



**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 Howling Wolf Temporary Freshwater Pipeline 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. 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, WPX Energy Williston, LLC submitted a ROW application for the Howling Wolf Project for a Temporary Freshwater Pipeline, across certain Tribal tracts in Sections 13, 23, 24, 26, 28, 29 & 30, Township 147 North, Range 91 West, and Section 26, Township 147 North, Range 92 West, in Dunn County, North Dakota as more particularly described in Appendix A.1., on the following Tribal tracts:

- Allotment 1833 (0.2354166667 Tribal interest)



- Allotment 1831-B (0.1375000000 Tribal interest)
- Allotment 3045-D (0.0500000000 Tribal interest)
- Allotment 692A (0.2777777778 Tribal interest)
- Allotment 846A (0.1375000000 Tribal interest)
- Allotment T2151 (100% Tribal interest)
- Allotment T1831-A (100% Tribal interest)
- Allotment T759A-B (100% Tribal interest)
- Allotment T759A-C (100% Tribal interest)
- Allotment T704A-A (100% Tribal interest)
- Allotment T704A-B (100% Tribal interest)
- Allotment T704A-C (100% Tribal interest)
- Allotment T704A-D (100% Tribal interest)
- Allotment T701A (100% Tribal interest); and

WHEREAS, The ROW application, submitted by WPX Energy Williston, LLC for the Howling Wolf 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, Pursuant to fees established and set forth in Resolution No. 17-117-FWF, the projected compensation to the MHA Nation for this ROW application is \$4,438.21 and

WHEREAS, Compensation will be based on sixty (60) day periods, and if WPX Energy Williston, LLC exceeds at any one time the sixty (60) day period, the MHA Nation will be compensated for an additional sixty (60) day period; and

WHEREAS, On June 27, 2018, 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 Howling Wolf 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 Howling Wolf Project for a Temporary Freshwater Pipeline, across certain Tribal tracts in Sections 13, 23, 24, 26, 28, 29



& 30, Township 147 North, Range 91 West, and Section 26, Township 147 North, Range 92 West, in Dunn County, North Dakota, on the following Tribal tracts:

- Allotment 1833 (0.2354166667 Tribal interest)
- Allotment 1831-B (0.1375000000 Tribal interest)
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- Allotment T704A-B (100% Tribal interest)
- Allotment T704A-C (100% Tribal interest)
- Allotment T704A-D (100% Tribal interest)
- Allotment T701A (100% Tribal interest).

BE IT FURTHER RESOLVED, In accordance with the MHA Nation Standard Terms and Conditions for Right-of-Ways, the ROW for the Howling Wolf Project will be subject to sixty (60) day period; and

BE IT FURTHER RESOLVED, The MHA Nation Standard Terms and Conditions for Right-of-Ways, executed by WPX Energy Williston, LLC and the MHA Nation Energy Division, constitute a written agreement as part of the MHA Nation's consent to the grant of the ROW, and therefore, as provided in 25 CFR §169.107(a), the Tribal Business Council requests Bureau of Indian Affairs to incorporate these terms and conditions into the ROW grant for the Howling Wolf Project; and

BE IT FURTHER RESOLVED, The Tribal Business Council retains the authority, as well as the delegation of authority to the MHA Nation Energy Division and other Tribal departments, to issue fines and set conditions to address and resolve ROW trespass, abandonment, non-use, and other violations, including violations of applicable MHA Nation Standard ROW Terms and Conditions, and further requests the Bureau of Indian Affairs to defer to these remedies, in accordance with the intent and notice provisions in 25 CFR §169.403(a).

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.



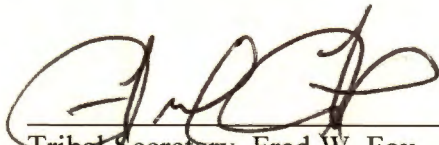
CERTIFICATION

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 July, 2018, 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.

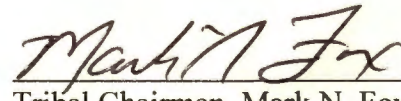
Chairman Voting. Not Voting.

Dated this 11th day of July, 2018.

ATTEST:



Tribal Secretary, Fred W. Fox
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 >