



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

(Directing Water Rights Attorney to Prepare Resolution Regarding June 3, 2008, Draft of White Mountain Apache Water Rights Quantification Settlement Agreement and White Mountain Apache Tribe Water Rights Quantification Act)

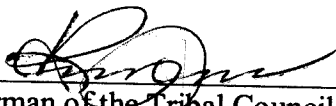
- WHEREAS,** the Tribal Council of the White Mountain Apache Tribe has the Constitutional duty to protect, on behalf of all tribal members, the priceless water use rights of the White Mountain Apache Tribe which are considered presently vested property rights under the reserved water rights doctrine, often referred to as the Winters Doctrine, and real property law; and
- WHEREAS,** pursuant to its Constitutional duty, the Tribal Council has continuously asserted and taken appropriate action to protect the reserved water use rights of the White Mountain Apache Tribe to surface and ground waters within the Salt River and Little Colorado River drainages that border, traverse and underlie the Tribe's present-day Fort Apache Indian Reservation which lies within the Tribe's former aboriginal lands over which it enjoys an unbroken chain of aboriginal and legal title; and
- WHEREAS,** the Tribe's water rights claims include prior and paramount water use rights to the base flow of the Salt River and its tributaries, the source of which is the Transbasin Coconino and other aquifers; and
- WHEREAS,** since appointment on June 25, 2004, of a Federal Negotiation Team by the Secretary of the Interior to assist the Tribe in the protection, assertion, and quantification of the Tribe's reserved water use rights, the Tribal Council has had numerous meetings with the Federal Negotiation Team, the Salt River Project (SRP), the Phoenix Valley Cities, Central Arizona Water Conservation District (CAWCD), Freeport-McMoRan Copper & Gold, Inc. (formerly Phelps Dodge), Roosevelt Water Conservation District (RWCD), the northern boundary towns of Show Low and Pinetop-Lakeside, the Arizona Water Company, and other water users in the Little Colorado River and Gila River General Stream Adjudications for the purpose of reaching an equitable and dignified water rights quantification agreement which would forever recognize, confirm, and decree the reserved water use rights of the Tribe, secure CAP water rights, and to authorize funding to develop the Tribe's quantified water use rights; and
- WHEREAS,** there is agreement amongst all of the parties, including the Tribe, that it is important that a final Water Quantification Agreement be reached by the end of June 2008, in order to ensure introduction in Congress of the proposed White Mountain Apache Tribe Water Rights Quantification Act of 2008, (hereinafter, "Act") in 2008; and
- WHEREAS,** agreement on virtually all of the terms of the proposed Water Quantification Agreement and proposed Water Rights Quantification Act has been achieved to the satisfaction of the Tribal Council with certain exceptions which must be resolved before the Tribal can render its final approval of the proposed Water Quantification Agreement and Act; and

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WHEREAS, the Tribal Council concludes that the Tribe's water rights attorney should be directed to prepare a resolution approving a Water Rights Quantification Agreement and Congressional Water Rights Quantification Act with downstream water users and parties to the Gila River and Little Colorado River General Stream Adjudications, subject to certain conditions which must be listed in the resolution and agreed to by all of the parties before the Tribal Council can finally take action to approve a Water Quantification Agreement and Water Rights Quantification Act, and that said resolution shall be delivered by the Tribe's water rights attorney to the Tribal Council by the end of business, Monday, June 23, 2008.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs the Tribe's water rights attorney to draft a resolution for the Tribal Council's review and consideration that would approve a Water Rights Quantification Agreement and Water Rights Quantification Act with parties to the Little Colorado River and Gila River General Stream Adjudications now pending in the Apache County and Maricopa County superior courts, respectively, under the McCarran Amendment, but only if final agreement can be reached by the parties in regards to certain conditions and provisions set forth in the draft resolution; further, that the draft resolution described herein be delivered to the office of the Tribal Chairman, Tribal Council Secretary, and Tribal Attorney for distribution to the Tribal Council before the end of business on Monday, June 23, 2008, so that members of the Tribal Council will have the draft resolution in their possession for meetings scheduled for Wednesday, June 25, 2008, and Friday, June 27, 2008, in Phoenix, with the Salt river Project, the Valley Cities, and other parties to the proposed Water Rights Quantification Agreement.

The foregoing resolution was on June 20, 2008, duly adopted by a vote of SEVEN for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), (f), (i), (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