



**AMENDED  
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"  
For Fort Berthold Rural Water Supply System"***

- 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 ("Tribes" or "MHA Nation"), 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 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), and its assigns, provides funding for the Fort Berthold Rural Water Supply System, (FBRWS) to aid the MHA Nation in providing safe drinking water throughout the Fort Berthold Indian Reservation; and
- WHEREAS,** The FBRWS 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 FBRWS purposes to be granted to the BOR, and its assigns, 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 FBRWS provides; and

**WHEREAS,** This Resolution pertains to Certain Rights-of-Way for the Twin Buttes Water Treatment Plant to Raw Water Intake, for FBRWS 8-inch and 10-inch PVC raw water transmission lines with associated facilities and appurtenances, water treatment plant with associated facilities and appurtenances, 8-inch and 10-inch PVC potable water transmission lines, distribution system potable water service line and appurtenances, buried power line with associated facilities and appurtenances, raw water intake facilities and appurtenances, access road, SCADA communication Tower and Telecommunications Line; and

**WHEREAS,** The United States Department of the Interior, Bureau of Reclamation (BOR), and its assigns, and McKenzie Electric Cooperative agree to overlapping easements that allow for joint operation, maintenance, repair, and replacement of their infrastructure within this Consent to Certain Rights-of-Way and Resolution No. 19-19-207-FWF.

**NOW, THEREFORE BE IT RESOLVED,** that the Tribal Business Council hereby consents to the following Rights-of-Way to the United States Department of Interior (acquiring agency BOR) and its assigns, for the construction, operation, maintenance, and replacement of the FBRW system through the following parcels; and as shown in APPENDIX A.1:

- T 701A - Township 147N Range 91W Section 13: NE/4
- T 1779-A - Township 147N Range 90W Section 7: E/2SW/4, Lot 5, S/2SE/4, Lot 6
- T 5377 - Township 147N Range 90W Section 7: Meets and Bounds: a triangular portion of the SNWNWSE & the SNWSE bounded by the south and west sides and by a diagonal line extending from the NW corner of the SNWNWSE to the SE corner of the SNWSE
- T 15345 - Township 147N Range 90W Section 7: Those portions lying above elevation 1854', M.S.L. Minerals Reserved, Metes and Bounds: Lot 5, except the East 20 acres thereof, Lots 4, 7, 8, and 9; and the NW/4SE/4; except that portion of said NW/4SE/4 described as follows: Beginning at the Southwest corner of said NW/4SE/4; thence Northerly along the West line of said NW/4SE/4 to the Northwest corner of the SW/4NW/4NW/4SE/4 of Section 7; thence Southeasterly to the Southeast corner of said NW/4SE/4; thence Westerly along the South line of said NW/4SE/4 to the point of beginning.



**BE IT FURTHER RESOLVED**, that the term of the ROW(s) shall be perpetual (subject to the termination in accordance with applicable federal regulations), for the use The United States Department of the Interior, Bureau of Reclamation, (BOR), and its assigns, 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 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 \_\_\_\_\_ Meeting thereof duly called, noticed, convened and held on the 12 day of September, 2019, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman  Voting. [ ] Not Voting.

Dated this 18 day of September, 2019.

**ATTEST:**

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

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



APPENDIX A.1



**Bartlett & West**

0 500 1,000 Feet

**Fort Berthold Rural Water**  
**Twin Buttes Intake to Twin Buttes WTP**  
**South Segment**

