



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

**A Resolution entitled, “*Consent to Crossnet Lease 5400012860 and Lease 5400024330,  
Submitted by Marathon Oil Company.*”**

- WHEREAS,** The Mandan Hidatsa and Arikara Nation (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 the Constitution, the Tribal Business Council is the governing body of the MHA Nation; and
- WHEREAS,** The Constitution 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 MHA Nation and of the enrolled members thereof; and
- WHEREAS,** Pursuant to Article VI, Section 5(1) of the Constitution, the Tribal Business Council has the power to adopt Resolutions regulating the procedures of the Tribal Business 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,** On August 21, 2008 Spotted Hawk Development entered an approved Oil and Gas Lease with the United States of America in Trust for the Three Affiliated Tribes, labeled as contract number 7420A41286; and
- WHEREAS,** Lease 7420A41286 covered the South-half of the South-half, the East-half of the Northeast-quarter of the Southeast-quarter, and the Southwest-quarter of the Northeast-quarter of the Southeast-quarter of Section 9, Township 151 North, Range 94 West, McKenzie County, North Dakota (hereinafter “Tract 9”); and
- WHEREAS,** Bureau of Indian Affairs (“BIA”) Lease 7420A41286 corresponds to Office of Natural Resources Revenue (“ONRR”) Contract Number 5400012860; and
- WHEREAS,** Marathon Oil Company (hereinafter “Marathon”), as operator, executed and submitted an application for Communitization Agreement on February 4, 2011 covering all of Sections 4 and 9, Township 151 North, Range 94 West, McKenzie County, North Dakota; and



**WHEREAS,** The Exhibit A and Exhibit B to the Communitization Agreement listed Lease 7420A41286 as covering Tract 9; and

**WHEREAS,** On September 29, 2011, the Communitization Agreement was approved as Communitization Agreement NDM-101683, Effective February 1, 2011; and

**WHEREAS,** Dating back to first production, Marathon has paid and reported revenue attributable to Tract 9 to ONRR per the terms of Approved Communitization Agreement NDM-101683 which credited Lease 7420A41286; and

**WHEREAS,** By Cancellation dated February 27, 2012 and recorded in the Great Plains Office of the LTRO on August 10, 2016, Lease 7420A41286 was cancelled and “superseded and replaced” by Lease number 7420A42433; and

**WHEREAS,** BIA Lease 7420A42433 corresponds to ONRR Contract Number 5400024330; and

**WHEREAS,** Around March 26, 2020, during end of month reporting to ONRR, Marathon was alerted to the cancellation when an ONRR report on Contract 5400012860 was rejected; and

**WHEREAS,** Marathon contacted ONRR requesting guidance on how to correct the reporting to Lease 54000024330 and were advised that Marathon would need Tribal approval in order to move all royalties to the new lease number without making duplicate payments.

**NOW THEREFORE BE IT RESOLVED,** Marathon may move the royalty and the recoupment balance from cancelled lease 5400012860 to new lease 5400024330; and,

**BE IT FINALLY RESOLVED,** 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.

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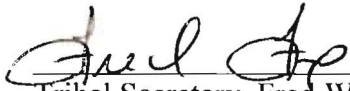
**CERTIFICATION**

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 15<sup>th</sup> day of December, 2021; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 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 15<sup>th</sup> day of December, 2021.

**ATTEST:**

  
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Tribal Secretary, Fred W. Fox  
Tribal Business Council

  
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Chairman, Mark N. Fox  
Tribal Business Council