

**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 VI, 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,** Article VI, Section 5(d) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to negotiate with the agencies of the government of the State of North Dakota on behalf of the Tribes; and
- WHEREAS,** Article VI, Section 5(b) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to create and maintain a Tribal Business Council fund by accepting grants and other forms of funding from the United States government; and
- WHEREAS,** It is the considered judgment of the Tribal Business Council that the Three Affiliated Tribes should recommence their discussions and negotiations with the State of North Dakota for the purpose of developing and finalizing a Tribal-State agreement, wherein the various Winters-based water rights claims of the Tribes would be recognized and protected; and
- WHEREAS,** The State of North Dakota has recently manifested its intent and strong desire to revive such negotiations in light of the pressure being exerted on North Dakota by downstream states to develop an interstate water compact allocating water use on the Missouri River mainstem system and has represented to the Tribes that it is essential that the water needs of the Tribes be specifically included in the State Water Plan which will serve as the basis for the strategy to be employed by the State of North Dakota in negotiating the proposed interstate compact; and

**WHEREAS,** Officials of the Three Affiliated Tribes have recently met with representatives of the Fort Berthold Agency, the Billings Area Office, the Aberdeen Area Office, the Bureau of Reclamation, and the Office of the Solicitor, and arising out of such meeting was a consensus among the various Interior representatives that Tribal-State negotiations should be revived and continued with the goal of realizing a final water rights agreement between the Tribes and the State, in an effort to avoid costly and time consuming litigation of the federal reserved rights of the Tribes; and

**WHEREAS,** In a previous meeting earlier this year with the Assistant Secretary-Indian Affairs, Mr. Swimmer assured the Tribal officials present at such meeting that the Interior Department would make available to the Tribes for their use federally appropriated funds necessary to enable the Tribes to pursue continued negotiations with the State in an effort to finalize the proposed water rights agreement; and

**WHEREAS,** It is clear that the resolution of the Tribes' water rights claims to surface and ground water sources on the Fort Berthold Reservation will involve a host of complex legal issues, including the special and significant federal legal and policy issues which arise out of the Tribes' claims relative to the Missouri River mainstem system, a major interstate system; and

**WHEREAS,** Such complex legal issues can be addressed, on behalf on the Tribes, only by the legal expertise inherent in the Legal Department of the Three Affiliated Tribes; however, the Tribes maintain absolutely no funds in FY-89 Tribal Business Council Account or funds from any other Tribal source to compensate the Legal Department for the reasonable expenses which would be incurred in addressing such complex issues inherent in this special matter of water rights negotiations; and

**WHEREAS,** Based upon the absolute unavailability of Tribal funds for such purpose and the representation made by Assistant Secretary Swimmer that federal funds would be made available for continued water rights negotiations between the Tribes and the State of North Dakota, the Tribal Business Council has deemed it necessary that the Tribes submit a formal request, pursuant to 25 C.F.R. §89.40 et seq., for federally appropriate funds for payment of the legal services to be provided by the Legal Department of the Tribes in the continuation of water rights negotiations with the State;

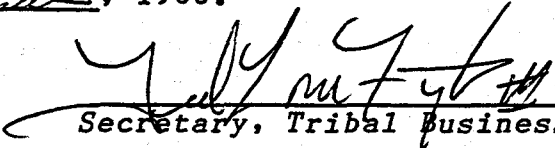
**NOW, THEREFORE, BE IT RESOLVED,** That the Tribal Business Council of the Three Affiliated Tribes hereby authorizes and directs the Tribal Legal Department to submit a formal request, pursuant to 25 C.F.R. §89.40 et seq., for a reasonable and justifiable amount of federally appropriated funds for

payment of the legal services to be provided by the Legal Department in the continuation and completion of the pending discussions and imminent revival of the formal negotiations between the Three Affiliated Tribes and the State of North Dakota relative to the proposed Tribal-State water rights compact or agreement.

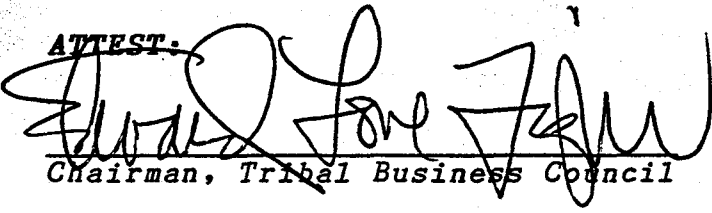
C E R T I F I C A T I O N

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 7 members of whom 5 constitute a quorum, 5 were present at a Special Meeting thereof duly called, noticed, convened, and held on the 22nd day of September, 1988; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated the 22nd day of September, 1988.

  
Secretary, Tribal Business Council

ATTEST:

  
Chairman, Tribal Business Council