

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

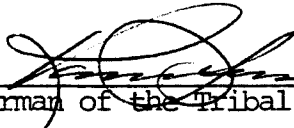
- WHEREAS, the White Mountain Apache Tribe under P. L. 638 Contract No. H50C14202685, in 1981 contracted with the Bureau of Indian Affairs for the construction of the Miner Flat Dam for purposes of economic development, including (but not limited to) agricultural irrigation, hydropower production, recreation, flood control, and other beneficial uses; thereby, utilizing the reserved water rights of the White Mountain Apache Tribe, and
- WHEREAS, the Congress of the United States specifically appropriated \$4,500,000. in furtherance of those objectives, and
- WHEREAS, William P. Clark, Secretary of the Interior, and James L. Stevens, Area Director of the Bureau of Indian Affairs, Department of the Interior, and their staffs have systematically, arbitrarily, capriciously, illegally, beyond the scope of their authority, and in clear violation of the will of Congress, have refused and continue to refuse to release funding essential to proper investigations and to the construction of the project, all as provided in the aforesaid contract; in so doing, William P. Clark and James L. Stevens have effectively vetoed the will of Congress, in clear demonstration of the conflicts of interest that permeate all aspect of the administration of the Fort Apache Indian Reservation by Secretary of the Interior, William P. Clark, and
- WHEREAS, in furtherance of the Miner Flat Dam Project, the White Mountain Apache Tribe has repeatedly informed the aforesaid James L. Stevens of its desire to proceed with environmental studies and the basic engineering essential to the design of the Miner Flat Dam, and
- WHEREAS, Area Director James L. Stevens has totally forestalled the essential preliminary work and design, without which the Miner Flat Dame Project cannot be completed, and
- WHEREAS, for a period in excess of three (3) years, James L. Stevens and his predecessor, by forestalling the essential economic development of the Fort Apache Indian Reservation in keeping with the unvarying policy of the Secretary of the Interior to prevent the exercise of the White Mountain Apache Tribe of its life sustaining reserved rights to the use of the water of the Salt River, dating from time immemorial, has intentionally caused and continues to cause the White Mountain Apache Tribe irreparable and continuing damage, and
- WHEREAS, by suppressing the use of those invaluable reserved water rights by the White Mountain Apache Tribe, the said William P. Clark and James L. Stevens, in their official capacities, have acted in the furtherance of the objectives of the Salt River Federal Reclamation Project and of the Central Arizona Federal Reclamation Project, both of which are controlled and administered by the aforesaid William P. Clark, Secretary of the Interior, and

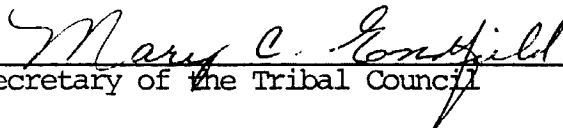
WHEREAS, the irreparable damage caused by the aforesaid William P. Clark and Bureau of Indian Affairs Area Director, James L. Stevens has, as a direct consequence, resulted in the delay in the construction of the Miner Flat Dam at a proven dam site, thereby preventing the White Mountain Apache Tribe from completing the dam as planned by November, 1984, with the attendant loss of crop production, hydropower and recreational revenues.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorize and direct Tribal Chairman Ronnie Lupe to immediately contact Congressman Sidney Yates, Chairman of the House Appropriations Sub-Committee, who has vigorously supported the White Mountain Apache Tribe in its efforts to secure full economic development of its reservation; the purpose of said contact being to bring to the attention of Congressman Yates and his Sub-Committee the illegal and unconscionable conduct of Interior Secretary, William P. Clark and Area Director, James L. Stevens, both of whom, in clear violation of their executive responsibilities, have subverted the will of Congress respecting the Miner Flat Dam and its construction, all as detailed above.

BE IT FURTHER RESOLVED by the Tribal Council that Tribal Chairman Ronnie Lupe is directed to take whatever legal action is essential to secure the release of the funds appropriated by the Congress for the completion of Miner Flat Dam; and to take such additional legal and administrative actions, in and out of court, as are necessary to secure an early release of the funds appropriated by Congress for the Miner Flat Dam.

The foregoing resolution was on July 16, 1984 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,h&i) of the Amended Constitution 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).

  
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Chairman of the Tribal Council

  
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Secretary of the Tribal Council

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JUL 23 1984

FORT APACHE INDIAN  
AGENCY  
WHITERIVER, ARIZ.

Resolution NO. 84-205