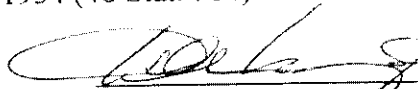


**RESOLUTION OF THE  
WHITE MOUNTAIN APACHE TRIBE OF THE  
FORT APACHE INDIAN RESERVATION**

- WHEREAS,** the Tribal Council in Resolution 08-98-186 authorized the Tribal Watershed Program to apply for grant funds from the Arizona Water Protection Fund for Watershed Restoration Projects for the Lofer, Gooseberry and Cibecue Watershed Projects; and
- WHEREAS,** the Tribe's application for each of the three projects was successful, scoring in the top 10 for all grant applications in the State of Arizona and selected for a grant award of approximately \$500,000 over a three (3) year period; and
- WHEREAS,** following the tentative award of the grant, the Tribal Watershed Planning Department, Special Counsel, and the Tribal Legal Department began negotiations with the Arizona Department of Water Resources to develop an agreement setting conditions for the use of grant funds; and
- WHEREAS,** the Tribal Council is advised that the parties have been unable to reach grant conditions which would be acceptable to the White Mountain Apache Tribe; and
- WHEREAS,** the Council is advised that under the grant contract the Arizona Department of Water Resources would have unrestricted use of the Tribe's water resources data, and that any disputes arising under the grant would be subject to exclusive state court jurisdiction, among other provisions, all of which could operate to diminish the Tribe's sovereignty, jurisdiction and authority over its own sacred water resources, and abdicate that authority to a state administrative agency or state court; and
- WHEREAS,** based upon the restrictions and apparent jurisdictional obstacles to the use of the State Funds, it is recommended that the Tribe notify the Arizona Water Protection Fund Commission that it cannot accept the grant award.
- BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the Tribal Watershed Planning Department to notify the Arizona Water Protection Fund Commission that due to the conditions in the grant award and grant contract it is unable to accept the grant for the Gooseberry Creek Restoration, Lofer Creek Restoration, and Cibecue Creek Restoration.

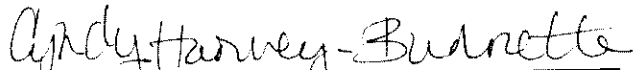
**Resolution No. 03-99-61**

The foregoing resolution was on March 08, 1999 duly adopted by a vote of six 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), (b), (f), (h), (j), (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

MAR 11 1999

  
Secretary of the Tribal Council