



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

(Authorizing continuation discussions with Salt River Project)

- 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 vested property rights under the reserved water rights doctrine also known as the Winters doctrine; and
- WHEREAS,** pursuant to its 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 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 were 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 to assert the Tribe's water rights as defined in the Tribe's water use budget and Project Extension Report as a continuation of efforts by the Tribe to assert, protect, and to develop its Water Rights dating from the construction of the downstream Salt River Project at the beginning of the 20th century, its successful struggle to build Hawley and other Lakes, and its aggressive assertion of its water rights after 1979 in the Arizona state court (by special appearance without submitting to that court's jurisdiction), Federal District Courts, the Federal Appellate Courts, and in the US Court of Federal Claims; and
- WHEREAS,** since formal 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 water users 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 use rights of the Tribe and provide authority and funding to develop those rights; and
- WHEREAS,** the Tribal Council has presented to the Federal Negotiating Team the Tribe's proposed water use budget and Project Extension Report, and the Federal Negotiating Team has acknowledged receipt and commented upon the Tribe's proposed water budget and Project Extension Report; and

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WHEREAS, the Salt River Project, on behalf of major downstream water users and claimants, has likewise responded to the Tribe's proposed water use budget and Project Extension Report, and on November 16, 2007, presented to the Tribal Council an offer of settlement that would quantify the Tribe's reserved water use rights; and

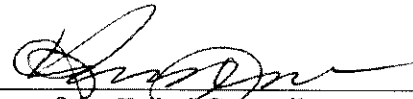
WHEREAS, after review of SRP's offer of settlement, the Tribal Council on December 17, 2007, adopted Tribal Council Resolution 12-2007-527, which directed and authorized that a counteroffer be presented to the Salt River Project which was done on or about January 8, 2008; and

WHEREAS, the Tribe's Water Rights Team has reported back to the Tribal Council on this date the outcome of its January 8, 2008, meeting with SRP representatives and based thereon, the Tribal Council is of the opinion that further discussions with SRP and other downstream water users would be beneficial and in the best interests of the White Mountain Apache Tribe at this time.

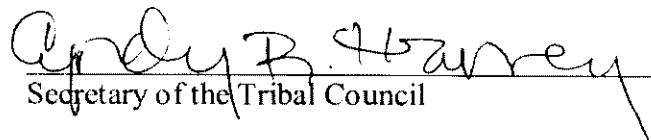
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes and directs the Tribe's Water Rights Team to continue discussions with SRP in accordance with Tribal Council direction as discussed this date, and to obtain further details of SRP's settlement offer and proposed agreement and to report back to the Tribal Council when the information is obtained so that the Council can further review SRP's proposal and provide direction on how to proceed.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice Chairwoman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on January 15, 2008, duly adopted by a vote of TEN 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