

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

- WHEREAS,** the Tribal Council of the White Mountain Apache Tribe has met with Special Water Rights Counsel, William H. Veeder, Attorney at Law, and has discussed with Mr. Veeder and the Tribe's expert witnesses in the area of hydrology, geology, and water development, the present status of the W-1 general stream adjudication now pending in the Arizona State Superior Court in Phoenix; and
- WHEREAS,** the Tribal Council has consistently opposed the forced representation of the Tribe by the Department of Justice in the W-1 proceedings; and
- WHEREAS,** the Tribal Council is of the opinion that there is an inherent conflict of interest on the part of the Department of Justice representing the Tribe because the Salt River Project, created by the Department of Interior, claims all of the water of the Salt River and its tributaries which arise within the Fort Apache Indian Reservation, and further that development of the water resources of the Tribe has been curtailed as a matter of policy by the Department of Interior since the creation of Salt River Project's Roosevelt Dam in 1912; and
- WHEREAS,** the Fort Apache Indian Reservation constitutes sixty percent (60%) of the watershed of the Salt River and the Reservation has been managed by the Trustee United States Government in a manner to benefit the down stream water users rather than the people of the White Mountain Apache Tribe; and
- WHEREAS,** the people of the White Mountain Apache Tribe have suffered greatly because of prior mismanagement of the Tribe's once vast grazing lands and forest lands by the Bureau of Indian Affairs; and
- WHEREAS,** the Tribal Council has taken remedial steps within the last decade to reduce the annual allowable cut of its forests by almost one-half and to take steps to restore its grazing lands; and
- WHEREAS,** the United States was adjudicated liable by the U.S. Claims Court for prior mismanagement of the Tribe's grazing lands and forests; and

WHEREAS, the damage incurred by the overgrazing and overcutting the Tribe's forests, including the deliberate and wanton destruction of a portion of the Tribe's riparian and watershed areas to increase water flow to Phoenix and the Salt River Project, continues today; and

WHEREAS, the Tribal Council does not wish to submit itself to the State Superior Court in the W-1 general stream adjudication, but wishes to explore different avenues to preserve and protect its reserved water rights in accordance with its own determination of practicable irrigable acreage on the Reservation and its need for a safe and secure municipal water supply for consumptive use, hydroelectric power, industry and recreation; and

WHEREAS, the Tribal Council has reason to believe that the state courts will follow the Wind River Decision and deny the Tribe the use of water on its Reservation for recreational, industrial and municipal uses; and

WHEREAS, such a ruling would threaten the very existence of the Tribe; and

WHEREAS, in order to secure and preserve the reserved water rights of the Tribe for future generations and to ensure the continued existence of the White Mountain Apache Tribe, the Tribal Council concludes that Special Counsel William H. Veeder and the Tribe's consultants and hydrology experts should prepare legislation and otherwise explore a means by which the Tribe may fully develop its water resources, and preserve sufficient water for future generations for municipal, domestic, industrial and agricultural use and to obtain adequate funding from Congress to restore the Tribe's rangeland, watersheds, agriculture and forest lands which have suffered grievously from past mismanagement by the Trustee United States Government through its principal agent, the Bureau of Indian Affairs.

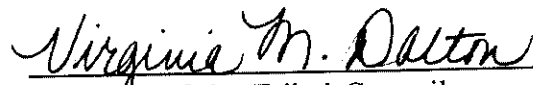
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs Special Water Rights Counsel William H. Veeder to prepare legislation and to otherwise proceed to protect and preserve the reserved aboriginal water rights of the Tribe and to seek sufficient funding for the restoration of the Tribe's forests and grazing lands, agricultural lands and watersheds which have been damaged by the Bureau of Indian Affairs following the creation of the Salt River Project in 1913 and continuing to date.

BE IT FURTHER RESOLVED by the Tribal Council that Mr. Veeder is directed to submit periodic status reports to the Tribal Council on said legislation.

Resolution No. 11-94-327

The foregoing resolution was on November 1, 1994, duly adopted by a vote of nine for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (f), (i), (s), (t) and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, 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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FORT APACHE INDIAN AGENCY