

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

- WHEREAS**, the Tribe has asserted its prior and paramount rights to the transbasin Coconino Aquifer which provides the base flow for springs, tributaries and streams in both the Little Colorado River (LCR) Basin and the Salt River Basin and the Bureau of Indian Affairs and Department of Justice have amended claims for the Tribe to include the Coconino Aquifer in both the LCR and Gila River General Stream Adjudications; and
- WHEREAS**, off-Reservation groundwater pumping from the Coconino and related aquifers in the Little Colorado River Basin is an imminent threat to the base flow of the Tribe's springs and rivers within the Salt River Basin; and
- WHEREAS**, currently, neither the Apache County Superior Court nor the Maricopa County Superior Court has, or can exercise, complete personal and subject matter jurisdiction over the transbasin Coconino and related aquifers, thereby rendering it impossible for either state court to issue an enforceable McCarran Act decree quantifying and declaring the rights of all claimants to the source of surface water in both basins; and
- WHEREAS**, the Coconino Aquifer and associated overlying aquifers are inextricably commingled with, and are the source of, base flow for surface water in both the Little Colorado River and Salt River basins and must be included in any general stream adjudication involving those basins; and
- WHEREAS**, based upon the above, there is a pressing and urgent need for the Tribe to obtain funding from the BIA to: (1) support development of basic resource studies and technical data to prepare and defend the Tribe's reserved water rights claim; (2) reach ultimate resolution of its long-standing reserved water rights claims with adequate preparation to litigate those claims; (3) conduct technical studies and investigations related to the Tribe's water rights claims in the ongoing water rights litigation in the Apache County and Maricopa County Superior courts; (4) complete its groundwater model for the Coconino and other aquifers; (5) develop water instream flow studies and other studies as described in the Tribe's BIA 2002 funding request, including, but not limited to employment of competent historians and agricultural economists for the preparation of practicable irrigable acreage claims; and (6) prepare to intervene in pending state court actions declaring the Tribe's prior and paramount rights to the use of water from the Coconino and other transbasin aquifers that provide the base flow of the Tribe's springs and

streams, or in the alternative, seek Federal Court protection of the base flow of the Tribe's streams and springs; and

**WHEREAS**, the Tribe's efforts in the foregoing areas are not duplicative of BIA and Department of Justice efforts regarding the Tribe's water rights; and

**WHEREAS**, although the Tribe received substantially less than its previous funding requests in FY 97, 98, 99 and 2000, it has completed the tasks funded by the BIA except for certain tasks due to insufficient funding as itemized in the FY2000 Progress Report included in the Tribe's FY2002 funding request; and

**WHEREAS**, funding from the Trustee United States through its principal agent, the Bureau of Indian Affairs, is greatly appreciated by the Tribe, but has been insufficient to fund necessary water resources planning, management and pre-development or for water rights litigation and negotiation; and

**WHEREAS**, approval by the Trustee United States of the Tribe's FY2002 BIA funding request, as itemized and justified in said request, is critical at this time to protect and advance the Tribe's water resources, a priceless trust resource asset of the White Mountain Apache Tribe; and

**WHEREAS**, it is anticipated that the Arizona Supreme Court will render its opinion this year on how Indian water rights are to be quantified and the White Mountain Apache Tribe may have to formally intervene in the State Court General Stream Adjudications to protect its water rights; and

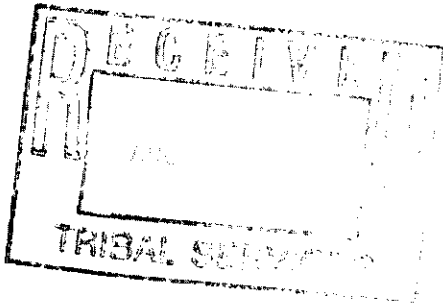
**WHEREAS**, the Tribe is able and willing to contribute \$ 49,735 in matching funds in the form of in-kind services.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby it hereby approves under authority of Public Law 93-638, FY2002 funding applications to the Bureau of Indian Affairs Branch of Land and Water Resources and to the Office of Trust Responsibilities under the category of "Water Resources Planning, Management and Pre-development (340)" in the amount of \$ 329,327 and under the category of "Water Rights Litigation and Negotiation (344)" in the amount of \$191,739 as itemized and justified therein.

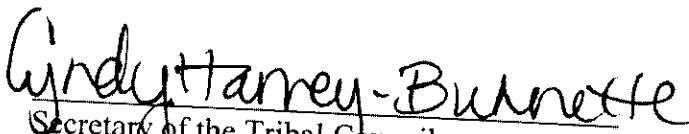
**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Tribal Chairman and in his absence, the Vice Chairman, is hereby authorized to sign any and all necessary documents related to this BIA funding request in FY2002.

**Resolution No. 07-2001-213**

The foregoing resolution was on July 23, 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), (c), (d), (f), (h), (i), (j), (k), (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