

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

WHEREAS, the Tribal Council of the White Mountain Apache Tribe is informed and advised that serious and substantial errors were made in surveying along the western boundary of the White Mountain Apache Reservation in that the original U. S. Army, and subsequent General Land Officer, surveys commenced at a point approximately two miles south of the true boundary on the south edge of the Black Mesa as provided in the Executive Order of November 9, 1871, and

WHEREAS, due to the failure of the U. S. Army and General Land Office to properly survey the western boundary of the Reservation, the White Mountain Apache Tribe has been deprived of the use and benefit of approximately 12,000 acres, more or less, of Reservation land, and

WHEREAS, additional errors were made in the survey of the northern boundary of the Reservation, resulting in the loss of approximately 3,500 acres of Reservation land, and

WHEREAS, the loss of the use and benefit of such lands has caused irreparable and continuous damage to the Tribe, and

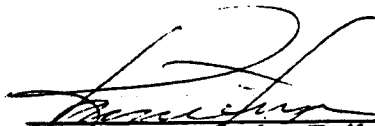
WHEREAS, these erroneous surveys have deprived the Tribe of invaluable rights to the use of water in the tributary streams of Carrizo Creek, Canyon Creek, and other streams, the rights to which are vital to the economic welfares of the Tribe, and


WHEREAS, the provisions of 28 U.S.C. S2415 could bar an appropriate action by the United States on behalf of the Tribe, or could prove detrimental to the Tribe's seeking its own relief for its great damages.

BE IT RESOLVED that the Tribal Council of the White Mountain Apache Tribe hereby directs Special Counsel for the Tribe, Mr. William H. Veeder, to take all appropriate action, including but not limited to administrative or judicial actions, to recover the 15,500 acres, more or less, of Reservation land; to contact the appropriate officials of the Department of Justice for recover of the lands in questions; and to seek recovery of damages incurred by the Tribe by reason of the loss of the use and benefit of such lands, in whole or in part.

BE IT FURTHER RESOLVED that the Tribal Council has determined that successful prosecution of the foregoing action is required in the protection of the Tribe's rights in the watershed of the Salt River and its tributaries, and that it therefore authorizes the use of funds set aside to protect the Tribe's resources for the purpose of a corrected land survey and other matters related to the foregoing directives.

The foregoing resolution was on December 11, 1979 duly adopted by a vote of 9 for and 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (i) of the Amended Constitution and By-Laws of the Tribe, ratified by the Tribe June 27, 1958 and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).


Chairman of the Tribal Council


Secretary of the Tribal Council

RECEIVED

1980
FONTAINE INDIAN
RESERVATION
APACHE COUNTY, ARIZ.