



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving FY2021 Bureau of Indian Affairs Year End Funding Request for Water Management Planning and Pre-Development [N3420] funding in the Amount of \$89,834.00)

WHEREAS, The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation provides, at Article IV, Section 1(f) that the Tribal Council (“Council”) shall exercise the power, “To protect and preserve... the water rights of the tribe”; and

WHEREAS, The reserved water rights of the Tribe are priceless vested property rights without which the Tribe and its members cannot survive; and

WHEREAS, The Tribe was successful in obtaining the enactment of the White Mountain Apache Water Rights Quantification Act of 2010 (“Act”) in December 2010, the subsequent signing by the settling parties of a Revised and Amended Water Rights Quantification Agreement (“Amended Quantification Agreement”) in July 2013 as required by the Act, and approval of the Amended Quantification Agreement by the Arizona Superior Court in the Gila River and Little Colorado River General Stream Adjudications on December 18, 2014; and

WHEREAS, The Council is in the process of satisfying remaining preconditions in the Act in order to make the Act enforceable as a matter of law; the remaining preconditions being completion of the Environmental Impact Statement (“EIS”) and the 30% design for the proposed Rural Water System (“RWS”) so that the Secretary of the Interior can publish a Record of Decision (“ROD”) authorizing construction of the RWS; and

WHEREAS, The Council, in anticipation of the Act becoming enforceable, has directed the Tribe’s Water Resources Program to apply for federal funding for the implementation of the Act including satisfying requirements for monitoring the Tribe’s use of water required by the Quantification Agreement once the Act becomes enforceable; and

WHEREAS, The wise and diligent use of previous federal grant funds awarded by the Bureau of Indian Affairs (“BIA”) has been a significant contributing factor in the preparation and negotiation of the Tribe’s reserved water use rights that were subsequently incorporated into the Act and the Amended Quantification Agreement which will protect the reserved water use rights of the White Mountain Apache people for future generations; and

Resolution No. 09-2020-209

WHEREAS, The Tribe and its Water Resources Program has a continued need for water development and water rights litigation support funds and accordingly applied for FY2021 BIA Water Management, Planning and Pre-Development (FY2021 Year End Funding Request attached and included herein by reference); and

WHEREAS, The Council also wishes to acknowledge that previous grant awards awarded by the BIA to the Tribe for Water Management, Planning and Pre-Development and Water Rights Negotiation/Litigation support have been professionally and conscientiously administered and accounted for by the Tribe's Water Resources Program and its Manager, Emery Hoffman; and

WHEREAS, The Council wishes to reaffirm its long-standing authorization to apply for and receive any and all future BIA Water Management, Planning and Pre-Development and to reaffirm to the BIA that Federal water rights grant funds shall only be used for water rights litigation support and water development as determined by the scope of work for each grant award, and for no other tribal purpose whatsoever.



BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes submittal of the FY2021 BIA Water Management, Planning and Pre-Development Year End Funding Request proposal in the amount of \$89,834.00, and further reaffirms its long-standing authorization and approval to apply for and receive any and all future BIA Water Management, Planning and Pre-Development and Water Rights Negotiation/Litigation support funds.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

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

The foregoing resolution was on SEPTEMBER 1, 2020 duly adopted by a vote of ELEVEN for, ZERO against, and ZERO abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

 9/3/2020  9-3-2020
Gwendena Lee-Gatewood, Chairwoman Date Doreen T. Numkena, Tribal Secretary Date