



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

**(Approving White Mountain Apache Tribe Water Rights Quantification Agreement, CAP Leases, CAP Water Delivery Contract and WMAT Water Rights Quantification Legislation)**

- 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 under real property law; and
- WHEREAS,** pursuant to its Constitutional duty, the Tribal Council has continuously asserted and taken appropriate action for decades 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 established within the Tribe's former aboriginal lands, over which it enjoys an unbroken chain of aboriginal, legal and beneficial 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 Trans basin Coconino and other aquifers; and
- WHEREAS,** since appointment on June 25, 2004, at the request of the Tribal Council, 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 (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 recognize, confirm, and decree the reserved water use rights of the Tribe in perpetuity and which would authorize and appropriate funding to develop the Tribe's water use rights; and
- WHEREAS,** the parties and the White Mountain Apache Tribe have reached agreement on a proposed Water Rights Quantification Agreement for the Tribe, and the Exhibits thereto, including the terms of CAP Leases between the Tribe and the Valley Cities and the Central Arizona Water Conservation District (CAWCD), and a CAP Water Delivery Contract between the United States and the Tribe, approval of which is a precondition to the timely introduction in Congress this year of the White Mountain Apache Tribe Water Rights Quantification Act of 2009, (hereinafter, "Act") and

**Resolution No. 01-2009-13**

**WHEREAS,** the proposed WMAT Water Rights Quantification Agreement and proposed WMAT Water Rights Quantification Act have been distributed and discussed with the Tribal Council and only minor non-substantive changes are anticipated to be made to the Agreement and Act and other documents after the Act is introduced in Congress, and then only with the approval of the Tribal Council; and

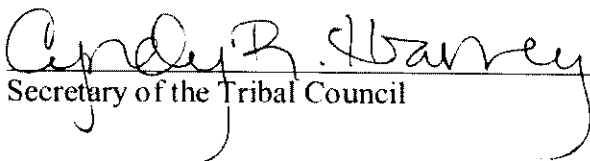
**WHEREAS,** the Tribal Council concludes that it would be in the best interests of the White Mountain Apache Tribe for the preservation, security, and protection of the Tribe's water use rights in perpetuity, and for the development of the water use rights of the White Mountain Apache Tribe, to approve the form and content of the Water Rights Quantification Agreement, CAP leases, and other documents, the terms of which were negotiated by the Tribal Council.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby agrees to and approves the terms of the White Mountain Apache Tribe Water Rights Quantification Agreement, CAP Leases and exhibits, the U.S. CAP Water Delivery Contract and the White Mountain Apache Tribe Water Rights Quantification Act as presented on this date.

**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, and any other necessary tribal officials and legal counsel to sign the White Mountain Apache Tribe Water Rights Quantification Agreement, the CAP Water Delivery Contract between the Tribe and the United States, the CAP water leases between the Tribe and the various Valley Cities listed in the Agreement and with CAWCD, and any and all other documents required to implement this Resolution.

The foregoing resolution was on January 13, 2009, duly adopted by a vote of NINE for and ONE 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), (c), (f), (h), (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).

  
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Chairman of the Tribal Council

  
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Secretary of the Tribal Council