



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

*A Resolution entitled, "Rescission of Resolution No. 07-122-VJB and Approval of Oil and Gas Leases with Marathon Oil Company for 160 acres for Oil and Gas Development of the Fort Berthold Reservation pursuant to 25 CFR 211 and Request to the Superintendent to Negotiate a Lease Pursuant to 25 CFR 211.20 (a) and (d)"*

**WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

**WHEREAS,** The Three Affiliated Tribes Constitution authorizes and empowers the Mandan, Hidatsa & Arikara Tribal Business Council to engage in activity on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and

**WHEREAS,** The Fort Berthold Indian Reservation of the Three Affiliated Tribes comprises approximately 1,000,000 acres and had within it potentially significant oil and gas resources worth many hundreds of millions of dollars, as it lies within the generally accepted geologic formation known as the Williston Basin, a proven oil field since the early 1950's; and

**WHEREAS,** The Three Affiliated Tribes issues leases pursuant to the Act of May 11, 1938 (25 U.S.C. Section 396a et.seq.) and regulations thereto, including 25 CFR Part 211 (2006) and;

**WHEREAS,** The Three Affiliated Tribes, exercising its rights as an Indian Nation, is actively seeking to develop its resources for the economic benefit of all of its members, which will provide both increased revenue to individual members and increased employment for tribal members; and

**WHEREAS,** The Three Affiliated Tribes approved **Resolution 07-0122-VJB** leasing minerals to Petroleum Development Corporation on June 7, 2007 for the following sections:

1. Township 151N, Range 93 W, Section 16; and

**WHEREAS,** These leases have not been approved by the Bureau of Indian Affairs and Petroleum Development Corporation has not paid on these leases;

**WHEREAS,** The Tribal Business Council desires to cancel the leases and re-lease this acreage to another oil company; and

**WHEREAS,** Marathon Oil Company desires to lease this tract at \$150.00 per bonus acre, 20% royalty and \$2.50 rental for a one year term; and



**WHEREAS,** The Tribal Business Council desires to terminate its lease with Petroleum Development Corporation and to lease said minerals to Marathon Oil Company under the terms described.

**NOW THEREFORE BE IT RESOLVED,** The Tribal Business Council hereby cancels its lease with Petroleum Development for not providing the Tribal Energy Department with an executed lease in a timely manner and for non-payment of the bonus under said lease and hereby accepts Marathon Oil Company's offer to lease said minerals and authorizes the Tribal Chairman to execute an oil and gas lease as necessary on behalf of the Tribe for the lands and under the terms described above.

**NOW THEREFORE BE IT FURTHER RESOLVED,** in accordance with Statute 25 CFR Section 211.29 and the Constitution and By-laws of the Three Affiliated Tribes of the Fort Berthold Reservation, the Tribal Business Council hereby expressly supersedes and waives the leasing procedure set forth in said statute and regulations, including among others, the advertisement and bidding procedures and directs the Secretary, acting through the Bureau of Indian Affairs, to approve the leases issued pursuant to this Resolution.

**NOW THEREFORE BE IT FINALLY RESOLVED,** the Tribal Business Council hereby requests that the Bureau of Indian Affairs expedite the approval of said leases.

**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 7 members of whom 5 constitute a quorum, 5 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 22<sup>nd</sup> day of December 2008; 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.

Chairman [] voting. [  ] not voting.

Dated this 22<sup>nd</sup> day of December, 2008.

**ATTEST:**

Chairman, Marcus Levings  
Tribal Business Council

Acting Executive Secretary, Scott Eagle  
Tribal Business Council