

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

WHEREAS, the White Mountain Apache Tribe has suffered immeasurable damages to its homeland and sacred waters as a result of the devastating Rodeo-Chediski Fire; and

WHEREAS, the impacts of this fire will be felt for years to come in the way of increased erosion and changes in water quantity and quality flowing within and through the Reservation; and

WHEREAS, these impacts, exacerbated by the persistent drought plaguing the White Mountain region since 1997, threaten the water supplies on which the Communities of Carrizo and Cibecue depend for domestic, municipal, and industrial water use; and

WHEREAS, the Miner Flat Well Field, which supplies municipal and industrial water to nearly 80% of the Reservation's population, including the greater Whiteriver area, is now showing signs of extreme dewatering and faces probable extinction within 5 years at current extraction rates; and

WHEREAS, the fire and drought impacts to Reservation water resources are so severe that the Tribe stands to lose millions of dollars in recreation revenues due to administrative closures mandated by hazardous conditions as well as loss of fish in ash-impacted streams; and

WHEREAS, the drought-impacted winter snowpack in the region has seriously impaired the Tribe's valuable ski industry and all of the local businesses dependent on that industry; and

WHEREAS, the Tribe has asserted its prior and paramount rights to the use of water from the Coconino and other trans-basin aquifers that provide the base flow of the Tribe's springs and streams; and

WHEREAS, the Arizona Supreme Court has ruled that federal reserved rights extent to groundwater and the Bureau of Indian Affairs and Department of Justice have amended water rights claims for the Tribe to include the trans-basin Coconino Aquifer in both the Little Colorado River 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, 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) real 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) continue to update its groundwater model for the Coconino and other aquifers; (5) develop water development and other water monitoring studies as described in the Tribe's BIA 2003 funding request, including, but not limited to employment for competent historians and agricultural economists for the preparation of practicable irrigable acreage claims; and (6) analyze prospects for Tribal intervention in pending state court actions; and

WHEREAS, the Tribe's effort in the foregoing areas are not duplicate 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, 2000, 2001, and 2002, it has completed the tasks that have been funded by the BIA as itemized in the associated Progress Reports included in the Tribe's current and prior funding requests; and

WHEREAS, past 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 water rights litigation and negotiations; and

WHEREAS, approval by the Trustee United States of the Tribe's FY2003 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.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves under authority of Public Law 93-638, FY2003 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 \$1,414,291, and under the category of "Water Rights Litigation and Negotiation (344)" in the amount of \$413,028 as itemized and justified therein.


BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that

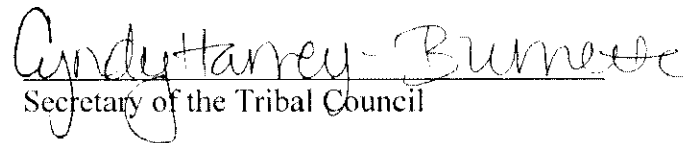
Resolution No. 08-2002-212

the Tribal Chairman or in his absence, the Vice-Chairman, is hereby authorized to sign any and all necessary documents related to this BIA funding request in FY2003.

The foregoing resolution was on August 8, 2002 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), (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).

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Chairman of the Tribal Council


Secretary of the Tribal Council