



**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. FBOG100582 (Modification No. 2) Across Tribal Land (Allotment 1007A) Submitted By Rim Rock Oil & Gas Williston, LLC"

- WHEREAS,** The Mandan Hidatsa and Arikara Nation (the "MHA Nation"), also known as the Three Affiliated Tribes, having accepted the Indian Reorganization Act of June 18, 1934, the authority under said Act, and having adopted a Constitution and By-laws (the "Constitution") under said Act, and
- WHEREAS,** Pursuant to Article III, Section 1 of its Constitution and By-Laws, the Tribal Business Council is the governing body of the MHA Nation; 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,** The Tribal Business Council has authority to engage in activities on behalf of and for the welfare and benefit of the Tribes and of the enrolled members thereof; 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 Nos. 18-212-FWF and 21-082-FWF (Amending Fee Structure); and
- WHEREAS,** The Tribe previously consented to a ROW for the Moccasin Creek 14-11 Pad Project; and



WHEREAS, On October 1, 2012, the BIA granted to Kodiak Oil & Gas (USA), Inc. Row No. FBOG100582 a right-of-way for Moccasin Creek 14-11 Well Location and Access; and

WHEREAS, On December 10, 2014, Kodiak became Whiting Resources Corporation (“Whiting”); and

WHEREAS, On September 1, 2017 Rim Rock Oil and Gas Williston, LLC (“Rim Rock”) acquired all of the Whiting assets on the Fort Berthold Indian Reservation including ROW FBOG100582; and

WHEREAS, On April 8, 2021, Resolution No. 21-090-FWF was signed granting Tribal consent to Rim Rock Oil & Gas Williston, LLC to amend ROW No. FBOG100582 for the Moccasin Creek 14-11 Pad Project to add 3 wells to the pad; and

WHEREAS, Rim Rock submitted a ROW application to amend ROW No. FBOG100582 for the Moccasin Creek 14-11 Pad Project to:

- Add 2 additional wellbores to existing pad,

across Allotment(s) 1007A in Section 11, Township 147 North, Range 93 West, in Dunn County, North Dakota, with 64.87603306% tribal interest; and

WHEREAS, The ROW application, has been reviewed and recommended for approval in accordance with the MHA Nation’s approved procedure for authorizing ROWs on Tribal Land.

NOW THEREFORE BE IT RESOLVED, Subject to the MHA Nation Standard Terms and Conditions for Right-of-Ways, and payment of applicable ROW fees, the Tribal Business Council hereby approves the ROW application, attached as Appendix A.1, and consents to the following ROW amendment:

Rim Rock Oil & Gas Williston, LLC Moccasin Creek 14-11 Pad Project:

- To add 2 additional wellbores to existing pad,

across Allotment(s) 1007A in Section 11, Township 147 North, Range 93 West, in Dunn County, North Dakota, with 64.87603306% tribal interest; and

BE IT FURTHER RESOLVED, In accordance with the MHA Nation Standard Terms and Conditions for Right-of-Ways, the ROW for the Moccasin Creek 14-11 Pad Project



will remain subject to the original twenty (20) year term, from the date of the BIA's execution of the original grant of BIA ROW No. FBOG100582.

BE IT FURTHER RESOLVED, The Tribe 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 are incorporated into this consent to the grant of the ROW, and therefore, as provided in 25 CFR §169.107(a), the Tribal Business Council requests the Bureau of Indian Affairs to incorporate these terms and conditions into the ROW grant.

BE IT FURTHER RESOLVED, The MHA Nation retains the authority 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.

[THIS SPACE INTENTIONALLY LEFT BLANK. CERTIFICATION FOLLOWS.]



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, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 12th day of August 2021; 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 12th day of August 2021.

ATTEST:

Handwritten signature of Fred Fox in blue ink.

Tribal Secretary, Fred Fox
Tribal Business Council
Three Affiliated Tribes

Handwritten signature of Mark N. Fox in blue ink.

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