



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

A Resolution entitled, "Consent to Approval of a Right-of-Way across Tribal land for the Charging Eagle 13-10 Pad Submitted by Devon Energy Williston, L.L.C."

- WHEREAS,** The Mandan Hidatsa and Arikara Nation (the "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 Tribes; 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 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,** Devon Energy Williston, L.L.C. submitted a ROW application for the Charging Eagle 13-10 Pad, a 12.002 Acre Well Pad with 8 wells and an access road 9,441.23' in length, varying in Width, 13.972 acres in size (the "well pad project"), a permanent pipeline 6,219.46' in length, 30' in Width, 4.284 acres in size, a temporary pipeline 70' in Width, 9.949 acres in size, and utilities 9,441.23' in



length, varying in Width, 13.972 acres in size, across certain tribal tracts in Allotments T1769, T1771-B, T1866 & T1814 in Sections 15 & 22, Township 147 North, Range 92 West, in Dunn County, North Dakota, with 100% 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.

WHEREAS, The projected compensation to the MHA Nation for this ROW application is their proportionate share of \$180,434.00.

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:

- Devon Energy Williston, L.L.C. – the Charging Eagle 13-10 Pad:
 - A Well Pad 12.002 acres in size,
 - an access road 9,441.23' in length, varying in Width, 13.972 acres in size
 - a permanent pipeline 6,219.46' in length, 30' in Width, 4.284 acres in size, a temporary pipeline 70' in Width, 9.949 acres in size
 - utilities 9,441.23' in length, varying in Width, 13.972 acres in size
 - Total disturbance for this project is 40.207 acres

across certain tribal tracts in Allotments T1769, T1771-B, T1866 & T1814 in Sections 15 & 22, Township 147 North, Range 92 West, in Dunn County, North Dakota.

BE IT FURTHER RESOLVED, the ROW shall have a 20 year term, from the date of the BIA's grant of the ROW.

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, Devon Energy Williston, L.L.C. requests the consent to an assignment of the gas portion of the pipeline for the Charging Eagle 13-10 Pad to ONEOK Rockies Midstream, LLC, the crude portion of the pipeline for the Charging Eagle 13-10 Pad to Black Diamond Investment Group, LLC, the



water portion of the pipeline for the Charging Eagle 13-10 Pad to Henry Hill Oil Services, LLC and the Utility portion for the Charging Eagle 13-10 Pad to McKenzie Electric Co-Op Inc.

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 Tribe retains the authority to issue fines and set conditions to address and resolve ROW trespass, abandonment, non-use, and other violations, including violations of the applicable MHA Nation Standard Terms and Conditions for Rights-of-Way, and further requests the Bureau of Indian Affairs to defer to these remedies, in accordance with the intent and notice provisions, as provided 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.

[Remainder of Page Left Blank, Certification Follows]




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 7th day of May, 2026, 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 7th day of May, 2026.

ATTEST:



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



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 >