



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

*A Resolution entitled, “Approval of lease of 89.9 acres of riverbed lands from Nation to Missouri River Resources and Approval of funds for Missouri River Resources to participate in the drilling of additional wells within the 89.9 acres”*

**WHEREAS,** The Mandan Hidatsa and Arikara Nation (“Nation” or “Tribes”) having accepted the Indian Reorganization Act of June 18, 1934 (“IRA”), and the authority under said Act and having adopted a Constitution and By-Laws pursuant to said Act; and

**WHEREAS,** The Constitution of the Nation generally 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 Tribes and of the enrolled members thereof; and

**WHEREAS,** Article III, Section 1 of the Constitution of the Nation provides that the Tribal Business Council is the governing body of the Tribes; and

**WHEREAS,** The Constitution of the Three Affiliated Tribes 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 Tribes and of the enrolled members thereof; and

**WHEREAS,** Article VI, Section 5 (i) and Article IX of the Constitution authorizes the Tribal Business Council to lease tribal lands and resources, including minerals; and

**WHEREAS,** The Tribal Business Council created Missouri River Resources (MRR) to participate in and profit from the oil and gas exploration on Reservation lands, and to ensure the MHA Nation receives the benefits of the natural resources that lay beneath its land; and

**WHEREAS,** The Tribal Business Council finds it in the best interest of the Nation to lease to MRR 89.9 acres, more or less, in or near the riverbed and owned by the Nation, of which 37.2 acres is operated by ConocoPhillips and 52.7 acres is operated by Enerplus Resources (USA) Corporation.

**WHEREAS,** The Tribal Business Council finds it in the best interest of the MHA Nation to authorize a loan to MRR in the amount of one million one hundred twenty one thousand four hundred thirteen dollars and 84/100 (\$1,121,413.84) to fund its participation in the additional drilling of wells within a spacing unit within the above referenced lease, in which MRR would have an interest and operated by Enerplus Resources (USA) Corporation.



**NOW THEREFORE BE IT RESOLVED,** The Tribal Business Council hereby approves the lease of tribal lands, specifically 89.9 acres, more or less, within the Fort Berthold Reservation in Dunn County, North Dakota, in accordance with the terms and conditions of the lease for the same, and as approved by Bureau of Indian Affairs, and as described below:

Township 147 North, Range 93 West, 5<sup>th</sup> Principal Meridian, Dunn County, North Dakota containing 37.2 acres, more or less, as follows: SEC. 19: BED OF THE LITTLE MO RIVER RIPARIAN TO THE ACCRETION TO LOT 4 AS IT LIES WITHIN THE CONFINES OF SEC 30; SEC. 29: BED OF THE LITTLE MISSOURI RIVER RIPARIAN TO THE ACCRETION TO LOT 8 AS IT LIES WITHIN THE CONFINES OF SEC. 30; SEC. 30: BED OF THE LITTLE MISSOURI RIVER RIPARIAN TO ACCRETIONS TO LOTS 1, 8; SEC. 30: BED OF THE LITTLE MISSOURI RIVER RIPARIAN TO ACCRETIONS TO LOT 2 AS IT LIES WITHIN THE CONFINES OF SEC 30; SEC. 30: BED OF THE LITTLE MISSOURI RIVER RIPARIAN TO LOT 5.

And,

Township 147 North, Range 93 West, 5th Principal Meridian, Dunn County, North Dakota, containing 52.70 acres, more or less, as follows: SECTION 19: PORTION OF THE BED OF THE LITTLE MISSOURI RIVER RIPARIAN TO LOTS 1, 2, 3, AND 4.

**BE IT FURTHER RESOLVED,** That the Tribal Business Council authorizes and approves a loan to MRR in the amount of one million one hundred twenty one thousand four hundred thirteen dollars and 84/100 (\$1,121,413.84) to fund its participation in the additional drilling of the Pygmy 147-93-18B-19H TF Well and the Horned 147-93-18B-19H Well, in a spacing unit within the above referenced lease, in which MRR would have an interest and operated by Enerplus Resources (USA) Corporation. The loan will be repaid from MRR's share of production from the wells over a term not to exceed seven (7) years from the date production in paying quantities, and to be evidenced by a Promissory Note Executed by MRR consistent with the terms of this Resolution.



**BE IT FURTHER RESOLVED**, the Tribal Chairman is hereby authorized to take such action as is 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, 5 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 9 day of May, 2013, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [] Voting. [] Not Voting.

Dated this 9 day of May, 2013.

**ATTEST:**

  
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Tribal Secretary, V. Judy Brugh  
Tribal Business Council  
Three Affiliated Tribes

  
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Tribal Chairman, Tex G. Hall  
Tribal Business Council  
Three Affiliated Tribes