

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

**(Authorizing Request for BIA FY 2007, Water Management, Planning, and Pre-development (34020) and
Water Rights Litigation/Negotiation (34420) Program Grants)**

- WHEREAS,** the White Mountain Apache Tribe has asserted its aboriginal, reserved, prior and paramount rights to the use of water from the surface waters of the Little Colorado River and Salt River basins, and from the Coconino and other transbasin aquifers that provide the base flow of the Tribe's springs and streams; and
- WHEREAS,** the Secretary of the Interior has appointed a Federal Negotiating Team for the Tribe 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; and
- WHEREAS,** the federal negotiating process and ultimately, the General Stream Adjudications for the Little Colorado River and the Gila (Salt) River Systems, will require the White Mountain Apache Tribe to establish, define, and quantify its water use rights/claims to the Salt River and Little Colorado River systems and associated aquifers; and
- WHEREAS,** the Tribe's funding requests for FY2007(BIA) Water Rights Litigation/ Negotiation (34420) and Water Management, Planning, and Pre-Development (34020) program grants, attached and incorporated by reference herein, address issues identified by the Arizona Supreme Court in 201 Ariz. 307 (2001) on the quantification of Indian reserved water rights, which must be prepared by the Tribe to establish, define, and quantify its aboriginal and otherwise reserved water use claims and rights; and
- WHEREAS,** there is a pressing need for the Tribe to obtain BIA water rights funding in FY2007 to continue, and as appropriate, to complete: (1) development of basic water resource studies and technical data to prepare and defend the Tribe's reserved water use rights and claims; (2) technical studies and investigations related to the Tribe's water use rights/claims pending in the LCR and Gila River General Stream Adjudications and to defend those claims in the federal negotiation process; (3) groundwater modeling for the transbasin Coconino and other aquifers; (4) water development and other water monitoring studies as described in the Tribe's BIA FY07 funding requests, including, but not limited to, funding ongoing contracts with surveyors, historians hydrologists, engineers, geologists and agricultural, livestock, and recreation economists for the preparation of practicable irrigable acreage and other water use claims; (5) a depletion

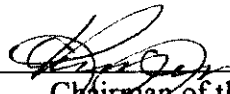
analysis, and other technical studies as described in the Tribe's FY07BIA (34020) and (34420) grant requests; and

WHEREAS, the Tribe has completed previously funded tasks, insofar as funding by the BIA permitted, as summarized in the Tribe's current funding request for BIA Water Management, Planning, and Pre-Development (34020) and Water Rights Litigation and Negotiation (34420) program grants, and as outlined in Accomplishment Reports for previously awarded program grants.

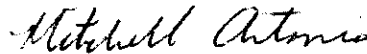
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves under authority of Public Law 93-638, FY2007, the funding requests attached hereto, and incorporated by reference herein, to the Bureau of Indian Affairs Branch of Land and Water Resources and to the Office of Trust Responsibilities under the category of "Water Resources Planning, Management, and Pre-development (34020)" in the amount of \$149,946, and under the category of "Water Rights Litigation and Negotiation (34420)" in the amount of \$ 199,598, 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 Chairwoman, is hereby authorized to sign any and all necessary documents related to the foregoing funding requests for BIA FY2007 grant assistance, reviewed and approved this date by the Tribal Council, and to submit them to the Fort Apache Agency and/or the Western Regional Office, BIA, DOI .

The foregoing resolution was on August 18, 2006 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), (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



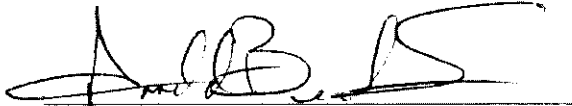
ACTING

Secretary of the Tribal Council

Resolution No. 08-2006-276

Signatures of the members of the Tribal Council represent their approval of Tribal Council Resolution No. 08-2006-276 dated the 18th day of August 2006.

Ronnie Lupe
Tribal Chairman
WHITE MOUNTAIN APACHE TRIBE



Arnold Beach, Sr.
District I Council Member
WHITE MOUNTAIN APACHE TRIBE

Margaret Baha-Walker
Vice Chairwoman
WHITE MOUNTAIN APACHE TRIBE



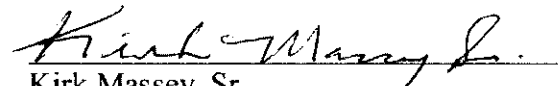
Evangeline Gatewood
District I Council Member
WHITE MOUNTAIN APACHE TRIBE

Lafe Altaha
District II Council Member
WHITE MOUNTAIN APACHE TRIBE

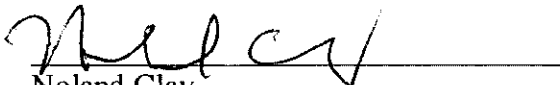


Victoria Brewer
District II Council Member
WHITE MOUNTAIN APACHE TRIBE

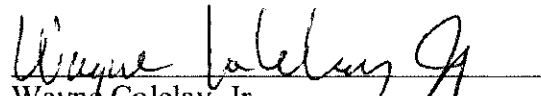
Alvin DeClay, Sr.
District III Council Member
WHITE MOUNTAIN APACHE TRIBE



Kirk Massey, Sr.
District III Council Member
WHITE MOUNTAIN APACHE TRIBE



Noland Clay
District IV Council Member
WHITE MOUNTAIN APACHE TRIBE



Wayne Colelay, Jr.
District IV Council Member
WHITE MOUNTAIN APACHE TRIBE

Reno Johnson, Sr.
District IV Council Member
WHITE MOUNTAIN APACHE TRIBE

ATTEST:

ACTING



Cyndy R. Harvey, Tribal Council Secretary
WHITE MOUNTAIN APACHE TRIBE