



AMENDED

Resolution No. 18-083-FWF

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

A Resolution entitled, "*Consent to Certain Right(s) of Way across Tribal land*"

- WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, the authority under said Act, and having adopted a Constitution and By-laws under said Act; and
- WHEREAS,** Pursuant to Article III, Section 1 of the Constitution and By-Laws of the Three Affiliated Tribes, the Tribal Business Council is the governing body of the Tribes; and
- WHEREAS,** Pursuant to Article VI, Section 5(1) of said Constitution, the Tribal Business Council has the power to adopt resolutions regulating the procedures of the Tribal Council, its Agencies and Officials; and
- WHEREAS,** Article IX Sections 1 and 3 of the Constitution provides that the Tribal Business Council has the authority to manage and lease or otherwise deal with tribal lands and resources; and
- WHEREAS,** Leases and Rights of Way (ROWs) across tribal trust land require the consent of the Tribal Business Council pursuant to federal and tribal law; and
- WHEREAS,** The United States Department of the Interior, Bureau of Reclamation, (BOR) provides funding for the Fort Berthold Rural Water Supply system, (FBRW) to aid the MHA Nation in providing safe drinking water to its members throughout the Fort Berthold Indian reservation; and
- WHEREAS,** The FBRW is operated by the MHA Nation pursuant to a contract under the Indian Self-determination and Education Assistance Act, which requires rights of way for FBRW purposes to be granted to the BOR as the acquiring federal agency while the project is federally funded; and
- WHEREAS,** The applications for ROW(s) described herein have been reviewed and recommended for approval in accordance with the MHA Nation's approved procedure for authorizing ROWs on tribal land; and
- WHEREAS,** The Tribal Business Council finds it appropriate to authorize the ROWs described herein, and to waive the provisions for payment and bond in consideration of the public benefit the FBRW system provides.



NOW THEREFORE BE IT RESOLVED, the Tribal Business Council hereby consents to the following ROW(s) to the United States Department of Interior (acquiring agency BOR) and its assigns for the construction, operation, maintenance, and replacement of the FBRW system:

1. Allotment Number T 314A -A in the W1/2NW1/4, Section 10, Township 149N. Range 90W.; McLean County, 5th Principal Meridian of North Dakota, containing a 100% share, as more particularly described in Appendix A.1; and
2. Allotment Number 594A B in the N1/2, Section 23, Township 152N. Range 94W.; McKenzie County, 5th Principal Meridian of North Dakota, containing a 66.67% share, as more particularly described in Appendix A.2; and
3. Allotment Number 372A in the N1/2, Section 8, Township 150N. Range 92W.; Mountrail County, 5th Principal Meridian of North Dakota, containing a 59.41% share, as more particularly described in Appendix A.3; and
4. Allotment Number T 439A -B in the S1/2SW1/4 and NW1/4SW1/4, Section 4, Township 150N. Range 93W.; Mountrail County, 5th Principal Meridian of North Dakota, containing a 100% share, as more particularly described in Appendix A.4; and
5. Allotment Number 706A -A in the SW1/4, Section 4, Township 149N. Range 94W.; McKenzie County, 5th Principal Meridian of North Dakota, containing a 75.00% share, as more particularly described in Appendix A.5; and
6. Allotment Number T 714A in the Lot 1 (NE1/4NE1/4), Lot 2 (NW1/4NE1/4) and S1/2NE1/4, Section 1, Township 148N. Range 95W.; Dunn County, 5th Principal Meridian of North Dakota, containing a 100% share, as more particularly described in Appendix A.6; and
7. Allotment Number T 714A in the Lot 3 (NE1/4NW1/4), Lot 4 (NW1/4NW1/4), Lot 5 (SW1/4NW1/4) and SE1/4NW1/4, Section 6, Township 148N. Range 94W.; Dunn County, 5th Principal Meridian of North Dakota, containing a 100% share, as more particularly described in Appendix A.7; and
8. Allotment Number 719A in the SE1/4, Section 6, Township 148N. Range 94W.; Dunn County, 5th Principal Meridian of North Dakota, containing a 16.67% share, as more particularly described in Appendix A.8; and
9. Allotment Number 719A in the SW1/4, Section 5, Township 148N. Range 94W.; Dunn County, 5th Principal Meridian of North Dakota, containing a 16.67% share, as more particularly described in Appendix A.9; and



