



**RESOLUTION OF THE GOVERNING BODY OF THE
THREE AFFILIATED TRIBES OF THE
FORT BERTHOLD INDIAN RESERVATION**

A Resolution Entitled: “Authorizing the Section 17 Corporation to Construct and Operate Water Storage Facilities to Support Its Water Marketing Program”

WHEREAS, The Mandan Hidatsa and Arikara Nation (“MHA Nation” or “Tribes”) having accepted the Indian Reorganization Act of June 18, 1934 (“IRA”), and the authority under said Act and having adopted a Constitution and By-Laws pursuant to said Act; and

WHEREAS, The Constitution of the MHA Nation generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and

WHEREAS, Article III, Section 1 of the Constitution of the MHA Nation provides that the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, The MHA Nation's Section 17 Corporation was established pursuant to federal law, 25 U.S.C. § 477, in order to allow the Section 17 Corporation to operate as a separate business arm of the MHA Nation; and

WHEREAS, Pursuant to Resolution No. 12-049-VJB the Tribal Business Council authorized the Section 17 Corporation to purchase excess water from the Fort Berthold Rural Water system and market and sell such excess water for commercial industrial and other lawful purposes; and

WHEREAS, In order to meet the demands of the oil and gas industry, the Section 17 Corporation finds it necessary to construct water storage facilities at existing and planned water depots and other strategic locations on the Reservation in order to enhance its ability to supply and deliver water to oil and gas producers on the Reservation; and

WHEREAS, Pursuant to 25 CFR section 162.005 (b) (2) (ii), the Section 17 Corporation, as a wholly owned entity of the MHA Nation, does not need a lease of tribal land from the MHA Nation if the MHA Nation has authorized it to manage tribal land; and

WHEREAS, the Section 17 Corporation hereby requests that the MHA Nation authorize it to utilize tribal land to develop and manage water storage facilities, including but not limited to earthen resevoirs, provided that they are lined, constructed and maintained under standards that meet or exceed North Dakota standards; and



WHEREAS, The Tribal Business Council finds it in the best interest of the MHA Nation to authorize its Section 17 Corporation to construct manage and maintain such storage facilities in furtherance of its water marketing program

NOW THEREFORE BE IT RESOLVED, That the Tribal Business Council authorizes the Section 17 Corporation to construct and manage water storage facilities in furtherance of its water marketing project on tribal land at the Mandaree raw water depot and at such other locations on tribal land as the Section 17 Corporation deems necessary to meet existing and future demands for the supply and the sale of water in furtherance of the water marketing program authorized under Resolution No. 12 – 049; provided that the location of any additional water storage facilities are approved by the Tribal Business Council and; provided further, that such facilities must be designed constructed and managed in a manner which meets or exceeds North Dakota standards.

BE IF FURTHER RESOLVED, For FY 2014, the Section 17 Corporation's cost of constructing and managing the storage facilities shall be paid out of the 2014 budget line item for water special projects.

BE IT FINALLY RESOLVED, The Tribal Chairman is hereby authorized to take such action as is necessary to carry out the terms and intent of this Resolution.

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CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 6 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 10th day of April, 2014, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.


Chairman Voting. Not Voting.

Dated this 10th day of April, 2014.



Executive Secretary V. Judy Brugh
Tribal Business Council
Three Affiliated Tribes

ATTEST:



Chairman Tex G. Hall
Tribal Business Council
Three Affiliated Tribes