



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

**(Extending Expert Consultant Contracts for Watson Engineering, Inc.,
and Morrison-Maierle)**

- WHEREAS,** pursuant to Article IV, Section 1(a) and 1(s) of the Constitution of the White Mountain Apache Tribe, *inter alia*, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe; and
- WHEREAS,** the Tribal Council on October 17, 2007, adopted Resolution No. 10-2007-433 which extended the expert consultant contracts for Mike Watson d/b/a Watson Engineering, Inc. ("WE") and Michael Kaczmarek, employed by Morrison-Maierle, Inc., ("MM") for one year and said contract extensions will expire on September 30, 2008; and
- WHEREAS,** expert consultants Michael Watson and Michael Kaczmarek have provided valuable expert advise in regards to the Tribe's surface and ground waters in the Salt River and Little Colorado River drainages with emphasis on the preparation of a groundwater model and other water quantification analyses, imperative for the protection of the Tribe's reserved claims and rights to the base flow of the Salt River, the source of which is the Trans-Basin Coconino and other aquifers; and
- WHEREAS,** water rights consultants Watson and Kaczmarek have prepared technical and legal findings and exhibits describing the Tribe's resources and management alternatives, the evaluation of surface water, groundwater, range, forest, geology and plant ecology, preparation of maps and exhibits and updates thereto, and other services provided for in their respective contracts entered into on June 30, 1995 with the White Mountain Apache Tribe in relation to the Tribe's water rights claims and the Gila River and Little Colorado River General Stream Adjudications, including a water budget in support of the Tribe's water use rights and the Project Extension Report for the Miner Flat Dam Project; and
- WHEREAS,** consultants Watson's are required, and Kaczmarek's services and expertise may be required after September 30, 2008, to assist in the implementation of the WMAT Quantification Agreement and other water related development and legal matters; and
- WHEREAS,** consultants Watson's and Kaczmarek's professional services in regards to the Miner Flat Dam project have been paid from: the Miner Flat Dam 638 Contract in accordance with the scope-of-work and amendments thereto in the 638 Contract between the Tribe and the BIA; the BIA (340) Water Resources Planning, Management, and Pre-Development Contract Services grant funds, and BIA (344) Water Rights Litigation and Negotiation Program Funds; and
- WHEREAS,** the source of funding to pay consultants Watson and Kaczmarek, for services rendered, has been and will continue to be, depending on the nature of the work performed, from (a) the Miner Flat Dam 638 Contract; (b) BIA (340) Water Resources Planning, Management and Predevelopment Contract Services grants; and (c) from BIA (344) Water Rights Litigation and Negotiation Program grants; and
- WHEREAS,** payment to Messrs. Watson and Kaczmarek will generally be dependent upon availability of funding from the foregoing federally funded sources, but may include payment from Tribal

Resolution No. 11-2008-271

funds, but *only* if the Tribal Council appropriates funds therefor during the duration of the one (2) year contract extension of Mike Watson's and Mike Kaczmarek's consulting expert contracts approved herein; and that lacking any written authorization and appropriation of Tribal funds for their services, the Tribe shall not be liable to WE or MM for any fees or expenses in access of the federal funding sources listed and described herein; and

WHEREAS, In the event that WE or MM seek any rate increases after the contract extension approved herein expires, WE and MM shall give advance notice thereof and appear personally before the Tribal Council to explain the reasons for said rate increase prior to approval of any new contract extension, which shall be at the discretion of the Tribal Council; and

WHEREAS, WE and MM shall provide the Tribal Council with a monthly report of their respective expenditures by and through the Office of the Tribal Hydrologist during the term of this contract extension; and

WHEREAS, the Tribal Council concludes that approval of the expert consultant contract extensions between the Tribe and Watson Engineering, Inc., and Morrison-Maierle, Inc., as attached hereto, and which incorporate the reporting requirements and other terms expressed in this Resolution, is essential for the protection of the Tribe's prior and paramount, aboriginal and otherwise reserved water use rights, and for the planning, management and development of its water resources, for implementation of the Tribe's Quantification Agreement and advice as needed regarding the Tribe's water rights, and to otherwise assist and consult with the Tribe's water rights team and the Tribal Council on water rights development, negotiation, litigation, and completion of the Miner Flat Dam Project for a dependable drinking water supply for the Tribe.

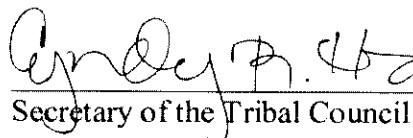
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that that it hereby approves an extension of the expert consultant contracts for Mike Watson, d/b/a Watson Engineering, Inc., ("WE"), and Morrison-Maierle, Inc., ("MM") for Michael Kaczmarek's and other's services, for an additional two years commencing September 30, 2008, and expiring on September 30, 2010, in conformity with the form and content of the contract extensions attached hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the Tribal Chairman, and, in his absence, the Vice Chairwoman, to execute the contract extensions attached and incorporated by reference herein.

The foregoing resolution was on **NOVEMBER 19, 2008** duly adopted by a vote of **FOUR** for and **TWO** against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (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