

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 18, 1934, and the 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 on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and
- WHEREAS, Article IV, Section 5(a) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to manage all economic enterprises and affairs of the Three Affiliated Tribes; and
- WHEREAS, Article IV, Section 5(j) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to protect and preserve the property, wildlife, and natural resources of the Tribes; and
- WHEREAS, The Little Missouri River, a tributary of the Missouri River, flows for some distance through the Fort Berthold Reservation, and the Tribal Business Council takes the position that, by virtue of treaty confirmation, the Three Affiliated Tribes own the river bed of the Little Missouri River; and
- WHEREAS, The Three Affiliated Tribes Tribal Business Council has been advised by the Assistant Area Director of the Aberdeen Area Office of the Bureau of Indian Affairs that a lawsuit affecting title to the Little Missouri River is pending in the Federal District Court for the District of North Dakota; and
- WHEREAS, In that lawsuit, the State of North Dakota is claiming title to the Little Missouri river bed based on the principle of the equal footing doctrine which vests title to stream beds underlying navigable streams in the states; and
- WHEREAS, The Three Affiliated Tribes' rights to the stream bed of the Little Missouri River that flows on the Reservation may be adversely affected by a decision in that case vesting title in the State of North Dakota; and
- WHEREAS, The Three Affiliated Tribes Tribal Business Council has been advised by the Legal Department that the Tribes may participate as amicus curiae in that case in order to protect the Tribes' interests; and
- WHEREAS, The Three Affiliated Tribes Tribal Business Council deems it appropriate to express its view of the law to the court in this matter,
- NOW, THEREFORE, BE IT RESOLVED, That the Legal Department be and hereby is authorized and directed to prepare a litigation report on the advisability of the Tribes seeking amicus curiae status in this matter.

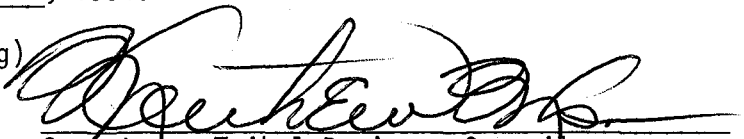
CERTIFICATION

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, 7 were present at a SPECIAL Meeting thereof duly called, noticed, convened, and held on the

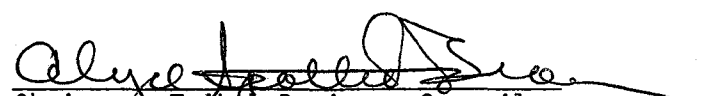
3 day of July, 1984; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 7 members, — members opposed, — members abstained, — members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 3 day of July, 1984.

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

  
Secretary, Tribal Business Council

ATTEST:

  
Chairman, Tribal Business Council