



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

*A Resolution entitled, “Approval of Consents for Certain Rights-of-Way on Tribal Land.”*

- WHEREAS**, This Mandan Hidatsa and Arikara Nation (MHA Nation), having accepted the Indian Reorganization Act of June 18, 1934 and the authority under said Act, and having adopted a Constitution and By-laws under said Act, and
- WHEREAS**, Pursuant to Article III, Section 1 of its Constitution and By-Laws, the Tribal Business Council is the governing body of the MHA Nation; and
- WHEREAS**, Pursuant to Article VI, Section 5(1) of said Constitution, the Tribal Business Council has the power to adopt resolutions regulating the procedures of the Tribal Council, its Agencies and Officials; and
- WHEREAS**, The Tribal Business Council has authority to engage in activities on behalf of and for the welfare and benefit of the Tribes and of the enrolled members thereof; and
- WHEREAS**, Article IX Sections 1 and 3 of the Constitution provides that the Tribal Business Council has the authority to manage and lease or otherwise deal with tribal lands and resources; and
- WHEREAS**, Pursuant to the General Right of Way Act, 25 U.S.C. §§ 323-328 and 25 CFR Part 169, the Secretary of the Interior, acting through the Bureau of Indian Affairs is required to obtain the prior written consent of an Indian tribe before granting a right-of-way or easement on tribal lands; and
- WHEREAS**, On April 10, 2014, the Tribal Business Council passed Resolution No. 14-071-VJB approving the “MHA Nation Application for Rights of Way and Use of Right of Way”; and
- WHEREAS**, On May 28, 2014, the Tribal Business Council passed Resolution No. 14-089-VJB approving the “MHA Nation Pipeline Right-of-Way Terms and Conditions” which includes the establishment of new Right of Way Fees (“ROW fees”); and
- WHEREAS**, The MHA Nation Energy Division reviewed, processed and fully vetted the requests for the MHA Nation’s consents to the right-of-way, detailed below; and
- WHEREAS**, The Tribal Business Council finds it appropriate to authorize and consent to the Rights of way described herein; and



**NOW THEREFORE BE IT RESOLVED**, the Business Council hereby grants consent to Rights of Way Across the following tribal lands, but only subject to the respective Company’s agreement to and execution of the Terms and Conditions and payment of ROW fees, approved and authorized in Resolution No. 14-089-VJB:

| <b>COMPANY</b>               | <b>WELL SITE/LOCATION</b>   | <b>PURPOSE</b>   |
|------------------------------|---|--|
| ENTERPLUS                    | FIRE 151-94-16DH & WATER 151-94-16DH TF   | Package of three (Wellsite, Access, Pipeline, Fiber Optics, Utility, Above Ground appurtenances) |
| ENTERPLUS                    | NICKEL #147-93-16A-21H, LEAD #147-93-16A-21H TH, ZINC #147-93-09D-04H, SILVER #147-93-09D-04H TF  | Wellsite   |
| ENTERPLUS                    | FABRIC #149-93-04D-03H-LLS, STITCH #149-93-04D-03H-TF, QUILT #149-93-04D-03H  | MODIFICATION OF RIGHT OF WAYS FBOG100702   |
| HALCON WILLISTON 1 LLC       | FB 148-95-13A-24-6TFH, 7TFH, 8TFH Wetterhorn Pad  | 3 Well Pad and Access Road   |
| HALCON WILLISTON 1 LLC       | FORT BERTHOLD 148-95-23C-14-10H (BROSS WELL PAD)  | MOD #FBOG100572- ADD ONE ADDITIONAL WELL BORE  |
| HALCON WILLISTON 1 LLC       | FORT BERTHOLD 148-95-13B-24-2H, 9H,10H,11H,12H AND 13H  | 6 WELL PAD & ACCESS ROAD   |
| HALCON WILLISTON 1 LLC       | FORT BERTHOLD 148-94-28A-33-1H & 2H Utility Corridor  | MOD of ROW to construct utility corridor   |
| KODIAK OIL AND GAS (USA) INC | MOCCASIN CREEK 2-3-34-2HH3A, MOCCASIN CREEK 2-3-34-3H, MOCCASIN CREEK 2-3-34-2H3, MOCCASIN CREEK 2-3-34-313H, MOCCASIN CREEK 2-3-34-14H | 5 WELL PAD & ACCESS ROAD   |
| TARGA BADLANDS, LLC          | BLUE BUTTES PHASE 3B  | PIPELINE   |
| TARGA BADLANDS, LLC          | Myrmidon 30th Street Lateral West   | Gathering Pipeline   |



