

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

- WHEREAS,** Special Counsel, Robert C. Brauchli, advises the Tribal Council that Special Water Rights Counsel, William H. Veeder, continues to press the Tribe's water claims in the W-1 General Stream Adjudication in the Maricopa County Superior Court, and in the Little Colorado Stream Adjudication in the Apache County Superior Court; and
- WHEREAS,** the Tribal Council is advised that extensive work is ongoing to protect the Tribe's aboriginal rights and claims to the use of water from the Pinetop volcanic aquifer and the Coconino aquifer which lies beneath the top half of the Fort Apache Indian Reservation, and which is threatened by increased off-Reservation pumping north of the Tribe's northern boundary; and
- WHEREAS,** unlimited off-Reservation pumping of the volcanic and Coconino aquifers that underlie the Fort Apache Indian Reservation threatens to precipitate an environmental debacle by reducing the base flow, and in some cases, the actual flow of surface streams and springs within the Reservation, thereby jeopardizing riparian areas, watershed habitat, sensitive species, wet lands, and the future existence of the White Mountain Apache Tribe; and
- WHEREAS,** the Tribal Council is advised that pursuant to Resolution 09-96-221, the Tribal Council previously approved contracts for several expert consultants to assemble and prepare the scientific data necessary to investigate and protect the Tribe's rights to the use of ground water and surface water, and that these expert consultants' contracts will expire September 30, 1998, and must be renewed so that their work can continue without interruption; and
- WHEREAS,** the Tribal Council is advised that Special Water Rights' Counsel, William H. Veeder, recommends that contracts be renewed for Mike Watson, hydrologist, Michael Kaczmarek, hydro-geologist, and for Elmer Clark, professional surveyor, for an additional two years to September 30, 2000, pursuant to confidential budgets which have been distributed to the Tribal Council; and
- WHEREAS,** Mr. Veeder recommends that funds be appropriated and approved by the Tribal Council to continue with the essential work of these experts to support the Tribe's claims to surface and ground water, without which the people of the White Mountain Apache Tribe cannot survive and thrive, and without which, the Tribe's abundant animal and plant life, riparian areas, wet lands, and watershed habitats cannot survive

as they exist today; and

WHEREAS, professional surveyor, Elmer Clark, is presently owed \$3,689.39 for work completed through July 20, 1998, and a copy of his invoice and documentation therefor has been distributed to and reviewed by the Tribal Council; and

WHEREAS, the proposed budgets for the water rights experts submitted for Tribal Council approval are as follows:

1. Michael Watson, hydrologist, \$75,127.60;
2. Morrison & Maierle, Inc., by Michael Kaczmarek, \$54,552.00;
3. Elmer Clark, Geodetic Research, Inc., \$29,949.00, and \$3,689.39 for work previously completed as identified herein; and

WHEREAS, the sum total of the proposed contract work to September 20, 1999 and payment for Elmer Clark's previous work is \$163,319.99; and

WHEREAS, the Tribal Council concurs with Mr. Veeder's recommendations, and approves the allocation of Tribal funds in the amount of \$163,319.99 to pay expert, Elmer Clark, for previous work completed and to pay for proposed work to September 20, 1999 as outlined in the respective expert consultant contracts; and

WHEREAS, the Tribal Council further agrees that the expert witness/consultant contracts for Mike Watson, Michael Kaczmarek, and Elmer Clark be renewed for an additional two years, to expire on September 30, 2000.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby extends the expert consultant contracts for Mike Watson, Michael Kaczmarek, and Elmer Clark for an additional two years to expire on September 30, 2000.

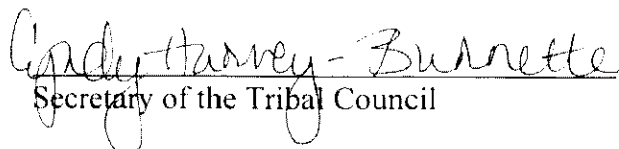
BE IT FURTHER RESOLVED by the Tribal Council that it hereby authorizes and directs payment to Elmer Clark of \$3,689.39 for work already completed, and hereby appropriates and budgets an additional \$159,628.60 for expert consultant work to be performed through September 20, 1999 pursuant to the contracts described herein.

Resolution No. 09-98-230

The foregoing resolution was on September 14, 1998 duly adopted by a vote of six for, zero against, and one abstention by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (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