



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

*A Resolution entitled: "Approval of Consent to Amend BIA ROW No. FBOG100001  
(Modification No. 2) to add Four Additional Wells on the Moccasin Creek 13-34 Well Pad."*

- WHEREAS,** This Three Affiliated Tribes ("Tribes" or "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 pursuant to said Act; and
- WHEREAS,** The Constitution of the Three Affiliated Tribes generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and
- WHEREAS,** Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and
- WHEREAS,** Article VI, Section 5 (d) of the Constitution of the Three Affiliated Tribes empowers the Tribal Business Council to negotiate with the Federal government on behalf 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 provide 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 (Establishing 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), Resolution No. 17-117-FWF (Approval of Fee Structure), and Resolution No. 18-212-FWF (Amending Fee Structure); and



**WHEREAS,** On October 1, 2009, the Bureau of Indian Affairs (“BIA”) granted to Kodiak Oil & Gas Corporation (“Kodiak”) ROW No. FBOG100001, an “easement for right-of-way for the following purposes, specifically: MOCCASIN CREEK 13-34-3H and MOCCASIN CREEK 13-34-28H WELL LOCATION AND ACCESS over land embraced within a right-of-way, situated on the following described lands located in” Dunn County, North Dakota on the Fort Berthold Indian Reservation (“FBIR”):

Township 147 North, Range 93 West, Fifth Principal Meridian

Tract T2189 (100 % Tribal interest) – N½ of Section 3  
(5.32 acres access road)

Township 148 North, Range 93 West, Fifth Principal Meridian

Tract T1969 (100 % Tribal interest) – SW¼ SW¼ of Section 34  
(0.96 acres – access road and well pad)

Tract T3053 (100 % Tribal interest) – SE¼ SE¼ of Section 33  
(well pad); and

**WHEREAS** BIA ROW No. FBOG100001 is limited to and more particularly described to be an access road 5,473 feet in length, 50 feet in width, and a well pad 350 feet by 550 feet and 13.71 acres in total area; and

**WHEREAS,** BIA ROW No. FBOG100001 provides that a fifty-foot width right-of-way is granted across the aforementioned trust property along with 7.43 acres of surface disturbance for a well pad; and

**WHEREAS,** On December 10, 2014, Kodiak amended its corporate articles changing its name to Whiting Resources Corporation (“Whiting”) and through operation of law assigned the ROW No. FBOG100001 to Whiting; and

**WHEREAS,** In July 2014, by operation of law, the assignment of ROW No. FBOG100001 transferred from Kodiak to Whiting and;

**WHEREAS,** On February 8, 2017, the Tribal Business Council passed Resolution No. 17-025-FWF, entitled “Consent to Modification of a Right-of-Way across Tribal land for the Moccasin Creek 13-34-28-2H Project submitted by Whiting Oil and Gas Corporation,” which provided Tribal consent to amend BIA ROW No. FBOG100001 to add one additional well with no additional disturbance to the Moccasin Creek 13-34-28-2H well pad located on Tract No. 1969 (100% Tribal



interest) in Section 34, Township 148 North, Range 93 West, Dunn County, ND;  
and

**WHEREAS,** Effective September 1, 2017, RimRock Oil & Gas Williston, LLC (“RimRock”) acquired, through a Purchase Agreement and Assignment, Bill of Sale and Conveyance, all of Whiting’s assets on the Fort Berthold Indian Reservation, including but not limited to leaseholds, equipment, records, permits, rights-of-way, and pending rights-of way, and on a contractual basis, Whiting continued to operate said assets for RimRock until January 1, 2018; and

**WHEREAS,** On March 6, 2018, RimRock provided the BIA supporting documentation regarding the assignment of BIA rights-of-way from Whiting to RimRock, as a result of the September 1, 2017 Purchase Agreement and Assignment, Bill of Sale and Conveyance, including detailed lists of all approved rights-of-way and rights-of-way “in process” and requested BIA to transfer all BIA ROWs on both lists from Whiting to RimRock; and

**WHEREAS,** The transfer of the approved ROWs and ROWs in process from Whiting to RimRock was completed under 25 CFR § 169.207(c) when BIA reviewed a copy of the assignment conveyance agreement and supporting documentation provided by RimRock and recorded said documentation in the Land Title and Records Office on September 17, 2018; and

**WHEREAS,** On May 9, 2019, RimRock submitted a ROW application to amend BIA ROW No. FBOG100001 (Modification No. 2) to add four (4) additional well bores: (i) Adelaide 13-34TFH, (ii) Canberra 13-34H, (iii) Perth 13-34H, and (iv) Wollongong 13-34TFH, on the Moccasin Creek 13-34 Pad, across the following Tribal lands: Tract No. T2189 (100% Tribal Interest) in the N½ of Section 3, Township 147 North, Range 93 West, Tract No. T1969 (100% Tribal Interest) in the SW¼ SW¼ of Section 34, Township 148 North, Range 93 West, and Tract No. T3053 (100% Tribal Interest) in the SE¼ SE¼ of Section 33, Township 148 North, Range 93 West, the 5th Principal Meridian, Dunn County, North Dakota as more particularly described in Appendix A.1.; and

