

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

- WHEREAS, This Nation having accepted the Indian Reorganization Act of June 13, 1934, and authority under said Act; and
- WHEREAS, The Constitution of the Three Affiliated Tribes generally authorizes and empowers the Tribal Business Council to engage in activities for the welfare and benefit of the Tribes and the enrolled members thereof; and
- WHEREAS, Article IX, Section I of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to manage and lease or otherwise deal with Tribal lands, interest in lands, or other Tribal assets; and
- WHEREAS, Article VI, Section 5(d) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to negotiate with state and local governments; and
- WHEREAS, The Three Affiliated Tribes, through the Tribal Legal Department, have entered into negotiations with the State of North Dakota for the quantification of the Tribes' Winters based rights to both ground and surface water on the Fort Berthold Reservation; and
- WHEREAS, The Tribal Legal Department has advised the Tribal Business Council that Phase I of the negotiations with the State of North Dakota requires the Tribes to submit a statement of claims to a federally reserved water right to the State so that the Tribes and the State may negotiate the claims and reach a joint statement of claims; and
- WHEREAS, The Tribal Legal Department has further informed the Tribal Business Council that an important part of the water negotiations between the Three Affiliated Tribes and the State of North Dakota is the definition of the purposes for which the Fort Berthold Reservation was created; and
- WHEREAS, The Tribal Legal Department and its of-counsel in these water negotiations, Fredericks & Pelcyger of Boulder, Colorado, have prepared documents supporting the claims of the Tribes to Winters based water rights attached to the Fort Berthold Reservation; and
- WHEREAS, In the documents prepared in support of the claims of the Tribes are included the following treaty purposes of the Fort Berthold Reservation: (1) agricultural use, (2) industrial use, (4) fish and wildlife preservation, (4) municipal and domestic uses, and (5) preservation of recreation and aesthetic values; and (6) such other future uses as the Tribal Council may specify; and
- WHEREAS, The Tribal Business Council has examined the documents referenced above, and it is the considered opinion of the Tribal Business Council that the said documents, prepared in support of the claims of the Three Affiliated Tribes to Winters-based water rights, and the treaty purposes contained therein, are appropriate and will enhance the Tribes' position in the negotiations with the State of North Dakota;
- NOW, THEREFORE, BE IT RESOLVED, That the documents prepared by the Tribal Legal Department and its of-counsel, Fredericks & Pelcyger, supporting the claims of the

Tribes and the treaty purposes set forth therein are hereby authorized to be transmitted by the Tribal Legal Department to Mr. Joe Cichy, Legal Counsel for the North Dakota State Water Commission.

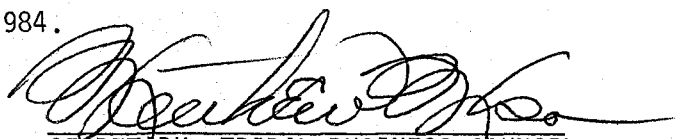
CERTIFICATION

etc.


I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 11 members of whom 7 constitutes a quorum, 10 were present at a Special Meeting thereof duly called, noticed, convened and held on the 16 day of MAY, 1984; that the foregoing resolution was duly adopted at such meeting by the affirmative vote of 7 members, 1 members opposed, 2 members abstained, - members not voting, and that said resolution has not been rescinded or amended in any way.

Chairman (Voting) (~~Not Voting~~).

DATED THIS 16 DAY OF MAY, 1984.


SECRETARY, TRIBAL BUSINESS COUNCIL

ATTEST:


CHAIRMAN, TRIBAL BUSINESS COUNCIL