



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

***A Resolution Entitled, "Establishing Penalties Against Oil and Gas Operators that
Purchase Water for Industrial Use Without Proper Water Use Permits."***

- WHEREAS,** The Mandan Hidatsa and Arikara Nation (MHA Nation), also known as the Three Affiliated Tribes, having accepted the Indian Reorganization Act of June 18, 1934, the authority under said Act, and having adopted a Constitution and By-laws (the Constitution) under said Act, and
- WHEREAS,** Pursuant to Article III, Section 1 of the Constitution, the Tribal Business Council is the governing body of the MHA Nation; and
- WHEREAS,** The Constitution 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 MHA Nation and of the enrolled members thereof; and
- WHEREAS,** The Tribal Business Council established the MHA Nation Water Commission and enacted the MHA Water Use and Administration Code (Water Code); and
- WHEREAS,** Pursuant to Section 1(A)(6) of The MHA Water Code, the MHA Nation has the power to determine the proper uses of the water and to manage all waters reserved for the MHA Nation, and held in trust for the benefit of the MHA Nation; and
- WHEREAS,** Pursuant to Section 1(C)(1) of The MHA Water Code, the purpose of the Code is to provide an orderly system for the use, management, and protection of the MHA Nation's water resources on behalf of the MHA Nation, its tribal departments, tribal members, and allottees living within the exterior boundaries of the Reservation; and
- WHEREAS,** The MHA Nation established water use permit requirements in Section 4(A)(1) of The MHA Water Use and Administration Code for all water uses, except in cases when both the amount of water to be impounded, diverted, or withdrawn is less than 12.5 acre-feet, and the contemplated use is domestic, livestock, or fish, wildlife, and other recreational uses; and
- WHEREAS,** Certain oil and gas operators have been purchasing water on the Reservation for industrial purposes (drilling, fracking and other oil and gas operations) from sources on the Reservation that are not permitted as required by the Water Code; and
- WHEREAS,** The Tribal Business Council finds it necessary to deter operators from purchasing water from unpermitted sources by imposing a penalty of \$0.50 per barrel of



water purchased from unpermitted sources within the Fort Berthold Indian Reservation.

NOW THEREFORE BE IT RESOLVED, Effective immediately, any operator or agent acting on behalf of an operator who purchases water from an unpermitted source on the Reservation shall be required to pay a penalty of \$0.50 for every barrel (42 gallons) of water acquired.

BE IT FURTHER RESOLVED, Any operator who is fined pursuant to this Resolution shall be given written notice and shall have the right to appeal the fine to the Natural Resources Committee within 20 days of the assessment of a fine. The Tribal Court shall have jurisdiction to review any decision of the Natural Resource Committee, which review shall be based on the administrative record.

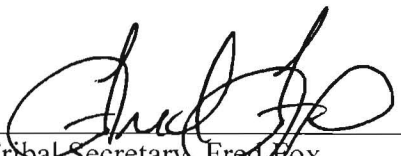
BE IT FINALLY RESOLVED, That the Chairman is authorized to take such action as is necessary to carry out the terms and intent of this Resolution.

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 7th day of May, 2024, 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. [X] Not Voting.

Dated this 7th day of May, 2024



Tribal Secretary, Fred Fox
Tribal Business Council
Three Affiliated Tribes



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