



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

A Resolution entitled: "Approval to Amend BIA ROW No. FBOG100169 (Modification No. 2) to add One Additional Well on the Skunk Creek 2-8 Well Pad Submitted by RimRock Oil & Gas Williston, LLC."

WHEREAS, This Mandan Hidatsa and Arikara Nation, also known as the Three Affiliated Tribes (the "MHA Nation" or "Tribes"), 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 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 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 May 9, 2019, MHA Nation Tribal Business Council pass Resolution No. 19-085-FWF entitled "*Approval of Assessment of Civil Fine on RimRock Oil & Gas Williston, LLC for Trespass of BIA ROW No. FBOG100169 for the Skunk Creek 2-8 Well Pad and Consent to Amend BIA ROW No. FBOG100169 to add Two*



Additional Wells on the Skunk Creek 2-8 Well Pad Submitted by RimRock Oil & Gas Williston, LLC”; and

WHEREAS, On June 14, 2019, the Bureau of Indian Affairs (“BIA”) granted Modification No. 1 amending BIA ROW No. FBOG100169, as follows:

- Additional well bore (YOU KNOW 2-8TFH) and 0.63 acres of additional access road acreage and 1.81 acres of additional well pad acreage ... will be added to the existing SKUNK CREEK 2-8 location in Allotment No. 1626 (40% Tribal Interest) located in the NW¼ NE¼ of Section 8, Township 148 North, Range 93 West, Dunn County, North; and

WHEREAS, On September 12, 2019, RimRock submitted a ROW application to amend BIA ROW No. FBOG100169 (Modification No. 2) to add one (1) additional well bore (Nevertheless 2-8H) on the Skunk Creek 2-8 Pad, with no additional disturbance, across certain Tribal tracts on Allotment No. 1626 (40% Tribal Interest) located in NW¼ NE¼ of Section 8, 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 proportionate to MHA ownership (40% Tribal Interest) for this is \$5,000.00 for one (1) additional well bore (\$5,000.00 for each additional well bore) for a total of \$5,000.00 (\$2,000.00 proportion for Tribal Interest), in addition to the one-time application fee; and

WHEREAS, The ROW application and consent request, submitted by RimRock to amend BIA ROW No. FBOG100169 to add one (1) well bore (Nevertheless 2-8H), with no additional disturbance, on the Skunk Creek 2-8 Pad has been reviewed and recommended for approval by the MHA Nation Energy Division in accordance with the MHA Nation’s approved procedure for authorizing ROWs on Tribal Land; and

WHEREAS, On October 7, 2019, at a duly held meeting of the Energy Committee (“EC”), the MHA Nation Energy Division recommended approval of RimRock Oil & Gas Williston, LLC’s ROW application and consent request to amend BIA ROW No. FBOG100169 to add one (1) additional well bore (Nevertheless 2-8H), with no additional disturbance, on the Skunk Creek 2-8 Pad, more fully described herein, and in the attached Appendix A.1., and the EC approved RimRock’s application and forwarded it to the Tribal Business Council for final action.

NOW THEREFORE BE IT 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. FBOG100169 (Modification No. 2) to add one (1) additional well bore (Nevertheless 2-8H), with no additional disturbance, on the Skunk Creek 2-8 Pad, across certain Tribal tracts on Allotment No. 1626 (40% Tribal Interest) located in NW ¼ NE ¼ of Section 8, 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, amending BIA ROW No. FBOG100169 to add one (1) well on the Skunk Creek 2-8 Well Pad will be subject to the term of the originally executed BIA ROW Grant No. FBOG100169.

BE IT FURTHER RESOLVED, The Tribal Business Council hereby consents to the estimated compensation proportionate to MHA ownership (40% Tribal interest) for this is \$5,000.00 for one (1) additional well bore (\$5,000.00 for each additional well bore) for a total of \$2,000.00 proportion for Tribal Interest, and in addition to the one-time application fee, 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. FBOG100169 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. FBOG100169.

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 Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 6 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 9th day of January 2020; 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 [] voting. [X] not voting.

Dated this 9th day of January, 2020.

ATTEST:

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

Tribal Chairman, Mark N. Fox
Tribal Business Council
Three Affiliated Tribes