



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

**A Resolution entitled, “*Consent to Right-of-Way across Tribal land for the Blue Racer 14-11 Well Pad, Access Road, Pipeline and Utility Submitted by WPX Energy Williston, LLC.*”**

- WHEREAS**, This Nation having accepted the Indian Reorganization Act of June 18, 1934, 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 the Constitution and By-Laws of the Three Affiliated Tribes, the Tribal Business Council is the governing body of the Tribes; 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**, 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**, Leases and Rights-of-Way across tribal trust land require the consent of the Tribal Business Council pursuant to federal and tribal law; and
- WHEREAS**, Applications for Rights-of-Way (“ROWs”) on Tribal Land are subject to the requirements of tribal law, including Resolution No. 13-109-VJB (Establishment of the Three Affiliated Tribes Standardized Minimum Rates for Oil and Gas Lease Bonus, Royalties and Road and Pipeline Easements), Resolution No. 14-071-VJB (MHA Nation Application for Rights-of-Way and Use of Right-of-Way), Resolution No. 14-089-VJB (MHA Nation Pipeline Right-of-Way Terms and Conditions), and Resolution No. 15-045-LKH (Establishing a Procedure for the Approval of Leases, Rights-of-Way, Setback Variances and Permissions to Survey on Tribal Land); and
- WHEREAS**, The application for a ROW submitted by WPX Energy Williston, LLC (“WPX”) for the Blue Racer 14-11 Well Pad, Access Road, Pipeline and Utility, described herein, has been reviewed and recommended for approval in accordance with the MHA Nation’s approved procedure for authorizing ROWs on tribal land; and
- WHEREAS**, On July 12, 2016, at a duly held meeting of the Natural Resources Committee (“NRC”), the MHA Nation Energy Division recommended the approval of



WPX's ROW request for the Blue Racer 14-11 Well Pad, Access Road, Pipeline and Utility, more particularly described in Appendix A.1., and the NRC approved WPX's ROW request, and forwarded the matter to the Tribal Business Council for final action.

**NOW THEREFORE BE IT RESOLVED**, subject to WPX's agreement to and execution of the Terms and Conditions and payment of ROW fees pursuant to Resolution No. 14-089-VJB, the Tribal Business Council hereby approves the ROW application submitted by WPX and consents to the following ROW:

- WPX Energy Williston, LLC – for the Blue Racer 14-11 Well Pad, 4 Wellbores, Access Road, Pipeline & Above Ground appurtenances, Temporary Above Ground Fresh Water Line, Connecting Flowlines & Above Ground Appurtenances, Utilities, Fiber Optics & Above Ground Appurtenances, across certain tribal lands in Section 14, Township 149 North, Range 94 West, Tribal Interest 100%, as more particularly described in Appendix A.1.

**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.

**(SIGNATURE PAGE TO FOLLOW)**



**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, 6 were present at a Special Meeting thereof duly called, noticed, convened and held on the 30<sup>th</sup> day of August, 2016, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 2 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman  Voting.  Not Voting.

Dated this 30<sup>th</sup> day of August, 2016.

**ATTEST:**

Tribal Secretary, L. Kenneth Hall  
Tribal Business Council

Tribal Chairman, Mark N. Fox  
Tribal Business Council



**APPENDIX A.1**

< Attach: (1) Application Form, (2) Approval Form signed by Department Head and Chairman of NRC per Resolution 15-045-LKH, (3) signed ROW terms and Conditions per Resolution No. 14-089-VJB, (4) map, and (5) other necessary information >



**APPENDIX A.2**

<Attach same information listed in Appendix A.1 for Each separate Applicant >

REPEAT AS NEEDED FOR EACH APPLICANT, LISTING APPENDIX A.3, A.4,  
ETC.ON SEPARATE PAGES WITH ATTAHMENTS