



**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 and tribal fee 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. A five-acre tract of land in the Southwest corner of the South half of the Southwest Quarter (S1/2SW1/4), Section 1, Township 148N. Range 88W.; McLean County, 5th Principal Meridian of North Dakota, containing 100% Fee share, bounded as follows: Beginning at the intersection of the Quarter Section lines at the Southwest corner of the South half of the Southwest Quarter (S½ of SW¼) of Section One (1), Township One Hundred Forty Eight (148), Range Eighty Eight (88) thence due North 660 feet thence due East 330 feet thence due South 660 feet thence due West 330 feet to the point of beginning. More particularly described in Appendix A.1; and
2. Allotment Number T 696A -B in the SE1/4SW1/4, Section 11, Township 149N. Range 94W.; McKenzie County, 5th Principal Meridian of North Dakota, containing a 100% share, as more particularly described in Appendix A.2; and
3. Allotment Number T 897A in the NE1/4SW1/4, E1/2NW1/4, Lot 01 = NW1/4NW1/4, Lot 2 = SW1/4NW1/4, Lot 3 = NW1/4SW1/4, Section 18, Township 149N. Range 93W.; Dunn County, 5th Principal Meridian of North Dakota, containing a 100% share, as more particularly described in Appendix A.3; and
4. Allotment Number 3045-E in the S1/2NW1/4, NE1/4NW1/4, NW1/4NW1/4NW1/4, S1/2SE1/4NE1/4NW1/4NW1/4, W1/2NE1/4NW1/4NW1/4, S1/2NW1/4NW1/4 and N1/2SW1/4, Section 35, Township 147N. Range 91W.; Dunn County, 5th Principal Meridian of North Dakota, containing a 5% share, as more particularly described in Appendix A.4; and
5. Allotment Number T 704A -A in the W1/2SW1/4, Section 28, Township 147N. Range 91W.; Dunn County, 5th Principal Meridian of North Dakota, containing a 100% share, as more particularly described in Appendix A.5; and
6. Allotment Number T 583A -B in Lot 03 and Lot 04, Section 19, Township 152N. Range 94W.; McKenzie County, 5th Principal Meridian of North Dakota, containing a 100% share, as more particularly described in Appendix A.6; and
7. Allotment Number T 567A -B in the NE1/4NW1/4, Section 30, Township 152N. Range 94W.; McKenzie County, 5th Principal Meridian of North Dakota, containing a 100% share, as more particularly described in Appendix A.7; and



8. Allotment Number T 1100A -F in the NE1/4NW1/4 and NW1/4NE1/4, Section 24, Township 147N. Range 91W.; Dunn County, 5th Principal Meridian of North Dakota, containing a 100% share, bounded as follows: Lot 99= That portion of the NWNE, NENW described as follows: Commencing at the North Quarter Corner of said Section 24; thence S01°25'21"W along the north/south quarter line of said Section 24, a distance of 363.36 feet to the Point of Beginning; thence S32°53'49"E, a distance of 627.45 feet to the northwesterly right-of-way line of Highway #8; thence S38°12'18"W along said right-of-way line, a distance of 470.06 feet; thence N51°47'42"W along said right-of-way line, a distance of 50.00 feet; thence along the arc of a 2964.93 foot radius tangent curve to the left, through a central angle of 00°48'01", an arc distance of 41.41 feet; thence N32°53'49"W, a distance of 13.64 feet to said quarter line; thence continuing N32°53'49"W, a distance of 784.59 feet; thence N38°00'06"E, a distance of 529.13 feet; thence S32°53'49"E, a distance of 225.30 feet to the Point of Beginning and containing 9.72 acres, more or less, as more particularly described in Appendix A.8; and

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; and

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

(SIGNATURE PAGE TO FOLLOW)



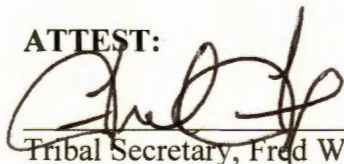
CERTIFICATION

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 8th day of November, 2018, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members for, 0 members opposed, 0 members abstained, and 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

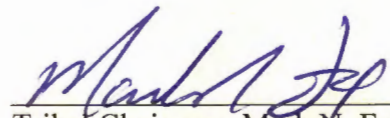
Chairman () Voting, () Not Voting.

Dated this 8th day of November, 2018.

