



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Supporting Basin Tribes' Key Principles in the Development and Implementation of Post-2026 Guidelines for the Colorado River System)

- WHEREAS,** The Constitution of the White Mountain Apache Tribe ("Tribe") of the Fort Apache Indian Reservation ("Constitution") provides, at Article IV, Section 1(a) that the Tribal Council ("Council") shall exercise the power "[t]o represent the tribe and act in all matters that concern the welfare of the Tribe, and to make decisions not inconsistent with or contrary to this constitution"; and
- WHEREAS,** In 2010, Congress passed the White Mountain Apache Tribe Water Rights Quantification Act (Pub. L. 111-291, Title III, 124 Stat. 3073) ("Act"), which settled the Tribe's water right claims against the federal government and a number of Arizona state parties, provided federal funding to construct the WMAT Rural Water System, and allocated 25,000 acre-feet of Central Arizona Project ("CAP") water to the Tribe, consisting of CAP water with municipal and industrial ("M&I") and non-Indian agricultural delivery priorities; and
- WHEREAS,** Based upon the Tribe's allocation of CAP water, it has a strong interest in the management and operations of the Colorado River Basin ("Basin"), specifically within the Lower Basin, where the Tribe is located; and
- WHEREAS,** The Colorado River Basin continues to face challenges due to drought, growing demand for system water, and decreased system storage, which impacts the water rights of all those within the Upper Basin and Lower Basin; and
- WHEREAS,** The United States Bureau of Reclamation ("Reclamation") manages any shortages in the Lower Basin as well as the operations of Lake Powell and Lake Mead in accordance with the 2007 Interim Guidelines, which are due to expire in 2026; and
- WHEREAS,** In response to the impending 2026 expiration of the 2007 Interim Guidelines, the Bureau of Reclamation commenced the process to develop successor long-term Post-2026 operating guidelines, including the initiation of the NEPA process; and
- WHEREAS,** Reclamation must now engage with thirty (30) Tribal nations, seven (7) states (including Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming), and the country of Mexico to strategize and develop Post-2026 operations of Colorado River facilities; and
- WHEREAS,** Tribal nations within the Colorado River Basin recognize the need to be actively involved in the development and implementation of any Post-2026 guidelines, particularly due to the lack of outreach by the United States to the Tribes during the development of the 2007 Interim Guidelines; and

WHEREAS, The following key principles have been developed by the Basin Tribes as an expectation for the United States, as trustee, and Basin States to incorporate into any alternatives that emerge during the Post-2026 process, namely:

- (1) To meet its trust responsibility to Basin Tribes, the United States must take actions to actively protect Tribal water rights (irrespective of whether they have already been finally quantified); and
- (2) Empower Tribes to determine how and when to use their water rights by adopting and supporting a portfolio of flexible tools; and
- (3) Provide for a permanent, formalized structure for Tribal participation in implementing Post-2026 Guidelines, and in any future Colorado River policy and governance; and

WHEREAS, The Tribe's Attorney General and Water Attorney have presented these key principles to the Council, along with draft correspondence to the Commissioner of the Bureau of Reclamation that expounds upon the key principles based upon consensus of the Basin Tribes and further ensures the protection of the Tribe's water rights; and

WHEREAS, The Tribal Council recognizes the need for continued engagement with the United States in order to protect its water rights within the Colorado River system and supports the combined efforts of the Basin Tribes to hold the United States and Basin States accountable to the key principles and expectations set forth above during the development and implementation of any Post-2026 Guidelines, related policy and governance discussions.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby supports the following key principles in the development and implementation of any Post-2026 Guidelines, related policy, and governance discussions with the United States and/or Basin States:

- (1) To meet its trust responsibility to Basin Tribes, the United States must take actions to actively protect Tribal water rights (irrespective of whether they have already been finally quantified); and
- (2) Empower Tribes to determine how and when to use their water rights by adopting and supporting a portfolio of flexible tools; and
- (3) Provide for a permanent, formalized structure for Tribal participation in implementing Post-2026 Guidelines, and in any future Colorado River policy and governance.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the Chairman, to issue the joint correspondence regarding the above key principles to the Commissioner of the Bureau of Reclamation, in substantial conformity, as presented today, with the single use of the great seal of the Tribe for the sole purpose of its inclusion on the correspondence letterhead, and to negotiate agreements related to the Post-2026 EIS process and Post-2026 Guidelines in accordance with the key principles set forth 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 Chairman, or in his 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 FEBRUARY 20, 2024 duly adopted by a vote of ELEVEN for, ZERO 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 November 10, 2021, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

	
Kasey Velasquez, Chairman	Vaneyssa Johnson, Tribal Secretary
11.13.2024	03/18/2024
Date	Date