



# WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

## **(Approving the Tribe's FY2023 Bureau of Indian Affairs Funding Request for Water Management Planning and Pre-Development, N3420, and Water Rights Negotiation/Litigation)**

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**WHEREAS,** The Constitution of the White Mountain Apache Tribe ("Tribe") of the Fort Apache Indian Reservation ("Constitution") provides, at Article IV, Section 1(a) that the Tribal Council ("Council") shall exercise the power "[t]o represent the tribe and act in all matters that concern the welfare of the Tribe, and to make decision not inconsistent with or contrary to this constitution"; 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 dam component of 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

**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 FY2023 BIA Water

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Management, Planning and Pre-Development and Water Rights Negotiation/Litigation;  
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, Cheryl Pailzote; 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 Water Rights Negotiation/Litigation grants to reaffirm to BIA that Federal water rights grant funds shall only be used, regardless of whether the federal grant funds are reimbursement monies or advance funds, 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; and

**WHEREAS,** The Council finds that authorizing the Tribe's Water Resources Program to make its submittal of the FY2023 BIA Water Management, Planning and Pre-Development grants proposal to the BIA will enable the Tribe to receive the funds necessary to continue this vital project, and is in the best interests of the Tribe and its members.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes submittal of the FY2023 BIA Water Management, Planning and Pre-Development proposal 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 Chairman, or in his absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

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The foregoing resolution was on **AUGUST 3, 2022** duly adopted by a vote of **EIGHT** for, **ZERO** against, and **TWO** 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 November 10, 2021, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

Kasey Velasquez      8-5-22  
Kasey Velasquez, Chairman      Date  
White Mountain Apache Tribe

Vaneysa Johnson      8/8/22  
Vaneysa Johnson, Tribal Secretary      Date