



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

*A Resolution entitled, "Consent to Certain Right(s) of Way across Tribal land"*

**WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, the authority under said Act, and 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 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 on Tribal Land are subject to the requirements of tribal law, including 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); and

**WHEREAS,** The applications for ROW(s) described herein have been reviewed and recommended for approval in accordance with the MHA Nation's approved procedure for authorizing ROWs on tribal land; and

**WHEREAS,** The Tribal Business Council finds it appropriate to authorize the ROWs described herein.

**NOW THEREFORE BE IT RESOLVED,** the Business Council hereby consents to the following ROW(s), subject to the respective Company's agreement to and execution of the Terms and Conditions and payment of ROW fees pursuant to Resolution No. 14-089-VJB:



1. Enerplus Resources (USA) Corporation, for an access road, utilities, fiber optics, and above ground appurtenances, across certain tribal lands in Section 13, Township 148 North, Range 95 West, as more particularly described in Appendix A.1.

**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.

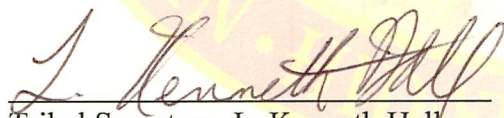
**CERTIFICATION**

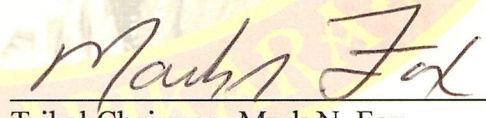
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Continuation Meeting thereof duly called, noticed, convened and held on the 27<sup>th</sup> day of October, 2015, 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.  Not Voting.

Dated this 27<sup>th</sup> day of October, 2015.

**ATTEST:**

  
 Tribal Secretary, L. Kenneth Hall  
 Tribal Business Council

  
 Tribal Chairman, Mark N. Fox  
 Tribal Business Council

**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 >



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 148 North, Range 95 West, 5<sup>th</sup> P.M.  
Section 13: N/2

Allotment No. 1000A

**Dunn County, ND**

The undersigned owner of an undivided 0.7530864198 interest in the subject parcel, hereby consents and agrees to the following regarding the application submitted by ENERPLUS RESOURCES (USA) CORPORATION.

Description of Easement: **EVANS #148-95-12D-01H, VINSON #148-95-12D-01H-TF, BLANC #148-95-12D-01H, ELBERT #148-95-12D-01H-TF, WHITNEY #148-95-12D-01H, DENALI #148-95-12D-01H-TF & EVEREST #148-95-12D-01H**

Access across and a road, utilities, fiber optics and above ground appurtenances right-of-way in the N/2 of Section 13, T148N-R95W the proposed right-of-way being 2248.84 feet long and 125 feet wide comprising a total of **6.453** acres, more or less, from the above described Allotment as shown on the map of definite location, attached hereto and made a part hereof.

**TOTAL DISTURBED AREA** (right-of-way) 6.453 acres, more or less.

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

\_\_\_\_\_ **I do give permission** to BIA to grant a right-of-way as proposed, in return for receipt of the negotiated compensation of **\$2,500 an acre for the road, utilities, fiber optics and above ground appurtenances right-of-way referenced above crossing allotments 1000A** 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: \_\_\_\_\_ Date signed: \_\_\_\_\_  
Three Affiliated Tribes

Witness: \_\_\_\_\_ Witness: \_\_\_\_\_  
\_\_\_\_\_

[1]. if the value is greater than the current rates, the grantee will submit payment of the additional consideration plus any accrued interest based on the prime interest rate. Fair market value will be determined by an appraisal for the full term of the Right-of-Way in accordance with USPAP Standards. If the appraisal determination for fair market value is less than the first year payment no further payments will be required, and the payment is not refundable.

