



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

*A Resolution entitled, "Consent to Amend BIA ROW No. FBOG100187 (Modification No. 1)  
To add Three Additional Wellbores on the West Clark 24 SWNE Well Pad  
Submitted by EOG Resources, Inc."*

**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, also known as the Mandan, Hidatsa, and Arikara Nation ("Tribes" or "MHA Nation"), 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 (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 December 2, 2010, then MHA Nation Tribal Business Council Member and Secretary V. Judy Brugh executed the Bureau of Indian Affairs ("BIA") "Consent of Owner's - Grant of Right-of-Way" for an ROW application submitted by EOG



Resources, Inc. across certain trust lands on Allotment No. 1058A (50% Tribal interest), located in the E of Section 24, Township 151 North, Range 95 West, in McKenzie County, North Dakota; and

**WHEREAS,** The December 2, 2010 Consent of Owner’s – Grant of Right-of-Way includes the following description of easement: “Well pad and access road; Access from existing well site location (Clarks Creek #11-0706H, #12-0719H, & #102-0706H) then going Southwesterly through Section 18, T151N-R94W continue South into the Northwest of Section 19, T151N-R94W then going West and into the Northeast quarter of Section 24, T151N-R95W McKenzie County, ND.” and

**WHEREAS,** On April 26, 2011, the Bureau of Indian Affairs (“BIA”) granted to EOG Resources, Inc., BIA ROW No. FBOG100187 for the following purposes, specifically: “WEST CLARKS #01-2413H, #02-2425H, #100-2413H, #101-2425H, #03-2413H & #04-2425H WELL LOCATION AND ACCESS” over land embraced within a ROW situated on the following described lands located in the County of McKenzie, North Dakota on the Fort Berthold Indian Reservation:

**Township 151 North, Range 94 West, Fifth P.M.**

- Allotment No. 1065A – Lots 1, 2, 3, & 4, E½ W½ of Section 19  
(5.387 acres for access road)
- Allotment No. 1060A – Lots 1, 2, 3, & 4, E½ W½ of Section 18  
(9.582 acres for access road)

**Township 151 North, Range 95 West, Fifth P.M.**

- Allotment No. 1058A – E½ of Section 24  
(2.942 acres for access road and 3.26 acres for well pad); and

**WHEREAS** BIA ROW No. FBOG100187 is limited to and more particularly described to be an access road 10,097.34 feet in length, 100 feet in width and a well pad 330 feet by 430 feet and 3.26 acres in total area; and

**WHEREAS** BIA ROW No. FBOG100187 includes a grant of a fifty-foot wide ROW across the aforementioned trust property, along with 9.093 acres of surface disturbance for the well pad; and

**WHEREAS,** On February 20, 2020, EOG Resources, Inc. (EOG) submitted a ROW application and consent request to amend BIA ROW No. FBOG100187 to add three additional wellbores on the West Clark 24 SWNE well pad, with no new surface disturbance, across certain tribal tracts in Allotment No. 1058A (50.0% Tribal interest) located in Section 24 of Township 151 North, Range 95 West, in McKenzie 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 \$7,500.00; and

**WHEREAS,** The ROW application and consent request, submitted by EOG to amend BIA ROW No. FBOG100187 to add three additional wellbores on the West Clark 24 SWNE well pad, with no new surface disturbance, 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,** On February 26, 2020, at a duly held meeting of the Energy Committee (“EC”), the MHA Nation Energy Division recommended approval of EOG’s ROW application and consent request to amend BIA ROW No. FBOG100187 to add three additional wellbores on the West Clark 24 SWNE well pad, with no new surface disturbance, more fully described herein, and in the attached Appendix A.1., and the EC approved EOG’s application and forwarded it to the Tribal Business Council for final action.

**NOW THEREFORE BE IT RESOLVED,** Subject to EOG’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:

- EOG Resources, Inc. – To amend BIA ROW No. FBOG100187 to add three additional wellbores on the West Clark 24 SWNE well pad, with no new surface disturbance, across certain tribal tracts in Allotment No. 1058A (50.0% Tribal interest) located in Section 24 of Township 151 North, Range 95 West, in McKenzie County, North Dakota.

**BE IT FURTHER RESOLVED,** In accordance with the MHA Nation Standard Terms and Conditions for Right-of-Ways, the ROW application and consent request to add three wellbores on the West Clark 24 SWNE well pad will be subject the term of the existing BIA ROW No. FBOG100187.

**BE IT FURTHER RESOLVED,** The Tribal Business Council consents to the estimated compensation for this ROW application and consent request in the amount of \$7,500.00, in addition to the one-time application fee, which is based on the MHA Nation ROW compensation and 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 the BIA ROW No. FBOG100187 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 EOG 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 ensure these terms and conditions remain a part of any amendments or modification to BIA ROW No. FBOG100187.

**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.



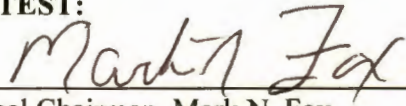
**CERTIFICATION**

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, 6 were present at a Special Meeting thereof duly called, noticed, convened and held on the 8<sup>th</sup> day of April, 2020, 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 [ X ] Voting. [ ] Not Voting.

Dated this 8<sup>th</sup> day of April, 2020.

  
\_\_\_\_\_  
Tribal Secretary, Fred Fox  
Tribal Business Council  
Three Affiliated Tribes

**ATTEST:**  
  
\_\_\_\_\_  
Tribal Chairman, Mark N. Fox  
Tribal Business Council  
Three Affiliated Tribes

**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 >