



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

*A Resolution entitled, "Authorization of a 3840-Acre Drilling Spacing Unit consisting of Township 147N Range 93W Sections 27, 28, 29, 32, 33, and 34 along the Little Missouri River"*

- WHEREAS,** This Mandan Hidatsa and Arikara Nation (the "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,** The Tribe has authority and jurisdiction over its lands and mineral interests, and it seeks to assert this jurisdiction in the development of mineral over these lands and interests.
- WHEREAS,** The Tribal Business Council seeks to create a drilling spacing unit that will include the mineral interests within Township 147N Range 93W Sections 27, 28, 29, 32, 33, and 34 ("Subject Lands"); and
- WHEREAS,** The Tribe and federal government control a majority of the mineral interests in the Subject Lands, and seeks to ensure these minerals interests, as well as those of the other mineral interests holders in the Subject Lands, are fully developed in a timely and responsible manner.
- WHEREAS,** On March 13, 2015, the Tribal Business Council passed Resolution No. 15-030-LKH entitled "Lease to Missouri River Resources of acreage along the Little Missouri River" which included the mineral interest within Subject Lands; and
- WHEREAS,** Missouri River Resources will develop the minerals within these locations by developing well pads in Township 147N Range 93W Section 21 S/2, Township



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147N Range 93W Section 22 S/2, Township 147N Range 93W Section 20 SW/4, and Township 147N Range 93W Section 20 SE/4 and drilling all horizontal wells from North to South; and

**WHEREAS,** Tribal Business Council believes full development of the Subject Lands would be best accomplished by the drilling, completion and operation of up to twenty-three (23) horizontal Bailey-Bakken Pool wells (collectively "Wells") within a 3,840-acre spacing unit comprised of the Subject Lands; and

**WHEREAS,** Tribal Business Council further asserts that creation of the 3840-acre spacing unit consisting of the Subject Lands will result in the recovery of oil and gas that might not otherwise be recovered from the Subject Lands, ensure tribal rights are not stranded, protect correlative rights, prevent waste, maximize resource recovery and avoid the drilling of unnecessary wells.

**NOW THEREFORE BE IT RESOLVED,** The Tribal Business Council hereby authorizes a 3,840-acre drilling spacing unit (3,840-acre DSU) consisting of the mineral interests within Township 147N Range 93W Sections 27, 28, 29, 32, 33, and 34 in order to recover oil and gas that might not otherwise be recovered from the Subject Lands, ensure interests are not stranded, protect correlative rights, prevent waste, maximize resource recovery and avoid drilling of unnecessary wells; and

**NOW THEREFORE BE IT FURTHER RESOLVED,** The Tribal Business Council hereby directs Missouri River Resources to develop the mineral interests within the 3,840-acre DSU in a manner that will result in the recovery of oil and gas that might not otherwise be recovered from the Subject Lands, ensure interests are not stranded, protect correlative rights, prevent waste, maximize resource recovery and avoid the drilling of unnecessary wells.

**NOW THEREFORE BE IT FURTHER RESOLVED,** The Tribal Business Committee further directs Missouri River Resources to drill, complete and operate up to twenty-three (23) horizontal Bailey-Bakken Pool wells (collectively "Wells") within a 3,840-acre DSU unit comprised of the Subject Lands; and

**NOW THEREFORE BE IT FURTHER RESOLVED,** The Tribal Business Committee further directs Missouri River Resources to ensure all portions of wellbores of the Wells not isolated by cement should be located no closer than: (i) five hundred (500) feet to the east of west boundaries of the 3,840-acre DSU and (ii) two hundred (200) feet to the north of south boundaries of the 3,840-acre DSU.

**NOW THEREFORE BE IT FURTHER RESOLVED,** This Resolution shall become effective thirty (30) days ("Effective Date") after adoption by the Tribal Business Committee, during which time the mineral interest owners must be notified of this Resolution and may submit comments prior to the Effective Date. The MHA Energy Division will review comments prior to the Effective Date and report concerns therein to the Natural Resources Committee, which will recommend if the Effective Date shall be stayed. Comments shall be sent to Mr. Kenny Lyson, MHA Nation Energy, 305 4<sup>th</sup> St. N., New Town, ND 58763 or [klyson@mhanation.com](mailto:klyson@mhanation.com), and shall include the name, address, and other contact information of the submitting party.



**BE IT FINALLY RESOLVED**, that the Chairman is hereby to 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 Regular Meeting thereof duly called, noticed, convened and held on the 8<sup>th</sup> day of February, 2017, 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 [ X ] Voting. [ ] Not Voting.

Dated this 8<sup>th</sup> day of February, 2017.

**ATTEST:**

Handwritten signature of Fred W. Fox in cursive script.

Tribal Secretary, Fred W. Fox  
Tribal Business Council  
Three Affiliated Tribes

Handwritten signature of Mark Fox in cursive script.

Tribal Chairman, Mark Fox  
Tribal Business Council  
Three Affiliated Tribes