Sec. 12

SW 1/4

SE 1/4

1/16 Section Line

E 1/4 Cor. Sec. 12 Brass Cap

LINE	DIRECTION	LENGTH
L1	S80°55'40"E	27.53'
L2	S78°26'17"E	50.87'
L3	S69°55'28"E	50.84'
L4	S65°58'52"E	52.70'
L5	S64°15'30"E	98.83'
L6	N89°14'39"E	57.43'
L7	N39°32'43"E	50.16'
L8	N28°07'17"E	312.61'
L9	N26°18'55"E	52.93'
L10	N25°01'54"E	144.38'
L11	N87°50'46"E	233.73'
L12	N69°36'32"E	98.71'
L13	N88°25'14"E	292.88'
L14	S86°43'28"E	265.20'
L15	N00°00'54"E	459.96'
L16	N00°01'00"W	39.52'
L17	N89°58'42"W	125.15'
L18	N00°55'41"E	70.97'
L19	N00°37'24"E	147.33'
L20	N00°45'29"E	141.17'
L21	N00°34'08"E	144.00'

ROAD, UTILITY, AND ABOVE GROUND APPURTENANCES RIGHT-OF-WAY DESCRIPTION

A 125' WIDE RIGHT-OF-WAY 62.5' ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

BEGINNING AT A POINT IN THE NW 1/4 NE 1/4 OF SECTION 13, T148N, R95W, 5th P.M., WHICH BEARS S02°28'10"E 894.47' FROM THE NORTH 1/4 CORNER OF SAID SECTION 13, S80°55'40"E 27.53'; THENCE S78°26'17"E 50.87'; THENCE S69°55'28"E 50.84'; THENCE S65°58'52"E 52.79'; THENCE S64°15'30"E 98.83'; THENCE N89°14'39"E 57.43'; THENCE N39°32'43"E 50.16'; THENCE N28°07'17"E 312.61'; THENCE N26°18'55"E 52.93'; THENCE N25°01'54"E 144.38'; THENCE N87°50'46"E 233.73'; THENCE N69°36'32"E 98.71'; THENCE N88°25'14"E 292.88'; THENCE S86°43'26"E 265.20'; THENCE N00°00'54"E 459.96'; THENCE N00°01'00"W 39.52'; THENCE N00°55'41"E 70.97'; THENCE N00°37'24"E 147.33'; THENCE N00°45'29"E 141.17'; THENCE N00°34'08"E 144.00'; THENCE S89°25'15"E 208.86'; THENCE S63°58'57"E 63.58'; THENCE S82°31'11"E 26.80'; THENCE S77°54'26"E 165.36'; THENCE S89°35'33"E 300.13'; THENCE S31°05'33"E 220.22'; THENCE S00°10'14"E 244.99'; THENCE N89°58'42"W 749.73' TO A POINT ON THE NORTH LINE OF THE NE 1/4 NE 1/4 OF SAID SECTION 13, WHICH BEARS N89°58'42"W 1160.02' FROM THE NORTH 1/4 CORNER OF SAID SECTION 13. THE SIDE LINES OF SAID DESCRIBED RIGHT-OF-WAY BEING SHORTENED OR ELONGATED TO MEET THE GRANTOR'S PROPERTY LINES. BASIS OF BEARINGS IS A G.P.S. OBSERVATION. CONTAINS 6.453 ACRES MORE OR LESS.

1/16 Section Line

Section Line

500°04'41"W - 2640.26' (Meas.)

500°10'55"W - 2636.58' (Meas.)

SW Cor. Sec. 12 Brass Cap

S89°58'25"W - 2606.07' (Meas.)

BEGINNING OF ROAD STA. 0+00 BEARS S02°28'10"E 894.47' FROM THE NORTH 1/4 CORNER OF SECTION 13, T148N, R95W, 5th P.M.

END OF ROAD STA. 22+48.84 BEARS N89°58'42"W 1160.02' FROM THE NORTHEAST CORNER OF SECTION 13, T148N, R95W, 5th P.M.

P.O.S.L. #1 BEARS N89°58'42" 1285.17' FROM THE SOUTHEAST CORNER OF SECTION 12, T148N, R95W, 5th P.M.

P.O.S.L. #2 BEARS N89°58'42"W 410.29' FROM THE SOUTHEAST CORNER OF SECTION 12 T148N, R95W, 5th P.M.

BEGINNING OF PROPOSED ROAD, UTILITY AND ABOVE GROUND APPURTENANCES RIGHT-OF-WAY STA. 0+00 (At Existing Road)

LEGEND:  
 P.I. = POINT OF INTERSECTION  
 P.O.S.L. = POINT ON SECTION LINE  
 ▲ = SECTION CORNERS LOCATED.  
 △ = SECTION CORNERS RE-ESTABLISHED. (Not Set on Ground.)