**WHEREAS,** Pursuant to fees established and set forth in Resolution No. 18-212-FWF, the projected compensation to the MHA Nation for this ROW application is \$20,000.00 for four (4) additional well bores (\$5,000.00 for each additional well bore); and

**WHEREAS,** The ROW application, submitted by RimRock for the addition of four (4) wells on the Moccasin Creek 13-34 Pad, described above, has been reviewed and recommended for approval by the MHA Energy Committee and the MHA Nation Energy Division in accordance with the MHA Nation’s approved procedure for authorizing ROWs on Tribal Land; and



**WHEREAS,** On June 4, 2019, at a duly held meeting of the MHA Energy Committee, the MHA Nation Energy Division presented to the MHA Energy Committee application for amendment of BIA ROW No. FBOG100001, and RimRock representatives were also in attendance at the MHA Energy Committee meeting and were given an opportunity to be heard; and

**WHEREAS,** During the course of finalizing RimRock's ROW application and consent request to amend BIA ROW No. FBOG100001 for consideration and approval by the Tribal Business Council, RimRock informed the MHA Nation Energy Division that the BIA could not locate the original Tribal consents for Tract No. T2189, Tract No. T1969 and Tract No. T3053 encumbered by ROW No. FBOG100001, and that RimRock could not locate said Tribal consents in the files or records of Kodiak or Whiting; and

**WHEREAS,** Because there are no known records or documentation of written Tribal consents for BIA ROW No. FBOG0100001, as a prudent matter and in conformance with prevailing Tribal and federal laws, RimRock now seeks the formal consent of the MHA Nation for Tract No. T2189, Tract No. T1969 and Tract No. T3053 for the initial issuance of ROW No. FBOG100001.

**NOW THEREFORE BE IT FURTHER RESOLVED,** That the Tribal Business Council hereby provides the retroactive consent of the MHA Nation for Tract No. T2189 (100% Tribal interest), Tract No. T1969 (100% Tribal interest), and Tract No. T3053 (100% Tribal interest), for the initial issuance of ROW No. FBOG100001 on October 1, 2009, provided that the BIA demonstrates to the MHA Nation Energy Division that the BIA remitted to the MHA Nation the ROW payment that Kodiak Oil and Gas Corporation rendered to the BIA.

**BE IT FURTHER RESOLVED,** Subject to RimRock Oil & Gas Williston, LLC's 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:

- RimRock Oil & Gas Williston, LLC – To amend BIA ROW No. FBOG100001 (Modification No. 2) to add four (4) additional well bores: (i) Adelaide 13-34TFH, (ii) Canberra 13-34H, (iii) Perth 13-34H, and (iv) Wollongong 13-34TFH, on the Moccasin Creek 13-34 Pad, across the following Tribal lands: Tract No. T2189 (100% Tribal Interest) in the N½ of Section 3, Township 147 North, Range 93 West, Tract No. T1969 (100% Tribal Interest) in the SW¼ SW¼ of Section 34, Township 148 North, Range 93 West, and Tract No. T3053 (100% Tribal Interest)



in the SE¼ SE¼ of Section 33, Township 148 North, Range 93 West, the 5th Principal Meridian, Dunn County, North Dakota.

**BE IT FURTHER RESOLVED,** In accordance with the MHA Nation Standard Terms and Conditions for Right-of-Ways, the amending the ROW FBOG100001 for the four (4) additional Wells on the Moccasin Creek 13-34 Well Pad will be subject to the term of the originally executed BIA ROW grant FBOG100001.

**BE IT FURTHER RESOLVED,** The Tribal Business Council hereby consents to the estimated compensation for this ROW application in the amount of \$20,000.00, which is based on the MHA Nation ROW compensation for the four (4) additional well bores (\$5,000.00 for each additional well bore), pursuant to the application fees established and set forth in Resolution No. 18-212-FWF.

**BE IT FURTHER RESOLVED,** In accordance with governing MHA Nation law and policy as well as applicable federal ROW regulations, all ROW grantees must obtain the prior written approval from the MHA Nation before assigning any ROW that contains any Tribal interest, and therefore, the Tribal Business Council does not pre-consent to an assignment of BIA ROW No. FBOG100001 or any portion thereof.

**BE IT FURTHER RESOLVED,** The Tribal Business Council does not consent to waive any bond, insurance, or alternative form of security.

**BE IT FURTHER RESOLVED,** The MHA Nation Standard Terms and Conditions for Right-of-Ways, executed by RimRock Oil & Gas Williston, LLC and the MHA Nation Energy Division, constitutes 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 amended BIA ROW No. FBOG100001.

**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**

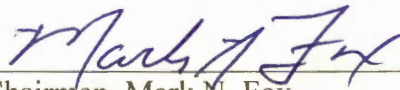
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 10th day of October, 2019, 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. [ X ] Not Voting.

Dated this 10<sup>th</sup> day of October, 2019.

**ATTEST:**

  
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Tribal Secretary, Fred W. Fox  
Tribal Business Council

  
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Chairman, Mark N. Fox  
Tribal Business Council