

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

- WHEREAS**, the White Mountain Apache Tribe, Fort Apache Indian Reservation, Arizona, on October 27, 1959, filed a second amended petition asserting claims for damages owing to the Tribe from the United States Trustee due to the mismanagement of the natural resources of which Tribe's Fort Apache Indian Reservation is comprised and for a general accounting respecting all of Tribe's fiscal assets; and
- WHEREAS**, the Department of Justice, acting for and on behalf of the United States, Defendant, in the case of *White Mountain Apache Tribe v. United States*, Docket No. 22-H, on October 28, 1980, offered to settle Tribe's claims for mismanagement of Tribe's Reservation and its fiscal assets for \$13,000,000, which, if accepted by the Tribe, would finally dispose of all rights, claims, and demands, which the White Mountain Apache Tribe has or could have asserted in those proceedings; and
- WHEREAS**, the White Mountain Apache Tribe, having fully considered the proposed offer of settlement of all of its claims for the \$13,000,000, proposed by the Department of Justice, rejected that settlement upon the following grounds and for the following reasons: (1) The Tribe has, at all times, denied the claims of the Salt River Project, that its rights to Salt River water were prior to those of the Tribe; (2) The Tribe was desirous of knowing the magnitude of the damage, which the Tribe is experiencing, due to the ongoing accelerated erosion caused by the Trustee's overgrazing of Tribe's once fine grazing lands; (3) The Tribe was likewise desirous of knowing the amount of damages to which the Tribe was entitled for the intentional mismanagement by the Trustee of Tribe's magnificent forest including, but not limited to, the clearcutting of a substantial area of Tribe's forests; and (4) The amount of damages due and payable to the Tribe by reason of the mismanagement of Tribe's fiscal assets; and
- WHEREAS**, predicated upon the Tribe's desire to be informed in regard to Items 1, 2, 3, and 4 set forth above, the Tribe prepared and initiated a full trial on the merits respecting both the mismanagement of Tribe's Fort Apache Indian Reservation, including, but not limited to, its invaluable Salt River rights to the use of water, the damages the Tribe had sustained due to the accelerated erosion attributable to the Trustee's mismanagement of Tribe's grazing lands, together with the overcutting of Tribe's forests, and the sums due and owing to the Tribe for the mismanagement of its fiscal assets; and

WHEREAS, the Trial Court declared that the Tribe's *Winters* Doctrine rights had not been seized or taken by the United States and were prior to the claims of the Salt River Valley Water Users Association; the Court likewise declared that since the United States Trustee had initiated and condoned the stocking conditions that produced overgrazed rangelands, it must be held liable for the accelerated erosion that resulted; similarly, the Court found as a fact and declared as a matter of law, that the Trustee had violated the concepts of the sustained yield management of forests, and was liable in damages for the overcutting of Tribe's forests; had likewise mismanaged the Tribe's fiscal assets to the point that the Trustee could not account for substantial sums of Tribe's money or for the interest due and payable to the Tribe on those funds; and

WHEREAS, the explicit declaration by the Court that the White Mountain Apache Tribe had not been deprived of its invaluable aboriginal rights to the use of water by the United States Trustee; that the United States was responsible for the accelerated erosion and the juniper infestation of Tribe's Reservation; and that the Trustee had likewise seriously mismanaged Tribe's forests; fully warranted the action by the Tribe to proceed to trial on the merits; and

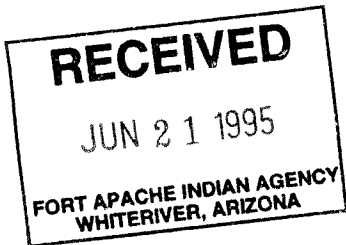
WHEREAS, Counsel for the United States has agreed to recommend that a payment to the Tribe of approximately \$7,713,463.05 in interest on disbursements of the Tribe's IMPL funds (found to be improper by the U.S. Court of Federal Claims) be approved by the appropriate Department of Justice officials; this interest amount, if approved, will bring the total amount of the award in Docket No. 22-H to \$22,099,933.37; the defendant has agreed to waive all claims of offset which it has asserted, or could have asserted, in Docket No. 22-H with the exception of repayment of a BIA loan to the Tribe in the amount of \$23,803.37.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby agrees to accept the sum of \$22,099,933.37, with a full understanding that the agreement to accept the award will finally dispose of all of the Tribe's claims, rights, and demands, which the Tribe has asserted or could have asserted in Docket No. 22-H.

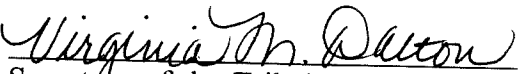
BE IT FURTHER RESOLVED by the Tribal Council that the acts and deeds of the members of the Tribal Council necessary to carry out the intent and purpose of this Resolution be, and the same are hereby ratified, confirmed and adopted as the acts and deeds of the Tribe.

Resolution No. 06-95-192

The foregoing resolution was on June 7, 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), (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