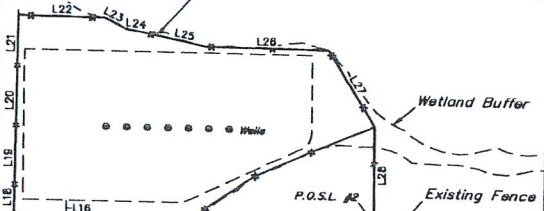
Sec. 13

NE 1/4

E 1/4 Cor. Sec. 13 Brass Cap

1001A

**SURFACE USE AREA**  
 EVANS #148-95-12D-01H,  
 VINSON #148-95-12D-01H-TF,  
 BLANC #148-95-12D-01H,  
 ELBERT #148-95-12D-01H-TF,  
 WHITNEY #148-95-12D-01H,  
 DENALI #148-95-12D-01H-TF &  
 EVEREST #148-95-12D-01H  
 Contains 8.932 Acres



Wetland Buffer  
 Existing Fence  
 Wetland Right-of-Way Fence Location and Area ±0.854  
 END OF PROPOSED ROAD, UTILITY AND ABOVE GROUND APPURTENANCES RIGHT-OF-WAY STA. 22+48.84 (At Edge of Surface Use Area)  
 Install 3 24" Culverts

**1000A SURFACE USE AREA DESCRIPTION**

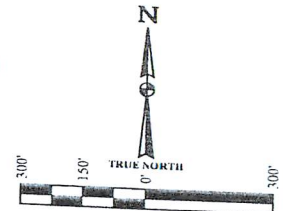
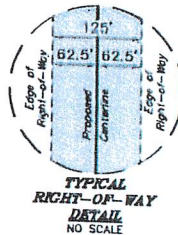
BEGINNING AT A POINT ON THE SOUTH LINE OF THE SE 1/4 SE 1/4 OF SECTION 12, T148N, R95W, 5th P.M., WHICH BEARS N89°58'42"W 1160.02' FROM THE SOUTHEAST CORNER OF SAID SECTION 12, THENCE, ALONG SAID SECTION LINE, N89°58'42"W 125.15' TO A POINT ON THE SOUTH LINE OF THE SE 1/4 SE 1/4 OF SAID SECTION 12, WHICH BEARS N89°58'42"W 1258.17' FROM THE SOUTHEAST CORNER OF SAID SECTION 12, THENCE N00°55'41"E 70.97'; THENCE N00°37'24"E 147.33'; THENCE N00°45'29"E 141.17'; THENCE N00°34'08"E 144.00'; THENCE S89°25'15"E 208.86'; THENCE S63°58'57"E 63.58'; THENCE S82°31'11"E 26.80'; THENCE S77°54'26"E 165.36'; THENCE S89°35'33"E 300.13'; THENCE S31°05'33"E 220.22'; THENCE S00°10'14"E 244.99' TO A POINT ON THE SOUTH LINE OF THE SE 1/4 SE 1/4 OF SAID SECTION 12, WHICH BEARS N89°58'42"W 410.29' FROM THE SOUTHEAST CORNER OF SAID SECTION 12, THENCE, ALONG SAID SECTION LINE, N89°58'42"W 749.73' TO THE POINT OF BEGINNING. CONTAINS 8.932 ACRES MORE OR LESS.

LINE	DIRECTION	LENGTH
L22	S89°25'15"E	208.86'
L23	S63°58'57"E	63.58'
L24	S82°31'11"E	26.80'
L25	S77°54'26"E	165.36'
L26	S89°35'33"E	300.13'
L27	S31°05'33"E	220.22'
L28	S00°10'14"E	244.99'
L29	N89°58'42"W	749.73'

ENERPLUS RESOURCES (USA) CORPORATION  
**LOCATION SURFACE USE AREA, ROAD, UTILITY AND ABOVE GROUND APPURTENANCES ON TRIBAL LANDS**

(FOR EVANS #148-95-12D-01H, VINSON #148-95-12D-01H-TF, BLANC #148-95-12D-01H, ELBERT #148-95-12D-01H-TF, WHITNEY #148-95-12D-01H, DENALI #148-95-12D-01H-TF & EVEREST #148-95-12D-01H)