**Resolution No. 15-095-LKH**

|                      |                                     |  |
|----------------------|-------------------------------------|--|
| TARGA BADLANDS, LLC  | Myrmidon 28th Street Lateral        | Gathering Pipeline                                     |
| WPX ENERGY WILLISTON | MANDAREE 30-31                      | UTILITIES, FIBER OPTICS AND ABOVE GROUND APPURTENANCES |
| WPX ENERGY WILLISTON | ALFRED OLD DOG 30-31                | MODIFICATION TO FBOG1000779: ADDITIONAL ACCESS ROAD    |
| WPX ENERGY WILLISTON | <b>STINK GUN5-4HD, 8-9HA</b>        | <b>PIPELINE, UTILITIES, WELLSITE</b>                   |
| WPX ENERGY WILLISTON | <b>PACKINEAU 1-12HA, HW, 32D</b>    | <b>WELLSITE</b>  |
| WPX ENERGY WILLISTON | BEAR DEN 224-13HX, 24-13HW, 24-13HA | MOD-3 ADDITIONAL WELLS                                 |
| WPX ENERGY WILLISTON | <b>KALE BAD BRAVE</b>               | <b>MODIFICATION TO ADD ON WELL FBOG100825</b>          |
| WPX ENERGY WILLISTON | TAT 2-1H                            | UTILITIES, FIBER OPTICS AND ABOVE GROUND APPURTENANCES |
| WPX ENERGY WILLISTON | OWLS COMES OUT 8-9                  | PIPELINES AND UTILITES                                 |
| WPX ENERGY WILLISTON | MABEL LEVINGS 14-23HY & HE          | MODIFICATION TO ADD TWO ADDITIONAL WELL BORES          |
| MARATHON OIL CO      | TAT USA #21-14H & 31-14H            | PIPELINE/UTILITIES                                     |
| MARATHON OIL CO      | GOOD BEAR USA 21-14H & 31-14H       | MODIFICATION OF ROW FBOG100194                         |
| MARATHON OIL CO      | TAT USA #13-23H                     | MODIFICATION TO TAT 13-23H FBOG100121                  |
| MARATHON OIL CO      | TAT 14-22TFH-FBOG100849             | ROW NAME CHANGE MOD                                    |
| MARATHON OIL CO      | Modification TAT 12-23H             | MODIFICATION OF ROW FBOG 100717                        |





**Resolution No. 15-095-LKH**

|                         |  |  |
|-------------------------|--|--|
| MARATHON OIL CO         | TAT 34-22H   |  |
| PETROGULF CORP          | Three Tribes #151-94-8H, #151-94-7HTF, #151-94-5HTF  | WELLSITE   |
| SHD OIL & GAS, LLC      | MATTIE GRACE PAD ALPHA (PHASE 2), SIGMA (PHASE 2) DEMETER, CHEETAH, BACCHUS, ATHENA (PHASE 2), ETA, ATHENA (PHASE 1), EPSILON, DELTA, GAMMA, BETTA, ALPHA (PHASE 1)& SIGMA (PHASE 1) | Need an updated consent from TAT-as G3055 is now T3055 (100% Tribally owned) |
| SHD OIL & GAS, LLC      | Golden 150-90-30,31  | Golden 150-90-30,31  |
| ONEOK ROCKIES MIDSTREAM | FORT BERTHOLD 152-93-9C-10-15H, BONITA PAD   | PIPELINE   |
| QEP ENERGY CO           | MHA 1-25-36H-148-92, MHA 5-25-36H-148-92, MHA 3-25-36H-148-92, MHA 7-25-36H-148-92   | WELLSITE   |
| QEP ENERGY CO           | MHA 6-04-03H-149-91, MHA8-04-03H-149-91  | WELLSITE   |
| QEP ENERGY CO           | MHA 7-04-03H-149-91, MHA 5-04-03H-149-91   | WELLSITE   |
| XTO ENERGY              | FBIR Walterpackswolf   | Well Pad/Access Road   |
| XTO ENERGY              | FBIR Ginnell Unit  | Well Pad/Access Road   |
| XTO ENERGY              | FBIR Smith   | Well Pad/Access Road   |
| XTO ENERGY              | FBIR Goeseverywhere  | Well Pad/Access Road   |
| XTO ENERGY              | FBIR Nellie Old Mouse  | Well Pad/Access Road   |



**BE IT FINALLY RESOLVED**, that the Chairman is hereby authorized to execute such documents and take such further actions as are necessary to carry out the terms and intent of this Resolution.


**CERTIFICATION**


I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Special Meeting thereof duly called, noticed, convened and held on the 13<sup>th</sup> day of March, 2015, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 7 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 [ X ] Voting. [ ] Not Voting.

Dated this 13<sup>th</sup> day of March, 2015.

**ATTEST:**

  
Tribal Secretary, L. Kenneth Hall  
Tribal Business Council

  
Tribal Chairman, Mark N. Fox  
Tribal Business Council