

RESOLUTION IN SUPPORT OF MINER FLAT DAM
AND REJECTING WATER RIGHTS CLAIM FILED BY THE
DEPARTMENT OF JUSTICE AND THE DEPARTMENT OF INTERIOR
IN THE MARICOPA COUNTY COURT W-1 PROCEEDINGS

WHEREAS, the White Mountain Apache Tribe in the early 1980's planned and undertook the construction of the Canyon Day Irrigation Project and for the Canyon Day Irrigation Project claimed 16,000 acre feet annually from the White River, a major tributary of the Salt River, for the purpose of irrigating 3,000 acres of land within Canyon Day Irrigation Project. In the years 1981-1983 the initial phases of the Canyon Day Irrigation Project were constructed and placed in operation to irrigate 885 acres. Fully and adequately to irrigate the 3,000 acres within the Canyon Day Irrigation Project requires the use of stored water during the periods of low flow generally commencing in May of each year; and

WHEREAS, the White Mountain Apache Tribe employed expert engineers, hydrologists and geologists to investigate and approve of a sound damsite on the White River to impound the required storage of Salt River water for the Canyon Day Irrigation Project; and

WHEREAS, the experts for the White Mountain Apache Tribe recommended several damsites and after full investigation of those damsites, it was determined by the Tribe that all damsites, with the exception of Miner Flat Dam were unacceptable for a variety of reasons including displacement of families, submergence of valuable land, interference with historic uses of land and water resources of inadequate storage capacity among other reasons; and

WHEREAS, the Congress of the United States in the fiscal years 1982-1983 appropriated \$4.5 million and authorized the expenditures of funds pursuant to which the White Mountain Apache Tribe, after in-depth geological investigations, determined the Miner Flat damsite as sound and physically and economically feasible to irrigate 3,000 acres on the Canyon Day Irrigation Project, contributing vastly to a sound agricultural economy on the Fort Apache Indian Reservation; and

WHEREAS, the White Mountain Apache Tribe has been informed by Interior and Justice Department attorneys that it must present as alternatives to Miner Flat Dam two tentative storage right claims reflected in the water

rights claim filed in the Maricopa County proceedings by the Departments of Interior and Justice irrespective of the fact that the damsites referred to have not been investigated in more than the most cursory fashion as distinguished from Miner Flat Dam which has been extensively investigated, designed and is now ready for construction; and

WHEREAS, the two damsites reflected in the water rights filing of the Department of Justice do not comply with the policy of the White Mountain Apache Tribe that new dams and reservoirs must not inundate lands now in use and displace families with resultant hardship to members of the Tribe. The two damsites have been arbitrarily selected by Bureau of Indian Affairs and Department of Justice without the knowledge consent of acquiescence of the Tribe, but, moreover, concerning which the Department of Justice has refused to supply information to White Mountain Apache Tribe concerning the damsites and other aspects of the W-1 Water Rights Claim; and

BE IT RESOLVED that the White Mountain Apache Tribe continues to fully support the development of Miner Flat Dam and the demonstrated physical and economic feasibility of the site which further meets the Tribe's goals for minimal interference with uses of the land by the Tribe and its members, criteria that are unmet by the Department of Interior and Justice alternative damsites; and

BE IT FURTHER RESOLVED that the White Mountain Apache Tribe rejects (1) the forced legal representation of the Department of Justice in the State Court W-1 proceedings as being grossly inadequate, and (2) all aspects of the Water Rights Claim filed purportedly on behalf of the Tribe by the Department of Justice in the State Court W-1 proceeding including, but not limited to, constricted and grossly limited water requirements, irrigable acres, irrigation water duty, irrigation storage and power site development as well as the grossly improper attempted inclusion in the water rights claim of evaporation losses; and

The foregoing resolution was on June 7, 1988, duly adopted by a vote of EIGHT for and ZERO 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 Bylaws 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).

Lew Johnson
Chairman of the Tribal Council

Hariddie J. Craig
Secretary of the Tribal Council

RECEIVED

AUG 11 1988

Fort Apache Indian Agency
Wickenburg, Arizona