

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

- WHEREAS,** the White Mountain Apache Tribe opposes S 291 and H.R. 748, 102 D Congress, 1st Session which purport to approve an Agreement awarding to the San Carlos Apache Tribe 77,435 acre-feet of water from the Salt and Black Rivers in total disregard of the very substantial claims of the White Mountain Apache Tribe in those streams, which Agreement and award cannot be effectuated without violating the White Mountain Apache Tribe's rights in the Salt and Black River Drainage; and
- WHEREAS,** both the Salt and Black Rivers have their principal sources of water within the Fort Apache Indian Reservation, it is a physical and legal impossibility to apportion to the San Carlos Apache Tribe 77,435 acre-feet or any other quantity of water without violating the invaluable reserved rights to the use of water of the White Mountain Apache Tribe, whose rights are presently in litigation in the case of White Mountain Apache Tribe v. United States, Docket 22-H in the United States Claims Court; and
- WHEREAS,** over the protests and unvarying objections of the White Mountain Apache Tribe, Attorneys in the Department of Justice have forced their rejected representation upon the White Mountain Apache Tribe in the State Court Salt River Adjudication W-1 Proceedings and have purported to subject the Tribe's rights in the Salt River and its tributaries to the State Court jurisdiction, which State Court proceedings gravely imperil the Tribe's rights and that threat is compounded by the San Carlos Agreement; and
- WHEREAS,** the Secretary of the Interior attempted illegally to seize and take all of the Salt and Black River waters for the benefit of the corporate non-Indian water users within the service area of the Salt River Reclamation Project in clear violation of the White Mountain Apache Tribe's reserved right to the use of water in the Salt and Black Rivers; and

WHEREAS, the principal beneficiaries of the Secretarial attempt illegally to seize and take from the White Mountain Apache Tribe its Salt and Black River rights are likewise the principal beneficiaries of the "Agreement to Settle Certain Water Rights Claims of the San Carlos Apache Tribe," including but not limited to the United States of America, the State of Arizona, the Salt River Valley Water Users Association and the Cities of Chandler, Globe, Scottsdale, the Phelps Dodge Corporation, and others; and

WHEREAS, the provision in the San Carlos Agreement and Legislation that the San Carlos Settlement Agreement would not in any way effect the rights of any other Indian Tribe is contrary to fact and, the White Mountain Apache Tribe requests the members of Congress to reject the San Carlos Agreement because the Salt and Black Rivers are vastly over-appropriated and any attempt to make a firm allocation of the already deficient supply of water in the Salt and Black Rivers could have no other result than irreparable and continuing damage to the White Mountain Apache Tribe; and

WHEREAS, the Congressional Membership obviously is unaware of the grave threat to the rights of the White Mountain Apache Tribe and the severe damage that the proposed San Carlos Agreement would have upon the White Mountain Apache Tribe's reserved rights in the Salt and Black Rivers, it is essential that those facts be brought to the attention of Congress.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that Ronnie Lupe, Chairman of the Tribal Council of the White Mountain Apache Tribe take immediate action to inform the proper congressional leaders in both the House and Senate that the proposed San Carlos Agreement gravely imperils the rights and interests of the White Mountain Apache Tribe.

BE IT FURTHER RESOLVED by the Tribal Council that Chairman Lupe forthwith inform the Secretary of the Interior; the Assistant Secretary Indian Affairs; the Area Director, Bureau of Indian Affairs; and the Superintendent at Whiteriver of the strenuous objections of the Tribe to the San Carlos Agreement and to take all further and necessary action to prevent the enactment of the pending legislation to approve the San Carlos Agreement.

The foregoing resolution was on May 24, 1991, duly adopted by a vote of NINE for and ZERO against by the Tribal Council of the

White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (f), (i) and (u) 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).

[Handwritten Signature]
Chairman of the Tribal Council

Virginia M. Dalton
Secretary of the Tribal Council

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FORT APACHE INDIAN AGENCY
WHITE MOUNTAIN AGENCY