



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

**A Resolution Entitled: "Authorization to Modify Existing ROW No. FBOG100702 with  
Enerplus Resources Corporation to Add Three Wells to the Site"**

- WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act 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, 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 Reservation; 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 tribal trust lands; and
- WHEREAS,** Enerplus Resources Corporation ("Enerplus") has proposed modifying ROW No. FBOG100702, an existing easement for right-of-way with the MHA Nation situated on the following described lands located in the County of Dunn, in the State of North Dakota:

Township 149 North, Range 93 West, Fifth Principal Meridian: Allotment #T 1922, W/2SE/4 of Section 2 (11.246 acres of well pad disturbance); Allotment #732A, E/2SE/4 of Section 3 (0.169 acres access road and 2.278 acres of well pad disturbance)

*(The remainder of this page is intentionally left blank)*



**WHEREAS,** Enerplus proposes modifying the existing easement for right-of-way to add the following wells:

FABRIC #149-93-04D-03H-LLS well  
STITCH #149-93-04D-03H-TF well  
QUILT #149-93-04D-03H well

**WHEREAS,** The three wells are located at Township 149 North, Range 93 West, Fifth Prime Meridian, Allotment #T 1922, Section 2: Lot 3 (NE/4NW/4), Lot 4 (NW/4NW/4), S/2NW/4, SW/4; and

**WHEREAS,** Enerplus confirms that no changes to the existing pad and access road dimensions as described in ROW No. FBOG100702 will occur with the proposed modification; and

**WHEREAS,** In consideration of the modification, Enerplus agrees to compensate the MHA Nation \$5,000.00 for each proposed well for a total payment of \$15,000.00; and

**WHEREAS,** The Business Council finds it in the best interest of the MHA Nation to authorize the modification of ROW No. FBOG100702 to add the three wells described herein.

**NOW THEREFORE BE IT RESOLVED,** the Business Council hereby consents to the modification of ROW No. FBOG100702 proposed by Enerplus to add the three wells described herein, subject to the terms of the existing grant of easement for right of way, ROW # FBOG100702 dated 2/8/2013.

**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 page to follow)*

United States Department of the Interior  
Bureau of Indian Affairs  
Fort Berthold Agency

**CONSENT OF OWNER'S – GRANT OF RIGHT OF WAY**

Landowner Name: Three Affiliated Tribes

Legal Description: Township 149 North, Range 93 West, 5<sup>th</sup> P.M. Allotment No. T 1922  
Section 2: Lot 3 (NE/4NW/4), Lot 4 (NW/4NW/4), S/2NW/4, SW/4

**Dunn County, ND**

The undersigned owner of an undivided 1.00 interest in the subject parcel, hereby consents and agrees to the following regarding the application submitted by ENERPLUS RESOURCES (USA) CORPORATION.

Description of Easement: **Modify Existing ROW # FBOG100702 to add the following wells:**

**FABRIC #149-93-04D-03H-LLS well**  
**STITCH #149-93-04D-03H-TF well**  
**QUILT #149-93-04D-03H well**

No changes to the pad and access road dimensions as described in Existing ROW # FBOG100702. Access across and a well pad of approximately 360 feet X 575 feet, more or less, being **13.524** total acres, more or less, from the above described Allotments as shown on the map of definite location, attached hereto and made a part hereof.

**TOTAL DISTURBED AREA** (right-of-way) 13.524 acres, more or less.

(Please initial **ONE** of the following):

x MNF

I do give permission to BIA to modify ROW # FBOG100702 as proposed, in return for receipt of the negotiated compensation of \$5,000 for each proposed well for a total payment of \$15,000 for my proportionate share of the rights granted including severance damages; or the appraised Fair Market Value (as determined by the Secretary), whichever is greater.

\_\_\_\_\_ I desire to negotiate for other terms; however, I do give permission to BIA to grant the right-of-way upon negotiation of the following terms:

\_\_\_\_\_ I do give permission to BIA to grant a right-of-way as proposed and hereby waive any monetary payment. I realize that I am entitled to receive at least the Fair Market Value of the property, but waive compensation based on:

\_\_\_\_\_ I do not consent to the granting of the proposed right-of-way, and I have been adequately counseled on the alternatives available to me, and the consequences (e.g., condemnation, or continuing trespass, etc.).

Owner: Mark J. Fort  
Three Affiliated Tribes

Date signed: 1/28/15

Witness: KEITH BAKER  
[Signature]

Witness: Nonalby Horse  
Alma Flying Horse

United States Department of the Interior  
Bureau of Indian Affairs  
Fort Berthold Agency

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mvt

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Owner: M. J. Fox  
Three Affiliated Tribes

Date signed: 1/28/15

Witness: KEVIN BAKER  
Kyle

Witness: Najma FlyingHorse  
Ngly

United States Department of the Interior  
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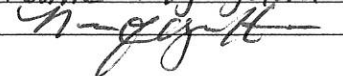
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Owner:   
Three Affiliated Tribes

Date signed: 1-28-15

Witness:   


Witness:   


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Bureau of Indian Affairs  
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Owner: Mark Fox  
Three Affiliated Tribes

Date signed: 1-28-15

Witness: KEVIN BAKER  
KLB

Witness: Norma Flying Horse  
NFH

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Owner: Mark Fox Date signed: 1-28-15  
Three Affiliated Tribes

Witness: KEILY BAKER Witness: Norma Flying Horse  
Kelly Baker Norma Flying Horse




**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 28<sup>th</sup> day of January, 2015, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 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 28<sup>th</sup> day of January, 2015.

**ATTEST:**

  
\_\_\_\_\_  
(Acting) Executive Secretary: Cory Spotted Bear  
Tribal Business Council  
Three Affiliated Tribes

  
\_\_\_\_\_  
Chairman: Mark Fox  
Tribal Business Council  
Three Affiliated Tribes