



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

(Approval of draft Water Budget for Tribe's Water Use Claims and draft Miner Flat Dam Project Extension Report)

- WHEREAS,** the White Mountain Apache Tribe has prior and paramount, time immemorial, aboriginal and otherwise reserved property rights to the use of water that borders, traverses, and underlies its reservation lands, known as the Fort Apache Indian Reservation; and
- WHEREAS,** there is now pending in the Apache County Superior Court, a General Stream Adjudication to determine all water use rights to the Little Colorado River and its tributaries, and in the Maricopa County Superior Court, a General Stream Adjudication to determine all water use rights to the Gila River and its tributaries, including the Salt River System; and
- WHEREAS,** several tributaries of the Salt River arise upon, border, traverse, and underlie the lands of the White Mountain Apache Tribe, including the Trans-Basin Coconino Aquifer which provides the base flow of streams in the Little Colorado River Basin and in the Salt River System within the Tribe's lands as well; and
- WHEREAS,** the White Mountain Apache Tribe has not formally entered an appearance as a party in either the Little Colorado River or Gila River General Stream Adjudications, but the United States, in its capacity as trustee of the Tribe's water use rights, has been joined as a party in both General Stream Adjudications and thus, it is inevitable that the Tribe's time immemorial, aboriginal and otherwise reserved water use rights will eventually be quantified whether the Tribe is a party in either General Stream Adjudication or not, as the Tribe will be bound by any state court decree of its water use rights pursuant to McCarran Amendment jurisdiction over the United States as trustee of the Tribe's water use rights; and
- WHEREAS,** in order to protect its time immemorial, aboriginal and otherwise reserved water use rights, the Tribal Council of the White Mountain Apache Tribe requested the Secretary of the Interior, principal agent of the Trustee United States, to appoint a Federal Negotiating Team to assist the Tribe in the assertion, quantification, protection, and settlement of the Tribe's aboriginal and otherwise reserved water use rights in both General Stream Adjudications; and
- WHEREAS,** in preparation for the assertion, protection, preservation, quantification, and development of its aboriginal and otherwise reserved water use rights, the White Mountain Apache Tribe has prepared under the direction of the Tribal Council of the White Mountain Apache Tribe, a draft water budget identifying all sources of water and the Tribe's historical, current, and proposed future uses for said water use rights on its reservation lands, and in furtherance thereof, has also completed a draft Project Extension Report (PER) for the Miner Flat Dam Project that identifies the costs and benefits of the Project's water storage facilities and delivery infrastructure to provide water for domestic, municipal, and industrial purposes and for agricultural irrigation, livestock, and recreation use and development; and
- WHEREAS,** the Tribal Council of the White Mountain Apache Tribe has discussed this date a draft of the Miner Flat Dam Project Extension Report and a draft water budget for the Tribe's water use claims; and

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WHEREAS, the Tribal Council has, after issuing further direction and clarification to the Tribe's Water Rights Team, concludes that the draft Project Extension Report for the Miner Flat Dam Project and the draft water budget for the Tribe's water use claims, presented and discussed this date, should be approved; and

WHEREAS, the Tribal Council concludes that it is in the best interests of the White Mountain Apache Tribe and for the protection, assertion, preservation, development and quantification of its priceless, time immemorial, aboriginal and otherwise reserved water use rights and claims, that the draft Miner Flat Dam Project Extension Report and draft water use budget be presented to the BIA as required by the Miner Flat Dam contract and to the Secretary's Federal Negotiating Team for review, comment, and assessment.

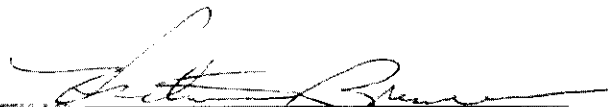
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves, as discussed this date, the draft Project Extension Report for the Miner Flat Dam Project and the draft water use budget for the White Mountain Apache Tribe's time immemorial, aboriginal, and otherwise reserved water use rights and claims to the water that borders, traverses, and underlies the Tribe's reservation lands.

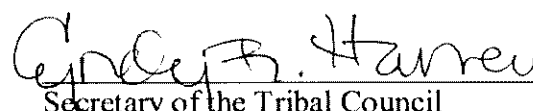
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby reserves the right to modify, alter, supplement and amend the draft Miner Flat Dam Project Extension report and draft water budget, as necessary, for the protection, development, and advancement of the Tribe's aboriginal and otherwise reserved water use claims and rights.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the draft Miner Flat Dam Project Extension Report and water budget, reviewed and approved this date by the Tribal Council, and this resolution, to be presented to the Bureau of Indian Affairs and the Secretary of Interior's Federal Negotiating Team for the White Mountain Apache Tribe.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the Tribal Chairman, and in his absence, the Tribal Vice-Chairwoman, to sign any and all documents required to carry out the purpose of this resolution and to deliver the draft Miner Flat Dam Project Extension Report and draft water budget to the Bureau of Indian Affairs and the Secretary's Federal Negotiating Team for the White Mountain Apache Tribe.

The foregoing resolution was on January 24, 2007, duly adopted by a vote of NINE for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), (f), (h), (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).


ACTING Chairman of the Tribal Council


Secretary of the Tribal Council