

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

WHEREAS, the Tribal Council is advised that it is necessary to extend expert witness contracts and to budget for expert witness services in support of the W-1 and Little Colorado general stream adjudication proceedings; and

WHEREAS, it is anticipated that the expert witnesses will continue to provide expert support to the Tribe's special attorney for water rights in the form of consultation on technical concepts, preparation of exhibits and assistance with technical language for motions and briefs, preparation of expert witness affidavits in support of Tribal motions to dismiss for lack of jurisdiction under the Mcarran Act, hydrologic analysis of ground water levels, precipitation and base flow and streams, implementation of a ground water monitoring program for the Coconino aquifer system with respect to providing a reasonable basis for predicting and detecting adverse impacts on the Tribe's vested water rights, and preparation of ground water modeling to demonstrate the potential for damages to the Tribe's water resources by ground water abstractions along the northern boundary of the Tribe's reservation; and

WHEREAS, the Tribe has previously had under contract the following expert witnesses: Morrison Maierle by and through Mike Kaczmarek, Thomas M. Watson, Elmer Clark, Charles P. Corke and Dr. Charles Robinson; and

WHEREAS, it has become apparent that additional monies will have to be appropriated by the Tribal Council to pay for the experts' continued work on the W-1 and Little Colorado River General Stream Adjudications and the following itemization outlines monies due and owing the expert witnesses and estimated expenses for their services for the next six (6) months:

1. Morrison Maierle/Mike Kaczmarek \$21,943.56 presently owed, estimate \$75,300 additional funding needed for a total of \$97,243.56;
2. Thomas M. Watson unpaid amount due \$4,912; estimated future expenses \$63,313 for a total of \$67,225;
3. Elmer Clark owed \$2,756.60; estimated future costs \$25,000 for a total of \$27,756.60;

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4. Charles P. Corke for preparation and collation of maps and other documents collected and prepared by Mr. Corke during his 1950's visitation to the fort Apache Indian Reservation in connection with *Arizona v. California* and other archival and documentary materials involving water claims of the Tribe that he collected throughout his career \$9,500;
5. Dir Charles Robinson, \$9,786.84, for work already completed; and

WHEREAS, the total amount of the foregoing is \$211,512 and the Tribal Council concludes that it is in the best interest and necessary for the protection of the aboriginal water rights of the White Mountain Apache Tribe that funds be appropriated as part of the Tribal Budget for FY 97/98 and that the contracts of the expert witnesses be extended for a period of twelve (12) months at which time they will be reviewed to determine if an extension is necessary at that time.

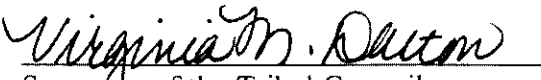
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby appropriates the sum total of \$211,512 for payment of expert witness fees, costs and expenses as itemized in this resolution.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby authorizes the Tribal Chairman, and in his absence, the Vice Chairman to sign any and all documents necessary to extend the expert witness contracts of the foregoing named expert witnesses for a period not to exceed twelve (12) months at which time said contracts will be reviewed to determine if they should be extended.

The foregoing resolution was on July 10, 1997 duly adopted by a vote of eight 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), (k), (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).

ACTING


Chairman of the Tribal Council


Secretary of the Tribal Council