

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

- WHEREAS,** Tribal Attorney George Hesse, Special Counsel Robert C. Brauchli and Special Counsel Sylvia A. Cates advise the Tribal Council that the Tribe's counsel continue to investigate and prepare water rights claims on behalf of the White Mountain Apache Tribe in the W-1 General Stream Adjudication in the Maricopa County Superior Court and in the Little Colorado Stream Adjudication in the Apache County Superior Court; and
- WHEREAS,** the Tribal Council is advised that extensive work is ongoing to protect the Tribe's aboriginal rights and claims to surface water and groundwater; and
- WHEREAS,** the ongoing stream adjudications in the State of Arizona involve issues related to the history of the reservations in the state, including the Fort Apache Indian Reservation; and
- WHEREAS,** the Tribe's water rights counsel advise that the services of a professional historian are needed to research and collect all pertinent documents and other records that are relevant to the Tribe's water rights claims; and
- WHEREAS,** the Tribal Council is advised that the firm Nicklason Research Associates, whose principal historian is Mr. Mark Leutbecker, has previously worked on behalf of the Tribe under former Special Water Rights Counsel, William H. Veeder in the 22-H litigation; and
- WHEREAS,** the Tribe's counsel have concluded that Nicklason Research Associates is well qualified to conduct historical and archival research related to the Tribe's water rights claims and accordingly recommend to the Tribe that it engage the firm's services pursuant to a professional service agreement and counsel have prepared a contract for this purpose; and
- WHEREAS,** the Tribe's water rights counsel are of the opinion that the terms and provisions of this contract are in the best interests of the Tribe and are fair and equitable; and
- WHEREAS,** the contract provides that consultants fees and expenses shall not exceed \$30,000 per annum unless the Tribe gives its written consent; and
- WHEREAS,** the Tribal Council concludes that it would be in the best interest of the Tribe to engage the services of Nicklason Research Associates and to authorize the Tribal Chairman and, in his absence, the Vice Chairman, to execute the contract for the purposes described herein; and

WHEREAS, the Tribe's water rights counsel advise that funds secured from the Bureau of Indian Affairs for water rights litigation and negotiation purposes are available to pay for the services of Nicklason Research Associates and recommend that a portion of these funds be used for this purpose; and

WHEREAS, the Tribal Council concludes that retention of a historian to research and collect historical records related to the Tribe's water rights is an appropriate and desirable use of the funds.

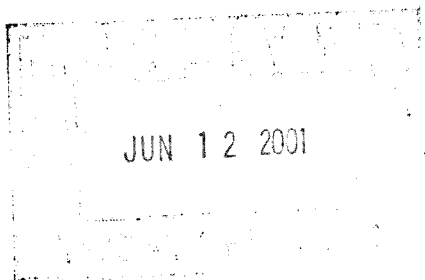
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the Professional Service Agreement for retention of Nicklason Research Associates, professional historians, to conduct historical and archival research in furtherance of the Tribe's water rights claims.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby authorizes the Tribal Chairman and, in his absence the Vice Chairman, to sign any and all necessary documents to effectuate the purposes of this resolution.

BE IT FURTHER RESOLVED by the Tribal Council that Nicklason Research Associate's services be paid from the water rights litigation funds discussed herein.

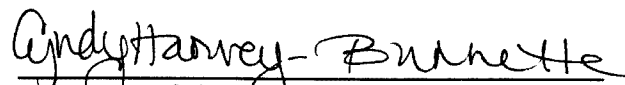
BE IT FURTHER RESOLVED by the Tribal Council that should the Tribe's water rights counsel determine that the need for historical and archival services exceeds \$30,000 per annum, it hereby authorizes the Tribal Chairman and, in his absence the Vice Chairman, to sign any necessary documents to increase the budget for such services, provided that there are sufficient water rights litigation and negotiation funds available.

The foregoing resolution was on May 17, 2001 duly adopted by a vote of SEVEN 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



Secretary of the Tribal Council