ATTEST:



Tribal Secretary, Fred W. Fox
Tribal Business Council
Three Affiliated Tribes



Tribal Chairman, Mark N. Fox
Tribal Business Council
Three Affiliated Tribes



APPENDIX A.1





APPENDIX A.2





APPENDIX A.3





APPENDIX A.4





APPENDIX A.5



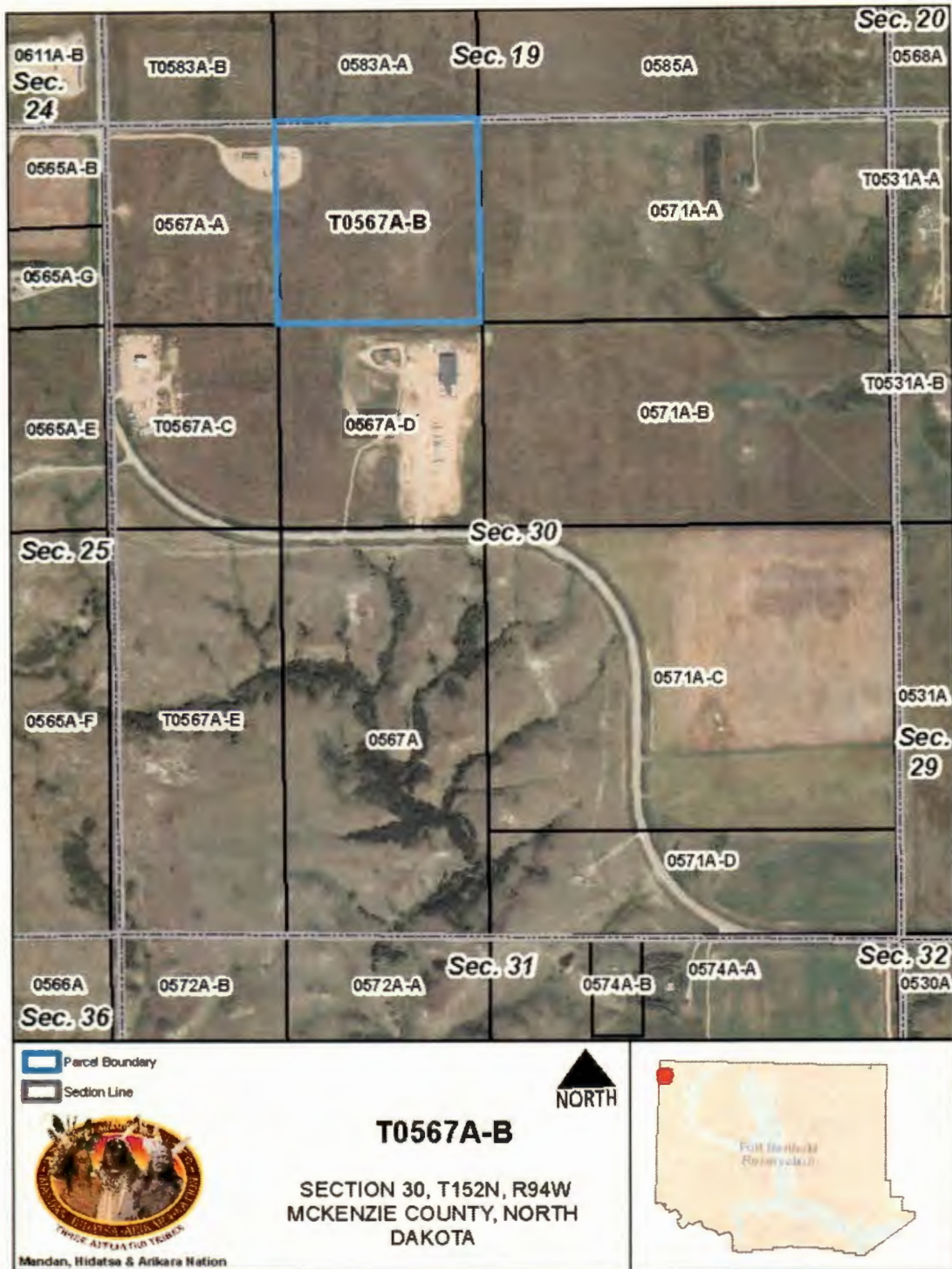


APPENDIX A.6





APPENDIX A.7





APPENDIX A.8

