

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

WHEREAS, the Tribal Council has met this date with William H. Veeder, the Tribe's water rights counsel and has been briefed as to the status of the W-1 general stream adjudication pending in the Arizona State Superior Court; and

WHEREAS, Mr. Veeder advises the Tribal Council that the Department of Justice has filed a brief with the Arizona Supreme Court which takes the position that federal reserved water rights include Indian water rights and, further, that there is implied therein that the Winters Rights Doctrine protecting Indian water rights is judicially created rather than an aboriginal right that dates back to time immemorial; and

WHEREAS, the Tribal Council concludes that it would be in the best interests of the Tribe to direct Mr. Veeder to file an amicus brief with the Arizona Supreme Court that federal reserved water rights do not include the aboriginal water rights of the White Mountain Apache Tribe, and that the reserved water rights of the Tribe date back to time immemorial being appurtenant to the ancestral homeland of the White Mountain Apache Tribe.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby disagrees with any characterization of the Tribe's aboriginal water rights as being federal reserved rights or that such rights are included within the definition of federal reserved water rights.

BE IT FURTHER RESOLVED by the Tribal Council that it regards any position taken by the Department of Justice to the effect that the Tribe's water rights do not date back to time immemorial, but are only judicially created as a breach of the trust relationship between the Tribe and the United States Government.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby directs Special Water Rights Counsel, William H. Veeder, to file an amicus brief with the Arizona Supreme Court and present the Tribe's position that the Tribe's water rights are aboriginal, that such rights date back to time immemorial being appurtenant to the ancestral homeland of the White Mountain Apache people, and that the Tribe's water rights are not judicially created and not federal reserved water rights.

Resolution No. 11-94-326

The foregoing resolution was on November 1, 1994, 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 IV, Section 1 (a), (f), (i), (s), (t) and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).


Chairman of the Tribal Council


Secretary of the Tribal Council

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FORT APACHE INDIAN AGENCY
MARIETTA, ARIZONA