



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

**A Resolution entitled, “Assignment from Missouri River Resources to XTO Energy of
Portion of BIA Lease No. 7420A42649”**

- 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 Tribal Business Council leased to Missouri River Resources (“MRR”) Allotment No. MT 1961 in Township 147N, Range 95W Section 1 (Lot 6, Lot 7, Lot 8, and NE/4SE4) and Section 12 (Lot 6, Lot 7, and Lot 8), containing 265.12 acres, more or less, through approval of Tribal Resolution No. 15-030-LKH on March 13, 2015; and
- WHEREAS,** MRR executed the lease on April 8, 2015; the MHA Nation executed the lease on April 10, 2015, and the Bureau of Indian Affairs approved the lease on November 2, 2015 and designated it as BIA Lease No. 7420A42649; and
- WHEREAS,** The 265.12 acres of MT 1961 are located in a drilling spacing unit controlled by XTO Energy; and
- WHEREAS,** MRR seeks to assign to XTO Energy 159.10 acres of the 265.12 acres, in exchange for an equal number of acres within a 320-acre drilling spacing unit within Allotment No. M706A-B in Township 149N, Range 94W, Section 4 leased to XTO Energy through BIA Lease No. 7420A42547, and for which the permitting has been completed by XTO, save for the application for permit to drill; and



WHEREAS, BIA Lease No. 7420A42649 requires approval of the MHA Nation, the Lessor, prior to assignment of the Lease or any portion therein.

NOW THEREFORE BE IT RESOLVED, the Tribal Business Council hereby authorizes MRR to assign to XTO Energy 159.10 acres of the 265.12 acres leased to MRR through Tribal Resolution No. 15-030-LKH and BIA Lease No. 7420A42649, in exchange for an equal number of acres within Allotment No. M706A-B in Township 149N, Range 94W, Section 4 leased to XTO Energy through BIA Lease No. 7420A42547, and

NOW THEREFORE BE IT FURTHER RESOLVED, The authorization granted herein serves as the authorization of the Lessor pursuant to the terms of BIA Lease No. 7420A42649, and

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, 6 were present at a Special Meeting thereof duly called, noticed, convened and held on the 29th day of August, 2017, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman Voting. Not Voting.

Dated this 29th day of August, 2017.

ATTEST:

Tribal Secretary, Fred W. Fox
Tribal Business Council

Chairman, Mark N. Fox
Tribal Business Council