10. Allotment Number 718A in the Lot 1 = NE1/4NE1/4, Lot 2 = NW1/4NE1/4 and S1/2NE1/4, Section 6, Township 148N. Range 94W.; Dunn County, 5th Principal Meridian of North Dakota, containing a 16.67% share, as more particularly described in Appendix A.10; and
11. Allotment Number 718A in the Lot 3 = NE1/4NW1/4, Lot 4 = NW1/4NW1/4 and S1/2NW1/4, Section 5, Township 148N. Range 94W.; Dunn County, 5th Principal Meridian of North Dakota, containing a 16.67% share, as more particularly described in Appendix A.11; and
12. Allotment Number T 5439 in the S1/2SW1/4, E1/2SW1/4 and E1/2W1/2SW1/4 of Section 15, N1/2SE1/4 of Section 21 and N1/2NW1/4 of Section 22, all in Township 152N. Range 93W.; McKenzie County, 5th Principal Meridian of North Dakota, containing a 100% share, as more particularly described in Appendix A.12; and
13. Allotment Number T 531A -A in the N1/2NW1/4, Section 29, Township 152N. Range 94W.; McKenzie County, 5th Principal Meridian of North Dakota, containing a 100% share, as more particularly described in Appendix A.13; and
14. Allotment Number T 531A -B in the S1/2NW1/4, Section 29, Township 152N. Range 94W.; McKenzie County, 5th Principal Meridian of North Dakota, containing a 100% share, as more particularly described in Appendix A.14; and
15. Allotment Number T 984A -C in the W1/2SE1/4, Section 15, Township 147N. Range 90W.; Mercer County, 5th Principal Meridian of North Dakota, containing a 100% share, as more particularly described in Appendix A.15; and
16. Allotment Number T 2098 -A in the N1/2SE1/4NW1/4NE1/4, SW1/4SE1/4NW1/4NE1/4, N1/2NW1/4NE1/4 and SW1/4NW1/4NE1/4, Section 20, Township 148N. Range 94W.; Dunn County, 5th Principal Meridian of North Dakota, containing a 100% share, as more particularly described in Appendix A.16; and
17. Allotment Number T 2098 -B in the W1/2NW1/4, Section 21, Township 148N. Range 94W.; Dunn County, 5th Principal Meridian of North Dakota, containing a 100% share, as more particularly described in Appendix A.17; and
18. Allotment Number T 2098 -D in the NE1/4NE1/4, SE1/4SE1/4NW1/4NE1/4 & S1/2NE1/4, Section 20, Township 148N. Range 94W.; Dunn County, 5th Principal Meridian of North Dakota, containing a 100% share, as more particularly described in Appendix A.18; and



19. Allotment Number 1117A in the NE1/4, Lot 1, Lot 2 and E1/2NW1/4, Section 19, Township 148N. Range 94W.; Dunn County, 5th Principal Meridian of North Dakota, containing a 61.77% share, as more particularly described in Appendix A.19; and
20. Allotment Number T 690A -B in the W1/2W1/2NE1/4SW1/4SW1/4NW1/4, SE1/4SE1/4NW1/4, N1/2SE1/4NW1/4, NW1/4NW1/4SW1/4, E1/2NE1/4SW1/4, NW1/4SW1/4SW1/4NW1/4 and S1/2SW1/4SW1/4NW1/4, Section 16, Township 149N. Range 93W.; Dunn County, 5th Principal Meridian of North Dakota, containing a 100% share, as more particularly described in Appendix A.20; and
21. Allotment Number T 687 in the SW1/4NW1/4, Section 1, Township 148N. Range 88W.; McLean County, 5th Principal Meridian of North Dakota, containing a 100% share, as more particularly described in Appendix A.21; and
22. Allotment Number T 1259 -B in the NW1/4SW1/4 Less a Tract of land described as follows: Beginning at the 1/4 corner common to Secs. 1 & 2, Thence East 370', Thence South 171.45', Thence West 370', Thence North 171.45' to the point of Beginning; Less a Tract of land described as follows; Beginning at the South 1/16 corner common to Secs. 1 & 2, Thence North 353.55', Thence East 275', Thence South 353.55', Thence West 275', to the point of beginning, Section 1, Township 148N. Range 88W.; McLean County, 5th Principal Meridian of North Dakota, containing a 100% share, as more particularly described in Appendix A.22; and
23. Allotment Number G 3109 in the NW/4SW1/4SW1/4, Section 1, Township 148N. Range 88W.; McLean County, 5th Principal Meridian of North Dakota, containing a 100% share, as more particularly described in Appendix A.23; and
24. Allotment Number T 5251 in the N1/2NW1/4NW1/4, W1/2SE1/4NW1/4NW1/4, LOT 99 = W1/2NE1/4NW1/4, LOT 99 = E1/2SE1/4NW1/4NW1/4, LOT 99 = SW1/4NW1/4 and SW1/4NW1/4NW1/4, Section 29, Township 152N. Range 93W.; McKenzie County, 5th Principal Meridian of North Dakota, containing a 100% share, as more particularly described in Appendix A.24; and
25. Allotment Number T 15173 in the LOT 99 = Lots 1 and 2, NE1/4NW1/4 and NW1/4NE1/4, Section 19, Township 150N. Range 93W.; Dunn County, 5th Principal Meridian of North Dakota, containing a 100% share, as more particularly described in Appendix A.25; and
26. Allotment Number T 5201 in the LOT 99 = Beginning at the Southeast corner of said S1/2SW1/4NW1/4NE1/4; Thence Westerly along the South lines of said S1/2SW1/4NW1/4NE1/4 and said S1/2SE1/4NE1/4NW1/4 to the Southwest corner of said S1/2SE1/4NE1/4NW1/4; Thence Northeasterly to the Northwest corner of the SE1/4SW1/4NW1/4NE1/4 of said Section 19; Thence Southeasterly to the point of beginning, Section 19, Township 150N. Range 93W.; Dunn County, 5th Principal



