

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

WHEREAS, the Tribal Council of the White Mountain Apache Tribe adopted Resolution No. 09-2003-245, on September 23, 2003, a copy of which is attached to this Resolution as Appendix A and incorporated by reference herein; and

WHEREAS, the Department of Interior's Criteria and Procedures for Indian Water Rights Settlements declares that "Indian water rights are vested property rights for which the United States has a trust responsibility, with the United States holding legal title to such water in trust for the benefit of the Indians"; and

WHEREAS, the Tribal Council of the White Mountain Apache Tribe has the sworn and sacred duty under the Tribe's Constitution and by virtue of the Tribe's inherent sovereign powers of self-government, to protect and preserve the wildlife, plant life, forests, natural resources and water rights of the Tribe and to assert and protect the Tribe's aboriginal and other reserved rights to the use of water that border, traverse and underlie its ancestral lands, now known as the Fort Apache Indian Reservation; and

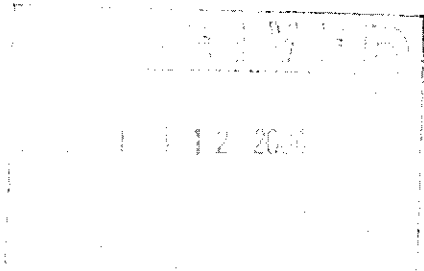
WHEREAS, the Tribal Council has consistently acted to assert, protect and preserve its time immemorial rights to the use of water on its lands before the Congress of the United States and the Secretary of the Interior, the principal agent of the Trustee United States; and

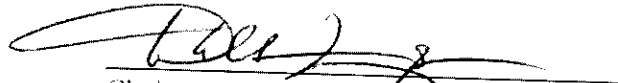
WHEREAS, the Tribal Council concludes that it would be in the best interests of the White Mountain Apache Tribe to formally request that the Secretary of the Interior designate and appoint a Federal Negotiating Team so that the White Mountain Apache Tribe's substantial water rights in the Little Colorado and Salt River Systems may be protected and asserted by the Tribe and its Trustee, the United States of America.


BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby reaffirms Resolution No. 09-2003-245, incorporated by reference herein.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that based upon the Tribe's concerns and assertions outlined in Resolution No. 09-2003-245, and those set forth in this Resolution, the White Mountain Apache Tribe hereby formally and respectfully requests that the Secretary of the Interior, principal agent of the Tribe's Trustee, the United States of America, appoint a Federal Negotiating Team for the purposes set forth in the Department of Interior's Criteria and Procedures for the Participation of the Federal Government in Negotiations for the Settlement of Indian Water Rights Claims.

The foregoing resolution was on January 14, 2004, duly adopted by a vote of 7 for and 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1(a), (c), (f), (g), (i), (t) and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).




Chairman of the Tribal Council

Attest: 
ACTING Secretary of the Tribal Council