

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

WHEREAS, the White Mountain Apache Tribe is advised that the Honorable Stanley Goodfarb, the Superior Court Judge for the State of Arizona, who is presiding over the W-1 Water Rights proceedings in Phoenix, has denied the motions to dismiss the proceedings against the Arizona Indian Tribes, and

WHEREAS, further, the Tribal Council is advised that Judge Goodfarb is in favor of State control through its administrative agencies of Water Rights on the Fort Apache Indian Reservation, and

WHEREAS, the Tribal Council is familiar with the mandate from the 9th Circuit Federal Court requiring the Federal District Court to abstain from interfering with the W-1 State Court proceedings which the Tribal Council concludes upon a reading of the United States Supreme Court decision and the San Carlos and Cheyenne vs. Adsit cases is in violation of the United States Supreme Court's opinion, and

WHEREAS, the Tribal Council further concludes that the 9th Circuit mandate will enable the United States to force its representation upon the White Mountain Apache Tribe in the State Superior Court which lacks jurisdiction to resolve any conflicts of interests between the Tribe and the Federal Government and further, that the State Court lacks jurisdiction to determine whether or not its proceedings are accurate and authorized by the McCarran Act.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby instructs Special Counsel William H. Veeder, who is in charge of protecting the Tribe's Water Rights, to utilize any and all legal remedies, procedures and appeals to clarify the 9th Circuit's interpretation of the United States Supreme Court mandate in the Cheyenne vs. Adsit decision.

The foregoing resolution was on March 23, 1984 duly adopted by a vote of 8 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).

  
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Chairman of the Tribal Council

  
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Secretary of the Tribal Council