- Meridian of North Dakota, containing a 100% share, as more particularly described in Appendix A.26; and
27. Allotment Number T 751A in the Lot 3 (SW1/4NW1/4), Lot 4 (NW1/4SW1/4), Lot 5 (SW1/4SW1/4), SE1/4NW1/4 and E1/2SW1/4, Section 19, Township 150N. Range 93W.; Dunn County, 5th Principal Meridian of North Dakota, containing a 100% share, as more particularly described in Appendix A.27; and
 28. Allotment Number T 751A in the Lot 5 (N1/2NW1/4NW1/4) and N1/2NE1/4NW1/4, Section 30, Township 150N. Range 93W.; Dunn County, 5th Principal Meridian of North Dakota, containing a 100% share. The easement is described as the North thirty (30) feet of the West nine hundred (900) feet, more or less, as more particularly described in Appendix A.28; and
 29. Allotment Number T 1725 in the E1/2, Section 25, Township 150N. Range 94W.; McKenzie County, 5th Principal Meridian of North Dakota, containing a 100% share, as more particularly described in Appendix A.29; and
 30. Allotment Number T 1788 in the E1/2, Section 36, Township 150N. Range 94W.; McKenzie County, 5th Principal Meridian of North Dakota, containing a 100% share, as more particularly described in Appendix A.30; and
 31. Allotment Number 1082A in the W1/2, Section 35, Township 150N. Range 94W.; McKenzie County, 5th Principal Meridian of North Dakota, containing a 69.34% share, as more particularly described in Appendix A.31; and
 32. Allotment Number 1083A in the E1/2, Section 34, Township 150N. Range 94W.; McKenzie County, 5th Principal Meridian of North Dakota, containing a 85.72% share, as more particularly described in Appendix A.32; and
 33. Allotment Number G 3045 -G in the LOT 99 = SW1/4SW1/4 and SE1/4SE1/4SE1/4NW1/4SW1/4, Section 26, Township 147N. Range 91W.; Dunn County, 5th Principal Meridian of North Dakota, containing a 100% share, as more particularly described in Appendix A.33; and
 34. Allotment Number T 1089 in the SE1/4SW1/4, Section 26, Township 147N. Range 91W.; Dunn County, 5th Principal Meridian of North Dakota, containing a 100% share, as more particularly described in Appendix A.34.

BE IT FURTHER RESOLVED, that the term of the ROW(s) shall be perpetual (subject to termination in accordance with applicable federal regulations), and the requirements for compensation and bond are hereby waived.



BE IT FINALLY RESOLVED, that the Chairman is hereby authorized to execute such documents and to take such further actions as are necessary to carry out the terms and intent of this Resolution.

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, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 12th day of April, 2018, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members for, 1 members opposed, 0 members abstained, and 1 members not voting, and that said Resolution has not been rescinded or amended in any way.


Chairman (X) Voting, () Not Voting.

Dated this 12th day of April, 2018.

ATTEST:



Tribal Secretary, Fred W. Fox
Tribal Business Council



Tribal Chairman, Mark N. Fox
Tribal Business Council