

TO APPROVE A WATER SETTLEMENT AGREEMENT

IN THE TRIBAL COUNCIL OF THE CHOCTAW NATION

ANTHONY DILLARD INTRODUCED THE FOLLOWING COUNCIL BILL

A COUNCIL BILL

TO APPROVE a Water Settlement Agreement.

WHEREAS, in accordance with Article IX, Sections 4 and 6 of the Constitution of the Choctaw Nation of Oklahoma (“Choctaw Nation”), the Tribal Council shall enact legislation, rules and regulations not inconsistent with this Constitution for the general good of the Choctaw Nation and for the administration and regulation of the affairs of the Choctaw Nation; the Tribal Council shall make decisions pertaining to the acquisition, leasing, disposition and management of tribal property, and

WHEREAS, in accordance with Article VI, Section 1 of the Constitution of the Choctaw Nation, the supreme executive power of this Nation shall be vested in a chief magistrate, who shall be styled “The Chief of the Choctaw Nation”; and in accordance with Article VII, Sections 1 and 6 of the Constitution of the Choctaw Nation, the

WHEREAS, the Choctaw Nation is a plaintiff in an action entitled *Chickasaw Nation, Choctaw Nation v. Fallin et al.*, CIV 11-927 (W.D. Ok.), this “Nations’ Lawsuit” was jointly filed with the Chickasaw Nation;

WHEREAS, in 2012, the Nations, State, and Oklahoma City began a mediation to resolve the Nations’ Lawsuit as well as a parallel action filed by the OWRB against the United States in its capacity as trustee for the Chickasaw Nation and Choctaw Nation entitled *OWRB v. United States, et al.* CIV 12-275 (W.D. Ok.) (collectively with the Nations’ Litigation “Water Litigation”); and

WHEREAS, the negotiations between the parties, and with the participation from the United States Department of Justice and the United States Department of the Interior, has produced a Water Settlement Agreement that constitutes a comprehensive resolution of immediate and foreseeable conflicts over water rights administration, including the dismissal of the Water Litigation; and

WHEREAS, the Settlement Agreement approval through a Federal law enacted by the United States Congress; and

WHEREAS, the Federal law will provide for enforcement the Settlement Agreement in the United States District Court for the Western District of Oklahoma; and

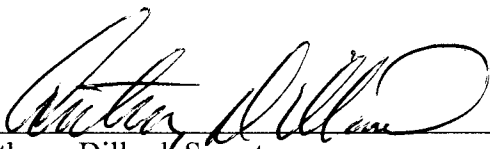
WHEREAS, reciprocal waivers of sovereign immunity, including from Choctaw Nation are limited and conditional; and

WHEREAS, The Chief of the Choctaw Nation and the Tribal Council have reviewed the terms and conditions of the proposed Settlement Agreement and the Tribal Council finds the terms and conditions of the proposed Settlement Agreement acceptable

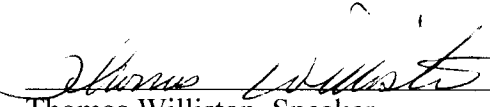
THEREFORE BE IT ENACTED, by the Tribal Council of the Choctaw Nation that the Chief of the Choctaw Nation, Gary Batton, or his designee will execute and take all actions necessary required for approval of the Settlement Agreement and any conditions for its enforceability.

CERTIFICATION

I, the undersigned, as speaker of the Tribal Council of the Choctaw Nation of Oklahoma, do hereby certify that the Tribal Council is composed of twelve (12) seats. Eight (8) members must be present to constitute a quorum. I further certify that eleven (11) members answered roll call and that a quorum was present at the Regular Session of the Tribal Council at Tuskahoma, Oklahoma on August 13, 2016. I further certify that the foregoing Council Bill CB-138 -16 was adopted at such meeting by the affirmative vote of eleven (11) members, zero (0) negative votes, and one (1) abstaining.



Anthony Dillard, Secretary
Choctaw Nation Tribal Council



Thomas Williston, Speaker
Choctaw Nation Tribal Council



Gary Batton, Chief
Choctaw Nation of Oklahoma

Date 8-17-16