LOCATED IN SECTION 12 & 13, T148N, R95W, 5th P.M. DUNN COUNTY, NORTH DAKOTA



ACREAGE / LENGTH TABLE			
ACCESS ROAD OWNERSHIP	FEET	RODS	ACRES
1000A	1941.34	117.66	5.599
1000A WITHIN WETLANDS	307.50	18.63	0.854
TOTAL	2248.84	136.29	6.453

NOTE: ALL DESIGNED STORM WATER PIPES ARE SIZED TO MEET A MINIMUM 25 YEAR FLOOD EVENT.

CERTIFICATE:  
 THIS IS TO CERTIFY THAT THE ABOVE PLAN WAS PREPARED FROM FIELD NOTES OF ACTUAL SURVEYS MADE BY ME OR UNDER MY SUPERVISION AND THAT THE SAME ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



*Robert J. C. J.C.*  
 REGISTERED LAND SURVEYOR  
 REGISTRATION NO. 4654  
 STATE OF NORTH DAKOTA

UELS, LLC  
 Corporate Office \* 85 South 200 East  
 Vernal, UT 84078 \* (435) 789-1017

SURVEYED BY: C.B. J.C.	SURVEY DATE: 04-06-15
DRAWN BY: D.L.S.	DATE DRAWN: 04-14-15
SCALE: 1" = 300'	FILE: 59343
REVISION: 08-10-15 D.L.S.	

**ACCESS ROAD RIGHT-OF-WAY PLAT**

ENERPLUS RESOURCES (USA) CORPORATION  
EVANS #148-95-12D-01H, VINSON #148-95-12D-01H-TF  
BLANC #148-95-12D-01H, ELBERT #148-95-12D-01H-TF,  
WHITNEY #148-95-12D-01H, DENALI #148-95-12D-01H-TF &  
EVEREST #148-95-12D-01H  
ROAD, UTILITY & ABOVE GROUND APPURTENANCES RIGHT-OF-WAY  
SECTION 12 & 13, T148N, R95W, 5th P.M.

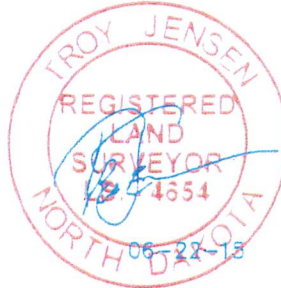
**TOTAL ROAD, UTILITY & ABOVE GROUND  
APPURTENANCES RIGHT-OF-WAY ON TRIBAL LANDS**

TOTAL LENGTH OF RIGHT-OF-WAY IS 2,248.84' OR 0.426 MILES. WIDTH OF RIGHT-OF-WAY IS 125' (62.5' PERPENDICULAR ON EACH SIDE OF THE CENTERLINE). CONTAINS 6.453 ACRES MORE OR LESS.

**ENGINEER'S AFFIDAVIT**

STATE OF MONTANA        )  
                                  ) SS  
COUNTY OF RICHLAND    )

TROY JENSEN, BEING FIRST DULY SWORN DEPOSES AND STATES THAT HE IS THE REGISTERED LAND SURVEYOR, FOR ENERPLUS RESOURCES (USA) CORPORATION, THAT THESE SURVEYS WERE MADE BY HIM (OR UNDER HIS SUPERVISION): THAT HE HAS EXAMINED THE FIELD NOTES OF THE SURVEYS OF LOCATION SURFACE USE AREA, ROAD, UTILITY & ABOVE GROUND APPURTENANCES RIGHT-OF-WAY AS DESCRIBED AND SHOWN ON THIS MAP, THAT THIS MAP WAS PREPARED UNDER HIS DIRECTION FROM SAID FIELD NOTES; AND THAT SAID RIGHT-OF-WAY, 0.426 MILES IN LENGTH BEGINNING AND ENDING AS SHOWN ON THIS MAP IS ACCURATELY REPRESENTED.



