


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

- WHEREAS, the Tribal Council is advised by the Tribal Attorney that there has been introduced in the Arizona State Legislature, a House Bill known as H. B. 2229 which is identical to Senate Bill 1078, providing for the designation and protection of certain waters in the State of Arizona as unique waters, and
- WHEREAS, the Tribal Council has been provided with a copy of H. B. 2229 for its review which states that the State of Arizona has the authority through its administrative agencies to study and review waters of the State of Arizona including certain designated streams and waters which arise and flow on the Fort Apache Indian Reservation for designation as unique waters, and
- WHEREAS, if enacted, H. B. 2229 would purportedly empower the State of Arizona to establish water quality standards on the reservation, would prohibit any new point source discharges to unique waters, and would prohibit further appropriation of water from waters designated as unique waters, and
- WHEREAS, the proposed legislation lists the Salt River, White River, Black River, Diamond Creek, Paradise Creek, Soldier Creek and other reservation waters which are within the exterior boundaries of the Fort Apache Indian Reservation, possible inclusion as unique waters, and
- WHEREAS, the attempt to exercise administrative or State control of the reservation waters is barred by the Arizona Enabling Act, the Winter's Doctrine, and the Tribe's inherent sovereignty over its natural resources, including water, and
- WHEREAS, further, the Tribe is presently engaged in ongoing litigation with the Salt River Project and numerous other parties over rights to waters in the Salt River Basin and said litigation prohibits the attempt by the Arizona State of Legislature to exercise authority over the Tribe's waters by legislative fiat.
- BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby adamantly opposes H. B. 2229 and Senate Bill 1078 on the grounds that the proposed legislation is an attempt to deny the Tribe its day in court, is contrary to the mandate of the Arizona Enabling Act, is in conflict with Federal Law protecting the sovereign authority of the White Mountain Apache Tribe over its natural resources and constitutes a direct attempt to seize and; otherwise, diminish the ancient rights of the White Mountain Apache Tribe to its waters in violation of the Winter's Doctrine.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby directs that a copy of this Resolution be sent to the Arizona Congressional Delegation and the State Legislators with a request that they utilize their good offices to oppose H. B. 2229 and Senate Bill 1078 on the grounds that the proposed legislation is unenforceable, illegal as a matter of law, and constitutes an illegal and immoral attempt to seize the beneficial use of waters and natural resources of the White Mountain Apache Tribe who have retain sovereignty over these natural resources from time immemorial.

The foregoing resolution was on March 09, 1984 duly adopted by a vote of 10 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 (f,h,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

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MAR 10 1984

FORT APACHE INDIAN
AGENCY
WHITE MOUNTAIN, ARIZ.

Resolution No. 84-76