



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

(Response to Salt River Project's November 16, 2007, Settlement Offer)

- WHEREAS,** the Tribal Council of the White Mountain Apache Tribe has the tribal constitutional duty to protect the priceless water use rights of the White Mountain Apache Tribe, which are presently invested property rights under the reserved water rights doctrine also known as the Winters doctrine; and
- WHEREAS,** pursuant to that duty, the Tribal Council has aggressively asserted and protected the reserved water use rights of the White Mountain Apache Tribe to the surface and ground waters in the Salt River and Little Colorado river drainages and for the protection of the Tribe's senior and paramount, aboriginal, and otherwise reserved claims and rights to the base flow of the Salt River, the source of which is the Trans-Basin Coconino and other aquifers; and
- WHEREAS,** the Tribal Council has had prepared under its direction a comprehensive water use budget and Project Extension Report identifying the Tribe's water use requirements for the next hundred years and beyond, and said water use budget and Project Extension Report was prepared to place the Tribe's trustee, the United States, and downstream water users in the Phoenix Valley, on notice of the Water Use Claims of the White Mountain Apache Tribe; and
- WHEREAS,** since appointment, at the request of the Tribal Council, of a Federal Negotiation Team by the Secretary of the Interior to assist the Tribe in the protection and assertion of its reserved water use rights, the Tribal Council has had a series of meetings with the Federal Negotiation Team, the Salt River Project (SRP), and the Phoenix Valley Cities, as well as other stakeholders in the Little Colorado River and Gila River General Stream Adjudications for the purpose of reaching an equitable and dignified water rights agreement which would recognize the reserved water uses rights of the Tribe and provide funding to develop those rights; and
- WHEREAS,** the Federal Negotiation Team has met with the Tribal Council after reviewing the Tribe's proposed water use budget and Project Extension Report; and
- WHEREAS,** the Salt River Project on behalf of major downstream water users and claimants has reviewed the Tribe's proposed water use budget and Project Extension Report, and on November 16, 2007, presented to the Tribal Council its offer of settlement of the Tribe's reserved water use rights; and
- WHEREAS,** the Tribal Council, after considering several options available to the Tribe, concludes that it would be in the best interest for the protection of the Tribe's reserved water use rights to the waters that border, traverse and underlies its reservation homeland, to continue efforts to obtain an equitable and dignified agreement for the protection and

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development of its reserved water use rights by presenting a counteroffer to the Salt River Project as authorized this date.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs the Tribe's water rights attorney and consultants to submit a counteroffer to the Salt River Project as discussed by the Tribal Council this date, and to report back to the Tribal Council the Salt River Project's response.

The foregoing resolution was on December 17, 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), (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