*Troy Jensen*

REGISTERED LAND SURVEYOR  
REGISTRATION NO. 4654  
STATE OF NORTH DAKOTA

**APPLICANT'S CERTIFICATE**

I, \_\_\_\_\_, DO HEREBY CERTIFY THAT I AM THE AGENT FOR ENERPLUS RESOURCES (USA) CORPORATION, HERINAFTER DESIGNATED THE APPLICANT; THAT TROY JENSEN WHO SUBSCRIBED TO THE FOREGOING AFFIDAVIT, IS EMPLOYED BY THE APPLICANT AS A LAND SURVEYOR AND THAT HE WAS DIRECTED BY THE APPLICANT TO SURVEY THE LOCATION OF THIS LOCATION SURFACE USE AREA, ROAD, UTILITY & ABOVE GROUND APPURTENANCES RIGHT-OF-WAY. 0.426 MILES IN LENGTH BEGINNING AT STA. 0+00 AND ENDING AT STA. 22+48.84, THAT SAID SURFACE USE AREA, ROAD, UTILITY & ABOVE GROUND APPURTENANCES RIGHT-OF-WAY IS ACCURATELY REPRESENTED ON THIS MAP; THAT SUCH SURVEY AS REPRESENTED ON THIS MAP HAS BEEN ADOPTED BY THE APPLICANT AS THE DEFINITE LOCATION OF THE RIGHT-OF-WAY THEREBY SHOWN; AND THAT THE MAP HAS BEEN PREPARED TO BE FILED WITH THE SECRETARY OF THE INTERIOR OR HIS DULY AUTHORIZED REPRESENTATIVE AS PART OF THE APPLICATION FOR SAID RIGHT-OF-WAY TO BE GRANTED THE APPLICANT, ITS SUCCESSORS AND ASSIGNS, WITH THE RIGHT TO CONSTRUCT, MAINTAIN, AND REPAIR IMPROVEMENTS, THEREON AND THEREOVER, FOR SUCH PURPOSES, AND WITH THE FURTHER RIGHT IN THE APPLICANT, ITS SUCCESSORS AND ASSIGNS TO TRANSFER THIS RIGHT-OF-WAY BY ASSIGNMENT, GRANT, OR OTHERWISE.

\_\_\_\_\_  
APPLICANT

\_\_\_\_\_  
TITLE

T148N

MANDAREE 8.2 MI. +/-

HIGHWAY 22

PROPOSED LOCATION:  
EVANS #148-95-12D-01H,  
VINSON #148-95-12D-01H-TF,  
BLANC #148-95-12D-01H,  
ELBERT #148-95-12D-01H-TF,  
WHITNEY #148-95-12D-01H,  
DENALI #148-95-12D-01H-TF  
& EVEREST #148-95-12D-01H

EXISTING POWER LINE

SEE DETAIL "A"

PROPOSED FENCE

EXISTING FENCE

PROPOSED ACCESS 2,288' +/-

EXISTING POWER LINE

R  
95  
W      R  
94  
W

NOTE: PARCEL DATA SHOWN HAS BEEN OBTAINED FROM VARIOUS SOURCES AND SHOULD BE USED FOR MAPPING, GRAPHIC AND PLANNING PURPOSES ONLY. NO WARRANTY IS MADE BY UINTAH ENGINEERING AND LAND SURVEYING (UELS) FOR ACCURACY OF THE PARCEL DATA.

LEGEND:

- EXISTING ROAD
- PROPOSED ROAD
- EXISTING FENCE
- EXISTING POWER LINE
- (3) 24" CULVERTS REQUIRED
- INSTALL CATTLE GUARD

ENERPLUS RESOURCES (USA) CORPORATION

EVANS #148-95-12D-01H, VINSON #148-95-12D-01H-TF, BLANC #148-95-12D-01H,  
ELBERT #148-95-12D-01H-TF, WHITNEY #148-95-12D-01H,  
DENALI #148-95-12D-01H-TF & EVEREST #148-95-12D-01H  
SE 1/4 SE 1/4, SECTION 12, T148N, R95W, 5th P.M.  
DUNN COUNTY, NORTH DAKOTA



DRAWN BY: K.W.	DATE DRAWN: 04-07-15
SCALE: 1" = 2000'	REVISED: 08-10-15 D.L.S.

ACCESS ROAD MAP      TOPO B



UELS, LLC  
Corporate Office \* 85 South 200 East  
Vernal, UT 84078 \* (435) 789-1017