

**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 federal, State and local governments 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 or donations from any person, state, or the United States; 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 water use agreement; and
- WHEREAS,** Tribal participation in these negotiations will, as an aspect of self-determination, ensure the preservation of the Tribes' sovereign status by allowing the Tribes to control their resources and denying federal and/or State courts the opportunity to assume jurisdiction to evaluate and determine the Tribes' water rights; and
- WHEREAS,** The State of North Dakota has expressed its intent and willingness to revive such negotiations for the purpose of developing a basis for recognizing and coordinating water uses which will become an established method to utilize their respective water rights; and

- WHEREAS,** The Department of Interior has acknowledged the prospective Tribal/State water rights negotiations as a high priority and determined that support would be forthcoming; and
- WHEREAS,** As part of the Three Affiliated Tribes' endeavor to successfully negotiate a water use agreement with the State of North Dakota, it is incumbent upon the Three Affiliated Tribes to participate, to the fullest extent allowable under the mandate and authority of Pub. L. 93-638, in the self-determination of their direction, goals and objectives in attaining an agreement to manage their resources; and
- WHEREAS,** The Three Affiliated Tribes have entered into the preliminary stages of the negotiation process and have successfully maintained and operated the coordination by establishing the lines of communication and preliminary method of negotiation; and
- WHEREAS,** Negotiations of this dire importance require all necessary resources to be made available to the involved parties for effective communication and coordination of negotiation postures and positions; and
- WHEREAS,** The Tribal Business Council recognizes that Tribal coordination of their negotiation endeavor is integral to the effective communication of the continuing water negotiations and, therefore, the ultimate realization of Tribal interests in a negotiated Tribal/State water use agreement; and
- WHEREAS,** Based on the continuing Tribal/State negotiations and federal government and Congressional advocacy for Indians negotiating Indian reserved water rights, the Three Affiliated Tribes are formally requesting a Pub. L. 93-638 contract for the coordination function of the Tribal/State water use negotiations;
- NOW, THEREFORE BE, IT RESOLVED,** That the Tribal Business Council of the Three Affiliated Tribes, pursuant to 25 CFR §271.20, hereby formally request that the U.S. Bureau of Indian Affairs enter into a FY 1991 Pub. L. 93-638 contract with the Three Affiliated Tribes, under which contract the Three Affiliated Tribes would provide the necessary duties and responsibilities attendant to the negotiation coordination activities.
- BE IT FURTHER RESOLVED,** That the Tribal Business Council requests that the proposed Pub. L. 93-638 contract be supported by federally appropriated funds for direct and indirect costs.

BE IT FURTHER RESOLVED, That the Tribal Business Council requests that the term of the proposed contract be established for a period commencing January 1, 1991.

BE IT FURTHER RESOLVED, That the Tribal Business Council hereby authorizes and directs the Legal Department of the Three Affiliated Tribes to apply for and negotiate the requested contract with the Bureau of Indian Affairs and to negotiate any amendments thereto and requests that the Bureau of Indian Affairs direct all contract documents and related correspondence to the Legal Assistant of the Legal Department of the Three Affiliated Tribes.

BE IT FURTHER RESOLVED, That the Tribal Business Council represents that it will formally review any contract awarded and any and all subsequent amendments thereto prior to the execution thereof by the Chairman of the Tribal Business Council.

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 Regular Meeting thereof duly called, noticed, convened, and held on the 11th day of June, 1990; 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 11th day of June, 1990.

Acting Jim M. Mosselt
Secretary, Tribal Business Council

ATTEST:

Shirley Love Fisher
Chairman, Tribal Business Council