Camp Verde		1,200	1,200
Fort McDowell		4,300	4,300
Gila River	173,100		173,100
Papago-Chuichu	8,000		8,000
Papago-San Xavier		27,000	27,000
Papago-Schuk Toak		10,800	10,800
Pasqua Yaqui		500	500
Salt River	13,300		13,300
San Carlos	2,700	10,000	12,700
Tonto Apache		128	128
Yavapai		500	500
Total	255,400	54,428	309,828

WHEREAS, The White Mountain Apache Tribe has specifically informed Secretary of Interior Watt, members of his staff, Attorney General William French Smith and members of his staff that, by reason of their conflicts of interest, which permeate all the activities of those officers in the Salt River and its tributaries, they cannot legally make any arrangements in regard to Salt River water and waters from the tributaries of that stream that can be binding upon the White Mountain Apache Tribe and the White Mountain Apache Tribe by this resolution specifically rejects any and all settlements or contracts with either Indians or non-Indians purporting to involve rights to the use of water in the Salt River and its tributaries; and

WHEREAS, The White Mountain Apache Tribe has been informed and believes that there are existing arrangements either entered into by or approved by the Secretary of Interior pursuant to which Black River water is exported out of the Black River, in which the White Mountain Apache Tribe holds prior and paramount rights;

NOW, THEREFORE BE IT RESOLVED THAT The White Mountain Apache Tribe serves notice upon all parties contracting with the Secretary of Interior respecting water either for the Salt River Federal Reclamation Project or the Central Arizona Project, that the White Mountain Apache Tribe has not agreed to the use by anyone of the waters of the Salt River or its tributaries, and that the Tribe will not be bound by any action taken by Secretary James G. Watt, members of his staff, Attorney General William French Smith or members of his

staff, or by any successors to the office of Secretary of Interior or to the office of Attorney General; and


BE IT FURTHER RESOLVED THAT Secretary of Interior James G. Watt, his subordinates and employees, Attorney General William French Smith, his subordinates and employees are not empowered to act for or on behalf of the White Mountain Apache Tribe and that any contract, arrangement, limiting agreement or other document relating to the waters of the Salt River and its tributaries or the rights to the use of water from those sources is null and void and of no force and effect in regard to the White Mountain Apache Tribe.

CERTIFICATION

The foregoing Resolution was on the 7th day of July, 1982, 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, h, & i), 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 (28 Stat. 984).



Chairman of the Tribal Council



Secretary of the Tribal Council