



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approval of Winter Cloud Seeding Research Memorandum of Understanding with Salt River Project)

- WHEREAS,** the White Mountain Apache Tribe has sovereign authority over the water resources within the Fort Apache Indian Reservation including investigation and research of precipitation and snowfall for the purpose of administrating and predicting the availability of the Tribe's water resources, water conservation planning and development; and
- WHEREAS,** the establishment of a research partnership between the White Mountain Apache Tribe and the Salt River Project to investigate the feasibility of surface water augmentation through winter cloud seeding over the upper Salt River Watershed could be beneficial to the White Mountain Apache Tribe; and
- WHEREAS,** the White Mountain Apache Tribe and the Salt River Project agreed to jointly develop research objectives, prepare requests for proposals from qualified mutually agreed upon vendor(s), and actively participate as stakeholders of any research that is initiated as a result of this partnership; and
- WHEREAS,** Salt River Project has agreed to provide funding for any agreed upon winter cloud seeding research, with the option to seek additional, jointly agreed upon funding partners as indicated by the MOU, which is attached to this resolution and incorporated by reference herein; and
- WHEREAS,** Cheryl Pailzote, Director of the WMAT Water Resources Department, has negotiated the terms of a proposed MOU between the White Mountain Apache Tribe and Salt River Project, with the assistance of water rights counsel Robert C. Brauchli, who advises that he has no legal objection to the proposed research and partnership as described in the attached MOU referenced herein; and
- WHEREAS,** the MOU provides that either party can terminate the MOU upon written request to the other party with not less than thirty (30) days advance notice of the effective date of the termination; and
- WHEREAS,** the MOU expressly states that the sovereign immunity of the White Mountain Apache Tribe is not waived by the Tribe entering into the MOU; and
- WHEREAS,** it is recommended by Water Resources Program Director Cheryl Pailzote that the MOU be approved, and advises the Tribal Council that wintertime cloud seeding research partnership between the White Mountain Apache Tribe and the Salt River Project will provide the White Mountain Apache Tribe with valuable knowledge using the latest

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scientific methodologies of the potential for surface water augmentation through wintertime precipitation enhancement via cloud seeding, and will also provide the opportunity for Tribal staff to further their professional experience as it is anticipated that the Water Resources Department staff will work closely with the Salt River Project in understanding the climatology and surface hydrology of the upper Salt River Watershed; and

WHEREAS, the Tribal Council concludes that it would be in the best interests of the White Mountain Apache Tribe at this time to approve the MOU between the Salt River Project and the White Mountain Apache Tribe in the form and content attached to this resolution.

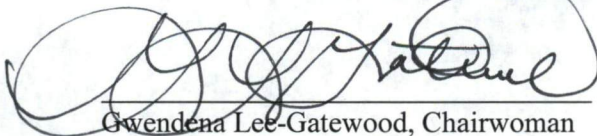
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the Memorandum of Understanding between the Salt River Project and the White Mountain Apache Tribe for the creation of a research partnership to investigate the feasibility of surface water augmentation through wintertime cloud seeding, in the form and content attached hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

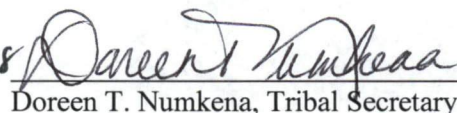
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairwoman, or in her absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on **SEPTEMBER 12, 2018** duly adopted by a vote of **TEN** for, **ONE** against, and **ZERO** abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).


Gwendena Lee-Gatewood, Chairwoman

9/24/18
Date


Doreen T. Numkena, Tribal Secretary

9/25/2018
Date