

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

- WHEREAS, the Tribal Council of the White Mountain Apache Tribe met with representatives of the Phoenix Area Office of the Bureau of Indian Affairs on January 8, 1986, for the purpose of obtaining an explanation from the Bureau of Indian Affairs as to the factual basis for the water rights claims filed by the Bureau of Indian Affairs through its attorney, Steven Carroll of the Department of Justice, in the Maricopa County Superior Court W-1 Proceedings, purportedly on behalf of the White Mountain Apache Tribe; and
- WHEREAS, the Tribal Council was accompanied by its forestry, grazing and water development consultants and water rights attorney, William H. Veeder; as well as, the Tribal Attorney and other tribal support personnel; and
- WHEREAS, Bureau of Indian Affairs personnel were accompanied by HKM Associates who prepared the water rights claim, and solicitor William H. Swan and Department of Justice attorney, Steven Carroll, who filed the water rights claim in the Maricopa County Superior Court; and
- WHEREAS, the Tribal Council was dismayed at the shallow, unprofessional, incomplete preparation, and lack of evidentiary substance of the underlying research prepared by HKM as the factual basis for the purported water claim filed in the Superior Court; and, concluded that said preparation was nothing less than an admission against the interests of the White Mountain Apache Tribe and will result in the confiscation of the Tribe's invaluable rights to the Salt River and its tributaries; and
- WHEREAS, the Tribal Council is prepared to demonstrate at any time that the purported claim filed by the Bureau of Indian Affairs perverts federal caselaw regarding Indian water rights and in particular, the Winters Doctrine, and constitutes another act in a continuous course of conduct to deliberately divest the tribe of its invaluable rights to the waters of the Salt River and its tributaries and ultimately the reservation land itself; and

WHEREAS, the Tribal Council further concludes that the explanation offered by HKM Associates, the Department of Justice and the Bureau of Indian Affairs as to the factual basis of the water rights claim purportedly filed on behalf of the tribe dramatically proves to the Tribal Council that the BIA and the Department of Justice is indeed the greatest threat to the future of the White Mountain Apache Tribe and the protection of its water rights for future generations of tribal members.

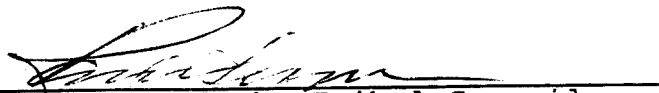
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby reaffirms its prior condemnation of the purported water rights claim filed by the Bureau of Indian Affairs through its attorney, Steven Carroll of the Department of Justice, in the Maricopa County Superior Court W-1 Proceedings.


BE IT FURTHER RESOLVED by the Tribal Council that it hereby reaffirms its continuing and long-standing opposition to the forced representation of the tribe by the Department of Justice in the W-1 State Court Proceedings.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby reaffirms prior Resolution No. 85-305 wherein the Tribal Council summarily rejected the purported water rights claim filed by the Department of Justice and authored by the Bureau of Indian Affairs and its contractor, HKM Associates, and all other charges against the Bureau of Indian Affairs and Department of Justice set forth in said resolution.

BE IT FURTHER RESOLVED by the Tribal Council that it advises the Congressional Delegation and the Secretary of the Interior that the claim filed by the Bureau of Indian Affairs and the Department of Justice represents a fraudulent and deceptive filing, lacking totally in a factual basis, the sole purpose of which is nothing less than the intentional and deliberate confiscation of the tribe's invaluable and inmemorial rights to the waters of the Salt River, the diminution of the tribe's natural resources, and ultimate seizure of the land itself.

The foregoing resolution was on January 9, 1986, duly adopted by a vote of 9 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 (a) (f) (h) (i) of the Amended Constitution and Bylaws 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)


Chairman of the Tribal Council


Secretary of the Tribal Council