

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

WHEREAS, the Tribal Council on December 12, 1994 adopted a resolution identifying and asserting the aboriginal water rights of the White Mountain Apache Tribe within the Fort Apache Indian Reservation, the remaining remnant of its once vast ancestral homeland; and

WHEREAS, said resolution reviewed the aboriginal status of the Tribe's lands and waters within its ancestral homeland and objected to any characterization of the Tribe's aboriginal water rights by the United States Department of Justice, as "federal reserved" or "judicially created" rights, which term the Department of Justice has employed in briefs now pending before the Maricopa County Superior Court and Arizona Court of Appeals in the general stream adjudication known as W-1, *et seq.*; and

WHEREAS, said resolution directed the Tribal Chairman and special water rights counsel, William H. Veeder, to take whatever steps were necessary to bring the issues set forth in the resolution to the attention of the Attorney General of the United States, the Attorney General of the State of Arizona and other appropriate officials of the Trustee United States; and

WHEREAS, said resolution also advises the State of Arizona that it does not have any jurisdiction to administer the Tribe's aboriginal water rights within the exterior boundaries of the Fort Apache Indian Reservation and is prohibited from entry onto the Reservation for that purpose; and


WHEREAS, the Tribal Council wishes to reaffirm said resolution.


BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby reaffirms Resolution 12-94-364 adopted December 12, 1994 in its entirety.

BE IT FURTHER RESOLVED by the Tribal Council that the acts and deeds of the members of the Tribal Council necessary to carry out the intent and purpose of this resolution be, and the same are hereby ratified, confirmed and adopted as the acts and deeds of the Tribe.

Resolution No. 02-95-074

The foregoing resolution was on February 21, 1995 duly adopted by a vote of ten 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), (c), (f), (h), (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

RECEIVED

FEB 27 1995

FORT APACHE INDIAN AGENCY
WINTERWEE, ARIZONA