



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

A Resolution entitled, “*Consent to Approval of a Temporary Assignment Right-Of-Way Across Tribal Land for the MABEL LEVINGS 14-23 Project 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 (“ROWS”) 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. 17-117-FWF, 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,** WPX Energy Williston, LLC submitted a ROW application for the Mabel Levings 14-23 Project for a Temporary Above-Ground Freshwater Pipeline, across certain tribal tracts in Allotments T852A-A, 733A and T690A-B with 100%, 25.25% and 100% tribal interest respectively, in Sections 22 and 16, Township 149 North, Range 93 West, in Dunn County, North Dakota as more particularly described in Appendix A.1.; and



WHEREAS, The ROW application, submitted by WPX Energy Williston, LLC for the Mabel Levings 14-23 Project, described above, has been reviewed and recommended for approval by the MHA Natural Resources Department and the MHA Nation Energy Division in accordance with the MHA Nation's approved procedure for authorizing ROWs on Tribal Land; and

WHEREAS, Compensation will be \$5,000.00 per acre. Compensation will be based on sixty (60) day periods. If WPX Energy Williston, LLC exceeds at any one time the sixty (60) day period, the Three Affiliated Tribes will be compensated for an additional sixty (60) day period.

WHEREAS, On October 10, 2017, at a duly held meeting of the Natural Resources Committee ("NRC"), the MHA Nation Energy Division recommended for approval of WPX Energy Williston, LLC's ROW application and consent request for the Mabel Levings 14-23 Project, more fully described herein, and in the attached Appendix A.1., and the NRC approved WPX Energy Williston, LLC's application and forwarded it to the Tribal Business Council for final action.

NOW THEREFORE BE IT RESOLVED, Subject to WPX Energy Williston, LLC agreement to the execution of the MHA Right-of-Way Application and Terms and Conditions, as listed therein, and payment of ROW fees, the Tribal Business Council hereby approves the following ROW application, attached as Appendix A.1, and ROW consent, as follows:

- WPX Energy Williston, LLC – the Mabel Levings 14-23 Project, for a Temporary Above-Ground Freshwater Pipeline, across certain tribal tracts in Allotments T852A-A, 733A and T690A-B with 100%, 25.25% and 100%, tribal interest respectively, in Sections 22 and 16, Township 149 North, Range 93 West, in Dunn County, North Dakota.

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 Regular Meeting thereof duly called, noticed, convened and held on the 11th day of October, 2017, 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 11th day of October, 2017.

ATTEST:

Tribal Secretary, Fred W. Fox
Tribal Business Council

Tribal Chairman, Mark N. Fox
Tribal Business Council



< 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